

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 11, 2018

PUBLIC HEARING
BOARD OF ZONING APPEALS

October 11, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, October 11, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2018-16-A- Charles and Annette Kalentis;
APPEAL CASE 2018-17-A- Gary J. and Mary K. Faunda; and
APPEAL CASE 2018-18-A-Brian C. Lichney.

The following Board members were in attendance:

Mr. Joe Koch - Chairman
Mr. Robert Satterlee - Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. Pat Simms

Alternate:
Mr. Dale Basista

Absent:
Mr. James Mahoney

Chairman Koch 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 2018-16-A

Charles and Annette Kalentis, 17487 West Akron-Canfield Road, Berlin Center, Ohio, 44401, 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 603-General Requirements: “Side Yards”, and Section 606-Open Front, Side, and Rear Porches, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for a 10’ x 20’ deck constructed without a zoning permit to remain as placed six (6) feet from the easterly side property line at the property located at 3703 Elmwood Avenue. Said property is further described as Lot No. 1, E.L. Zimmerman Plat, Parcel 48-009-0-219, is located at the southwest corner of the Elmwood Avenue-First Street intersection (First Street south of Elmwood Avenue is dedicated unimproved right-of-way). For corner lots, no structure shall be placed closer than twenty (20) feet to the side street property line nor closer than seven (7) feet to the interior lot line. An open side porch may not extend nearer to a side yard property line than the side yard requirements of the dwelling. An open porch is defined as open on three (3) sides except

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 11, 2018

for wire screening. 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 two site plans, five photographs, the case mailing list prepared by the zoning office, and four plat maps of the property. Zoning Inspector Crivelli advised this property was rezoned back to a Residence R-1 District from Residence R-2 Districts as part of the south Wickliffe neighborhood zone changes.

Mr. Koch stated the mailing list for case 2018-16-A will be incorporated into the case record.

Charles Kalentis, 17487 West Akron-Canfield Road, Berlin Center, Ohio, 44401, stated the house was rented for about ten years. When the last tenant moved they decided to sell and have remodeled the house with new windows, roof, siding, and were going to remodel the deck. Three quarters of the posts for the deck were rotten so they decided to rebuild it. He did not think he needed a permit. The width is a couple inches shorter than the previous deck but it is longer to make the house more marketable. He maintains the roadway including shoveling and placing gravel. He stated Mike Dockry placed road milling on the road. Mr. Kalentis stated when he purchased the house there was a concrete deck which he removed and replaced with a wooden deck. He owned a home on Forest Hill and when those tenants moved out they fixed it up and sold it.

Mr. Koch asked if there was a complaint. Zoning Inspector Crivelli answered in the affirmative.

Mary Lou Mueller, 3695 Elmwood Avenue spoke against the request and stated First Street abuts her property. She stated previous owners were told by zoning they could only put steps leading from the door. She stated this is the third deck constructed at the house and each deck gets bigger and bigger. They do not have enough room for this and they take the 50-foot right-of-way. At one time they had eight cars and a trailer and would let fluids drain onto the ground. She keeps the ditch along her property clear of leaves and has had rocks thrown at her and people screaming at her because they were told that property was given to them. It was not. The road has become their drive. The township put grindings down because the last renters destroyed the road and we had to watch gravel go flying everywhere. They feel nobody has any rights and this is too big. The road issue has to be resolved somehow. The township needs to start maintaining the ditch. They had a hot tub sitting at the corner of the house for six years. Property values went down because of their tenants. The deck is too close and they do not have room to have everything they want on that property. Mr. Satterlee observed he has made significant improvements. Ms. Muller stated three of five property owners have moved out because of his tenants.

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 7:15 P.M.

The Board returned from executive session at 7:18 P.M.

Mr. Satterlee observed that the deck is bigger than 10' x20'. Zoning Inspector Crivelli observed the legal notice was written with the dimension of the former deck and the proposal is for a deck measuring 10 x 32'.

2018-16-A- Charles and Annette Kalentis: Motion by Mr. Satterlee to approve the side yard variance to allow the placement of the 10' x 32' deck.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant to secure zoning and building permits and advised there is a 30 window of opportunity for any aggrieved party to file an appeal in Mahoning County Court of Common Pleas Court.

APPEAL CASE 2018-17-A

Gary J. and Mary K. Faunda, 3752 South Raccoon Road, Canfield, Ohio, 44406, appeals from the decision of the Austintown Township Zoning Inspector and request a variance of seven (7) feet from the terms of Article VI-Residence R-1 District, Section 603-General Requirements: “Front Yards”, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a living room addition measuring 20' x 7' x 12' to be placed at the easterly front wall. No building, exclusive of open porches, no more than ten (10) feet in depth, shall extend nearer to the front property line than the established setback. 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 August 29, 2018 into the case record, referenced a GIS site plan, one page of construction drawings, the original zoning permit for the dwelling issued in 1975, the case mailing list prepared by the zoning office, and four plat maps of the property. Also referenced was a statement of no objection signed by John Purdy, 3682 Brookview Court.

Mr. Koch stated the mailing list for case 2018-17-A will be incorporated into the case record.

Mary K. Faunda, 3752 South Raccoon Road, Canfield, Ohio, 44406, explained the current setup of the house and is proposing to remove the existing deck for an enlarged living room extending out 7 feet. The existing steps are cement and steep and will be

taken out and a more sloped gradual step being put in. This will help with access as her husband has knee problems. She described the proposed new steps with handrails. The steps will be at the south end. R&J is her contractor. She does not have a contract.

Gary Faunda testified that his wife is a professional decorator and knows how to fix things up. The contractor promised her she would be satisfied but they have not fixed a final amount for the work to be done. He promised it will greatly improve the outer appearance of the house and it will be safer to walk up and down the new steps.

