

PUBLIC HEARING
BOARD OF ZONING APPEALS
October 13, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 13, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2016-12-A- Berarducci, and
APPEAL CASE 2016-13-A-Scandy.

The following Board members were in attendance:

Mr. Joe Koch – Chairman
Mr. Michael Beaudis – Vice-Chairman
Mr. Robert Satterlee - Absent
Mr. William Glaros
Mr. James Mahoney-Absent
Mr. Dale Basista
Mr. Patrick Simms

Chairman Koch opened the public hearing at 7:03 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Glaros to approve the minutes of the public hearing held on May 5, 2016.

Seconded by Mr. Beaudis.

Roll Call Vote: Mr. Glaros - Yes; Mr. Basista – Yes; Mr. Beaudis - Yes; Mr. Simms-Yes; and Mr. Koch - Yes.

APPEAL CASE 2016-12-A

Robert J. Berarducci, 4674 Warwick South, Canfield, Ohio, 44406, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article VI-Residence R-1 District, Section 604-Private Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for construction of a 24' x 32' x 15' (768 sq. ft.) garage addition to the existing 14'4" x 20'4" (280 sq. ft.) detached garage for an overall total of 1,048 square feet. The maximum permitted area for a detached garage is six hundred seventy-two (672) square feet. Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request into the case record, referenced a site plan, six pages of construction drawings, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Koch stated the mailing list for case 2016-12-A will be incorporated into the case record.

Robert J. Berarducci, 4674 Warwick South, testified that he inherited two vehicles after his brother's passing. The cars are being stored off-site during the winter months. There is access thru the existing garage to allow entrance into the backyard.

Mr. Koch commented on the small lot accommodating a large building. Mr. Berarducci stated some trees were removed and the proposed building will not take up much more of the lot than a two car garage would. Mr. Koch commented the passing of his brother does not rise up to a standard to grant a variance and inquired of the need to hold onto his belongings. Mr. Berarducci stated he and his brother were very close. There is a convertible and tools that he would like to pass on to his son. His brother was a mechanic and into racing his whole life.

Mr. Beaudis inquired about the height of the proposed building addition. Mr. Berarducci stated the architect added that on to make the existing garage look correct. He stated he was not positive why the architect did that but it is not needed to store his brother's equipment. He speculated it was for aesthetic purposes. They are trying to do it the right way and make the building look as good as possible for the neighbors.

Mr. Koch stated it is overpowering and the building is too big for the yard and will eventually be an eyesore for the neighbors. Mr. Berarducci stated he talked to the neighbors and no one objected to it. Mr. Koch observed the applicant did not have anything in writing from neighbors supporting the request.

Mr. Beaudis inquired about using the tools for business purposes. Mr. Berarducci answered in the negative and stated he is looking for storage of the two cars and tools.

Mr. Koch commented on the good quality of the drawings. He also stated neighbors will not tell their true feelings and one of the Board's jobs is to do what is best for the neighbors. Mr. Basista stated the neighbors may agree with it now but that could change once it is completed. Mr. Berarducci stated that is why he went to the expense of hiring an architect and doing it right. Mr. Koch also commented that when he moves the new owner has a ready-made shop to operate a business out of. Mr. Berarducci stated they have no plans on moving.

Mr. Beaudis inquired about the height and suggested lowering the height and lowering the 5/12 pitch. Mr. Berarducci stated he is not an architect and was not sure why it was designed that way. He suggested the attached garage ceiling is ten feet and that may be why the architect designed the garage addition the way he did.

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Mr. Glaros asked if he was planning on storing three cars. Mr. Berarducci stated he has two everyday cars and a convertible and an historic car (1971 Camero). The existing 14' x 20' detached garage is used for lawnmowers and bikes and if he adds another 300 square feet he is not really gaining anything and it will not be sufficient to store another car. He stores the two cars every winter.

Mr. Simms asked if he had concerns storing the cars off-site. Mr. Berarducci stated his brother had a house on the south side of Youngtown with a 1,200 square foot garage. The house was sold as he did not feel comfortable storing the cars with no one living there. The cars are stored in Austintown and he would feel more comfortable with the cars being stored at his home.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:23 P.M.

The Board reconvened from executive session at 7:31 P.M.

2015-12-A-Berarducci: Motion by Mr. Glaros to deny the variance request.

Seconded by Mr. Beaudis.

Roll Call Vote: Mr. Glaros - Yes; Mr. Basista – Yes; Mr. Beaudis - Yes; Mr. Simms-Yes; and Mr. Koch - Yes.

Zoning Inspector Crivelli advised the applicant he has 30 days to appeal the decision in Mahoning County Common Pleas Court and advised he can still construct an addition up to the allowable square footage.

