

PUBLIC HEARING
BOARD OF ZONING APPEALS
February 23, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, February 23, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-03-A-Professional Rehab Services, Inc.; and
APPEAL CASE 2017-04-A-Maybe.

The following Board members were in attendance:

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

Chairman Satterlee 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. Koch to approve the minutes of the public hearings held on January 12, 2017 and February 9, 2017.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Mahoney – Yes; Mr. Glaros - Yes; Mr. Koch – Yes; and Mr. Satterlee – Yes.

APPEAL CASE 2017-03-A

Professional Rehab Services, Inc. 5620 Mahoning Avenue, Suite C, Austintown, Ohio, 44515, on behalf of SC Christian Outreach, 4199 Kirk Road, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use and a use variance from the terms of Article I-Definitions: “Daycare” and “Institutions”; Article VI-Residence R-1 District, Section 601-Permitted Uses and Section 602-Conditionally Permitted Uses; and Article XVI-Conditional Uses, Paragraph 4-Institutions, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for an adult day care facility and a business office use in conjunction with Professional Rehab Services at the property located at 4199 Kirk Road. Said property is further described as Lot No. 2, Nelson Plat, Parcel 48-003-0-125; is located at the southeast corner of the Kirk Road-Evelyn Road intersection; has a frontage

BOARD OF APPEALS PUBLIC HEARING – FEBRUARY 23, 2017

of 100 feet and a depth of 400.67 feet; and is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's e-mail request dated January 23, 2017 and a letter of request dated January 27, 2017 into the case record, referenced a letter of permission from the property owner allowing the applicant to represent the property at the public hearing, five pages of drawings of the interior of the building, a letter of determination issued by the zoning inspector dated February 2, 2017, the case mailing list prepared by the zoning office, four plat maps of the property, and a copy of ORC 5123:2-9-51.

Mr. Satterlee stated the mailing list for case 2017-03-A will be incorporated into the case record.

Christina Gaca, 6012 Herons Circle, Austintown, Ohio, 44515, introduced her brother and stated she has been in the health care industry for 30 years. She reviewed current problems occurring in home health care such as theft of medications. The facility will follow Passport certified provider guidelines. Their business model will meet and exceed the Passport criteria. They are working with a professional from Milwaukee with their business plan and also with Medvac for both the business plan and SBA criteria.

Mr. Satterlee inquired as to improvements to the building. Vince Smith, 140 Covington Cove, Austintown, Ohio, 44515, stated they would spruce up the outside with landscaping, new gutters, paint, and a new porch in the future. The parking lot is in good condition and will probably be resealed in a year or two. The back is fenced in where the playground is located. The equipment will be removed and replaced with a garden or a bocce court. The outside appearance will be improved. He and his sister are long-time Austintown residents with kids in the school system and they have a vested interest in improving the property.

Mr. Koch inquired to client ratios and needs. Mr. Smith state the primary client will be a senior. They will also have developmental disabilities such as memory loss or clients who cannot stay at home by themselves. The facility will have a dietician, clients can choose from 90 different meal options such as puree, low sodium, or diabetic meals. There will an activity director, and an LPN under the supervision of a RN. Clients will be offered physical therapy and state tested nursing aids will be employed for items such as grooming and bathing. Meals will be structured around the clients need. Clients will be able to socialize. Their company will exceed all minimum standards. Reputation is everything. Clients will be treated like family. Most of the clients will be ambulatory. Medicaid standards require 60 square feet per person. There are no individual cubicles. There will be a huge room on the first floor and another room on the second floor. There will be a computer lab to help improve memory. Each room can host different activities so no client is stuck doing something they do not like. The main activity room will be located in the sanctuary. Two other rooms on the first floor will have a common wall removed to allow for two large rooms on the first floor.

Mr. Koch inquired about the previous user. Stephanie Easton, 6811 Paxton Road, Boardman, Ohio, 44512, advised she is the current owner of the building and stated it was used as a day care until July 17, 2016. In any given day there would be up to 40 children on-site. The age group was wide and included 16 year old's getting off the school bus who felt safer at the daycare than being home alone.

