

BOARD OF APPEALS PUBLIC HEARING – FEBRUARY 8, 2018

PUBLIC HEARING  
**BOARD OF ZONING APPEALS**  
February 8, 2018

The Austintown Township Board of Appeals held a Public Hearing on Thursday, February 8, 2018, at the Township Building, 82 Ohltown Road, Austintown, Ohio, for consideration of the following case:

APPEAL CASE 2018-01-A-Sam’s Wedge Inn.

The following Board members were in attendance:

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

Chairman Koch 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. Glaros to approve the minutes of the public hearings held on May 4, 2017, September 7, 2017, November 9, 2017, and December 7, 2017.

Seconded by Mr. Glaros.

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

**APPEAL CASE 2018-01-A**

Sipe + Tepe Architects, LLC, 11524 Market Street, P.O. Box 332, North Lima, Ohio 44452, on behalf of the Alcyon Realty, LLC, 6448 New Road, Austintown, Ohio, 44515, 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 remodel and occupancy under new ownership of “Sam’s Wedge Inn” located at 1685 South Raccoon Road. Said property is further described as Parcel 48-080-0-087, Lot No. 1, Klenner Plat No. 1, is located at the northeast corner of the South Raccoon Road-New Road intersection; and is zoned as a Business B-2 District in Austintown Township, Mahoning County, State of Ohio.

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Zoning Inspector Crivelli read the applicant's letter of request dated January 4, 2018 into the case record, referenced five pages of architectural drawings, the case mailing list prepared by the zoning office, and four plat maps of the property. Also read into the case record was an e-mail from Tim Burkert, P.E. of the Mahoning County Engineer's Office regarding landscaping and work being performed within the public right-of-ways.

Mr. Koch stated the mailing list for case 2018-01-A will be incorporated into the case record.

Doug Sipp, 11524 Market Street, North Lima, Ohio, stated the existing building will remain as is. The interior of the building will be expanded. The brick wall behind the bar has been removed. The interior will be opened up with a lot of windows. The brick and wood exterior will remain. The cupola at the top will be rebuilt and lit. Signage will be added to the building including the triangular area of the building. There will be low plantings at South Raccoon Road and New Road. The rest of the property will be cleaned up with patching, taring, and asphalt work being done on the parking lots. The parking spaces will be striped in the spring.

Mr. Satterlee inquired about the guard rail. Zoning Inspector Crivelli advised the guard rail belongs to the Sabatine property. Mr. Sipp stated there is a lease with Mr. Sabatine and they hope to remove the guard rail and they will clean up that property also.

Mr. Satterlee inquired about the doors. Mr. Sipp stated one door will be removed completely and referenced the elevation drawings. Windows on the west wall will be opened up to create a better lighted interior. Windows will be added to the south and west sides of the building.

Mr. Satterlee inquired about the parking stalls. Mr. Sipp stated they are proposing parallel parking on the south side of the building which will allow for maneuverability. The leased parking to the east will give more parking than needed.

Marc Presley, 7030 Ruby Court, Austintown, Ohio, stated they have a three-year lease with renewable one-year terms after that. Mr. Sipp advised they have access to Mr. Sabatine's property. He observed the office building's main parking lot is on the east side and will be utilized by their future tenants. Mr. Satterlee observed parallel parking is difficult. Mr. Sipp stated the original parking required backing up over the curb into New Road. He further stated angled parking would not work and would have only added one more space and the county does not want the curb removed.

Mr. Beaudis observed the two spaces at the southwest corner of the property were worthless. Mr. Sipp stated they can accommodate small compact cars. They will place new curbing in the area.

Mr. Koch inquired about a contingency plan if the abutting properties are sold. Mr. Presley advised he has the right of first refusal if Bob Clemons decides to sell. Prior to asking the family for an easement he was advised the property is not for sale but in the

future if it was up for sale they would have the right of first refusal. They have a lease document in place for the Sabatine property including the space in the back. He estimated parking for an additional 30 to 40 vehicles on the former Rango's property. The Rango's property is about 2 or 3 inches higher in elevation. Mr. Beaudis asked if they would pave the property. Mr. Presley answered in the affirmative and stated they can gravel or pave the lot. He speculated that the Sabatine parcel is landlocked and highly unlikely to sell if Sam's Wedge Inn is not involved in the transaction. He stated Mr. Sabatine is holding out hope that a restaurant chain or something of that nature will eventually want to buy the whole corner. He purchased Sam's on August 1<sup>st</sup>.

Mr. Satterlee observed it is great they bought the property and are going to clean it up but they shouldn't depend on abutting properties they do not own for parking. There was discussion of the Rango property and the easterly depth. Mr. Presley advised they will have the option and paving or gravelling the Rango lot. Mr. Sipp stated it already has a gravel base. Mr. Presley advised as part of their agreement they will maintain the property. Mr. Koch asked if he (Sabatine) will sell it. Mr. Presley responded that the asking price is not anywhere near what the lot would be worth to utilize as parking. He (Sabatine) is hoping that a Burger King or Arbys will buy the whole thing (the four properties). The lease exhibit was entered as Exhibit "A". The parking easement for the Clemons property was marked as exhibit "B".

Mr. Koch asked if it was a perpetual easement. Mr. Presley advised in the affirmative and stated he has known the Clemons family all his life and the family did not want to take any compensation for the parking lease. He speculated that if the property went up for sale he was confident the Clemons family would sell him the small portion depicted in the lease easement. The Clemon's building and parking is not impacted by the lease as their parking is on the east side of the medical building.

