

BOARD OF APPEALS PUBLIC HEARING – NOVEMBER 9, 2017

PUBLIC HEARING
BOARD OF ZONING APPEALS
November 9, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, November 9, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-19-A-Lutz; and
APPEAL CASE 2016-20-A-VanDusen.

The following Board members were in attendance:

Mr. Robert Satterlee - Chairman
Mr. Joe Koch - Vice-Chairman
Mr. Michael Beaudis
Mr. William Glaros
Mr. Dale Basista - Alternate
Mr. James Mahoney - Absent

Chairman Satterlee opened the public hearing at 7:05 P.M. The following testimony was given under oath or affirmation. Court reporter in attendance, complete transcript taken of the hearing.

Motion by Mr. Koch to approve the minutes of the public hearings held on June 15, 2017, July 13, 2017, October 5, 2017, and October 18, 2017.

Seconded by Mr. Glaros.

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

APPEAL CASE 2017-19-A

Richard C. Lutz, 3900 Artmar Drive, Austintown, Ohio, 44515, 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 604-Private Garage and Accessory Building, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the construction of a 4' x 20' (80 sq. ft.) easterly front addition to the existing detached garage measuring 32' x 21' (672 sq. ft.) for a total garage area of 752 square feet.. The maximum permitted area for a detached garage is six hundred seventy-two (672) square 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 request dated October 17, 2017 into the case record, referenced a site plan, three pages of hand drawn exterior elevation

BOARD OF APPEALS PUBLIC HEARING – NOVEMBER 9, 2017

drawings, a GIS map depicting the lot dimensions, the case mailing list prepared by the zoning office, and four plat maps of the property.

Mr. Satterlee stated the mailing list for case 2016-19-A will be incorporated into the case record.

Richard C. Lutz, 3900 Artmar Drive, Austintown, Ohio, 44515, stated would like the garage addition to be approved so he is able to pull his boat into the garage. The addition will measure four feet by twenty feet.

Mr. Koch inquired about the cost of the improvement. Mr. Lutz advised \$8,500.00. There will be a gable over the front to support the garage door. The addition will consist of pole foundation with a reverse gable. The overhangs will be one foot. The siding will be matched.

Mr. Koch inquired about the corner. Mr. Ludt stated it would match. Mr. Koch expressed concerns regarding the centerline and the garage door. There was discussion of the construction drawings and the reverse gable. There will be gutter and downspouts tied into the house and discharging to the front (west).

Dave Ferrara, 7602 Catherine Street, Masury, Ohio, advised the gable would be centered on the garage door. Mr. Koch emphasized the importance of the center line. There was further discussion of centering the garage door. Mr. Ferrara assured it would be centered. Mr. Koch questioned the quality of the drawings and advised the center line is the most important part of the project. Mr. Koch suggested that he may need 22 feet in order to center the garage door. Mr. Ferrara stated the door measuring 16 feet would be centered. Mr. Koch advised any approval will require the door to be centered. He explained his reasoning to Mr. Ferrara. There was discussion between the applicant and his contractor. They are going to use the existing garage door.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2017-19-A-Lutz: Motion by Mr. Koch to approve the variance as submitted

Seconded by Mr. Basista.

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

Zoning Inspector Crivelli advised the applicant to secure zoning and building permits prior to the start of construction and also stated he would copy the building inspector on the letter of confirmation to further insure the garage door is centered.

APPEAL CASE 2017-20-A

Brian A. VanDusen, 1316 Bears Den Road, Youngstown, Ohio, 44511 on behalf of the Alco Land Company, 40 ½ South Meridian Road, Youngstown, Ohio, 44509, appeals from the decision of the Austintown Township Zoning Inspector and requests a conditional use permit from the terms of Article XI-Business B-2 District, Section 1102-Conditionally Permitted Uses, Paragraph No. 4 - Bar, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the establishment and operation of the proposed “Zodiac Lounge & Grille” to be located at 169 South Four Mile Run Road. Said properties are further described as Lot Nos. 1961-1962 and 2690-2692, are located on the east side of South Four Mile Run Road, approximately 925 feet north of the South Meridian Road-South Four Mile Run Road intersection; and are zoned as a Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Zoning Inspector Crivelli read the applicant’s letter of request dated October 13, 2017 into the case record, referenced two pages of interior floor plans, a letter dated September 6, 2017 from the applicant to the zoning inspector, a letter of determination dated September 5, 2017 issued by the zoning inspector regarding a bar being a conditional use requiring a public hearing, a letter of violation dated October 13, 2017, the case mailing list prepared by the zoning office, and three plat maps of the property.

