

BOARD OF APPEALS PUBLIC HEARING – MAY 10, 2018

PUBLIC HEARING
BOARD OF ZONING APPEALS
May 10, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, May 10, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2018-08-A-CTW Development.

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

Alternate:
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 2018-08-A

CTW Development, 970 Windham Court, Suite 7, Boardman, Ohio, 44512, on behalf of Robert J. Cross and John R. Cross, Jr., 257 North Yorkshire Boulevard, 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: “Minimum Floor Area” and “Side Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a single-family dwelling measuring 912 square feet to replace and be placed on existing slab foundation from the previous dwelling recently destroyed by fire at the property located at 257 North Yorkshire Boulevard. The minimum size for a one-story plan without basement is 1,400 square feet with an overall side yard of twenty (20) feet and a minimum side yard of seven (7) 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 dated April 23, 2018 into the case record, read into the case record a letter of permission from the property owner allowing CTW to represent the property, referenced a GIS map of the property, the original zoning permit issued March 14, 1959, three pages of construction drawings, the case mailing list prepared by the zoning office, and four plat maps of the property.

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Mr. Koch stated the mailing list for case 2018-08-A will be incorporated into the case record.

Charles B. Whitman, 970 Windham Court, Suite 7, Boardman, Ohio, 44512, stated the house burned and they will use the existing slab and rebuild to the original design.

Mr. Koch asked if he has a building permit. Mr. Whitman stated he cannot secure a building permit without a zoning permit. Mr. Koch asked why the house is under construction. Mr. Whitman stated materials were delivered when he came to the zoning office but could not get a zoning permit. The owner talked to the building department and he got confused and thought he was talking to zoning. There was a miscommunication between him and his client. The materials were delivered and the guys threw the house up in a day or so. The windows were then put in as they could not be canceled and then they stopped construction.

Mr. Beaudis observed he knew he did not have a permit. Mr. Whitman stated the guys started construction the morning he was getting his permits. The house is small and there were a lot of guys there that day.

Mr. Satterlee inquired about the dimensions and side yards. Mr. Whitman estimated 12 feet between structures and six feet on both sides. There was discussion of the historic side yard requirements and Zoning Inspector Crivelli referenced the existing side yards were approved in 1959.

Mr. Koch inquired about compliance with the new building model energy code in reference to the slab and one-course of block out of the ground elevation requirement. Mr. Whitman stated he has not talked to building inspections regarding the issue and they have not said if they would waive any requirements under these circumstances. Mr. Koch speculated if building inspections would require him to excavate against the building and also inquired if the heating was in the floor. Mr. Whitman stated the heating was in the floor but is being change to overhead. He mentioned insulation in the attic and window types. Mr. Whitman stated he wasn't sure what building inspection will require.

There was discussion of recent demolitions, fires, and the role of the land bank in removing blight from Wickliffe.

Mr. Koch observed this will be an improvement and would like to know how it works out with building inspections. There was discussion of the insurance proceeds and building costs.

Mr. Beaudis inquired of the zoning inspector that if the variance is granted to charge the maximum zoning fee allowed under the law and delay issuance of the permit for 30 days. Mr. Koch disagreed with Mr. Beaudis. Zoning Inspector Crivelli explained the valuation and fee calculation. He stated he always holds up a permit for 30 days when there are objections to the variance but no one attended to testify against the variance. He explained he can double a zoning permit for not securing a permit prior to the start of

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construction and could do that in this case. Mr. Koch stated he would like to discuss the permit fee in executive session.

Mr. Koch inquired about the non-conformity. Zoning Inspector Crivelli explained non-conformities are lost when destroyed by 75% or more of the value, bulk, or content of a structure. He referenced in this case the home owner razed the house and must now meet the current regulations.

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 7:29 P.M.

The Board reconvened from executive session at 7:30 P.M.

2018-08-A-CTW Development: Motion by Mr. Satterlee to approve the variance request to reduce the side yard requirements to six feet and to reduce the minimum livable square footage requirement to 912 square feet.

Seconded by Mr. Glaros.

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

Motion by Mr. Satterlee to double the cost of the zoning permit fee for starting construction of the dwelling without first securing a zoning permit.

Seconded by Mr. Beaudis.

Roll call vote: Mr. Glaros - Yes; Mr. Beaudis – Yes; Mr. Mahoney – No; Mr. Satterlee – No; and Mr. Koch – No.

There being nothing further to come before the Board, the hearing was adjourned at 8:33 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____