

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
September 14, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, September 14, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

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

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**

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.

BOARD OF APPEALS PUBLIC HEARING – SEPTEMBER 14, 2017

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

Mr. Koch made the following motion:

I'll make a motion that we continue the case to October 19<sup>th</sup>, 6:00, with the addition that although Mr. Crivelli is allowed to seek counsel, he is not to speak to any other – any Board members regarding the case. That part, I think, is fair...I'll amend the..to any other persons other than legal counsel

Mr. Basista seconded the motion.

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

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Bob Satterlee – Chairman

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