

BOARD OF APPEALS PUBLIC HEARING – SEPTEMBER 7, 2017

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
September 7, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, September 7, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-14-A- Covelli Enterprises; and  
APPEAL CASE 2017-15-A-Jones.

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 2017-14-A**

Phillips-Sekanick Architects, Inc., 142 East Market Street, Warren, Ohio, 44481-1121, on behalf of property owners 55 West LLC, 1268 River Road, Warren, Ohio, 44483, and Covelli Enterprises, 5789 Mines Road, Niles, Ohio, 44446, appeals from the decision of the Austintown Township Zoning Inspector and requests an amendment to conditional use permit 2003-22-A from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph No. 3 - Community Shopping Center, Plazas or Malls, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a drive-thru lane to be located at the east side wall of the Panera Bread restaurant located at 5503 Mahoning Avenue. Said property is further described as Lot No. 3, 55 West LLC Plat No. 1, is located at the southwest corner of the Mahoning Avenue-South Canfield-Niles Road intersection; and is zoned as a Business B-2 District with the southeasterly 88' x 160' portion of land zoned as a Business B-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated August 9, 2017 into the case record, referenced a letter of determination issued by the zoning inspector dated July 27, 2017, a site plan, the case mailing list prepared by the zoning office, and four plat maps of the property. Also referenced was an e-mail in support of the request from Cocca Real Estate, an abutting property owner located on the northside of Mahoning Avenue.

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Mr. Satterlee stated the mailing list for case 2017-14-A will be incorporated into the case record.

Kim Phillips reviewed the site plan and stated there would be 20 feet of grass area abutting the church after placement of the driveway and they will maintain the connecting sidewalk. There will be no addition to the building. He depicted the drive-thru window. He described it as an oddball situation with traffic and they would use a red-green light to advance vehicles to the pickup window.

Mr. Koch inquired about pedestrians walking to the side walk sitting area. Mr. Phillips stated that is a scenario with every restaurant design. Mr. Koch asked if a railing could be placed at the sidewalk. Mr. Phillips answered in the affirmative and concurred it would be a good idea to keep customers from walking into the drive lane. Mr. Koch suggested shortening the curb to not force drive-thru traffic to the opposite end of the building. Mr. Phillips stated they could shorten the drive lane.

Mr. Basista observed Panera is not fast food and questioned the possibility of traffic backing up. Mr. Phillips observed average wait time for food is 3 minutes 20 seconds. The busiest drive thru time is morning for coffee which has an average wait time of two minutes. They are planning on six cars from the order board to where you enter the drive lane. Including the pickup window there is room for ten cars prior to backing into the existing parking lot area. Mr. Phillips estimated the drive-thru lane accommodating 14 cars which is two and half times what they normally design for.

Mr. Beaudis expressed concern of the building overhang blocking vision of oncoming traffic at the front corner of the building. Mr. Phillips stated he was open to suggestions but moving the curb up will create almost the same driving pattern there now and they will use signage to alert for oncoming traffic and pedestrians. There was discussion of a parabolic mirror but it was determined shortening the curb would be a better option. Mr. Phillips observed all drive-thru's have a pedestrian-vehicular conflict and signage directed at drivers may help.

Mr. Satterlee observed directing the traffic away from the blind spot after order pick-up would greatly enhance safety. There was discussion of landscaping islands to reduce pedestrian risk. Mr. Phillips stated he could make the turn as quickly as engineering will allow after order pick-up and install a rail on the patio.

Patty Hunt-Shearer, 6221 Whispering Meadows, Canfield, Ohio, 44406, stated she was representing Austintown Community Church and expressed concern as to how close the project will come to the church property as there is 34 feet in the grassy area and two sanitary drains and they have had issues with drainage at the church. The members of the church use the sidewalk depicted in the drawings. The real estate development people agreed to construct the fence and maintain it and the grassy area when the plaza was built. The plaza allows the church to use the parking lot for events. She also expressed concerns about the traffic flow in relation to bible study and church attendance. She was

glad there was no new curb cuts closer to the church and observed the difficulty exiting onto Route 46. She observed the red-green light at the drive-thru window cleared up some concerns she had but advised a semi-truck was there today going east instead of west and there is not a lot of control and you would hope people would follow the signs. She also stated she did not want the church to lose visibility to the public and inquired about shrubs or buffering. She expressed concerns about the condition of the existing fence. There is a large body of elderly church members who use the walk way. They have 200 active members and an overall membership of roughly 600. Mrs. Hunt-Shearer reviewed the drawing after testifying.

