

LeRoy Township Zoning Board of Appeals
November 29, 2016
Appeals Hearing Minutes

Meeting was called to order at 7:04

Members Present: Gerri Hausch, Stu Bennett, Brian Crouse, Rudy Veselko, Susan Hanna and Secretary, Julie Himmelman

Guests: Zoning Inspector Myron Telencio, Zoning Commission member Anthony Falcone, and Attorney, Ron Graham (present after first appeal), Andrew Hostetler and Edward S Pekarcik, Jr.

Audience members: see attached list.

Public Hearing Publication was posted in the News Herald on 11/23/2106 and on the Township website as well.

There were two requests to be heard:

Andrew Hostetler of 13620 Painesville Warren Road applied for a Conditional Use for home occupation.

Stuart read the application from Mr. Hostetler, the owner of AMH Construction, a residential contractor. Requests use of up to 25% of home and accessory building for business and storage of tools and vehicles used to conduct off-site construction projects. No effects on adjoining properties, no noise, glare, odor, or fumes. One identification sign in accordance with 23.04.

Sign not in accordance has been removed. Mr. Hostetler states that business is not conducted out of his home, except for emails, a little paper work and phone calls. Mr. Hostetler has a few trucks with his name on it and a few tools. All work is offsite, and no customers come to home. He just wanted a sign. He acknowledged that the sign was about 4.5 square feet, and that the township allows for permanent signs to be no larger than 3 square feet, but that the background could be any size.

Myron concurred that permanent residential signs must be no larger than 3 square feet and that the new sign Mr. Hostetler has being made (which fits the township guidelines) can be put in the same location as the prior sign.

Mr. Hostetler asked if he needed a Home Occupation permit, just for the sign. After discussion, Myron stated that he interpreted it to be necessary, though a judge could override it.

Audience spoke in favor of this variance and Anthony Falcone stated that he drives by the property five times a day and feels that you could not tell there was a business there. No one had any opposition.

Mr. Hostetler was sworn in and asked that his previous statements were true. He responded "yes".

Rudy moved that the conditional use application for Mr. Hostetler be approved and Susan Hanna seconded. A roll call vote was taken and all were in favor.

Edward S Pekarcik Jr. of 7180 Brakeman Road requested a variance for an accessory building constructed 6 feet too close to the property line. 20 feet is the required side line and the actual is 14 feet 4 inches.

Mr. Pekarcik was sworn in by Stuart. He stated that his carpenters may have made a mistake by going off a previous lot survey instead of the current. There was a pre-existing pole barn which he did get a

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building permit for. The addition was added without a permit and there was no reason for it not to be built in proper guidelines.

Mr. Pekarcik stated that Myron contacted him and said that per the satellite view the building was over the sideline. Mr. Pekarcik had Babcock Surveyors do a survey, which he submitted. Myron stated that no (building) permit was pulled and that if he had there would have been a site plan, the builders may have caught the error.

Stuart read into record the attached letter from Mr. Steven Leerentveld in summary which stated:

His property is the neighboring property and Mr. Pekarcik's building was built way too close to his boundary line. He would like to formally object to the approval of this application. He does not support this building being constructed so close to his property and being done illegally without permits. He also pointed out that Mr. Pekarcik's pool fence is only a foot off of the property line.

Mr. Pekarcik stated that Mr. Leerentveld is only objecting because Mr. Pekarcik has been complaining for years about Mr. Leerentveld's illegal business. Myron stated that the fence could be on the property line. Mr. Pekarcik restated that he did acquire a building permit for the original building.

The audience had no other comments for or against the variance.

Questions from the board for Mr. