

AUSTINTOWN ZONING COMMISSION – NOVEMBER 29, 2018

PUBLIC HEARING  
AUSTINTOWN ZONING COMMISSION  
November 29, 2018

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, November 29, 2018, at the Township Hall, 82 Ohltown Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees proposed Amendment 2018-05-Z.

The following Commission members were in attendance:

Ron Latone – Chairman  
Mark Cole  
Bonnie Sovik  
Keith Marstellar  
Sam Swogger – Alternate

Bruce Shepas - Alternate

Absent:  
Atty. Robert Price, Vice-Chairman

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 September 27, 2018 public hearing.

Seconded by Mr. Cole.

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

Mr. Latone read the following statement:

The Public Hearing before the Austintown Township Zoning Commission for November 29, 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, than 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 2018-04-Z**

James M. Steiner, 86 Oak Tree Drive, Canfield, Ohio, 44406, requests the rezoning of two (2) parcels of land containing a combined total of 1.273 acres, Lot Nos. 24 and 25, Central Realty Company Plat No. 1, Parcels 48-030-0-016 and 48-030-0-015, 171 North Canfield-Niles Road and West Rockwell Road, Austintown Township, from Residential R-1 Districts to Business B-1 Districts with the easterly ten feet of Lot No. 24 to remain a Residential R-1 District. 171 North Canfield-Niles Road is rectangular in shape, having a frontage of 217.40 feet on North Canfield-Niles Road and a depth of 228.20 feet at the northerly property line, is located at the northeast corner of the West Rockwell Road-North Canfield-Niles Road intersection; and is zoned as a Residential R-1 District. Lot No. 24 is rectangular in shape, has a frontage of 100 feet and a depth of 200 feet, is located on the north side of the West Rockwell Road right-of-way, approximately 143.40 feet east of the West Rockwell Road-North Canfield-Niles Road intersection; and is zoned as a Residential R-1 District within Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of request dated November 6, 2018 into the case record, referenced four plat maps highlighting the subject parcels, two tax duplicates for the subject parcels, 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 November 27, 2018 with comment that the properties should be re-platted into one lot if a future project should be proposed.

James M. Steiner, 86 Oak Tree Drive, Canfield, Ohio, 44406, stated he cannot sell the property and residential is not suitable. The dwelling will be razed. The zone change will not affect the church and a ten-foot buffer is proposed at the east side of the property. This is a high traffic area. This would be a good location for an office. It is accessible from Rockwell. There was discussion of ODOT permit requirements for potential access of State Route 46.

Jared Cardillo stated he represents the church. They are in favor of the request to B-1. They have concerns regarding the sewer. Mr. Cardillo stated Mr. Steiner advised he would not have to tap into it from their lot. Zoning Inspector Crivelli advised the sewer is in the jurisdiction of the Mahoning County Sanitary Engineer and Mr. Steiner would have to make application with them for a future project and follow their criteria. He further advised the Zoning Commission has no jurisdiction over the sewer line. Zoning Inspector Crivelli suggested Mr. Cardillo contact the Mahoning County Sanitary Engineer's Office with the specific questions regarding the existing sanitary line.

Mr. Cardillo inquired about the church retention pond and would Mr. Steiner have access to it. Zoning Inspector Crivelli advised Mr. Steiner would not have access to tie into the church's pond unless there was an easement. He would have to design his project to the 100-year storm and if needed could negotiate with the church for a drainage easement.

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

No one else in attendance to speak against the request.

Mr. Steiner submitted a map depicting where the sewer line comes into his property. He secured the map for the future demolition.

Mr. Bayowski, 3686 Niles-Carver Road, stated he was the previous owner of the property and he put the sewer line in several year ago, it is a separate line and goes directly to Route 46.

Chris Morris, 164 North Canfield-Niles Road, stated he had no objection to the request and he talked to Fred and Joe and they have no objection. He requested a list of the properties that are zoned residential and commercial. Zoning Inspector Crivelli advised he can contact the zoning office for a copy of the zoning map.

The Austintown Township Zoning Commission adjourned at 6:16 P.M.

The Austintown Township Zoning Commission reconvened at 6:20 P.M.

**2018-05-Z-Steiner:** Motion by Mr. Marstellar to **ACCEPT** the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request to **Business B-1 Districts**.

Seconded by Mrs. Sovik.

Roll call vote: Mr. Cole – Yes; Mrs. Sovik – Yes; Mr. Swogger – Yes; Mr. Marstellar – 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.

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Motion by Mr. Latone to adjourn the public hearing.

Seconded by Mr. Cole.

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

There being nothing further to come before the Commission, the hearing was adjourned at 6:22 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: \_\_\_\_\_  
Ron Latone - Chairman

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