

BOARD OF APPEALS PUBLIC HEARING – JANUARY 5, 2012

PUBLIC HEARING
BOARD OF ZONING APPEALS
January 5, 2012

The Austintown Township Board of Appeals held a Public Hearing on Thursday, January 5, 2012, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following:

APPEAL CASE 2011-31-A-Fritz
APPEAL CASE 2011-32-A-Ludt

The following Board members were in attendance:

Mr. Joe Koch – Chairman
Mrs. Dawn Owens – Vice-Chair
Mr. Robert Satterlee
Mr. William Glaros
Dr. Thomas Stellers

Chairman Koch opened the public hearing at 7:00 P.M. All testimony in the following cases given under oath or affirmation. Court Reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Satterlee to approve the October 13, 2011 and December 1, 2011 minutes.

Seconded by Dr. Stellers.

Roll call vote: Mr. Glaros – Yes; Dr. Stellers – Yes; Mr. Satterlee – Yes; Mrs. Owens – Abstain; Mr. Koch – Yes.

Motion by Dr. Stellers to nominate Mr. Satterlee for Chairman of the Board of Appeals for calendar year 2012.

Seconded by Mr. Koch.

Roll call vote: Mr. Glaros – Yes; Dr. Stellers – Yes; Mr. Satterlee – Yes; Mrs. Owens – Yes; Mr. Koch – Yes.

Motion by Mr. Glaros to appoint Mrs. Owens as Vice–Chairperson of the Board of Appeals for calendar year 2012.

Seconded Dr. Stellers.

Roll call vote: Mr. Glaros – Yes; Dr. Stellers – Yes; Mr. Satterlee – Yes; Mrs. Owens – Yes; Mr. Koch – Yes.

APPEAL CASE 2011-31-A

John R. Fritz, 5093 Winslow Drive, Mineral Ridge, Ohio, 44440, 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-Side Yards and Carports, of the Austintown Township Zoning Ordinance, as amended through August 23, 2010, to allow for a carport measuring 10'6" x 22'7" and placed 2'8" from the easterly side property line to remain as constructed without a zoning permit. The minimum side yard requirement for a carport attached to a dwelling is 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 application into the case record, referenced a letter of support from Steve Hripko, also referenced a satellite photograph of the property, a site plan of the carport, a "Stop Work" order issued by Austintown Zoning on October 11, 2011, two photographs of the new construction, the case mailing list, and three plat maps prepared by the Zoning Office.

Chairman Satterlee stated the mailing list of those property owners notified for Case 2011-31-A would be incorporated into the case record.

John R. Fritz, 5093 Winslow Drive, Mineral Ridge, Ohio, 44440, stated he wanted to put the carport up to replace a white canvas portable that the wind kept blowing away. The carport as constructed is an improvement for the neighborhood over the portable structure. He failed to check with zoning prior to construction. He has a handicapped high-top van he wants to keep from the weather. The structure will be a roof with three open side and a picket fence on the side. There will be two foot of open space from the top of the fence to the top of the roof. There will be no garage door, windows, or electricity. The roof would be rolled. There is not enough pitch on the roof to use shingles. A rubber roof would be about \$1000.00 which is cost prohibitive. A steel sheeting roof would be loud when raining. He explained roll roofing to the Board. The structure will have gutters and downspouts.

Mr. Koch asked if the handicapped van fits in the existing garage. Mr. Fritz stated the garage door is the right height but there is not enough depth to fully accommodate the van. He explained the logistics of transporting his handicapped child.

Mr. Satterlee asked if he considered building a detached garage in the rear yard. Mr. Fritz stated he does not have a lot of room in the rear yard with the existing swing set and deck. There would be no backyard other than a small plot of grass if a garage were to be placed there.

There was discussion of the proposed picket fence that would be constructed along the side of the carport. The carport will have a one-foot overhang. Mr. Koch stated it doesn't fit in with the neighborhood. Mr. Fritz stated it looks better than a canvass garage. Mr. Koch observed it is a well-kept neighborhood and the flat roof structure is a detriment to the neighborhood. Mr. Koch stated he would not want this structure next to him if he were a neighbor. Mr. Koch suggested he would rather see a garage variance than a variance for a carport type structure.

