

PUBLIC HEARING
BOARD OF ZONING APPEALS
November 17, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, November 17, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2016-16-A-McFarland, and
APPEAL CASE 2016-13-A- Ahmad.

The following Board members were in attendance:

Mr. Joe Koch – Chairman
Mr. Michael Beaudis – Vice-Chairman
Mr. Robert Satterlee
Mr. William Glaros
Mr. James Mahoney

Chairman Koch opened the public hearing at 7:00 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2016-16-A

Mary Ann McFarland, 1283 Bexley 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 603-General Requirements: “Side Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of an 8’ x 26’ attached garage addition to be placed 4 feet from the south side property line with an overall side yard of 11 feet. The minimum side yard for a dwelling with an attached garage is 7 feet with an overall side yard requirement of 20 feet. Said property is zoned as a Residence R-1 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant’s letter of request dated October 26, 2016 into the case record, referenced a site plan, an elevation drawing, a one page description of the handicapped accessible van, a construction contract containing six pages, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Koch stated the mailing list for case 2016-16-A will be incorporated into the case record.

Mary Ann McFarland, 1283 Bexley Drive, testified the request is a little more than 4 feet.

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Mr. Beaudis inquired about the survey. The contractor prepared the site plan after the survey was done and he sited the line. Mrs. McFarland stated zoning was out there and saw the pins. Zoning Inspector Crivelli stated he did not visit the property and was not sure Eric did either. It was his understanding a survey was done and subsequently the contractor drew the site plan.

Mr. Satterlee observed the neighbor's driveway encroaches. Mrs. McFarland stated that happened before the current neighbor moved in. William McFarland, 1283 Bexley Drive stated they would continue with the concrete and there will be no strip of grass between driveways.

Mr. Koch inquired about the site plan and observed there was no survey. Mrs. McFarland advised she met with the surveyor and he found the pins. The survey was done by Mike Bush. He did not provide her with any paperwork. Mr. McFarland stated the surveyor had to walk down some properties to find a pin. Mr. Beaudis suggested they stamped drawing with the surveyor's seal. Mr. Koch emphasized the importance of securing a stamped survey drawing versus anyone being able to place a property pin. Mr. Mahoney stated Mr. Bush is not licensed by the State. There was discussion of the processes registered surveyors follow.

Mr. Koch expressed concerns about the driveway encroachment and the lack of a proper survey to know for sure what the side yard setbacks are as they could be asking for two feet instead of four feet based on the neighbor's driveway. He stated he would feel more comfortable approving this if there was proper survey of the property. He also emphasized the importance of the surveyor's qualification.

Mr. Satterlee inquired about the zoning when the houses were built. Zoning Inspector Crivelli advised the zoning is R-1 and the side yard requirement has not changed. He also advised the Bexley Drive lots in general are wider than the Wickliffe lots. There was a discussion of how wide the house was and Zoning Inspector Crivelli advised it should be approximately 52 feet wide based on the submitted site plan.

Mr. Koch asked if the garage would be finished and the siding matched. Mrs. McFarland answered in the affirmative. Dave Ferrara, Alexander Construction, stated all the additions will be drywall including the ceiling and walls. The electrical box will be moved.

Mr. Mahoney recommended a stamped drawing and to check with the state board for surveyors currently licensed.

There was discussion of a survey being required depicting the house placement on the lot. Mrs. MacFarland stated they were aware of the encroachment when the drive was completed as the previous neighbors had a large recreational vehicle.

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 7:20 P.M.

The Board reconvened from executive session at 7:26 P.M.

2016-16-A-MacFarland: Motion by Mr. Satterlee to approve the variance request of four feet including all representations made by the applicant during the hearing and with the stipulation that a stamped survey must be submitted prior to issuance of a zoning permit. The survey must show placement of the dwelling on the lot with the side yard measurements depicted.

Seconded by Mr. Glaros.

Roll Call Vote: Mr. Satterlee - Yes; Mr. Mahoney – Yes; Mr. Glaros - Yes; Mr. Beaudis - Yes; and Mr. Koch - Yes.

Zoning Inspector Crivelli advised the applicant to secure a survey from a surveyor registered in the state of Ohio and the survey must depict the placement of the house with the side yard setbacks marked.

