

PUBLIC HEARING
BOARD OF ZONING APPEALS
June 22, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, June 22, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-08-A-Fish; and
APPEAL CASE 2017-09-A-Biznet.

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 2017-08-A

Steve Fish, 505 Crimson Court, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and request a variance from the terms of Article VI-Residence R-1 District, Section 605-Fencing, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a board-on-board fence measuring six (6) feet in height to be placed approximately three (3) feet from the Herons Circle side street property line (approximately 15 feet from the curb). The minimum side yard requirement for a fence in excess of three (3) feet on a corner lot is twenty (20) feet (approximately 32 ½ feet from the curb). Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

Steven Fish, 505 Crimson Court, Austintown, Ohio, 44515, submitted a packet of information regarding construction materials for the proposed fence and pictures of his property all marked as Exhibit “A”. Some of the documents the Board of Appeals were in possession of. Mr. Fish referenced the color of the proposed fence and stated the fence has a strong warranty and needs no maintenance. The fence will be impervious to disease and drought.

Mr. Fish thanked the Board for the opportunity to speak. His house is a ranch located on a corner lot creating two problems. At night, vehicle lights shine into the bedroom

window closest to the street as detailed in the picture. Second, the back side of the home, porch, and rear yard are exposed to everyone's view and there is no privacy, peace, or enjoyment. A fence is preferred over landscape plant material and he referenced three opinions from landscapers as to why a fence would be preferable to trees. The proposed fence will be constructed of eco-friendly composite materials resistant to disease, fungus, drought, bugs, and decay. The fence material is guaranteed to keep its color and form without any on-going maintenance for a period of 15 years. Mr. Fish stated it was his opinion that a fence was a better short-term and long-term solution to his problem. He referenced approval from the community home owner's association and stated the fence will not interfere with the safety or movement of vehicles or drivers.

Mr. Satterlee observed the fence would not present a good view for the neighbors across the street. Mr. Fish made reference to his window and the proposed fence. Mr. Satterlee observed evening traffic most likely creates more lighting problems for neighbors across from the circle. Mr. Fish advised as to what he was experiencing.

Mr. Beaudis referenced the Mick Sarget letter as not being on letter head with two additional names on it and no signatures. He questioned if the signatories had actually seen the property. Mr. Fish stated he could get the letter signed.

Mr. Beaudis took issue with the statements in the first paragraph of the letter and observed within the neighborhood there are four or five examples of arborvitaes used for screening that are planted in the ground or on raised beds. He observed arbs grow quick and the letter will have no bearing on him supporting the request.

Mr. Fish stated he planted three blue spruce trees in the back yard and one died for the reasons outlined in the letter and two are barely alive. Mr. Beaudis asked if he planted the trees. Mr. Fish advised the blue spruce trees were planted by professionals; however, he was not there to oversee the work. Mr. Beaudis asked if he has had the soil tested. Mr. Fish answered in the affirmative but stated he does not have the results and his yard is not conducive to a lot of organic material. Mr. Beaudis recommended a soil test.

Mr. Satterlee stated it is a beautiful neighborhood and it was his opinion the request takes away from the beauty and open look and will change the characteristics of the neighborhood. Mr. Fish thanked him for his observation.

Mr. Satterlee asked if he considered a three-foot fence. Mr. Fish stated a three-foot fence would not give him privacy. Mr. Satterlee observed six homes are on Crimson Court and asked Mr. Fish if he was more concerned about the neighbors across the street in terms of privacy. Mr. Fish stated they were both concerns. Once the back porch was built he observed how exposed he was and it bothers him. Mr. Satterlee observed that a six-foot fence near the road is an issue with him as a Board member.

Mr. Beaudis inquired about a six-foot fence off the back of his house with a gate over the driveway. Mr. Fish stated he did consider that but doesn't see a viable way to do it to make it look good. Mr. Beaudis asked what the difference was versus being closer to the

road. Mr. Fish stated the overall look with a fence gate would not be appealing and more of a distraction to the neighborhood. He referenced the meticulous work he has done to the home to make it look as good as it can. Mr. Beaudis advised if he came off the house he would not need a variance.

Mr. Satterlee asked if he has considered blinds on the back porch. Mr. Fish stated that is not something he likes and it would take away from the look of the porch.

No one else in attendance to speak for the request.

Ryan Bodine, 6212 Herons Circle, stated he lives across the street and understands his concerns about privacy but prefers to see landscaping along Herons Boulevard versus a fence close to the curb all the way around. He referenced the house at the corner of Herons Boulevard and Herons Circle with landscaping screening in their backyard as very nice. Mr. Satterlee explained he can place a three-foot fence with no variance. Zoning Inspector Crivelli advised he can place a six-foot fence off the corner of his house with no variance requirement.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:27 P.M.

The Board reconvened from executive session at 7:36 P.M.

