

PUBLIC HEARING  
**AUSTINTOWN ZONING COMMISSION**  
August 26, 2010

In accordance with Section 519.12 of the Ohio Revised Code, the Austintown Township Zoning Commission held a public hearing on Thursday, August 26, 2010, at the Township Hall, 82 Ohltown Road, Austintown, Ohio, for consideration of and recommendation to the Board of Township Trustees Amendment Request 2010-03-Z.

The following Commission members were in attendance:

Atty. Robert Price – Chairman  
Keith Marsteller – Vice Chairman  
Brett Hendricks  
Eugene Benyo  
Bonnie Sovik

The Public Hearing was opened at 7:05 P.M. by Atty. Price leading the Pledge of Allegiance.

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

Motion by Mr. Marsteller to **APPROVE** the minutes of the August 5, 2010 public hearing. Seconded by Mrs. Sovik.

Roll call vote: Mr. Hendricks – YES; Mrs. Sovik - YES; Benyo – YES; Mr. Marsteller – YES; Mr. Atty. Price – YES.

**AMENDMENT 2010-03-Z**

Reverend Father Peter Tomas, St. Anne Ukrainian Byzantine Catholic Church, 3055 South Raccoon Road, Austintown, Ohio, 44515, request the rezoning of a 14.35 acre portion of a parcel of land containing approximately 39.42 acres, Austintown Township, from a Residence R-1 District to a Business B-2 District. Proposed parcel number one (1) is rectangular in shape, has a frontage of 451 feet on Kirk Road and a frontage of 300 feet on South Raccoon Road. Proposed parcel number two (2) has a frontage of 200 feet on Kirk Road and a depth of 250 feet parallel to parcel number one. Proposed parcels numbers three (3) and four (4) have a combined frontage 650 feet on Kirk Road, a depth of 725 feet at the easterly side of proposed parcel number four, 720 feet on the westerly side of the proposed parcels numbers three and four, and an overall width of 651.52 feet. Said property is located at the northeast corner of the Kirk Road-South Raccoon Road intersection, has a frontage of 1,407 feet on Kirk Road and a frontage of 1,051 on South

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Raccoon Road; and is zoned as a Residential R-1 District in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant's letter dated July 14, 2010 into the case record, referenced a tax map outlining the four proposed lot to be rezoned, a site plan depicting the four proposed lots to be rezoned, the case mailing list prepared by the Zoning Office, a white and red plat map outlining the abutting properties and their zoning districts prepared by the Zoning Office, and a GIS map of the area.

Zoning Inspector Crivelli also referenced an updated drawing from Western Reserve Land Consultants submitted at the August 24, 2010 Mahoning County Planning Commission meeting and advised that proposed Lot No. 4 has 200 feet of frontage on Kirk Road and is a total of 8.10 acres versus the original map depicting 250 feet of frontage on Kirk Road and a total of 7.98 acres.

Zoning Inspector Crivelli read the following letter dated August 24, 2010 into the record:

Zoning Commission Members;

It has been brought to our attention that the Firm representing Saint Ann's Church for their zone change request has used Austintown Township in their presentation; as ultimately going to utilize this facility as a Community Center.

It is true that A.G.E. Austintown Generational Enrichment Group, (that includes Township representatives) has spoken to St Ann's representatives to seek information concerning this facility. They have also looked into Saint Josephs Church, the Austintown Elementary Schools, and various commercial sites.

We wish to make clear to the Zoning Commission that it is not the intent of the Board of Trustees to have any influence on these proceedings. The overall benefit to the community, and protecting the integrity of the neighborhoods, should be first priority as in all cases.

Respectfully Requested,

Austintown Township Trustees

Atty. Phillip S. Arbie, 409 Harmon NW, Warren, Ohio, 44483 stated he is the lawyer representing St. Anne's church and the Bishop controls the property which is owned by St. Anne's Church and the diocese of Parma. He stated the reason for the request is that the church congregation is diminishing to the point where they cannot sustain the existing facility, which has a church, school, and gymnasium. The church would like to develop the subject land to obtain funds to build a smaller church next to the parsonage. There are no definite commitments for future users, everything at this point is speculative, and the property needs to be rezoned before any commitments can be made with any companies. Anything including the Township Trustees and their interest are all proposed

