

PUBLIC HEARING
AUSTINTOWN TOWNSHIP TRUSTEES
January 4, 2016

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Trustees held a public hearing on Monday, January 4, 2016, at the Austintown Township Administration Building, 82 Ohltown Road, Austintown, Ohio, for final determination of Amendment 2015-04-Z-Koch.

The following Trustees were in attendance:

James C. Davis – Chairman
Kenneth A. Carano - Vice-Chairman
Rick Stauffer – Trustee - Absent

The Public Hearing was opened at 6:00 P.M. Mr. Davis leading the Pledge of Allegiance.

Court Reporter in attendance, complete transcript taken of the hearing.

Mr. Davis gave the following statement:

The Public Hearing before the Austintown Township Board of Trustees for January 4, 2016 is now in session. Let the record show that under the provisions of Ohio Revised Code 519.12, notice of this hearing has been given in one newspaper of general circulation in the Township at least ten (10) days before the date of this hearing and notice was given by first class mail to property owners of interest.

After a reading of the legal notice and the recommendations of the Mahoning County Planning Commission and the Austintown Township Zoning Commission, the Board of Trustees will first hear testimony from the applicant, than all testimony in support of the proposed amendment, then all testimony against the amendment. If testimony is offered against the request, the applicant will be given a short rebuttal opportunity. All testimony and questions are to be directed to the Board of Trustees.

When all testimony has been given, the Board of Trustees will act by motion upon the recommendation of the Austintown Township Zoning Commission.

AMENDMENT 2015-04-Z

Joe Koch Construction, 7068 Mahoning Avenue, Austintown, Ohio, 44515, requests the rezoning of a parcel of land containing approximately 7.625 acres, Lot No. 26, Boulder Creek Plat No. 1 Re-Plat, Parcel 48-121-0-032.26, Austintown Township, from a Residence R-1 District and an Agricultural A-SER District to a Residence R-1 District in its entirety. Said property is located on the south side of the Boulder Creek Drive right-of-way, at the eastern cul-de-sac terminus, and abuts Lot Nos. 8, 10, 12, 14, 16, 18, 20,

22, and 24 of the Boulder Creek Plat No. 1; is irregular in shape, having a frontage of 60 feet on the cul-de-sac, an easterly property measurement of approximately 521 feet and a southerly property line measurement of 1,052.93 feet. The southerly 7.175 acres are zoned as an Agricultural A-SER District with the north-easterly remainder zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the following recommendations into the case record:

MAHONING COUNTY PLANNING COMMISSION: Recommended **APPROVAL** of the request per the agenda at their public meeting held on Tuesday, October 27, 2015.

AUSTINTOWN ZONING COMMISSION: Motion by Atty. Price to accept the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to Residential R-1 District.

Seconded by Mr. Marstellar.

Roll call vote: Mr. Latone - YES; Atty. Price – YES; Mr. Hendricks – YES; Mr. Marstellar – YES; and Mrs. Sovik – YES.

Zoning Inspector Crivelli read into the case record the applicant's letter of request dated November 5, 2015, referenced three site plans, a boundary survey prepared by Robert C. Fleet Surveying, the December 3, 2015 Zoning Commission minutes, the case mailing list, and four plat maps prepared by the zoning office. A letter of objection dated December 31, 2015 from Dr. Gregory M. Gomori from 5841 Boulder Creek Drive was also referenced.

Joe Koch, Sr., 7068 Mahoning Avenue, stated everything was spelled out in the application. He described the letter of opposition as venomous and inappropriate for the hearing. He also stated he categorically resents and denies all of the implied misrepresentations as inappropriate and totally false. He mentioned the heliport issue was twenty years ago and the letter writer still has resentments. He stated everything the letter speaks against is what he has been waiting for. There is no proposal for a roadway going by his house and that was never on the drawing board. Mr. Koch stated he has moved on from the heliport issue and he could not be happier than where he currently lives. He summed up the letter as having nothing to do with the zone change request. He stated the zone change waited 15 years while Herons Landing was being developed and the timing is right and the timing is now. The zone change is perfectly appropriate for the area.

Mr. Carano asked about the specifics of the zone change. Mr. Koch stated the request is perfectly appropriate as it is an R-1 request and the property is surrounded by R-1. He also stated it would not change the character of Boulder Creek or Herons Landing. The request will be in concert with anything and a cut above as the lots will be more exclusive by the very nature of their location and size. The topography is much more appropriate for R-1 zoning and the request accommodates the desire of the people at the time.

Mr. Davis inquired about the proposed plat map. Mr. Koch stated this property will be combined with the overlapping lots from the Herons property. The 24' x 36' Herons Plat map was submitted into the case record as Exhibit "A". Mr. Koch approached the Board of Trustees and there was discussion of the plat map and street layout. It was noted there will be two cul-de-sacs on the subject property. Mr. Davis stated for the record there was never a proposal for a road from Boulder Creek to the property. Mr. Koch agreed with that statement.

No one else in attendance to speak in favor of the request.

Craig Beaudis, 5880 Boulder Creek Drive, stated he moved to Boulder Creek two months ago and described it as an exclusive neighborhood. Mr. Beaudis stated he was concerned about rumors and hearsay that there may be detrimental change to the neighborhood if Lot No. 26 should be changed for ingress/egress to what is now a dead end street. He asked Mr. Koch for the record if his plans would change to construct an outlet road from Herons to Boulder Creek. Trustee Davis advised they would lose two lots to construct a road to Boulder Creek. Mr. Koch said it was always an option as the property is landlocked and had to be platted into the Boulder Creek lot. He stated that is why a house was never built on that lot, however, that will all change now with the new plat. He also stated this is a zone change and the venue for the roads is the Planning Commission. He stated once the plat is approved that will finalize the ingress/egress question. Mr. Carano stated they are looking to build homes once the plat is finalized. Mr. Koch gave an overview of the required engineering and expense for the new layout and observed it would be foolish expense wise to change the plan at some point in the future. Mr. Beaudis thanked everyone for their time.

No one else in attendance to speak in opposition of the request.

Brief discussion by the Board at 6:17PM.

2015-04-Z-Koch: Motion by Mr. Carano to accept the recommendations of the Mahoning County Planning Commission and the Austintown Township Zoning Commission and approve the request to a Residence R-1 District.

Seconded by Mr. Davis.

Mr. Carano stated the letter of opposition appears as a public attack on Mr. Koch and anything mentioned in it is civil in nature. He also observed the request will not hurt the Boulder Creek neighborhood.

Roll call vote: Mr. Carano – Yes; and Mr. Davis – Yes.

There was brief discussion regarding the letter and the inability of the applicant to cross examine the author who did not attend the hearing.

AUSTINTOWN TOWNSHIP TRUSTEES, JANUARY 4, 2016

Mr. Davis thanked Mr. Koch for his service on the Board of Appeals and what he has done for the benefit of Austintown Township. Mr. Davis thanked Crag Beaudis for his father's service on the Board of Appeals.

Motion by Mr. Carano to adjourn the public hearing.

Seconded by Mr. Davis.

Roll call vote: Mr. Carano – Yes; Mr. Davis – Yes.

There being nothing further to come before the Trustees, the public hearing was adjourned at 6:22 P.M.

AUSTINTOWN TOWNSHIP TRUSTEES

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Ken Carano – Chairman

DATE: _____

APPROVED: _____
Laura L. Wolfe, Fiscal Officer

DATE: _____