

PUBLIC HEARING
BOARD OF ZONING APPEALS
October 18, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 18, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2017-18-A-Thrifty Frog.

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 Koch opened the public hearing at 7:05 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2017-18-A

Jim and Tammy Agler, 1600 Huffman Drive, Lordstown, Ohio, 44481, on behalf of the West End Investment Company, c/o Eugene Tareshawty, P.O. Box 989, Canfield, Ohio, 44406, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use permit from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph No. 4 - Bar, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the proposed “Thrifty Frog Bar & Grille” to be located at 5423 Mahoning Avenue, Suite F. Said properties are further described as Lot Nos. 18 and 19, Walter S. May Plat 4, are located at the southeast corner of the Mahoning Avenue-Javit Court intersection; and are zoned as a Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Assistant Zoning Inspector Eric Harris, Sr. read the applicant’s letter of request into the case record, referenced an interior floor plan, two exterior photographs, two pages of time stamped photographs of the parking lot area, proposed patio location photographs, and the lease was marked as Exhibit “A”.

Mr. Satterlee stated the mailing list for case 2017-18-A will be incorporated into the case record.

James Agler, 1600 Huffman Drive, Lordstown, Ohio, 44481, stated he did a study of the parking and requested the kitchen which measure 800 square feet be removed from the parking calculation. He estimated after removal of the kitchen the business would require 39 parking stalls.

Mr. Satterlee observed the rear parking lot appeared to be unused during his multiple visits to the property. Mr. Agler advised there is a grass area that could be utilized for parking. Mr. Satterlee observed that he did not think there would be a parking problem with the proposed business.

Mr. Beaudis inquired about the patio. Mr. Agler advised the state liquor board must inspect and approve the patio prior to using it. He advised he talked with zoning and is waiting for this approval before building inspections will approve the project. Mr. Beaudis expressed concern about the patio interfering with truck deliveries. Mr. Agler stated he contacted the delivery companies and they can cart or dolly supplies to the other businesses.

Mr. Koch asked if he is leasing or purchasing the property. Mr. Agler advised he has a lease. He has purchased Marino's liquor license and will operate under it until its transferred. Mr. Koch asked if the State would approve a portable fence. Mr. Agler stated they have to keep people with alcohol inside the fence and both building and fire have differing requirements regarding a gate.

Tammy Agler, 1600 Huffman Drive, Lordstown, Ohio, 44481, stated she met with an official from the liquor department on this date and the fence cannot be portable. Mr. Agler stated there will be no roof on the patio area. There will be no music or speakers on the patio. No alcohol will be served but customers can carry their dinks out to the patio.

Mr. Satterlee inquired about the menu. Mr. Agler stated they will have a short order menu but nothing that will require a chef. They will use a lot of pre-frozen items from Kaliel Brothers. Cooking will be from the freezer to the grill. They will have a lunch menu consisting mostly of sandwiches and appetizers such as french fries, onion rings, deep fried vegetables, and wings. There will be fish and rib dinners offered on Fridays from 5:00 P.M. to 8:00 P.M. and 4:00 P.M. to 12:00 P.M. on Saturdays. The bartenders will service the booths. There will be a total of 12 employees to start with an average of three per evening and less during the day. Sunday is beer sales only but they have applied for Sunday liquor sales.

Mr. Beaudis asked that the rear parking lot be stripped. Mr. Agler stated the lease stipulates the parking lot will be sealed and striped and the dumpster area will be cleaned up. Mr. Beaudis requested the dumpster be enclosed. Mr. Agler stated they do not have a dumpster but rather the dumpster is for the entire plaza. Mr. Beaudis suggested the other tenants participate in the enclosure process. Mark Tareshawty, Canfield, Ohio, stated the three dumpsters can be put together and possibly reduced to two dumpsters.

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Mr. Satterlee observed the plan was to combine the dumpsters with a three-sided enclosure. Mr. Tareshawty answered in the affirmative.

Mr. Satterlee inquired about the maximum occupancy. Mr. Agler stated occupancy is 99 people per the building inspector.

Ken Ruppert, 1873 South Turner Road, spoke in favor of the request and stated parking will not be an issue.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2017-18-A-Thrifty Frog: Motion by Mr. Koch to approve the conditional use permit with all the testimony incorporated into the case record.

Seconded by Mr. Glaros.

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

Mr. Satterlee advised the conditional use permit is user specific and can be reviewed every three years. He also advised the items referencing the parking lot and dumpster must be completed per the testimony and wished Mr. Agler the best of luck.

There being nothing further to come before the Board, the hearing was adjourned at 7:25 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Eric Harris, Sr., Assistant Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman

DATE: _____