dispositions of the property and there is nothing concrete as of yet. A nationally known pharmacy chain is interested in parcel one and would give a good presentation of their building and would be compatible with the area and the area across the street which is all commercial. Parcel number two would have a commercial use. None of the proposals would be incompatible with the area. Parcel three and four are also requested for a zoning change. Parcel four would have a buffer of 48 feet plus the 10 feet required by zoning for the benefit of the residents on Evelyn Road. Atty. Arbie stated Mr. Crivelli and another gentlemen from the zoning office suggested buffering the Evelyn Road properties and since one lot extends 48 feet beyond the rest of the lots it was determined to offer a buffer of 48 feet. He further stated this would allow an almost 60 foot buffer that is wooded and would remain undisturbed. He summed up by saying the church would not deal with anyone who was not reputable and would not want anything that is not compatible with the area.

Mr. Hendricks inquired about the 48 foot easterly buffer and in particular the lot that extends out at 3060 Evelyn Road. Atty. Arbie stated that property owner already has the 48 feet. An outburst occurred. Chairman Price had to calm down the audience. Atty. Arbie restated Lot 21 already has the 48 feet so it was suggested to give Lots 20, 22, 23, and 24 the extra 48 feet plus the ten which is almost 60 feet total of trees and buffer.

Mr. Hendricks inquired about the platting of parcel number 3 and why the northeast corner was not squared off. Atty. Arbie stated he did not know the reason why it is being proposed with that configuration.

Dawn Harnutovsky, 4323 Lake Road spoke in opposition to the request and stated she has the rectory in her backyard and questioned where the new church would be built and stated people will be in her backyard for church functions or a possible banquet hall late at night. The church also own a parcel of land that runs adjacent to her house which has not been talked about and she has concerns it may be changed to a road to access church property. She also stated no one knows how this property may be developed and we will end up with another strip plaza that will be vacant similar to what we have on Mahoning Avenue. She looks out her window and sees deer and other animals from the woods and does not want to lose that.

Ed Hartman, 4255 Lake Road stated he is in opposition to the request and does not like the growth policies of Austintown. He doesn't want Austintown to become another Boardman. Boardman is a mess, they can't keep up with it, and they have problems with their fire department. He does not see why every county road has to become another Mahoning Avenue. If it develops, it will continue to develop and people will continue to want more zone changes and Raccoon will become like 46. Where does it end? Canfield and Poland have really good growth polices and we should go more like them and away from Boardman. This is a bad idea as this is a nice residential area by Kirk Road and we have enough commercial development with to many empty store fronts. Rulli Brothers is fine right where they are or they can move out to Mahoning Avenue.

Sandy Ruffner, 3050 Evelyn Road spoke in opposition to the request and says she works in Boadman and agrees with the previous gentlemen that it is a mess and she does not want Austintown to become like that. She has lived in her house for over 30 years and likes her lot but now she doesn't know who will be in her backyard. The Bishop doesn't live here but is making decisions for all of us and it is very upsetting.

Melvin Ruffner, 3050 Evelyn Road spoke in opposition to the request and stated he has lived there since the 70's and everyone has back porches and they sit out there and watch the animals. Two days ago he saw three deer in the back yard. It is very peaceful back there. You see trees and not the back of buildings. People will not want to buy your house if you are staring at a commercial building. This type of development will bring a lot of noise, crime and broken bottles. People come to dump their garbage in commercial dumpsters. There are a lot of empty buildings everywhere and they look ugly. What's the guarantee if they put a strip plaza in that anyone will rent there? There is a brand new plaza across from Wal-Mart and there is only one business, a clip joint. They can't find anyone to rent it out so what is the sense in building more buildings. You should take care of the people who own homes. The buffer is a joke. The 58 feet has no trees. He welcomed the Commission to walk his backyard to observe it.

Steve Antal, 3052 Evelyn Road spoke in opposition to the request and stated he bought his house because there was woods behind it and understands he does not own the woods but the zoning is residential and not business. If the property was business when everyone bought their homes than it would be fair to allow businesses to develop with a 40 or 50 foot buffer. He stated it would be fair to allow homes or condos to be built there but it would be unfair to allow businesses. No one is explaining what type of building would be built and referenced dumpster placement and trash pick-up at four in the morning and all day deliveries by semi-trucks. The 50 foot buffer might as well be a 5 foot buffer since six month out of the year the trees are bare. He stated if approved the minimum buffer should be 150 to 200 feet. He recommended the homeowners be given 50 to 100 feet of property. What is the guarantee a two-hundred foot wooded buffer will stay wooded? If you change the current view from woods to a building and dumpster it is not going to help the value of the homes.