Mr. Satterlee stated the mailing list for case 2017-20-A will be incorporated into the case record.

Brian A. VanDusen, 1316 Bears Den Road, Youngstown, Ohio, 44511, submitted exhibits into the case record. He referenced a letter from the property owner allowing use of three other lots for excess parking. He purchased the existing business on August 20, 2017 and it never shut down. He apologized for the confusion and understands as a new owner he needs the Boards approval. Mr. Satterlee inquired about when he was advised he needed a conditional use permit. Mr. VanDusen advised the business never closed and he purchased 100 percent of Pandora. The liquor board application was August 10th and took possession August 20th. Zoning Inspector Crivelli advised the September letter was mailed to property owner Elko, and subsequently, Mr. VanDusen contacted zoning.

Mr. Basista inquired about the patio and live music. Mr. VanDusen stated they made no changes to the building.

Mr. Satterlee inquired about his past experience running a bar. Mr. VanDusen advised he owned a full-service banquet hall in downtown Pittsburgh and a banquet facility in North LaSalle, which was a former McDonald’s building that they purchased the remaining lease time. The downtown facility went up for sheriff’s sale. He also operated a business at 914 Western Avenue, Pittsburgh, near the stadium called West Side Soul Food that seated about 120 people and left when the lease expired. He then moved to Smithfield Street and opened “My City Lounge”. That business was later sold. He also operated the

restaurant, bar, and banquet facility within the Windham at the Pittsburgh Airport for approximately one year. He is a tax preparer which brought him to Youngstown and he and his employees used to patronize the Pandora Club. He made an offer to buy the club and they accepted. Zoning Inspector Criveleli recalled the police chief advising him of a new operator based on the liquor license transfer.

Mr. Basista inquired why the previous owners wanted to sell the business. Mr. VanDusen stated they were having financial difficulties as the business was based on weekend entrainment which made it difficult to pay the monthly rent and other bills. He was informed by Eli Alexander that Pandora was \$15,000.00 behind in rent. There were four partners and some of them had problems with law enforcement.

Mr. Basista asked what he would do to make the business successful. Mr. VanDusen stated the business has to be structured on food with some entertainment and community events. Once the demographic comes for the food the liquor will sell itself. You need good food, good service, and a clean place. There was some discussion of previous tenants including Rachels and O'Malleys. Mr. VanDusen stated he has been a DJ for the past 20 years and worked for a radio station in Pittsburgh. He also works as a DJ for Star 94.7 and will do a joint partnership for marketing and advertising with them.

Mr. Koch asked if he would be a full-time owner. Mr. VanDusen stated he would be there for the most part but he has hired a management team. The chef is from a cruise line and will work from December to May while his is doing tax work and then he will pick up from May to December after tax time while the chef is out on the ship. Mr. VanDusen stated he also cooks.

Mr. Satterlee observed the entrees appear to be bar food. Zoning Inspector Crivelli marked the resume as Exhibit "A". The Alco land document as Exhibit "B". The menu was marked as Exhibit "C". Mr. VanDusen stated they have a chef as they will also do catering. They will take one step at a time as he is not from Ohio and does not know local shopping habits. A menu can be expensive with food inventory and food that goes bad is an expensive cost. They will offer neutral items on the menu until they can gradually fill out the market with a more diverse menu. Mr. Basista commented that super cheap wing nights can be successful.

Mr. Satterlee inquired as to his target market. Mr. VanDusen stated the target market is 25 to 55 year old demographic. Couples and individuals coming in for lunch and dinner with drink specials. They have not targeted the family atmosphere but are not against it. They are marketing to people coming home from work with happy hour and food offerings. They will provide entertainment. The happy hour is four to seven. After seven they will take requests for bar food. The kitchen will stop around seven. If people are buying we will be servicing. The outline can be adjusted. Just trying to get the feel of the Youngstown crowd.