Mr. Koch asked if there was an architect. Mrs. Faunda responded in the negative. The contractor drew a picture of what it would look like. There was discussion of securing better drawings. Mr. Koch observed the drawings are not to scale.

Mrs. Faunda inquired about the 10 feet read in the legal notice. Zoning Inspector Crivelli advised a homeowner can come out the front of the home 10 feet with an open on three sides front porch.

Mr. Satterlee inquired about the steps. Mrs. Faunda stated there will be a winding steps with less slope than there is now. Mr. Satterlee inquired as to the dimensions of the proposed steps. Mr. Faunda stated she did not know.

Mr. Koch Asked if there was a foundation. Mrs. Faunda stated there will be no basement but a crawl space for the HVAC and electrical.

Mr. Beaudis inquired about the treatment over the existing roof and inside. Mrs. Faunda referenced the picture and suggested maybe we should do this again. The front will have round stone and there will be a peak. Mr. Beaudis advised the drawing should depict everything and which will provide her some protection. Mr. Faunda suggested coming back with better drawings from the builder.

Mr. Koch advised he needs more information from better drawings and more detailed drawings for their own protection. He stated the builder should provide the drawings. He has a lot of questions for the builder. Mrs. Faunda stated he is a good builder and the neighborhood isn't that fancy, its nice and this will improve the look of her home and not hurt the look of other homes. Mr. Faundra agreed the Board needs more information with better detail.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2018-17-A-Gary J. and Mary K. Faunda: Motion by Mr. Satterlee to grant an extension with the stipulation the applicant submit architectural drawings with footer and detail for the proposed addition.

There was some further discussion initiated by Mrs. Faunda. Mr. Satterlee explained that better drawings are for her protection and the Boards review. Mr. Koch stated he would like to see the pitch of the roof, doors, windows, gutters, soffit, and the cathedral ceiling better depicted.

Mr. Koch inquired about the X's on the drawings. Mrs. Faunda stated she did not know what the X's are and stated she thought she was here just for the variance. Zoning Inspector Crivelli advised her she is correct but the Board does not want to approve something that is going to be terrible for the neighbors.

Mr. Koch stated the X's appear to be posts which indicate a wooden foundation as no foundation information is provided. No block and this could be a pressure treated lumber deck and questioned if the proposed crawl space is actually there. He questioned the way the door opens. Mrs. Faunda stated there was going to be a closet there. Mr. Koch stated better drawings will protect her and the neighbors.

Zoning Inspector Crivelli summarized the motion.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised there is no time limit for her to secure better drawings.

APPEAL CASE 2018-18-A

Brian C. Lichney, 1278 Woodledge Drive, Mineral Ridge, Ohio, 44440, appeals from the decision of the Austintown Township Zoning Inspector and request a variance from the terms of Article I-Definitions: “Agricultural” of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the feeding and sheltering of chickens and hens within 100 feet of an adjacent dwelling. The definition for “Agricultural” reads a follows: The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry. The above uses shall not include the feeding or sheltering of animals, exclusive of domesticated household pets, within one hundred (100) feet of an adjacent residential dwelling. Said property is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read an e-mail dated September 24, 2018 from the applicant into the case record, referenced a letter of violation dated August 27, 2018 issued by the Zoning Inspector, the case mailing list prepared by the zoning office, and four plat maps of the property. Also referenced was a GIS printout depicting the approximate distance of the chicken coop from the dwellings to the north and south of the subject property.

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 11, 2018

Mr. Beaudis inquired about the site visit. Zoning Inspector Crivelli advised a complaint was filed August 20, 2018 which led to a subsequent inspection. Mr. Beaudis inquired about the rat problem. Zoning Inspector Crivelli reviewed the rat problem and advised a neighborhood mailing was done to better educate the residents regarding prevention of rats.

Mr. Koch stated the mailing list for case 2018-18-A will be incorporated into the case record.

Brian C. Lichney, 1278 Woodledge Drive, Mineral Ridge, Ohio, 44440, stated he will not obtain and more chickens after these pass away. The first coup was back further but since he constructed the privacy fence he relocated the chicken coup inside the fence. He has had chickens for two years and does not know what changed as to why a neighbor has problems. He has no roosters.

Mr. Satterlee asked him to confirm that after these chickens pass he will not replace them. Mr. Lichney stated he would not replace them.

There was some discussion of how the variance would be granted. Zoning Inspector Crivelli explained the agricultural exemptions and the movement in Columbus to allow chickens and small farm animals within township neighborhoods.

Mr. Beaudis inquired about the property behind this one. Zoning Inspector Crivelli advised the property behind this property could accommodate farm animals legally under the township zoning ordinance.

Mr. Koch asked the applicant to speculate why someone would complain. Mr. Lichney stated maybe because of the rat problem. He stated he caught a few rats last year.

There was a discussion of the rat problem and the importance of cleaning up after family pets daily.

Mr. Satterlee asked for the record if he will be getting anymore chickens after these pass. Mr. Lichney stated he would not be getting any more chickens after these pass.

Mr. Glaros inquired about the life span. Mr. Lichney stated three to five years. The chickens are all the same age and about 2 ½ years old. When the chickens are younger you get one egg per day. Right now he is getting the total of three eggs per day.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

2018-17-A- Brian C. Lichney: Motion by Mr. Beaudis to grant a variance to allow the homeowner to keep the existing chickens in the current location on the property for

BOARD OF APPEALS PUBLIC HEARING – OCTOBER 11, 2018

feeding and sheltering for the duration their lives and according to the testimony provided that the applicant will not obtain any more chickens.

Seconded by Mr. Satterlee.

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

There being nothing further to come before the Board, the hearing was adjourned at 8:00 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Joe Koch – Chairman

DATE: _____