Cynthia Antal, 3052 Evelyn Road spoke in opposition to the request and stated she is a mother who worries about her kids in the front of her house because there are no sidewalks so she has them play in the backyard. Her 12 year old son has a medical condition and likes to play army in the woods. There is not a lot he can do due to a heart condition but he enjoys playing in the back woods. The property behind her house is not wooded. The property owners all maintain the areas directly behind there properties. The buffer will not be adequate and there will be dumpsters, parking lots, buildings, and people there. There is going to be perverts and now her kids will not be safe in the backyard because there will be sex offenders from Austintown and Youngstown who are going to come into her backyard and steal her kids. She has grandkids. There are kids everywhere in the backyards. Now she has to worry about a parking lot and her 8 year old runs out into the lot and gets hit by a car. Where's my child? I don't know I haven't seen him. He is over in the parking lot. It just doesn't make sense. I feel for the priest

and I feel for the church, but it isn't our fault the church is not making enough money. She stated for years she has given a lot of her money for bingo. Where did that money go? It's not our fault they can't maintain their church. She dealt cards for years at the festivals and knows how much money came into the festivals. There are other things that can be done to help the church. If you give us 200 feet of buffer we don't care what they do...we do care...and another thing that might go in there is check-into-cash...how many of those do we have? CVS, pharmacies, drugstores, there are too many and you don't know which one to go to. We don't need it.

Atty. Price asked the audience not to be repetitive and try to be brief.

Jack Morse, 3060 Evelyn Road spoke against the request and stated he owns Lot No. 21 that extends right to the zone change boundary. The ten foot buffer is all he is being offered and it is too small. He stated there will be a chain link fence covered with litter. McDonald's used to be across the street and their litter use to blow over to their backyards and was ridiculous and that was a small business not something of this magnitude. He stated he did not care about what happens at the corner and is more concerned about what happens near their properties. He stated there is a large row of pine trees that will create a natural buffer and suggested if they stay west of the existing natural buffer there would be less opposition. Atty. Price asked Mr. Morse if his main concern was the buffer and if there were a sufficient buffer would he oppose the request. Mr. Morse stated he wants the huge row of pine trees to remain undisturbed and does not want a chain link fence ten feet from his property covered in litter. At four in the morning you can hear the dumpster being dumped and the parking lot vacuumed across the street. Doing this directly behind his backyard the noise at night will be ridiculous.

Dyan Dowling, 3048 Evelyn Road spoke in opposition to the request and stated she recently purchased her home in part due to the existing environment. If businesses are placed behind her no one will want to buy her house and it will reduce the value of the homes in this area. She stated she is against the request regardless of the proposed buffering.

Bob Gerst, 4263 Lake Road spoke in opposition to the request and stated Dr. Bishop and his wife along with himself are at the lowest point on Lake Road and eight months out of the year they are under water. With more asphalt and concrete there will be more water. Where is it going to go? He stated the contour maps indicate the water would flow towards Kirk Road but once it's built up the water may flow towards Lake Road.

Al Yacopi, 4312 Lake Road spoke in opposition to the request and stated Lake Road is used as a cut-thru by speeders who want to avoid the traffic light at Kirk Road and South Raccoon Road. Forcing the kids to the front yards instead of the backyard concerns him. The additional traffic will cause more congestion for the entire area.

William Michaels 4204 Kirk Road inquired about the house on Kirk Road and asked what the buffer would be. Zoning Inspector Crivelli stated the house is located on future Lot No. 3 and suggested the church would demo the home and Lot No. 6 and a 0.27 acre

parcel are not subject to the rezone request. The proposed zone change is probably about 212 feet from his property. Mr. Michael stated he was against the request but they could buy him out.

Shelia Bishop, 4271 Lake Road stated when she obtained her homeowners insurance she was asked if she lived near commercial properties and wanted to know if this will raise her insurance rates. No answer was given.