Mr. Basista inquired about an opening date. Mr. Presley speculated summertime. His partner Don Sherwood and himself have undertaken the project in a deliberate manner and are not rushing or shortchanging or cutting corners. They will do it right as Sam's is an institution and has been here for 50 years. It will be restored so the community of Austintown can be proud of it. They will invest resources to make it a successful business. This is not a hobby. They are both life-long residents of Austintown and moved their business firm to Dr. Geletka's building on Mahoning Avenue. Their employees will be residents of Austintown. This will be a completely new look, fresh, crisp, modern, and a place every one will be proud of and frequent to eat here. There were no fights there in 50 years. The prior owners were proud of that. It will be run the right way, it will be successful, and contribute to the community. It will be a positive sight on that corner.

Mr. Satterlee inquired about the menu. Mr. Presley stated in will be a bar type menu but more extensive than it was before. Sandwiches, wraps, salads of better quality than was there previously. They do not anticipate being open for lunch. The hours will be about 3:00P.M. until possibly on the weekends 2:00A.M. Hours will be adjusted based on demand. They will have professional management with restaurant experience.

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Mr. Koch asked if they had been in the restaurant business. Mr. Presley answered in the negative. The restaurant industry always interested them and they inquired about this property about ten years ago. This is a first step in this industry for them. They would like to look for other opportunities in this community. They purchased the building, the business, the rights to the name, a small amount of inventory, and fixtures some of which were unsalvageable.

Mr. Koch inquired about the investment to be undertaken for the remodel. Mr. Presley estimated the remodel and all new equipment will be in the range of \$200,000.00. From a financial standpoint this is a genuine commitment on our part. The building is one level slab. There will be a dedicated kitchen staff during all hours of operation. The bartenders will not be cooking or serving. As they become successful they will become charitable towards the things they care about such as the high school, youth programs, and programs of that nature.

Mr. Beaudis inquired about placing a fence on the Rango lot. Mr. Presley answered in the affirmative and stated they would construct one if needed. Mr. Beaudis stated it would eliminate cut-thru traffic.

Mr. Koch inquired about their intent to gravel the Sabatine lot. Mr. Presley stated they could gravel or depending on costs pave. The slag base would prevent the weeds. They will clean the area of weeds and trees near the billboard area and continue to maintain the lot. Zoning Inspector Crivelli observed the lease agreement allows them to better maintain the Sabatine lot but asked the Board not to require the applicants to make an improvement on a property they do not own as a condition to operate at this location. Mr. Koch disagreed and stated he is renting it and is stating on the record that he will gravel it. Mr. Koch also inquired about using the east side of the medical building parking lot. Mr. Presley stated they have not leased it but the property owner has given verbal permission to use it.

Mr. Koch stated cleaning the parcel will be a big help but off the record it is good to know there will be new gravel or paving. Mr. Presley stated at a minimum they will maintain the property as their customers will be parking there and they will have full liability coverage on the parcel. If it pleases the Board to request taking the guard rail down than they will do that at their expense. Mr. Koch stated the Board wants them to be successful and have as much momentum going into this. Making sure the site is presentable as customers going out to eat don't want parking to be a hassle. If that property is cleaned up it will look like you own it and you are taking care of it.

Mr. Satterlee inquired about the number of employees. Mr. Presley and Mr. Sipp estimated six at maximum staffing levels during peak hours (two bartenders, two servers, two kitchen staff).

Mr. Koch inquired about the previous customer base. Mr. Presley stated over the past five years the customers changed to being individuals going in for long periods of time

drinking beer. It was not very family based, profitable, or smart. The business steadily declined and would have closed by 12-31 if they had not purchased it. The business was not profitable over the last 36 months.

Mr. Koch asked about the ambience. Mr. Sipp stated they want to bring back what was there. The existing wood panel ceiling with beams will be emphasized, there will be televisions, the bar will be wood and stone. There will be booths. The glass and bright lighting will hopefully be family friendly. It will have the feel of a sports bar without actually being a sports bar. Mr. Presley stated there will be a sports theme but not the BW3 look with 70 televisions. It will be a place people can go to after a round of golf and have a good quality meal and watch Steelers-Browns-Ohio State games or a place to go after Fitch football and basketball games. They have received positive feedback from the community as to when Sam's will re-open.

Zoning Inspector Crivelli advised in a phone conversation last week Mr. Sabatine had no objections to the proposal or the use of his lot and that the investment will make his lot more valuable. Mr. Satterlee commented on the area referencing the newly opened El Cowboy and new investment in Barry Dyngles.

Mr. Presley stated they will have new logos, a social media presence, and an active website. Mr. Sipp stated the roof sign will not be a digital message center. It will be internally lit with L.E.D. lighting.

No one else in attendance to speak for the request.

No one else in attendance to speak against the request.

**2018-01-A-Sam's Wedge Inn:** Motion by Mr. Satterlee to approve the conditional use request with all testimony presented.

Seconded by Mr. Glaros.

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

Zoning Inspector Crivelli advised zoning and building permits will be required prior to the start of construction and for signage. He advised that based on the Sabatine lease the property will be maintained and he not require it to be graveled or paved although improvement would be appreciated by the Board.

There being nothing further to come before the Board, the hearing was adjourned at 7:48 P.M.

AUSTINTOWN BOARD OF ZONING APPEALS

Darren L. Crivelli, Zoning Inspector, Austintown Township

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APPROVED: \_\_\_\_\_  
Joe Koch – Chairman - 2018

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