

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 19, 2017

PUBLIC HEARING
BOARD OF ZONING APPEALS
October 19, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 19, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2017-13-A-Leber Real Estate-Continued.

The following Board members were in attendance:

Mr. Robert Satterlee – Chairman
Mr. Joe Koch – Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. Dale Basista
Mr. James Mahoney – Absent

Chairman Satterlee opened the public hearing at 6:00 P.M. The following testimony was given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

APPEAL CASE 2017-13-A-Continued

Attorney Stephen R. Garea, 3722 Starr’s Centre Drive, Canfield, Ohio, 44406, on behalf of Leber Real Estate, Ltd., 5335 Seventy-Six Drive, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and alleges error in the issuance of a written determination dated June 16, 2017 removing a sexually oriented business locational non-conforming use designation at the property located at 5325 Seventy-Six Drive, Unit 1, from the terms of Article I-Definitions: “Non-Conforming Use”; Article III-Non-Conformities; Article XIX-Sexually Oriented Businesses Amendment To The Austintown Township Zoning Resolution Limiting Sexually Oriented Business to Specified Zoning Districts and Requiring That They Meet Locational Criteria And Be Dispersed; and Article XXIII-Massage Establishments, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, and requests the Board of Appeals to overturn the letter of determination dated June 16, 2017 and to continue to allow the tenant space located at 5325 Seventy-Six Drive, Unit 1 to maintain a non-conforming locational designation for sexually oriented businesses and to operate a massage parlor and/or any other defined sexually oriented businesses as listed in the Austintown Township Zoning Ordinance. Said properties are further described as Parcels 48-090-0-006.04 & 48-090-0-006.05, Lot No. 4, Irregular replat of Lot No. 1 Rebel Plat No. 1, are located on the south side of Seventy-Six Drive; approximately 619 feet east of the North Canfield-Niles Road-Seventy-Six Drive intersection; and are zoned as Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

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Case transcript prepared by Court Reporter Dena Crissman and on file at the Austintown Township Zoning Office.

Mr. Beaudis made the following motion:

Regarding Appeal Case 2017-13-A-Continued, I make a motion that we affirm the Zoning Inspector’s letter of determination dated June 16, 2017 with the stipulation that on page four the language stating “is a public nuisance and” is removed so the sentence will now read as follows: It is the further determination of this office that **5325 76 Drive, Unit #1**, measuring approximately 2,400 square feet will no longer be classified as a “Non-Conforming” sexually oriented business.

Mr. Basista seconded the motion.

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

Zoning Inspector Crivelli advised Atty. Garea he has 30 days to appeal the decision in Mahoning County Common Pleas Court.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman

DATE: _____