

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

September 22, 2020

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Road, Leroy Township, on September 22, 2020.

Chairman Rudy Veselko called the public hearing to order with the Pledge of Allegiance.

Members present were: Rudy Veselko, Shawn Parker, Susan Hanna, Tim Toman and Greg Miller.

Also present were: Zoning Inspector, Noell Sivertsen and Julie Himmelman, zoning secretary.

Guest: Applicant, Eric Stutzman

Audience: Michael Yakubik

The reading of the August 18, 2020 minutes was tabled until the next meeting.

The chairman read the Notification of Application: Purpose of the hearing is a request by Eric Stutzman of 13574 Shirley Park Drive for a variance to decrease the side-setback from 20 feet to 5 feet.

Chairman, Rudy Veselko stated that the publication of the meeting was posted in the News Herald on September 12, 2020 as well as the Township website. Legal Notices were mailed to surrounding property owners.

Rudy administered the oath to all who were to testify and asked the applicant to give testimony as to his request.

Rudy asked Mr. Stutzman, the applicant to speak as to the reason he is requesting the variance.

Mr. Stutzman stated that others on Shirley Park have pole barns and he was referred to Scott Spangler. He stated that "Mr. Spangler came to his property and devised where the best place would be for the building to be the least invasive and use". Off the driveway at the proposed site would require the least amount of tree removal, and no additional cement work needed as it would back up to the current apron already there. He stated 'we felt that's the most appealing visually and for the property aesthetics, nature-wise'. If he were to go with the 20-foot setback he would have to go behind the apron and over 20 feet. He stated he would have to clear about 100 trees and add cement to get to it. Discussion was made and overhead GIS images were reviewed regarding where the wellhead was located, where the proposed garage would be and the direction of the entrances to the proposed garage.

Mr. Stutzman indicated that he wanted the garage windows to match the windows and shutters on the house. He stated that to move the garage to a spot that would be 20-foot from the sideline, he would have to go around the wellhead, move the bay door to the front which he found less appealing, and cut down most of his trees.

Question: Have you spoken with the neighbor whose property is next to the proposed building? Answer: He doesn't care. He still has three lots on the street that have not sold. The secretary stated that the neighbor was sent a letter giving notification of the request and no comment was received. Mr. Stutzman stated that driveways on Shirley are to the left of the houses and the empty lot next door to him has a driveway on the left as well.

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After reviewing the aerial views and measuring the location of the wellhead, Mr. Stutzman confirmed its location on the picture.

The Zoning Inspector gave her recommendation. Noell felt that the building could be pushed back and then the sideline and setback minimums could be met. Mr. Stutzman stated that Noell was very helpful in explaining the process. She stated that she did not know about the wellhead.

Correspondence from Jennie and Louis Antloga, who own property on Paine Road that backs onto Mr. Stutzman was read into record: We have already responded by phone, but are also sending this email confirmation. We DO GIVE ANY REQUIRED PERMISSION for the variance proposed by Eric Dean Stutzman on the setback for the pole barn at 13574 Shirley Park Drive, Leroy Township, Ohio.

As there were no further questions for Mr. Stutzman, the chairman asked for a motion to go into executive session. Susan made the motion. Shawn seconded and all were in favor.

Shawn motioned to end Executive session. Tim seconded and all were in favor.

Susan moved to approve the variance as requested. Shawn seconded and a poll of the vote was taken: Susan, no; Shawn, no; Rudy, no; Tim, no; Greg, no.

The motion was denied.

Mr. Stutzman questioned the decision and discussion ensued. Rudy stated that the BZA cannot speak as to decisions made in the past. The secretary stated that the BZA is to uphold the Zoning Regulations as they feel it was written. The chairman stated that everything the BZA handles is on a case by case basis and what they look for is special circumstances that may put you in a hardship. The board does not feel that this regulation puts you in a hardship and there is adequate room to put the building in the backyard.

Mr. Stutzman stated that it is unfair that the current guidelines make it hard for those with smaller lots. The secretary stated that the only regulation that has a grandfather-clause is the ability to build on lots that are legal-nonconforming.

Rudy ended the conversation, reiterating the process and decision. Shawn stated that Mr. Stutzman could either submit a new plan or appeal to the Court of Common Pleas. Mr. Stutzman continued to express his displeasure with the outcome.

He then asked if the meeting was a special hearing or the regularly scheduled meeting with regards to the fee he submitted. The secretary explained that when he asked at a Zoning Commission meeting for the form, he was

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inadvertently given an older form to facilitate his desire to start the process. The cost of a regularly scheduled hearing was actually \$500. The older form listed the price for a specially scheduled hearing as \$400 (which he submitted that night so that he could mail in the completed form by mail if need be). He did not turn in the forms in sufficient time to warrant a special hearing, so it was decided that we would not request the extra \$100 for a regular hearing, as it was our error.

Rudy then asked the zoning inspector about Cedar Hills' Conditional Use. Noell says she has no documentation that the church has started its program, she tried to get onto the property at many times of the day on weekdays and weekends, with no response. She is composing a letter to be sent to them.

Susan made a motion to adjourn, Shawn seconded and all were in favor.

Respectfully submitted,

Julie Himmelman
Zoning Secretary