

BOARD OF APPEALS PUBLIC HEARING – DECEMBER 7, 2017

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
December 7, 2017

The Austintown Township Board of Appeals held a Public Hearing on Thursday, December 7, 2017, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following cases:

APPEAL CASE 2017-21-A-Traylor; and  
APPEAL CASE 2017-22-A-Siegel.

The following Board members were in attendance:

Mr. Robert Satterlee - Chairman  
Mr. Joe Koch - Vice-Chairman  
Mr. Michael Beaudis  
Mr. William Glaros  
Mr. James Mahoney

Chairman Satterlee 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.

Motion by Mr. Koch to approve the minutes of the public hearings held on May 25, 2017 and August 17, 2017.

Seconded by Mr. Glaros.

Roll Call Vote: Mr. Beaudis - Yes; Mr. Basista – Yes; Mr. Glaros – Yes; Mr. Koch – Yes; and Mr. Satterlee – Yes.

**APPEAL CASE 2017-21-A**

James Traylor, 1194 Cross Drive, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and requests a variance from the terms of Article I-Definitions: “Accessory Use”; Article VI-Residence R-1 District, Section 601-Permitted Uses; and Article XVII-Supplementary District Regulations; Subsection 1711-Home Occupations, of the Austintown Township Zoning Ordinance, as amended through November 25, 2014, to allow for the establishment of the proposed “J.T. Tactical Solutions” non-retail Federal Firearms License business as a home occupation at the dwelling located at 1194 Cross Drive. A gunsmith business is not listed as a permitted use or accessory use in a residential district. Said property is zoned as a Residence R-1 District in Austintown Township, Mahoning County, State of Ohio.

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Zoning Inspector Crivelli read the applicant's letter of request dated October 17, 2017 into the case record, referenced eight color photographs of the exterior and interior of the dwelling, the case mailing list prepared by the zoning office, and four plat maps of the property.

James Traylor, 1194 Cross Drive, Austintown, Ohio, 44515, requested the Board to allow the business. It is not a high traffic business and he has a select list of clients such as personal friends who do not want to go to gun shows and gun stores. He will purchase out of state guns to be shipped to his house and he will serve as the dealer to process the paperwork and do the background checks in order to make the sales legal in Ohio. The customers will set a time and date to come onto his property to pick up their guns.

Mr. Satterlee asked about how many firearms sales he expected. Mr. Traylor estimate d two sales a week. He earns revenue from processing the paperwork and not on the sale of guns. Customers order the guns directly from the retailer.

Mr. Koch asked how long he has had an FFL. Mr. Traylor stated he has his ATF paper work completed and a back-ground check has been done with the Sheriff's office but does not currently have the license as he still needs a place to conduct business. He stated this will not generate enough revenue to justify leasing a commercial property. He speculated if the business grows he would eventually lease a property for retail.

Mr. Satterlee asked at what point and how many customers before he felt he would need a store. Mr. Traylor estimated 15 to 20 customers a month and he would have to employ someone to handle that many sales. He currently has six customers.

Mr. Koch asked if he would be selling ammunition. Mr. Traylor stated he would not be selling ammunition with a weapon. Mr. Satterlee asked him to clarify if he would be selling ammunition. Mr. Traylor stated he would not be selling ammunition.

Mr. Beaudis asked if he has a gun safe. Mr. Traylor stated he has safes as he hunts and is a target shooter. He has a security system on his house. Shipments will come FedEx or UPS. He works for UPS and can control his packages and can pick them up in Girard. His next-door neighbor is a FedEx driver and they can set up a will-call situation so the neighbor can secure the packages. All firearms packages have to be signed for and cannot be left on a porch.

Mr. Basista inquired as to the extent of the business. Mr. Traylor stated he would like to eventually own a sporting goods store but wants to learn the firearms business first. He wants to place a small sign-professional name plate on the front door or front of the house. He does gunsmithing as a hobby but does not do milling or altering of any type of weapon. He does basic cosmetic work such as a new stocks or new barrels and some custom work.

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Mr. Satterlee asked if he would be selling scopes or other items out of his house. Mr. Traylor stated he would be doing work like that such as mounting or something extra. He builds rifles for selling at gun shows. He has a good reputation for rifles.

Mr. Koch inquired as to the number of guns on-site including his personal collection. Mr. Traylor stated he has a collection but for the business it will be “just in time” inventory system. He has lived there for 13 years and is married with two adult daughters who know how to work a gun. There will be no problems with little kids having access to guns. He hopes to have the guns off the property and into customers hands within days of receiving a shipment.

Mr. Basista asked what happens if someone cannot buy a after a failed back-ground check. Mr. Traylor stated there would be a restocking fee and the gun would be shipped back to the retailer and there would be a paperwork trail for a case like that.

Mr. Beaudis expressed concern about the closeness of his house to the schools. Mr. Traylor stated there are homes closer to the school with gunowners and you can't get away from it. Mr. Koch stated he would have more comfort with a FFL dealer who knows the ropes living in a neighborhood near a school.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2017-21-A-Traylor:** Motion by Mr. Koch to approve the variance for an accessory use including all representations made by the applicant.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised the applicant he would not need to secure a zoning permit for placement of the name plate sign on the house.

**APPEAL CASE 2017-22-A**

Attorney Lee Siegel, 125 Taylor Street, #19C, Brooklyn, New York, 11249, on behalf of Parnasa, LLC and Leber Real Estate, Ltd., 5335 Seventy-Six Drive, Austintown, Ohio, 44515, appeals from the decision of the Austintown Township Zoning Inspector and alleges error in the issuance of a written determination dated October 25, 2017 classifying a proposed “respite” to be located 5325 Seventy-Six Drive, Unit 1, as a “sexually oriented business” from the terms of Article I-Definitions: “Zoning Permit”, Article II-Enforcement-Section 203-Occupancy Permits, and Article XIX-Sexually Oriented Businesses Amendment To The Austintown Township Zoning Resolution Limiting Sexually Oriented Business to Specified Zoning Districts and Requiring That They Meet

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Locational Criteria And Be Dispersed, as amended through November 25, 2014, and requests the Board of Appeals overturn the letter of determination dated October 25, 2017 and allow the proposed respite an occupancy/zoning permit for the tenant space located at 5325 Seventy-Six Drive, Unit 1. Said properties are further described as Parcels 48-090-0-006.04 and 48-090-0-006.05, Lot No. 4, Irregular replat of Lot No. 1 Rebel Plat No. 1, are located on the south side of Seventy-Six Drive; approximately 619 feet east of the North Canfield-Niles Road-Seventy-Six Drive intersection; and are zoned as Business B-2 Districts in Austintown Township, Mahoning County, State of Ohio.

Case transcript prepared by Court Reporter Dena Crissman and on file at the Austintown Township Zoning Office.

**2017-22-A-Siegel:** Motion by Mr. Koch to affirm the letter of determination dated October 25, 2017.

Seconded by Mr. Glaros.

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

There being nothing further to come before the Board, the hearing was adjourned at 9:35 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

APPROVED: \_\_\_\_\_  
Bob Satterlee – Chairman – 2017  
Joe Koch – Chairman - 2018

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