

BOARD OF APPEALS PUBLIC HEARING – JULY 20, 2017

PUBLIC HEARING
BOARD OF ZONING APPEALS
July 20, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, July 20, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2017-12-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 - Absent
Mr. Dale Basista

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 2017-12-A

Biznet ,Inc., 1156 West Western Reserve Road, Youngstown, Ohio, 44514, on behalf of Xpress Fuel Properties, LLC, 3629 Glenwood Avenue, Youngstown, Ohio, 44511, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article XVIII-Signs, Section 1807-Billboard Signs-Paragraph 7, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a digital off-premise billboard advertising sign to be placed at northeast section of the property located 5502 Mahoning Avenue and approximately 662 feet southwest (North Canfield-Niles Road), approximately 1,381 feet northwest (Mahoning Avenue), and approximately 725 feet northeast (Mahoning Avenue) of existing off-premise billboard advertising signs. 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. 1, Uni-Marts Ohio LLC Plat No. 1, Parcel 48-029-0-034, is located at the northwest corner of the Mahoning Avenue-North Canfield-Niles Road 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 June 12, 2017 into the case record, referenced a letter of permission from Express Fuel allowing Ms. Clark

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to represent their property at the public hearing, referenced a site plan, a GIS area map, a billboard elevation drawing, the case mailing list and four plat maps prepared by the Zoning Office. Also referenced were the township billboard regulations, e-mails between the applicant and zoning office, and three separate GIS drawings prepared by the zoning inspector depicting the distance between the proposed billboard and the closest billboards located north on North Canfield-Niles Road and Mahoning Avenue (east and west of the proposed billboard location). Zoning Inspector Crivelli advised the closet billboard at the time the variance application was submitted was removed by Cocca Development for new plaza currently under construction abutting McDonalds Restaurant to the west.

Mr. Satterlee stated the mailing list for case 2017-12-A will be incorporated into the case record.

Carla Clark, 1156 West Western Reserve Road, Youngstown, Ohio, 44514, stated she intends to place the billboard to face Route 46 traffic.

Mr. Satterlee observed the variance is significant. He suggested unless the Trustees want to change the code to 500 feet the request is way out of line. Ms. Clark suggested her target is traffic on Route 46 and the billboard would not be visible from the other closest billboards and would be placed behind the gas station away from Mahoning Avenue. Mr. Satterlee commented that approval would lead other billboard companies to request substantial variances. Mr. Clark stated she has once sign up in Boardman and this is her forth permit request. She has been in business for two years.

Mr. Basista inquired about the relationship with Express Fuel Mart. Ms. Clark stated she has an agreement to lease a part of their property. The billboard doesn't require a lot of land on the ground.

Mr. Glaros complimented her on the way she presents her cases. Mr. Koch observed there is sign clutter at the intersection. Ms. Clark was appreciative of Mr. Glaros comment and advised Mr. Koch there was no real billboard visibility at the intersection and stated she understands the dilemma the Board has. Mr. Koch commented on the "need" to have visibility at the intersection considering all the billboards in the general area. Ms. Clark advised the proposed sign is much smaller than the typical billboard so it will not be as obtrusive as the larger billboard signs and will have less impact and less clutter. Mr. Koch observed the sign that was at Mike's Lounge was a monstrosity and the area looks better without it.

Mr. Satterlee stated one of the jobs of the Board is to protect the community and this request is substantial. He suggested looking for other locations. Zoning Inspector Crivelli advised her last case was a benefit to both her, the property owner, and the township as that on-premise sign is in very bad shape. Ms. Clark observed the number of non-conforming signs in existence hasn't really caused a problem. Zoning Inspector Crivelli gave a brief overview as to why Austintown adopted the billboard locational requirements. Ms. Clark observed commerce is no longer mainly in the city but has

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moved out into the suburbs and the over saturation of signs represents more activity in the suburbs.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2017-12-A-Biznet: Motion by Mr. Glaros to disapprove the variance request.

Seconded by Mr. Koch.

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

Zoning Inspector Crivelli advised Ms. Clark she has 30 days to file an appeal in Mahoning County Common Pleas Court.

Ms. Clark thanked the Board for hearing the case.

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

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman

DATE: _____