Mr. Satterlee inquired about overnight stays. Ms. Gaca stated this was a Monday-Friday operation with no overnight stays. A small percentage of clients will need transportation. They are working on securing an ADA van shuttle.

Mr. Koch asked if ADA compliance has been established for the restrooms. Ms. Gaca stated the bathrooms would be updated. Tracie Kaglic is the project architect. As a Passport certified provider inspections will be required and conducted. They will have to keep two of Passports clients for a three-month period and Passport will review all their medical records and do a physical inspection of the facility prior to receiving Passport certification.

Mr. Koch inquired about the Passport system. Ms. Gaca stated it is an extension of Medicaid. It is managed via the Ohio Department of Aging, Area 11 in Niles, Ohio. It is for people who are on Medicaid and provides assistance such as daycare or providing wheelchairs amongst other services. Mr. Smith advised they will be involved with veteran's groups. Ms. Gaca stated she does Medicare audits and has conducted audits in 43 states. This facility will exceed the Passport requirements.

Mr. Koch inquired about their client population and the safety of the children at the elementary school. Mr. Smith stated they have a pre-screening process and would not take any clients they would not have control over in any situation. The staff will be well trained on different scenarios with different patients. The owners and staff will be well trained. Ms. Gaca advised Superintendent Vince Colaluca was supportive of the proposed business and did not see any conflicts with the school.

Zoning Inspector Crivelli inquired about buses encroaching onto school property. Mr. Smith stated there is a 35 car parking lot at the rear of the facility. They will not need to utilize school property for bus service. Family members will also drop clients off at the facility for those not using the transports. The buses accommodate about 10 persons.

Mr. Koch observed that if there is no state regulation why is it advantages to have an LPN and RN on staff. Ms. Gaca stated Passport does require that level of staffing. Mr. Smith stated if they are going to provide a full spectrum of services than they want to have the skilled staffing to take care of any situation that may arise. All patient needs will be known. Overall, they will strive to provide for clients daily. It is a calming effect for clients to see the same people every day versus clients visiting different facilities. They have no plans at this point for expansion at this location. They are considering a facility in Trumbull County. Mr. Smith stated if they outgrow the building that would be indicative that they did everything right. They will be hands on owners as they live in Austintown. They will move their Austintown office to this facility. The basement in the

back will be used for the relocated office. Mr. Smith business plan projects a profit in the first year.

Mr. Beaudis inquired about dementia clients. Mr. Smith stated they will screen clients for services needed. Recent research indicates dementia clients do better with a mix of people versus being in a lock down facility. Currently there will be a 1 to 6 ratio but that could be reduced to a 1 to 5 ratio if they have a number of dementia clients. They do not want to lock clients down. The back could be gated so they can get fresh air and listen to the birds. There could be Humming bird stations and things of that nature outdoors so they are not cooped up all the time.

Mr. Koch inquired about reimbursement. Ms. Gaca stated Medicare has a set fee schedule. They look at the client as intensive or hand services. There are different rates for each service provided. Mr. Smith stated the national average is \$65.00 a day for reimbursement. Mr. Smith explained the benefit of this service versus a stranger coming into your house while you are gone. There will be social interaction. Medications can be dispensed along with meals. There will be a full day and half day rates. A North Jackson company will provide up to 90 different meals. None of the meals will be frozen. They can be microwaved and then served hot on a plate. Each meal plan will suit the client's specific needs such as diabetic.

Mr. Koch asked the purchase price of the property. Mr. Smith advised \$184,000.00. They will do new interior floors and painting. The financing is in place for the renovations.

No one else in attendance to speak for the request.

William Michael, 4204 Kirk Road, stated he lives across the street and asked how many people were notified and who is for it and against it. Zoning Inspector Crivelli explained how the mailing list was created. He advised eight letters were mailed and no one called the zoning office regarding the case. The mailing had the legal notice, the applicant's e-mail, and few other documents. Mr. Michael observed none of his neighbors are present.

There was discussion of the Business B-1 District across the street.

No one else in attendance to speak against the request.