Mr. Satterlee stated the Board looks at a lot of factors including the changing of the characteristics of the neighborhood. He stated this structure changes the characteristics of the neighborhood in his opinion. He observed no one has a similar structure in the neighborhood. He stated the Board is lenient on garages and additions in older neighborhoods such as Wickliffe. This is a new neighborhood and it's hard to give up required setbacks. Mr. Fritz stated it would be the same with a garage addition. Mr. Satterlee observed that a garage addition with the same roofline would be more in keeping with the neighborhood than the open carport. Mr. Fritz stated he does not have enough room to building a garage in the rear yard to accommodate the van and he would have to drive the van past the neighbor's house to the rear yard. The garage would probably cost ten thousand dollars plus two or three thousand dollars for a concrete driveway versus 600 hundred dollars for the carport. Mr. Satterlee stated the Board does not look at costs per se but rather hardship. Mr. Fritz stated his hardship is a daughter in a wheelchair and he does not have twenty thousand dollars to build a new garage. He wants to protect the vehicle for the next 15 years and he has to buy a thirty thousand dollar wheel chair and wants to save the vehicle he has in a cost effective way. He stated if he has to take the structure down he will, but, he will put the white carport back up and it will look even worse. Zoning Inspector Crivelli stated he was not aware of the temporary structure but advised that a portable canvas garage must be placed within the rear yard. Mr. Fritz stated he took the canvass garage down to build the carport so as to look more presentable to the neighborhood.

No one else in attendance to speak for the request.

No one in attendance to speak against the request.

The Board adjourned at 7:21PM.

The Board reconvened at 7:25PM.

2011-31-A – Fritz

Motion by Mr. Koch to **DISAPPROVE** the variance request.

Seconded by Mr. Glaros.

Roll call vote: Mr. Glaros – Yes; Dr. Stellers – No; Mr. Koch – Yes; Mrs. Owens – Yes; Mr. Satterlee – Yes.

Zoning Inspector Crivelli advised the applicant he has 30 days to file an appeal in Mahoning County Common Pleas Court. Mr. Fritz stated the carport would be removed by the weekend.

APPEAL CASE 2011-32-A

Gary Ludt, 214 North Beverly Avenue, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article III-Non-Conformities, Section 301-Continuance of Non-Conforming Uses, Paragraph 1 and Article VI-Residence R-2 District, Section 704-Private Garages And Other Outbuildings, of the Austintown Township Zoning Ordinance, as amended through August 23, 2010, to allow for the construction of a 16' x 21' (336 sq. ft.) addition to the west side of the existing private detached garage measuring 20' x 16' (320 sq. ft.) to be placed three feet from the southerly side property line. The minimum required side yard setback for a detached garage is five (5) feet. Said property is zoned as a Residence R-2 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter of application into the case record, referenced a hand drawn site and elevation drawings, a satellite photograph of the property depicting the addition, the case mailing list, and three plat maps prepared by the Zoning Office.

Chairman Satterlee stated the mailing list of those property owners notified for Case 2011-32-A would be incorporated into the case record.

Gary Ludt, 214 North Beverly Avenue, stated he would like to add on to the existing garage, an addition of 21 feet to be placed in-line with the existing garage. The siding will match. The roof line will match with new shingles. The next-door neighbor has a garage this large. He has a builder for the project. He wants the garage addition to park a second car in year round. The vinyl siding will match the house. The house next door is abandoned. The roof line will not match if he has to move the addition over two feet .

Mr. Satterlee observed the original setback was three feet. He also observed the house is very well taken care off. Mr. Ludt stated he cuts the grass at the abandoned house. Zoning Inspector Crivelli thanked him for cutting the grass at the abandoned home.

Mr. Koch inquired about the height of the garage door. Mr. Ludt stated it was six feet high. There was discussion of relocating the existing shed. Zoning Inspector Crivelli advised the shed must be placed five feet from the property lines. There was further discussion of the garage roofline.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

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2011-32-A –Ludt

Motion by Dr. Stellers to **APPROVE** the variance request including all representations made during the hearing.

Seconded by Mr. Koch.

Roll call vote: Mr. Glaros – Yes; Dr. Stellers – Yes; Mr. Koch – Yes; Mrs. Owens – Yes; Mr. Satterlee – Yes.

There being nothing further to come before the Board, the meeting was adjourned at 7:37 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

DARREN L. CRIVELLI, ZONING INSPECTOR

APPROVED: _____
Robert Satterlee, Chairman

DATED: _____