2017-08-A-Fish: Motion by Mr. Beaudis to disapprove the side yard variance as it would change the character of the neighborhood and the request is a substantial variance to the side yard requirement.

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 Mr. Fish he has 30 days to file an appeal of the decision in Mahoning County Common Pleas Court. He also advised he can construct a fence that meets the zoning setback requirements.

APPEAL CASE 2017-09-A

Biznet ,Inc. 1156 West Western Reserve Road, Youngstown, Ohio, 44514, on behalf of All-Star Management, Inc., 83 Beckwith Place, Rutherford, New Jersey, 07070, appeals from the decision of the Austintown Township Zoning Inspector and request a variance from the terms of Article XVIII-Signs, Section 1807-Billboard Signs-Paragraphs 1 & 7, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the conversion of an on-premise advertising sign to a digital off-premise billboard sign placed approximately 1,380 feet from an existing billboard sign

and with a sign face measuring approximately 709 sq. ft. at the property located 5425 Clarkins Drive. Only one (1) double face billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, not exceed a gross area of 300 square feet. The placement of billboard and outdoor advertising signs shall be so placed as to maintain a distance of one thousand five hundred (1,500) lineal feet between one another as measured from the base of each sign, regardless of whether the signs are both located on the same single road corridor or are both located on different road corridors. Said property is further described as Lot No. 5, Clarkins Plat No. 1, Parcel 48-042-0-062, is located on the south side of Clarkins Drive, approximately 450 feet east of the North Canfield-Niles Road-Clarkins Drive intersection; and is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated May 17, 2017 into the case record, referenced a letter of permission from All Star management allowing the applicant to represent their property, a non-scaled site plan, a sign elevation drawing, a foundation drawing, the case mailing list prepared by the zoning office, and three plat maps of the property. Zoning Inspector Crivelli explained the distance to the Cregan billboard that was approved in the Sheetz conditional use permit at a previous public hearing that has not been erected as of this date.

Carla Clark, 1156 West Western Reserve Road, Youngstown, Ohio, 44514, asked the Board to consider the proposed billboard will not be visible to the closest billboard (Cregan) when it is constructed. She stated she specializes in digital and vinyl billboards and has one in Boardman. She has had an engineer analyze the existing sign structure and has submitted drawings to validate the fact that the structure will support the digital cabinets on order. The digital billboard will be facing the westbound traffic on 680. It will not be double sided. The rotation will be every ten seconds. It will be good for that area as there are no residences impacted and the sign will only be visible to interstate traffic.

Mr. Satterlee inquired about the backside of the sign. Ms. Clark stated there would be no advertising utilized and it would look as it does now. It includes six I-beams. She referenced a picture of the back side marked as Exhibit "A". She stated what she is proposing will be an improvement to the structure. It will be a rustoleum burgundy color painted for aesthetic purposes and to protect the steel beams. Digital cabinets will be placed on the beams. The cabinets open from the back.

Mr. Beaudis inquired if her proposal complies with State regulations in terms of brightness and other items listed in the letter of application. Ms. Clark stated ODOT does not request, these are nominal numbers, she is working with Stanton Electric and they usually want it around 60 or 70 give or take say ten feet away. This sign will only be facing interstate traffic and will not be any brighter than other signs in the area. She stated ODOT does not require any specific numbers but there are best practices listed and at the bottom. You do not want a blinding sign. She uses the average nominal settings. The ODOT application does not ask for number readings.

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Mr. Koch inquired about the costs of the sign. Ms. Clark advised it was not one cabinet but several cabinets joined together. The investment will be between \$15,000.00 to \$20,000.00 not including installation. The cabinets are about 63 inches long. Diamond Steel does her installations.

Mr. Koch inquired about the number of advertisers being ten. Ms. Clark answered in the affirmative and stated each message would last for ten seconds. Mr. Koch inquired about the cost per message and the traffic count. Ms. Clark estimated a digital advertisement message running 24/7 will cost between \$700.00 to \$1,500.00 per month. The traffic count is 50,000 to 55,000 a day. The sign will have a network camera and an internet service will monitor the sign. The monitoring camera will be placed so it does not extend beyond the property line (Exhibit “B”).

Mr. Glaros inquired about her other signs. Ms. Clark stated she has one other sign with vinyl on one side and digital on the other. She stated this sign is solid and will be good for a single sided sign. She depicted the side of the sign that will have the camera. The current sign is tattered wood and is a mess. The current owners don’t really know what to do with it and this is a win-win for everyone.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2017-09-A-Biznet: Motion by Mr. Koch to approve the variance including all representations made.

Seconded by Mr. Mahoney.

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

Zoning Inspector Crivelli advised Ms. Clark to bring a permit from ODOT for the sign approval or have ODOT send an e-mail advising no permit is required. He also advised her to make application with Mahoning County for a building permit.

There being nothing further to come before the Board, the hearing was adjourned at 8:01 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman

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DATE: _____