

PUBLIC HEARING
BOARD OF ZONING APPEALS
February 22, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, February 22, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-24-A-Sinn;
APPEAL CASE 2018-03-A- Gerthung; and
APPEAL CASE 2018-04-A-Nord.

The following Board members were in attendance:

Mr. Joe Koch - Chairman
Mr. Robert Satterlee - Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. James Mahoney
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 2017-24-A-Continued

Energy Wise Home Improvements, Inc., 5164 Youngstown-Poland Road, Youngstown, Ohio, 44514, on behalf of Gary and Rachele Sinn, 664 Purdue Avenue, 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 603-General Requirements: “Rear Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a sunroom measuring 12’ x’ 20’ (240 sq. ft.) to be placed at the westerly rear wall of the dwelling with an approximate rear yard setback of 33 feet at the property located at 664 Purdue Avenue. The minimum rear yard setback requirement is 40 feet. Said property is further described as Lot No. 176-irregular in shape, College Park Plat No. 2, located on the west side of the Purdue Avenue right-of-way, approximately 157 feet north of the Notre Dame Avenue-Purdue Avenue intersection; and is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli referenced the updated drawings submitted by the applicant.

Mr. Koch stated the mailing list for case 2017-24-A-Continued will be incorporated into the case record.

James LeBaron, representative of Energy Wise Home Improvements, stated they will go down 50 inches for the foundation, 16 inches wide and 8 inches deep for the footer, then will lay a course of block, backfill with gravel with a four-inch pad. Mr. Koch observed that the description is not depicted on the latest drawing. Mr. LeBaron approached to review the updated drawings. Mr. Koch asked if he had additional drawings. Mr. LeBaron answered in the negative.

Gary Sinn, owner of 664 Purdue Avenue, approached the Board. Mr. Koch advised none of the drawings are depicting a concrete slab with foundation and footer. Mr. Koch commented that Mr. Sinn should know what he is buying and inquired about the depth of the footer. Mr. LeBaron stated they are going down 52 inches. Mr. Koch asked why they are going that deep. Mr. LeBaron stated that was the information he was given.

Mr. Koch asked Mr. Sinn if he was comfortable proceeding. He asked Mr. LeBaron if he was a contractor. Mr. LeBaron answered in the negative and advised he was a service guy at the company. Mr. Sinn asked that the case be continued. Mr. Koch suggested a cross-section drawings showing the footer at 38 inches, which is below the frost line, depicting the grade, what the cap block is going to be and what you are going to pour the concrete on. Mr. Koch said he was shocked he does not have the drawings already.

Mr. Sinn asked for a continuance. Mr. Beaudis stated the case is about a setback but the Board has concerns with the quality of the drawings and what he is buying.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2017-24-A-Sinn: Motion by Mr. Satterlee to continue the case with the stipulation that a detailed foundation drawing is submitted for review based on the new testimony of a footer, block, and slab construction.

Seconded by Mr. Glaros.

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

Mr. Koch advised this is a buyer beware situation and Mr. Sinn should be aware of what he is buying.

APPEAL CASE 2018-03-A

Art Gerthung, Jr., 4728 Rita Avenue, 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 604-Private Garages and other Outbuildings and Carports, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a detached garage

measuring 40' x 70' x 16' (2,800 sq. ft.) to be placed within the front yard. No detached garage or other outbuilding shall be placed nearer to a front building setback line than forty (40) feet. No detached garage or outbuilding shall exceed a maximum area of six hundred seventy-two (672) square feet. A second outbuilding shall not exceed 240 square feet. Said property is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated January 30, 2018 into the case record, referenced as site plan, four pages of hand drawings, the case mailing list prepared by the zoning office, and three plat maps of the property. Zoning Inspector Crivelli advised he had drawn the site plan based on the information the applicant gave and all the case documents were forwarded to the applicant prior to the hearing.

Mr. Koch stated the mailing list for case 2018-03-A will be incorporated into the case record.

Art Gerthung, Jr., 4728 Rita Avenue, stated he purchased the house and talked to the neighbors and they had no problems with the garage. Mr. Koch asked him if he had talked to zoning. Mr. Gerthung stated he talked to a couple of builders who advised he would have no problem just go down there and pay the \$150.00 application fee.

Mr. Satterlee stated he got some bad advice and asked why he would not propose the building the rear yard. Mr. Gerthung responded that there are trees near the property line that are not his and they will eventually come down.

Mr. Satterlee advised he would never support placing a large garage in the front yard and the request is ridiculous. The application changes the characteristics of the neighborhood. Mr. Gerthung stated the street is a dead end. Mr. Satterlee stated he is out there on this and there is plenty of room in his backyard.

