

PUBLIC HEARING
AUSTINTOWN ZONING COMMISSION
April 26, 2018

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, April 26, 2018, at the Township Hall, 82 Ohlton Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees proposed Amendment 2018-01-Z.

The following Commission members were in attendance:

Ron Latone – Chairman
Bonnie Sovik
Keith Marstellar
Atty. Robert Price
Mark Cole

Alternates:
Sam Swogger
Bruce Shepas

The Public Hearing was opened at 6:00 P.M. by Mr. Latone leading the Pledge of Allegiance.

Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mrs. Sovik to **APPROVE** the minutes of the April 27, 2017 public hearing.

Seconded by Atty Price.

Roll call vote: Mrs. Sovik – Yes; Mr. Marstellar – Yes; Mr. Cole – Yes; Atty. Price – Yes; and Mr. Latone – Yes.

Motion by Mrs. Sovik to appoint Mr. Latone to serve as Chairman of the Austintown Township Zoning Commission for calendar year 2018.

Seconded by Mr. Marstellar.

Roll call vote: Mrs. Sovik – Yes; Mr. Marsteller – Yes; Mr. Cole – Yes; Atty. Price – Yes; and Mr. Latone – Yes.

Motion by Mr. Marsteller to appoint Atty. Price to serve as Vice-Chairman of the Austintown Township Zoning Commission for calendar year 2018.

Seconded by Mr. Latone.

Roll call vote: Mrs. Sovik – Yes; Mr. Marsteller – Yes; Mr. Cole – Yes; Atty. Price – Yes; and Mr. Latone – Yes.

Mr. Latone read the following statement:

The Public Hearing before the Austintown Township Zoning Commission for April 26, 2018 is now in session. Let the record show that under the provisions of Ohio Revised Code 519.12, notice of this hearing has been given in one newspaper of general circulation in the Township at least ten (10) days before the date of this hearing and notice was given by first class mail to property owners of interest. The mailing list of the property owners will be incorporated into the case record.

After a reading of the legal notice and the recommendation of the Mahoning County Planning Commission, the Zoning Commission will first hear testimony from the applicant, then all testimony in support of the proposed amendment, then all testimony against the amendment. If testimony is offered against the request, the applicant will be given a short rebuttal opportunity.

When all testimony has been given, the Zoning Commission will act by motion upon the recommendation of the Mahoning County Planning Commission and our recommendation will be forwarded to the Board of Trustees for a future hearing and a final decision.

All testimony and questions are to be directed to the Zoning Commission. We ask that only one person speak at a time as we have a court reporter present. Prior to testifying you must state your name and address.

AMENDMENT 2018-01-Z

Karen Kim, 1890 Lancaster Drive, Austintown, Ohio, 44511, request the rezoning of two (2) parcels of land containing a combined total of 0.918 acres, Lot Nos. 39 & 40, Fitzgerald Plat No. 1, Parcels 48-076-0-021 and 48-076-0-020 Idaho Road, Austintown Township, from Residence R-1 Districts to Residence R-2 Districts in their entireties. Said properties have a combined frontage of 200 feet and a depth of 200 feet and are located on the west side of Idaho Road, approximately 255 feet south of the Rhode Island Drive-Idaho Road intersection; and are zoned as Residential R-1 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated April 5, 2018 into the case record, referenced a GIS map submitted with the letter, the tax duplicates for the properties, the case mailing list, and four plat maps prepared by the zoning office.

Zoning Inspector Crivelli read the following recommendation into the case record: **MAHONING COUNTY PLANNING COMMISSION:** Recommended **APPROVAL** of the request per the agenda at their meeting held on April 24, 2018.

Michael Ceci, 3480 Denver Avenue, Youngstown, Ohio, 44505, stated he was representing his sister Karen Kim. Mr. Ceci stated his sister is one of the leaders of Accessible Home Services who are making the request. The proposal is for accessible duplex housing for individuals with physical disabilities. One of the functions of the company is to care for folks with disabilities, offer direct care, and enhance quality of life. The company seeks nice neighborhoods allowing their clients to walk to schools or parks and to be in a normal setting and treated like anyone else in the community. This is an opportunity to build new accessible housing for the disabled. Next door is a new house built by Gateways to Better living for non-related people to live together in a home. Mr. Ceci referenced the apartments on Rhode Island stating with the new portion of Idaho Road having been extended this will make a nice way to meld with the neighbors that are already there and give a little buffer from the aging duplexes. He stated people will be hesitant to spend \$200,000.00 to build new homes on the two lots to raise a young family and being close to the existing apartments. He suggested the appraisals would come in low and banks would not lend for new housing. The main goal is to provide new accessible housing for folks

with disabilities. He stated there is no money for the company to be made off of rents. He has a disabled sister and they grew up taking care of folks with disabilities. Mr. Ceci stated they are hopeful the zone change will be recommended for approval. He also stated they intend to build ranch style duplexes constructed by Bill Clipse from Meander Homes.

