

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
December 1, 2016

The Austintown Township Board of Appeals held a Public Hearing on Thursday, December 1, 2016, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2016-18-A-Willmitch, and  
APPEAL CASE 2016-19-A- Kidder.

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.

Motion by Mr. Glaros to approve the minutes of the public hearings held on October 20, 2016, October 27, 2016, November 3, 2016, and November 17, 2016.

Seconded by Mr. Satterlee.

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

**APPEAL CASE 2016-18-A**

Mary Ellen Willmitch, 1951 Penny Lane, 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: “Rear Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of an 22’ x 18’ addition to be placed 35 feet from the easterly rear property line. The minimum rear yard requirement is 40 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 November 4, 2016 into the case record, referenced a site plan and elevation drawings, the case mailing list, and three plat maps prepared by the zoning office.

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Mr. Koch stated the mailing list for case 2016-18-A will be incorporated into the case record.

Dwayne Crum, 5311 West Viola Drive, Austintown, Ohio, testified that he is Mrs. Willmitch's contractor. It is a beautiful split level home. She is having difficulty accessing the existing bathroom, bedroom, and laundry room in the basement. The addition will allow access to a bedroom, bathroom, and laundry room. The kitchen area will be opened up. The addition will allow the value of the house to increase and it will be more functional for her. He cannot go wider versus deeper as that would result in the loss of two back windows and the ridge line would not look aesthetically pleasing. They want the dwelling to become handicapped accessible.

Mr. Satterlee observed additions on the back of the two abutting houses. Mr. Crum stated the home on the right appears to have a rear yard of 30 feet and they are proposing a rear yard of 35 feet.

Mr. Koch asked if he has a contract and the price. Mr. Crum answered in the affirmative and stated \$62,000.00. The addition will be a slab. They will tie into the existing newer downspouts. The grade will not be changed. He did not have any working drawings.

Mr. Beaudis inquired about the rear pins. Mr. Crum stated Eric measured it. Zoning Inspector Crivelli speculated Eric would have measured it from the center of the street. Mr. Satterlee observed the variance request is five feet. Mr. Koch asked if he was going to obtain a survey. Mr. Crum answered in the negative. The project will for the most part ADA compliant. The addition will have a full bath with shower and allow for wheelchair access. There was discussion of the laundry room and interior floor plan. Mr. Crum stated they may adjust room sizes but the overall addition will be as proposed. The bedroom will be 12' X 12' and the bathroom will be 8' X 10'.

Mr. Satterlee inquired about the back of the house. Mr. Crum stated the existing back wall will be removed for the addition. The kitchen will be rearranged to allow entrance into the addition. A sliding door will lead to the patio.

Mr. Koch expressed dissatisfaction with the quality of drawings. Mr. Crum stated he is a better carpenter than artist. Mr. Koch stated there is not enough detail to make an informed judgement. He observed there are no room dimensions listed, ADA doors are three feet wide, and there is no hallway depicted. Mr. Koch questioned why 18 feet is necessary and observed the door swings are drawn incorrectly. He also questioned the overall design of the bathroom and bedroom. Mr. Crum stated the space is needed to access from the kitchen.

Mrs. Mary Ellen Willmatch, 1951 Penny Lane, stated the former living room is now a dining room. The house has no hallways. The laundry room must be bigger as it will have a furnace and air conditioning unit. The bedroom, bathroom, and closet will not require a hallway. Removing the existing wall and moving it into the addition will allow

for a larger kitchen. The current kitchen has no working space or room for a table. She stated the project has been held up for a while and that is why the drawings are not detailed. Mr. Koch explained this is the first step and the Board is being asked to make a decision on horrible information. She also stated the bedroom must be larger as some day she will not be able to access the rest of the home and will need a television and sitting room. Mr. Koch stated with a contract with the builder a better set of drawings should have been submitted. Mr. Crum stated that was his fault and he thought this would be hearing for a setback variance. There was discussion of the current floor plan and mechanicals. Mr. Koch acknowledged Mr. Crum as a good builder whose reputation precedes him but expressed concerns about making a decision with faulty information.

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

The Board reconvened from executive session at 7:36 P.M.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

Brandon Covan, 1950 Birch Trace Drive, stated he was not opposed to the addition but wanted to review the plans.

Mr. Glaros asked if it would be sided the same or as close as possible. Mr. Crum answered in the affirmative.

**2016-18-A-Willmitch:** Motion by Mr. Glaros to continue the case with the stipulation the applicant will submit more detailed construction drawings.

Seconded by Mr. Satterlee.

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

There was discussion of rescheduling the case on December 22, 2016. Mr. Crum was advised to submit better drawings and specs. Mr. Satterlee asked the drawings depict the kitchen layout.

### **APPEAL CASE 2016-17-A**

RDW Homes, LLC, 6600 Seville Drive, Suite 1, Canfield, Ohio, 44406, on behalf of David Kidder, 3918 Artmar 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: “Rear Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of an 12’ x 14’ x 17’2” sunroom addition to be placed 28 feet

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from the westerly rear property line. The minimum rear yard requirement is 40 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 November 16, 2016 into the case record, referenced a satellite photograph of the property, a scaled site plan, a scaled floor plan and elevation drawing, three plat maps of the area depicting reduced rear yard setbacks, the case mailing list, and three plat maps prepared by the zoning office.

Zoning Inspector Crivelli advised there were eight variance requests in past years on Artmar Drive with seven being approved.

Mr. Koch stated the mailing list for case 2016-19-A will be incorporated into the case record.

Thom Sutcliffe, RDW Homes, LLC, 6600 Seville Drive, testified that the way the homes were set they are un-improvable based on the size of the lots. The house is too small for family overnight visits. The addition will have a crawl space for the mechanicals. Interior improvements are proposed. The addition elevations will match the house. The cost of the addition is \$17,500.00 which is in proportion to the other houses in the area. It will be a four season sunroom with heat. The interior slider door opening will be increased by one foot with a new header. The addition will be vinyl sided using an earth tone although the final color has not been decided. The project will call for Pella windows and a vinyl slider. There will not be a double slider so as to allow air flow to work best with the air returns. The floor will be flush. The roof pitch will match the house.

David Kidder, 3918 Artmar Drive, stated the room will be used for living space. He just moved back from Las Vegas.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

**2016-19-A-Kidder** Motion by Mr. Satterlee to approve the variance request including all representations made during the hearing.

Seconded by Mr. Glaros.

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

There being nothing further to come before the Board, the hearing was adjourned at 7:55 P.M.

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AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Joe Koch – Chairman

DATE: \_\_\_\_\_