APPEAL CASE 2016-13-A

Kimberly A. Scandy, 4525 Woodridge Drive, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article VI-Residence R-1 District, Section 604-Private Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for an accessory building measuring 10' x 12' constructed without a zoning permit to remain as placed approximately 11 inches from the southwest corner of the accessory building as measured from the west side property line, approximately three (3) feet from the northwest corner of the accessory building as measured from the west side property line, and approximately 2.2 feet behind the front setback line of the dwelling. No detached garage or other outbuilding shall be placed nearer to a side or rear property line than five (5) feet or nearer to a front building setback line than forty (40) feet. Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

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Zoning Inspector Crivelli read the applicant's letter of request into the case record, referenced a site plan, seven pages of color photographs, a stop work order issued on August 25, 2016 and three color photographs taken by Assistant Zoning Inspector Eric Harris, Sr., a copy of the zoning permit issued for the pool and shed in 1980, a copy of the zoning permit issued for the fence in 1989, the ownership history of the property, two satellite photographs from 1998 and 2004, the case mailing list, and three plat maps prepared by the zoning office.

Zoning Inspector Crivelli advised all the documents prepared for the Board of Appeals were also sent to the applicant.

Mr. Koch stated the mailing list for case 2016-13-A will be incorporated into the case record.

Kimberly Scandy, 4525 Woodridge Drive, entered into evidence signed approvals from three neighbors. She stated that Ann Uhlar, 2452 Birchwood Drive, supported the request and she did not want the shed placed near her front yard. Mrs. Uhlar's letter of support was marked as Exhibit "A". A letter of support from property owner Jeff Mascarella, 2453 Birchwood Drive, was marked as Exhibit "B". A letter of support from property owner Brooke DeGeorge, 4514 Woodridge Drive, was marked as Exhibit "C".

Ms. Scandy described her back yard and testified the only place for the shed would take away the children's play area.

Mr. Glaros inquired about the permits. Zoning Inspector Crivelli reviewed the zoning permit allowing placement of the pool and shed. He speculated the metal shed was placed between 1998 and 2004 based on satellite photographs and noted this was prior to the applicant buying the property.

Ms. Scandy stated there were six trees in the area that obstructed the view of the shed. The shed was rusted and broke down so it was removed and work was done to upgrade the pond and some general improvements to the back yard. Her father lives with her along with four kids and they need the storage. She stated she did not know a permit was required. Their yard is beautiful and they maintain it to keep the value of the house up. She stated if the shed is placed in the rear yard she will have an obstructed vision when watching the kids play and it will devalue the house.

Mr. Beaudis asked if she hired a contractor to build the shed. Ms. Scandy stated she hired a handyman. She did not discuss with him the securing of a zoning permit. Will Wells, 4525 Woodridge Drive, stated he asked him about a building permit and was told if it is not a permanent structure a permit would not be needed. He said it never clicked with him that he would need a zoning permit since they were only replacing a rusted tin shed. He stated the new one is on the base of the old one.

Mr. Basista inquired about the height of the metal shed. Mr. Wells stated it was about 10' x 9' with an eight foot height. Ms. Scandy stated to move the shed they would have

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to move the fence and another large tree would have to be cut. Mr. Beaudis asked why they could not move it to the west property line. Ms. Scandy stated there was a sewer line and telephone wires located there. Mr. Wells stated the ground in that area would have to be leveled and there is a dog kennel that would have to be moved. Ms. Scandy stated she is a first time home owner and apologized for not securing a permit. She has lived there since 2007 and purchased it in 2011. They have replaced doors, the shed, and have had the pond redone and the swing sets are new.

Mr. Koch asked if there was a reason the owner of the house to the west did not sign off on the request. It was pointed out that that owner is in attendance.

Mr. Koch asked if this was the condition of the shed (referencing their picture) when the stop work order was issued. Ms. Scandy answered in the affirmative and stated it is not finished and they cannot put their lawn mower in it. She further stated there is no shelving or paneling in it as of now.

Mr. Koch observed the one foot overhang.

Jack Pechatsko, 565 Woodridge Drive, stated he lives next door and has no problem with the shed. The way his house sits he cannot see the shed. He asked that the color of the shed match the house. He has lived at his house since 2004 and has no plans to move.

Mr. Koch asked how close the shed is to the air-conditioner. Mr. Wells stated four feet. There was discussion of sliding the shed towards the house. Mr. Wells stated the shed could comfortably be moved two feet. Mr. Koch observed that would still allow for work to be done on the air-conditioner.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:55 P.M.

The Board reconvened from executive session at 8:05 P.M.

Mr. Koch asked Ms. Scandy if she would be willing to plant three arborvitae six (6) feet in height that will grow to cover the view of the shed from the street. Ms. Scandy answered in the affirmative.

2016-13-A-Scandy: Motion by Mr. Basista to approve the variance request including all representations made by the applicant and with the stipulation that three (3) arborvitae a minimum of six (6) feet in height are planted at the front of the fence.

Seconded by Mr. Glaros.

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Roll Call Vote: Mr. Glaros - Yes; Mr. Basista – Yes; Mr. Beaudis - No; Mr. Simms-Yes; and Mr. Koch - Yes.

Zoning Inspector Crivelli advised the applicant to secure a zoning permit and to plant the arborvitaes as soon as possible before the snow falls. Mr. Koch advised that now is a good time to plant them.

There being nothing further to come before the Board, the hearing was adjourned at 8:07 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____