APPEAL CASE 2016-17-A

Hakeem Ahmad, 541 Neff Drive, Canfield, Ohio 44406, appeals from the decision of the Austintown Township Zoning Inspector and request a conditional use permit from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph #7-Used Car Lot, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the establishment and operation of a used car lot to be located at 4903 Mahoning Avenue. Said property is further described as Lot No. 4, Kimberly Acres Plat, is located on the southwest corner of the Mahoning Avenue-South Anderson Avenue intersection; and is zoned as a Business B-2 District with the southerly 20 feet zoned as a Residential 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 building permit application, nine pages of color photographs of the exterior property, the case mailing list, and three plat maps prepared by the zoning office.

Mr. Koch stated the mailing list for case 2016-17-A will be incorporated into the case record.

Hakeem Ahmad, 541 Neff Drive, Canfield, Ohio, 44406, submitted an update site plan of the property. He stated he completed the training the state requires to become a used car dealer. He explained the updated site plan. He owns the drive-thru and recently closed the restaurant and bar. He and his wife have decided to try selling cars. The price range for the cars will be \$5,000.00 and up. You will not see \$2,000.00 or \$3,000.00 cars on the lot. He keeps the property in good shape. The drive-thru will remain in operation. He could not print the pictures of the interior. It is one big room, with two bathrooms, a

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desk, and three chairs. There is no bar or kitchen anymore. He no longer wants to operate a bar. His wife will work at the business and will sell vehicles under his license. If down the road he would hire employees they would have to be licensed by the state.

Mr. Beaudis inquired about parking spaces. Mr. Ahmad explained the placement of the posts and chains as required by the state. The grass area will remain and no cars will be parked on it. It was observed that no cars can be parked within the exit drive from the drive-thru. Mr. Ahmad stated the parking spaces depicted beyond the chain and placed within the exit drive are not part of the request. He depicted ten parking spaces coming off the back of the building. Seven cars will be parked near the fenced in condenser unit. Four cars will be parked at the side of the building and five cars at the front of the building with approximately 11 cars at the front property line.

Mr. Beaudis inquired about the drive-thru. Mr. Ahmad stated he will have to place a section of fence and a chain at the front of the building and depicted it on the updated site plan. He also marked ten front parking spaces on the drawings. Mr. Koch doubted he could get that many at the front and noted the drawing is not to scale. Mr. Ahmad stated there are 35 marked stalls. Zoning Inspector Crivelli suggested seven cars at the front may be safer for traffic exiting onto Mahoning Avenue from South Anderson Avenue. Mr. Ahmad stated he will not park large SUV's or pick-up truck's near the front intersections and stated he needs to be able to store cars so he can reduce the number of times he has to go to the car auctions.

Mr. Koch asked if he was going to repair cars. Mr. Ahmad stated they will do no repair work on-site. He has a building in Youngstown where cars can be washed. No one will be working on cars. The cars will priced between \$5,000.00 to \$8,000.00. He promised to take good care of the building and lot. He acknowledged his stalls are striped and are 10' x 20'. There will be no building signs other than an open-close sign with the hours of operations. LED lights will be installed. He was advised by Zoning inspector Crivelli to have the lighting directed downward. Mr. Ahmad stated there will be no streamers, banners, or flags. The building stucco will be repainted. There will be no on-site financing and no buy here pay here. He will use bank financing. He anticipates having 25 cars for sale within six months. Mr. Ahmad stated the building is owned and he can secure a mortgage on the building to finance his inventory. He described the other businesses he owns.

Mr. Koch wished him the best of luck and the township wants him to succeed but it appears he is all over the place. Mr. Ahmad stated his wife works the drive thru and they were able to send their kids to Ohio State from earnings from the property. He described the problems he had with the restaurant. Mr. Ahmad stated the main success of any business is honesty and dignity. There was discussion of the training course he completed from the state and his dealer's license application is dependent on approval from the Board. Mr. Ahmad provided an overview of his life since he came here 30 years ago.

No one else in attendance to speak for the request.

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No one in attendance to speak against the request.

The Board adjourned into executive session at 8:07 P.M.

The Board reconvened from executive session at 8:10 P.M.

2016-17-A-Ahmed: Motion by Mr. Satterlee to approve the conditional use request including all representations made during the hearing and with the stipulation that no more than 25 used cars are permitted on the lot.

Seconded by Mr. Mahoney.

Roll Call Vote: Mr. Satterlee - Yes; Mr. Mahoney – Yes; Mr. Glaros - Yes; Mr. Beaudis - Yes; and Mr. Koch - Yes.

There being nothing further to come before the Board, the hearing was adjourned at 8:11 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____