Atty. Price asked how long their company has been in business. Mr. Ceci stated 12 years. He referenced a property owned in Top of the Town and in many other locations in the community. Atty. Price asked about not making income off the rent. Mr. Ceci stated he is not making profit off the rent. The goal is to provide great accessible housing in great locations. The rents are limited to what clients can pay from Social Security Disability and is limited to costs and property taxes. They are a for-profit company but not in their real estate division. They are for profit in providing direct “care” for people with disabilities. Atty. Price asked if Section 8 funds are available to them. Mr. Ceci answered in the negative explaining that client’s waivers and income comes directly from Social Security Disability. He emphasized this is not Section 8 housing.

Atty. Price inquired about the type of buildings being considered. Mr. Ceci stated the buildings will be ranch duplexes with garages and possibly a combined driveway. They want to build something nice versus a basic slab home with no character. People have to feel comfortable because family members will choose where they want a disabled family member to live and what companies they want to take care of the family member. He described the buildings as two separate units with one unit having three bedrooms and the other unit two bedrooms.

Atty. Price asked if a family with a disabled member could all move into a unit. Mr. Ceci explained the living setup as being limited via the County D.D.O.D. system which is geared to individuals - not families. Individuals are managed via a social service agency, with set acuity levels and guidelines for folks with developmental disabilities. Atty. Price inquired about the number of people living in the homes. Mr. Ceci stated there will be one duplex on each lot with three occupants on one side and two on the other side for a total of 10 people living on the two lots. Mr. Ceci submitted two pages of color photographs marked as Exhibit “A” and described the photographs as representations of the types of duplexes they build.

Mrs. Sovik inquired as to who would maintain the property and buildings. Mr. Ceci stated they would be maintained by Accessible Home Services.

Atty. Price asked how many people would be living in one duplex. Mr. Ceci stated three in one unit and two in the other unit.

Mr. Latone asked if there was a set of by-laws as to who can live in the homes. Mr. Ceci stated county regulations determine who they allow to live with each other. The SSA's oversee the caseloads of the disabled to insure the best possible decision making for the benefit of the clients. A lot of the disabled do not have family. For example, a younger more mobile disabled person will not be paired with an older immobile client. The county is very cautious of where placements are made.

Mr. Latone asked Zoning Inspector Crivelli if there is a set of bylaws in the county. Zoning Inspector Crivelli advised the county and state have regulations regarding living conditions and standards for the developmentally disabled and do periodic inspections, although he could not be specific. He did reference his developmentally disabled sister and inspections that have been conducted at her residence to insure her well-being.

Mr. Marsetellar asked if homes are built with specific clients in mind. Mr. Ceci stated his older sister Mary will live in one of the units. The homes are handicapped accessible. The access is cement and blends into the home versus aftermarket ramps. The bathrooms and kitchens are extra wide. Someone in a wheel chair can turn for access to all items in a kitchen.

Mr. Latone inquired about parking and driveways. Mr. Ceci speculated there could be one driveway to serve both buildings with two different garages. Each unit will be 1,000 to 1,300 square feet. Zoning Inspector Crivelli referenced the requirements for a slab duplex including 1,200 square feet of living space. Mr. Ceci stated they build slabs due to accessibility issues.

Mr. Latone inquired about Section 8 housing. Zoning Inspector Crivelli advised Section 8 is a government housing program and the township cannot discriminate against it. Mr. Ceci stated their clients will have no children and Section 8 is not something his clients qualify for.

Bill Clipse, 6914 Ruby Court, stated he has been approached about building the duplexes and referenced the two lots as not being practical to build 1,400 square foot homes in the price ranges of \$180,000.00 to \$185,000.000. He referenced his condos down the street are that size at a cost of \$100.00 per square foot. Banks will not appraise that high due to no comps for new housing in this area. The only alternative would be a home owner putting half down for an appraisal. No one can build a new home on either lot with a 10 to 20 percent down-payment. No builder in town will buy the lots and build a new 180,000 home as the banks won't appraise it and you won't be able to sell it.

No one else in attendance to speak in favor of the request.

Jeff Wardle, 1382 Bexley Drive, stated the proposed units would be in his backyard. He stated he opposes the zone change. When he moved in he thought it was a single-family neighborhood. He inquired about two years ago about the lots prior to building his garage and was told they are zoned as R-1 single-family. Mr. Warbles stated Austintown is 36% renters. There is a huge apartment complex next to us and granting the zone change will allow multi-plex housing into the single-family neighborhoods. A new precedent will be set and he questioned what is stopping someone from going to Fitzgerald Avenue and doing the same thing on those vacant lots. He referenced vacant lots directly behind the existing apartment complex. Single-family homes build stable neighborhoods. Although the proposal is for a good cause it is still a commercial venture. He stated he does not want to live in a commercial neighborhood.