2017-03-A- Professional Rehab Services, Inc.: Motion by Mr. Koch to approve the conditional use and variance as per the presentation of the applicants and all their representations.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Mahoney – Yes; Mr. Glaros - Yes; Mr. Koch – Yes; and Mr. Satterlee – Yes.

Zoning Inspector Crivelli advised they are still subject to building and fire code. A zoning permit will be needed for the new signage and porch.

APPEAL CASE 2017-04-A

Richard A. and Linda K. Maybe, 494 South Edgehill Avenue, 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 Garages and other Outbuildings and Carports, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for placement of a detached carport measuring 18' x 21' (378 sq. ft.) to be placed within the driveway front setback. No detached garage or other outbuilding shall be placed nearer to a front building setback line than forty (40) feet. Said property is 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 dated January 24, 2017 into the case record, referenced an elevation drawing, a GIS site plan, the case mailing list prepared by the zoning office, and two plat maps of the property. A letter of objection dated February 17, 2017 from Carol McClain, 521 Westgate Boulevard was read into the case record

Mr. Satterlee stated the mailing list for case 2017-04-A will be incorporated into the case record.

Linda K. Maybe, 494 South Edgehill Avenue, Austintown, Ohio, 44515, advised she got the letter of objection and the structure is not going in the front yard. She does not know the person and they live on the other street and she cannot see her house. This will cost a thousand dollars. She has an expensive jeep. The carport is nice looking. The neighbor is misinformed.

Mr. Satterlee asked why she can't put the vehicle in the large garage she already has. Mrs. Maybe stated there are two vehicles, a motorcycle, a snow plow and many other items in the garage. She stated she is upset about this and doesn't bother anyone and this is not going in the front yard.

Mr. Satterlee observed the changing of the characteristics of the neighborhood. He stated everyone has garages and not carports.

Mr. Glaros asked the number of vehicles and people living in the home. Mrs. Maybe stated two people live there. She has an antique car in the garage, a good car in the garage in addition to a work car and the everyday car. The jeep is from Florida and is in very good shape.

There was discussion of detached versus attached structures and their corresponding setbacks.

BOARD OF APPEALS PUBLIC HEARING – FEBRUARY 23, 2017

Mr. Beaudis asked if the garage door worked. Mrs. Maybe answered in the affirmative and stated she has a new garage door opener.

Wilma Kieffer, 509 Westgate Boulevard, stated her rear yard abuts the side yard of the applicant. She looks at her cars, trailers and trash cans. What else is she going to put under the carport that will be visible from her property?

Carol McClain, 521 Westgate Boulevard, stated she was against the request. Most people in the development have pride in their lawns and the houses look respectable. A carport will not add to the area. Mr. Satterlee advised the carport will be placed about 20 feet behind the house and not placed in the front yard.

Mr. Koch advised one of the standards he looks at is how you take care of the front of the garage. He stated the front is already cluttered and the carport will add to the clutter and create the need to constantly move cars around. It doesn't pass the "practical" test. Mr. Koch stated another year from now this will be an eyesore.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

The Board adjourned into executive session at 8:13P.M.

The Board reconvened from executive session at 8:18 P.M.

2017-24-A-Maybe: Motion by Mr. Koch to disapprove the variance request due to the substantial nature of the variance and being that the central character of the neighborhood would be substantially altered by the granting of the variance and the property owner's predicament can be obviated through changing the existing garage or attaching something to the house to solve her problem.

Seconded by Mr. Glaros.

Roll call vote: Mr. Beaudis – Yes; Mr. Mahoney – Yes; Mr. Glaros - Yes; Mr. Koch – Yes; and Mr. Satterlee – Yes.

Zoning Inspector Crivelli advised the applicant she has 30 days to file an appeal in Mahoning County Common Pleas Court and suggested she seek legal counsel.

There being nothing further to come before the Board, the hearing was adjourned at 8:20 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

BOARD OF APPEALS PUBLIC HEARING – FEBRUARY 23, 2017

APPROVED: _____
Bob Satterlee – Chairman

DATE: _____