Mr. Koch inquired about the drawing and number a bar seats which appears to be 24. Mr. VanDusen agreed about 24 bar stools and the tables convert from squares to sixes.

BOARD OF APPEALS PUBLIC HEARING – NOVEMBER 9, 2017

The dance floor and stage area will be utilized for tables during the day. There was discussion of the placement of six hi-top seating tables.

Mr. Beaudis inquired about the layout of the parking lot. Mr. VanDusen referenced the map of the lots Alco owns and pointed out the lots at the former Rachels he will have access to. He determined 66 spaces will be available with 15 spaces in an additional lot with 14 spaces in a neighboring lot. Mr. Satterlee observed the difficulty using those lots. Mr. VanDusen stated the Mahoning Avenue lots will have a shuttle provided by Easy Tax to service the auxiliary lots. He stated they had an event with a live band with attendance in the 150 to 160 range and they had no problems and no parking in the side streets. He had outdoor security and there were no parking problems. The shuttle is dedicated to allow use of the parking spaces. They can place 60 cars on the property rented.

Zoning Inspector Crivelli advised of the parking ratio for restaurants and bars. There was discussion of the net versus the gross square footage for parking spaces. Mr. Koch observed 60 parking stalls would be adequate for 48 diners. Zoning Inspector Crivelli advised there were restaurants at this location in the past with no problems but Pandora starting doing live events which led to parking on the streets and people leaving the facility at two in the morning walking thru the neighborhoods. He advised he sent Eric Harris to their first live event and they had out door security monitoring the parking and were prohibiting parking in the streets. Zoning Inspector Crivelli advised that outdoor entertainment will require another hearing. He also advised the basement was finished off without review from zoning, fire, or building inspections. He stated he met a deputy who was working security for Pandora to better manage the parking situation due to problems in the neighborhood from live events. Mr. VanDusen advised that was Adreian and they have inherited him.

Mr. Beaudis inquired about outdoor lighting. Mr. VanDusen stated the pole lighting was disconnected and that has been repaired and turned on. The lights all work. They are sensor activated. The current lighting is adequate as long as it is turned on. He stated everyone will be safe from one corner to the next inclusive of the grass lots. There are no dead spaces. Everyone who comes out will feel safe going to their vehicle.

Mr. Satterlee inquired about the music on the patio and why they have to have it. Mr. VanDusen stated the patio is for smoking overflow and they never intended on putting bands out there. The stage is on the inside. You can't put 100 people outside with a band as that would be counterproductive. They want the people inside and only go outside to smoke and then come back in. Furthermore, there would not be enough seating outside on the patio to accompany the band and customers. The speakers are one foot by four inches to serve the jukebox. There will never be any tower speakers or PA systems for a DJ or any amplified system outside. He stated Eli Alexander has a juke box company and Pandora utilized the speakers for the jukebox. They will utilize the speakers if they have a jukebox. He is not trying to entertain outside.

BOARD OF APPEALS PUBLIC HEARING – NOVEMBER 9, 2017

Mr. Basista asked if there were past complaints. Zoning Inspector Crivelli advised the problems with Pandora were parking especially when people were leaving and problems with beer bottles and loudness in the neighborhoods. Mr. VanDusen stated Pandora brought in Snoop Dog and that event was too big for the facility. It was observed that once Adriane came on duty the problems with parking seemed to stop. Mr. VanDusen stated Adriane will continue to work with Zodiac.

Mr. Satterlee inquired about security. Mr. VanDusen stated there will be security for events. The security is in suits with no weapons. Security greet people and walk around. They are professional and understand they are working for the establishment. They will have a soft look.

Mr. Satterlee inquired about occupancy during live events. Mr. VanDusen stated the floors will be operated as two different entities. The downstairs looks like a club whereas the upstairs looks like a lounge with leather chairs, hi-top tables, glass, and marble, a plank bar to relax and eat. Downstairs has a stage, dance floor and a small balcony. The bands will be downstairs. He estimated the occupancy at 145 downstairs and 195 upstairs. Mr. VanDusen explained when you come in the dining area is immediately in front of you but there is an extension of the patio which can hold about another 60 people to the right and seating for 48 inclusive of the tables including the rounds, the squares, the high tops and the stage. If setup theater style you can get 120 with the proper aisles with angles and exit for duress. You can get at least 100 seats as you can get 50 with tables and chairs not exclusive of the lounge area.

