

LeRoy Township Zoning Commission
November 14, 2016
Working Session Meeting Minutes

Meeting called to order at 7:04 p.m.

Members Present: Dennis L Keeney, Rob Coulter, Anthony Falcone, Jeff Kenyon, alternate Tom Gabor, and Secretary, Julie Himmelman

Absent: Ted (T.R.) Hach, Jr.

Guests: Trustee Heather Shelton, Zoning Inspector Myron Telencio, Assistant Zoning Inspector Shawn Parker, Attorney Ron Graham, Appeals Board Members Rudy Veselko and Susan Hanna

Audience: Rodney Shelton

Minutes: The Minutes from the October 10, 2016 minutes were read. Motion to accept by Anthony Falcone, seconded by Jeff Kenyon. All present accepted.

Correspondence: Zoning Inspector reported only correspondence was from the Lake County Planning Commission and will be reviewed under Old Business

Reports:

Zoning: Myron Telencio

- **JJJ (Properties)** - Had to reschedule meeting with them regarding their current violations due to mix-up in court.
- **Mahr Farm** Will have another pretrial meeting with them next month regarding the junk on the property and scheduling an inspection.
- **Girl Scout Camp** Zoning Appeals Board will meet on Wednesday (Nov 16) to sign conditional use application from Candlelight Villas LTD
Discussion concerning possibility of adding sprinkler system by Candlelight and the process the owner would need to follow including approval of the fire marshal prior to applying for increased capacity (currently limited to 100 people). Ron Graham states this is still in its infancy. Myron will send out minutes from signed meeting notes which will be used as the base line.
- **Lake Erie College** requested a renewal of conditional use permit for Trask Road property they use for special events. BZA will consider that. Myron supposed that the college has had students out there, but no events of significant size have been reported to the fire chief as agreed to.
- **Edward Pekarcik Jr.** of Brakeman Road requested a variance for an accessory building constructed 4 feet too close to the property line.
- **Andrew Hostetler** of Painesville Warren Road applied for a Conditional Use for home business.
- **Illegal Business Notices** were sent to Major (Waste), RDP, and Francis Engineering. Only Major's lawyer had made contact, but letters were just sent out last week. Ron Graham is looking into whether Major waste has been "grandfathered" as the business has been established for a longer period of time. Question is asked if all can be grandfathered, Ron Graham will review a similar case for precedence for each of the three businesses.
- **Lake County Road Dept. Billboard was addressed** (4x8 sheet of plywood with temporary workers' compensation notices from the road widening project) on Leroy Center by the utility lines. Requested that Myron ask the Road Dept. to take it down.

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- **Business signs on Vrooman Road at 90 was addressed** Heather Shelton contacted the road department to remove them, but was told to refer that to Myron. Myron did take some of the reachable signs, but found others too high on the pole and dangerously close to the road to reach. Myron will call the business and ask that it be removed. If it is not, Myron will issue a citation.

New zoning secretary, Julie Himmelman, was introduced.

Old Business:

- **Correction to the agenda:** Should have had the Continuation of the public hearing of the Home Occupation Type I & II as the first item of this section.
- **Open public hearing continuation.** All present reviewed recommendations from the LCPC.
 - **Move and add definitions to the section 2, Definitions** as suggested by LCPC. Motion was made to accept the definitions and include them in section 2 by Anthony Falcone, seconded by Jeff Kenyon. All present were in favor.
 - **Prohibited uses added in Section 9** include Club, not-for-profit gun or archery; Commercial Shooting Range; Club, not-for-profit Powersports; Powersports Center. Motion was made to accept inclusion and removal of section 9.13. All present were in favor.
- **Suggested Text Amendment to Section 16.04.01 (Home Occupation)**
 - **Moving of definitions:** Dennis L Keeney will ask for more information on definition moves from LCPC.
 - **Increase number of commercial vehicles from 1 to 3.** Concerns about larger construction vehicles over 10,000 pounds were raised. Keeney stated anything over that weight should be going through a regular conditional use process and after the new year the commission should review the conditional uses and massage the residential.
 - **Retain the 25% of square footage maximum of the dwelling** for type 1 – in house. Type 2 is for accessory building, Type 3 is signage, Type 4 is retail sales, and Type 5 is mobile occupation.
 - **Allow accessory structures on adjacent lots** to be used if they are in common ownership with the main structure. Per Myron, currently accessory buildings are prohibited on vacant lot. The vacant lot must be parceled as one lot with residential property. Dennis L Keeney suggests this LCPC suggestion NOT be included and require the lots to be combined.
 - **Use working days in Section 13.04.07 B. and remove 16.04.07 C.** No discussion.
 - **All above changes and additions will be made as agreed to and presented at the December meeting.** If approved by the commission, it will be sent to the Trustees for approval.
- Discussion was introduced by Susan Hanna as to at what point is a business run out of the home considered a Home Occupation. Answer was that if income is made from business (not just primary income), it is a business. A \$50 one-time fee is charged to register as a Home Occupation.

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- Discussion was introduced by Heather as to whether the Zoning Appeals Board should be informed of upcoming additions and changes to the rules. Attorney states that they should not consider any future guidelines for current appeals cases, whether they are aware of them.
- Clarification of the current and existing guidelines for signs were discussed.
- Clarification of zoning violation fee per day. \$150 is maximum misdemeanor per day is allowed (previously was \$100), but usually not collected (per attorney).
- Motion to close the public meeting was made by Anthony Falcone, seconded by Rob Coulter. All present was in favor.

New Business:

JJJ Properties informal request was discussed. Proposal to move industrial business behind the CEI easement on Vrooman Road. JJJ wants to rezone two of the Cedar Hill properties (one to Industrial and one to Special Interchange) from residential. Would also like to move one to commercial.

Issues: No direct road access at this time. New private road should have to be made by JJJ.

Concerns: No water and sanitary to handle development. JJJ feels sewage system from Cedar Hill has capacity of 1200 and expandable.

Proposes new placement of concrete to get it out of site, and JJJ will move junk already there.

Discussion of whether Leroy Commission would like to change frontage to retail or leave it as light industrial. Dennis feels that effort should not be put forth until Trustees have indicated if they would consider the change.

Dennis suggests we ask JJJ to move junk and follow through on screening as promised before moving forward and attorney agreed that that is the first step. Everyone agreed, unofficially.

10-Year plan discussed. Commission must get to work addressing what they would like to see for these quadrants.

Myron reported 66% of residents would like to see some retail development along Vrooman Road at 90.

Further discussion was made concerning the Cedar Hill property and JJJ Properties. More information would be needed before any discussion can be brought forward.

Next meeting will be on December 12, 2016.

Motion to close the meeting was made by Anthony, seconded by Rob. All present were in favor.

Respectfully submitted,

Julie Himmelman
Leroy Zoning Secretary