Mr. Satterlee suggested removing curbing. There was general discussion of the site plan and a yield to pedestrian sign near the walk. Zoning Inspector Crivelli suggested a speed bump near the walkway. Mr. Koch observed the lanes at the curb cuts needs to be remarked for traffic control. Mrs. Hunt-Shearer liked the ideas of a speed bump and yield sign at the sidewalk. There was further discussion of the proposed railing. Mr. Phillips suggested a gap in the rail with a walkway thru the green space for pedestrians.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

The Board adjourned into executive session at 7:39 P.M.

The Board reconvened from executive session at 7:47 P.M.

Mr. Satterlee suggested the curbing be removed and substituted with painted lines to allow cars to exit the drive-thru lane if they choose not to wait. He also made reference to a proposed railing and described placement in relation to the page 3 elevation drawing. The Board also asked for a speed bump and crosswalk. Mr. Satterlee asked the updated drawings be submitted to the Zoning Inspector which will be public record and Mrs. Hunt-Shearer can review the changes. The referenced drawing was marked as Exhibit "A".

**2017-14-A-Covelli Enterprises:** Motion by Mr. Koch to approve the amended conditional use request with the changes verbally submitted and in substantial conformity to the sketches that we outlined for the Architect up here, with the understanding that this is understood and will be approved by the zoning official and marked as Exhibit "A".

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised Mr. Phillips forward the updated drawings to zoning and to secure building and fire approval. Mr. Satterlee speculated there will be no

problems created by this project. Mrs. Hunt-Sheerer stated they have always worked well with the plaza developers.

**APPEAL CASE 2017-15-A**

Gregory G. and Catherine S. Jones, 5474 West Rockwell Road, 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 604-Private Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a 30' x 24" (720 sq. ft.) detached garage to be placed within the northeasterly rear yard. The maximum permitted area for a detached garage is six hundred seventy-two (672) square feet. Said property is zoned as a Residence 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 GIS site plan, two pages of drawings and specs, the case mailing list prepared by the zoning office, and four plat maps of the property.

Mr. Satterlee stated the mailing list for case 2017-15-A will be incorporated into the case record.

Gregory G. Jones, 5474 West Rockwell Road, stated there are a lot of empty properties and he wants to better the community by erecting the building and taking care of it and the vacant properties. He will store his equipment in the building and he provides a free service to the property owners who have not been held accountable to maintain their properties. He doesn't like having his stuff sitting out. He wants to protect it and the community from someone driving by and taking stuff, which will help the police out.

Mr. Beaudis inquired about the property pins. Mr. Jones stated his property line was 10 feet east of the foundation of the former garage and the new garage would be five feet from that. He stated he could have the property surveyed and he has located one pin. Mr. Koch suggested he place the garage six feet to insure there is no violation which will help him in the future if he should sell his home.

Mr. Koch observed from the drawings there will be a concrete floor, gutter and downspouts, two overhead doors, and the garage will be insulated. He stated the drawings looked good. Mr. Jones hopes to have electrical service to the garage within a year. Zoning Inspector Crivelli advised the Board of Health has to approve the project in relation to the septic system. Mr. Beaudis advised the health department will require down spouts due to the septic lines in the rear yard.

Joanne Hamner, 5483 West Rockwell Road, stated since Mr. Jones moved in he takes care of all the abandoned properties and cleans the sewers on all of Rockwell Road. She has no objections regarding the garage but stated the pins are all off due to the Route 46 widening.

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Mr. Koch asked for clarification regarding the property pins. Mr. Jones stated there is a pin in the back far east corner behind the line of trees and the neighbor's shed is on his property. There was further discussion of the pins.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2017-15-A-Jones:** Motion by Mr. Koch to approve the variance as requested.

Seconded by Mr. Basista.

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

Zoning Inspector Crivelli advised the applicant to secure approval from the Board of Health prior to issuance of the zoning permit.

There being nothing further to come before the Board, the hearing was adjourned at 8:12 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Bob Satterlee – Chairman – 2017  
Joe Koch – Chairman - 2018

DATE: \_\_\_\_\_