Atty. Price thanked everyone for being brief and courteous.

Atty. Arbie stated the MCPC approved the request with a northerly conservation easement. He also stated with the zoning a new church can be built near the parsonage regardless of this request.

Jim Johns, 40 The Ledges, Poland, Ohio reviewed the map and stated the distance will be 320 feet from the north side of the zone change to the rear of the Lake Road properties. Atty. Arbie stated the intention of the plan is to record a conservation easement for the buffer. Atty. Price inquired about buffering at the east side. Atty. Arbie stated 48 feet plus 10 feet except for the one landowner who would receive ten feet.

Zoning Inspector Crivelli stated on August 24, 2010, the **MAHONING COUNTY PLANNING COMMISSION** recommended **APPROVAL** of the request per the agenda conditional upon leaving a 48' strip of residential as a buffer and recording a conservation easement to preserve the wooded area to the north of the request.

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

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

The Commission adjourned into executive session.

The Commission reopened the public hearing.

At the request of the Commission, Zoning Inspector Crivelli consulted with Hank Grover regarding the dimensions of the northerly buffer.

Hank Grover, WRLC, 8560 Market Street stated there were two drawings, one prepared a year ago for Mr. Johns and that is the one the Commission has. The new drawing marked as Exhibit "A" creates a fourth B-2 parcel and removed the parcel with the new church with a northerly buffer of 345 feet by 770 feet. Mr. Grover pointed out to the audience the location of where the new church will be proposed. The church parcel would be 500 feet deep and approximately 5 acres.

Mrs. Harnutovsky, 4323 Lake Road stated the church parking lot will abut her property and asked what kind of buffer she would get. Mr. Hendricks asked the process for building a church. Zoning Inspector Crivelli stated the property is zoned as a Residential

R-1 District and a new church would be a conditional use requiring a hearing before the Board of Appeals. At that time the Board of Appeals would conduct a public hearing and look at the proposed site plan and address buffering and any other issue. As the property is currently zoned, the property owner has the right to develop the land for single-family dwellings without any hearings or input from abutting property owners as long as they comply with zoning requirements, sub-division requirements, and all other requirements for a residential development.

Atty. Arbie asked Mr. Crivelli to explain the uses that would be permitted. Zoning Inspector Crivelli stated an applicant would have to comply with the permitted uses or conditionally permitted uses criteria of the B-2 district, regulations for setbacks, parking ratios, drainage, soil erosion, and sign regulations. Atty. Arbie asked if a building can be built ten feet from their properties. Zoning Inspector Crivelli stated that would not be the case for the first three lots as they do not abut the residential homeowners, however, development of Lot No. 4 could be ten feet from a property line. If the property is rezoned to Business B-2 than those regulations would apply and anyone can obtain a zoning permit if they meet the requirements for a B-2 property.

**2010-03-Z- St. Anne Ukrainian Byzantine Catholic Church**

Motion by Mr. Hendricks to modify the recommendation of the Mahoning County Planning Commission and recommend **APPROVAL** of the request for proposed Lot Nos. 1, 2, and 3 with the stipulation that the northerly portion of the property is recorded as a conservation easement and to approve Lot No. 4 with the stipulation that the easterly 175 feet by 720 feet remain as a Residential R-1 District buffer and be recorded as a conservation easement. Seconded by Mr. Sovik.

Roll call vote: Mr. Hendricks – YES; Mrs. Sovik - YES; Benyo – YES; Mr. Marsteller – YES; Mr. Atty. Price – YES.

Zoning Inspector Crivelli reviewed for the audience what the Zoning Commission just voted on and advised a mailing will go out once a hearing date for the Board of Trustees is set. There was no further business for the Commission.

Motion by Mr. Marsteller to adjourn the public hearing. Seconded by Mr. Benyo.

Roll call vote: Mr. Hendricks – YES; Mrs. Sovik - YES; Benyo – YES; Mr. Marsteller – YES; Mr. Atty. Price – YES.

There being nothing further to come before the Commission, the hearing was adjourned at 8:25 P.M.

AUSTINTOWN ZONING COMMISSION

Darren L. Crivelli, Zoning Inspector

APPROVED: \_\_\_\_\_  
Atty. Robert Price, Chairman

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