

PUBLIC HEARING
BOARD OF ZONING APPEALS
October 5, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 5, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-16-A-Marino; and
APPEAL CASE 2017-17-A- Ciccarelli.

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.

APPEAL CASE 2017-16-A

John Marino, 2903 Whispering Pines Drive, 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 Garages and other Outbuildings and Carports, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow a detached accessory building constructed without a zoning permit and measuring 10' x 20' to remain as placed within the southerly side yard twenty (20) feet behind the established front setback line. 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 September 2, 2017 into the case record, referenced a satellite photo site plan of the property and two hand-drawn site plans, a letter of violation issued by the zoning office dated February 28, 2017 with three color photographs of the property/shed taken by Eric Harris, Sr., the case mailing list and four plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2017-16-A will be incorporated into the case record.

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 5, 2017

John Marino, 2903 Whispering Pines Drive, Canfield, Ohio, 44406, testified that he would like to keep the shed as placed after considering moving it to his restaurant on Mahoning Avenue. The shed is located behind the neighbor who has their garage in between the shed and their house. He requested the Board allow the placement of the shed to remain at its current location

Mr. Satterlee asked why he did not place the shed in the rear yard. Mr. Marino stated there is a considerable drop-off in his rear yard near the existing pine trees and he thought this was the best location and he wanted to keep the open space within the back yard. The way the property is laid out there is more front yard than back yard.

Mr. Beaudis observed the setback of the shed is about six feet behind the front building setback line. After some discussion it was determined the drawing submitted by the applicant was not accurate as to the existing setback. Mr. Marino advised his measurements may be wrong. Zoning Inspector Crivelli advised the case can be continued for a more accurate measurement. Mr. Koch observed the shape of the lot creates a hardship for a situation like this and it doesn't matter if the setback is 6 feet or 20 feet. Mr. Marino stated the front of the house sits out 2 to 3 feet from the garage. It was determined the drawing depicting the back rear of the shed on the side property line was inaccurate. Mr. Marino estimated at least 5 to 10 feet at the side yard and emphasized the back yard drops off considerably.

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 7:17 P.M.

The Board reconvened from executive session at 7: 21P.M.

Mr. Koch commented that Mr. Marino would be receptive to plantings to buffer the shed based on a conversation during his on-site visit.

2017-16-A-Marino: Motion by Mr. Koch to approve the variance request including all representations made during the hearing and with the stipulation that five (5) arborvitaes measuring four (4) feet to six (6) feet in height are to be planted approximately six (6) apart along the side of the shed inside the property line.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised he would transfer the permit for the shed from Mojos Restaurant to the residential property.

APPEAL CASE 2017-17-A

William P. Ciccarelli, 5430 Lou Ida Boulevard, 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 605-Fencing and Section-610-Swimming Pools, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for construction of an L-shaped inground swimming pool measuring 18' x 43' x 28' to be placed within the easterly side and rear yards approximately 18 feet from the easterly side property line and a fence measuring six feet in height to be placed five (5) feet west of the easterly Lou Ida Boulevard side property line and ten (10) feet south of the northerly West Webb Road rear property line. A pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten (10) feet from any side or rear property line or closer to a side street than the side yard requirement of the dwelling. On a corner lot, no fence in excess of three (3) feet may extend nearer to the side street than the side yard requirements of the dwelling. For corner lots, no structure shall be placed closer than 20 feet to the side street property line. 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 into the case record, referenced a satellite photo site plan of the property, a swimming pool drawing, an exterior fence drawing, the case mailing list and four plat maps prepared by the zoning office.

Mr. Satterlee stated the mailing list for case 2017-17-A will be incorporated into the case record.

William P. Ciccarelli, 5430 Lou Ida Boulevard, Austintown, Ohio, 44515, testified he would like to place a pool at the side property due to restrictions involving the septic and natural gas lines. The proposed placement is the best location on the property. He has owned the house since 2009. He has interviewed two pool companies regarding the proposed location but no decision can be made until approved by this Board. Mr. Beaudis suggested the slope of the yard may require two retaining walls. Mr. Ciccarelli stated he did not think the proposed location would have any impact on his septic system. There was discussion of the location of the leach lines.

Mr. Koch inquired about the pool. Mr. Ciccarelli state the pool will be in the ground. The fencing will be around the property line. There was some discussion if the pool is actually inground or above ground. Zoning Inspector Crivelli advised an above ground swimming pool does not have to be fenced in but rather have a removal ladder or locking gate. Mr. Ciccarelli stated he had not spoken to his neighbors about the request. Mr. Koch observed the pool will look as if it is in the front yard. The deep end of the pool will be 8 ½ feet with the deep end closer to the driveway. There will be a sidewalk completely around the pool with a patio consisting of concrete pavers at the back of the house leading to the pool. Mr. Beaudis inquired about hard surface being approved by

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 5, 2017

the Board of Health. Zoning Inspector Crivelli advised he has to secure approval from the Board of health for the placement of the pool.

Mr. Satterlee inquired about the fence placement. Zoning Inspector Crivelli advised the Lou Ida Road right-of-way is 60 feet and the Webb Road right-of-way is 50 feet leaving approximately 23 feet of green space on Lou Ida and 10 feet of green space on Webb Road as measured from edge of paving to the proposed fencing. Mr. Satterlee speculated there would not be an obstruction with the placement of the proposed fencing.

Charles Krusac, 5447 Lou Ida Boulevard spoke in favor of the request and advised the neighbor to the east William Tompkins was also supportive. He stated the Ciccarelli's are good neighbors and have really improved the property.

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 7:41 P.M.

The Board reconvened from executive session at 7:46 P.M.

2017-17-A- Ciccarelli: Motion by Mr. Koch to approve the variance request including all representations made during the hearing.

Seconded by Mr. Mahoney.

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

Zoning Inspector Crivelli advised the applicant to seek approval from the Board of Health for placement of the swimming pool in relation to the septic system prior to issuance of a zoning permit.

There being nothing further to come before the Board, the hearing was adjourned at 7:47 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman

DATE: _____