Atty. Price inquired about who stated they wanted to keep single-family homes. Mr. Warble stated he went to zoning. Zoning Inspector Crivelli advised a few years back when the road was extended Mr. Warble questioned what could be built on the lots and was advised the zoning allowed for single-family only and a zone change would have to be approved via public hearings for multiplex housing. Mr. Warble stated he built his garage understanding that new single-family homes would be allowed. He stated he would not have invested money into his house if he knew this was going to happen. He would have fixed it up and moved out. He is no longer sure he wants to remain there. He described the request as a 24-hour commercial enterprise and operation. It's bad for the neighborhood and Gateway proved single-family homes can be built there. The Gateway house blends into the neighborhood.

Mr. Latone inquired if he was against the proposed use. Mr. Warble expressed his concern for changing to R-2 and stated Gateway did not require a zone change. He also emphasized they can build to any R-2 standard and referenced potential R-2 lots and houses on Idaho Road and Fitzgerald Avenue that can be razed and become R-2 lots for duplexes.

Atty. Price asked if his yard abuts these lots and if there are any fences and would it be less objectionable if there were a row of pine trees or some other suitable buffer. Mr. Warble stated he abuts the lots and has a partial fence. He also stated he has planted pine trees within his rear yard. He referenced the proposal as being a 24-hour care home and possibly having someone on the back porch at three in the morning. Mr. Warble stated there will be a saturation of homes with the Gateway home and the three vacant lots would equal 7 units in one spot. Atty. Price surmised there was nothing the Commission can do in terms of buffering to change his opinion.

Rick Commisky, 4748 Fitzgerald Avenue, stated he lives across from the lots. He is a life long resident and has seen tremendous residential and commercial growth thru the years. His father built about 100 homes in Austintown. He believes residential homes can be built there and the comps are all over the place and it is hard to do a comparable. He stated multi-family dwellings may add value to his property but there are issues behind his house and government programs can change over time and it can become Section 8. He expressed concern for squirrels and animals that nest in that area. It's the last area left with trees. Austintown is a wonderful community but when is "enough enough" with multi-family dwellings? They are everywhere. He will be surrounded with multi-family dwellings if this is approved and he wishes to sell his house. He has an 18 year old grandson who is disabled. The apartments have caused flooding and the new sidewalk on Idaho Road is causing him flooding problems. He referenced a neighbor with a flooding problem. He stated he is not here to oppose it, he is not for it, he wants to see the development of the community, but he does not want to be surrounded by these.

Christine Traichal, 1579 Idaho Road, stated she is a single parent with three children. She enjoyed living on a dead-end street and meeting with neighbors to talk. The road coming in has been no picnic. She has two children with disabilities and is not opposed to having anyone with physical disabilities living around her. Her concern is damage that has been done to

her property from Gateways, especially, at the devil strip. She did not get satisfaction when she called the water department to have the devil strip repaired. Further development concerns her and the impact it will have on her property. She has garbage thrown in her yard from the opening of the road and one of her statues has been taken. She likes her house and neighborhood but has concerns about new construction. She referenced the buildings have to make a profit and programs can change. She has a ten-year old boy she has to take care of and worry about his safety. She stated she is not opposed or against but concerned.

Cindy Svader, 1585 Idaho Road, stated she lives across from the proposed house and is concerned about her resale value and apartments creeping down the street.

No one else in attendance to speak against the request.

Bill Clipse stated the lots are heavily wooded and 200 feet deep. For new construction he anticipates clearing back about 130 to 140 feet with last 60 feet to remain as a buffer of woods. He referenced the road has storm sewers and their proposed building downspouts will tie into the storm sewer system. He speculated the new construction will cause less water in the rear yards than what there is now.

Mike Ceci stated the neighbors concerns are legitimate but they were attracted to these lots because Austintown is a great place to live and is accessible to a lot of things. They are not looking to make the area less attractive. The state government has been funding the idle waiver program for years. The state has closed down the group developmental centers. He referenced by example the recently closed facility located on County Line Road. The state wants clients integrated into society. Governor Kasich has upped the funding levels to allow for this type of housing. Where would these people go if the state stopped funding these programs? He promised the neighborhood will be thrilled if this new housing is approved. Due to the clients handicapped condition, they will not be building beyond the back deck which will allow for a nice rear buffer. He speculated the residents will be happy with their proposal but he understands their concerns.

The Austintown Township Zoning Commission adjourned at 6:49 P.M.

The Austintown Township Zoning Commission reconvened at 6:59 P.M.

2018-01-Z: Motion by Atty. Price to **ACCEPT** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to **Residential B-2 Districts**.

Seconded by Mr. Latone.

Roll call vote: Mrs. Sovik – No; Mr. Marsteller – No; Mr. Cole – Yes; Atty. Price – Yes; and Mr. Latone – Yes.

Zoning Inspector Crivelli advised the trustees will conduct a public hearing at a future date to be determined to make a final decision regarding the request.

Motion by Mrs. Sovik to adjourn the public hearing.

Seconded by Mr. Cole.

Roll call vote: Mrs. Sovik – Yes; Mr. Marsteller – Yes; Mr. Cole – Yes; Atty. Price – Yes; and Mr. Latone – Yes.

There being nothing further to come before the Commission, the hearing was adjourned at 7:04 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: _____
Mr. Latone - Chairman

DATE: _____