Zoning Inspector Crivelli advised as to when the code was changed limiting the size of detached buildings and advised older neighborhoods may have over-sized garages that are now non-conforming. Mr. Satterlee stated the applicant could come back with a request that is more practical. Mr. Gerthung stated that placing it in the back another 100 feet makes it impractical to get to it and requires a long driveway. Mr. Satterlee stated the Board does not consider costs. Costs is not a reason to grant a variance. There was discussion of placing a 40' x 70' garage in the rear yard and Mr. Satterlee advised there was no guarantee the Board would approve a building that large to be placed in the rear yard.

Mr. Koch asked if the cars run. Mr. Gerthung answered in the affirmative and stated there are a total of eight cars to be placed in the building. Mr. Koch questioned the quality of the drawings. Zoning Inspector Crivelli advised he asked the applicant to mark the proposed placement of the building for the benefit of the Board members site visits.

Mr. Koch stated there was no chance of this being approved. He asked Mr. Gerthung the name of the builders he talked to. Mr. Gerthung gave two names and Mr. Koch responded they were suppliers. Mr. Koch asked how much he paid for the advice. Mr. Gerthung responded nothing. Mr. Koch stated that is what the advice was worth.

Mr. Satterlee advised the case should be continued with a better set of drawings and a smaller building proposed in the rear yard. Mr. Koch stated this is not going to be approved for the front yard and by continuing the case he can have another bite at the apple without another \$150.00 filing fee. Mr. Gerthung stated he is willing to come back as he needs a garage. Mr. Satterlee advised he has to be reasonable. Mr. Koch suggested a survey and better drawings.

Tony Kwlisz, 4681 Rita Street, stated he lives across the street and opposes the structure in the front yard. He has no objections to a structure in the rear yard.

Russ Pallotta, Sr., 4660 Rita Avenue, stated he was opposed to the location for that size of the building. He has no objections to a building being placed in the rear yard.

Mr. Koch asked if he wanted to continue the case. Mr. Gerthung was in agreement towards a continuance and complained no one will give him prints unless he buys them.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2018-03-A-Gerthung: Motion by Mr. Satterlee to continue the case with a revised scaled site plan and construction drawings.

Mr. Koch suggested he pay attention to the height of the building.

Seconded by Mr. Mahoney.

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

Zoning Inspector Crivelli advised the applicant to submit scaled drawings for placement of a smaller building within the rear yard.

APPEAL CASE 2018-04-A

Richard and Linda Nord, 1495 Yolanda Place, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and request a variance from the terms of Article VVII-Supplementary District Regulations, Section 1707-Trailers and House Trailers, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the placement of a camper within the side street (Cumberland Circle) driveway with an approximate setback of 14 feet. In the case of a

corner lot, a trailer parked perpendicular to the street must be a minimum of twenty-five (25) feet from the side street property line. Said property is zoned as a Residential 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, correspondence between the applicant and zoning inspector leading to the appeal, letters of violation dated February 10, 2017, July 25, 2017, and October 9, 2017, the case mailing list and four plat maps of the property.

Mr. Koch stated the mailing list for case 2018-04-A will be incorporated into the case record.

Linda Nord, 1495 Yolanda Place, stated they have been trying to sell the camper. They bought it for the grandchildren. They cannot afford to keep it but it is not laid out for families with kids. The camper only has one bedroom. The camper is 31 feet long. The tongue is three feet long for a total of 34 feet. It is a 2013 model. They paid \$38,000.00 and have lowered the price to \$15,000.00. Mrs. Nord stated Obamacare care has killed them by taking their pension down to \$300.00 a month. They need the money from the sale of the camper to live.

Richard Nord, 1495 Yolanda Place, stated it is too expensive to store the camper. The trailer is about six inches from the house. The reason it wasn't back as far as it is now was to allow it to slide open when showing it.

Mr. Satterlee observed the yard being fenced in and being a corner lot. He agreed it will be difficult to sell as families with children want bunk beds in the back of the camper. There was discussion of their trying to sell it, consignment options, and camper values. Zoning Inspector Crivelli advised of the enforcement process and procedures and stated this enforcement action began a year ago. Mrs. Nord stated they cannot afford to store the camper and they do not have a vehicle to move it. They paid cash for it so there is no mortgage.

The Board adjourned into executive session at 7:50 P.M.

The Board reconvened from executive session at 7:55 P.M.

2018-04-A-Nord: Motion by Mr. Satterlee to continue the case for 120 days.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant the Board is continuing the case to allow additional time to sell the camper. He advised the Board has concerns with a side yard variance.

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There being nothing further to come before the Board, the hearing was adjourned at 8:57 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____