Mr. Satterlee asked if they would have chairs for bands. Mr. VanDusen stated chairs would be placed around the perimeter. He advised the drawing depicts dining only. If they have a band all the tables will go to the wall to allow an open area for standing. There is no seating downstairs. There are stages both upstairs and downstairs. It is possible he would have two live events at the same nights.

Mr. Satterlee expressed concerns about the former Rachels restaurant being leased and him losing that auxiliary parking. Mr. VanDusen stated there will be no issues as they are leasing that space for overflow. He stated if the building is leased it may affect their numbers but emphasized there are three parcels there. He suggested they would be over the number of spaces required with the lots based on their square footage.

Mr. Basista asked how previous owners got away with inadequate parking. Zoning Inspector Crivelli advised there was no plan review and it was done without knowledge of zoning and if they bring a national recording act in for a cd release party with a following tied into a local radio station that would have to be managed.

Mr. Koch asked the height of the basement ceiling. Mr. VanDusen estimated the ceiling being 30 feet as there is a balcony and a DJ booth. Zoning Inspector Crivelli advised the previous club had been eventually approved by fire safety and the fire department was there one time due to occupancy issues which led to Pandora being cited by zoning for nudity.

Mr. Koch asked if he was going to rent the facility for example for bachelor parties. Mr. VanDusen answered in the affirmative. Mr. Basista recalled the facility being rented out for wedding parties. Mr. VanDusen stated it can be rented for banquets and he has past experience with banquet halls and can provide tables, chairs and linens. You won't even know you are in a basement.

Mr. Koch observed the front needs work and complimented Mr. VanDusen on his presentation and asked that the site be cleaned up. Mr. VanDusen stated he understands the conditional use requirements and review period and stated the back of the building is a mess and they will clean it up. He stated at the fence behind the building there is a lot of debris that will be removed to improve appearance. He will find a spot for the dumpster and grease trap in the back. For the record, Mr. VanDusen stated he will clean the back area. Mr. VanDusen depicted on the GIS photo Parcel 119 and stated the dumpster and grease bin can be placed at the rear property line. He agreed to a three-sided enclosure.

Mr. Glaros asked if he will cater when the basement is rented. Mr. VanDusen answered in the affirmative.

Mr. Satterlee observed the dumpster will be moved and have a three-sided enclosure. Mr. VanDusen answered in the affirmative and stated they will use stockade fencing for the enclosure. He will do landscaping in the beds and make some repairs to the sign in the bed. He anticipated signage on the front wall. There was discussion of the placement of the gas and electrical meters and removing a tree. Mr. VanDusen is the only owner but has a management team.

Mr. Beaudis observed he needs 153 parking stalls and inquired if the Board is comfortable with the off-site parking. Mr. VanDusen stated they will place on event advertisements the location of the over-flow parking and place signage in the parking lot and they will have someone outside managing the parking. Mr. Koch suggested the employees should park at Rachels and shuttle them to the facility. Mr. VanDusen was in agreement. Mr. Koch advised if it becomes a problem he will have to reappear before the Board.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

2017-20-A- VanDusen: Motion by Mr. Koch to approve the conditional use with all testimony entered as part of the record.

Seconded by Mr. Glaros.

Roll call vote: Mr. Glaros - Yes; Mr. Basista – Yes; Mr. Beaudis – Yes; Mr. Koch – Yes; and Mr. Satterlee – No.

BOARD OF APPEALS PUBLIC HEARING – NOVEMBER 9, 2017

Zoning Inspector Crivelli advised Mr. VanDusen to accomplish all that he testified to and to manage the parking for live events. He also advised he will tell the trustees there are no zoning objections to the transfer of the liquor license and did not anticipate any objections from the police chief.

There being nothing further to come before the Board, the hearing was adjourned at 8:46 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: _____
Bob Satterlee – Chairman – 2017
Joe Koch – Chairman - 2018

DATE: _____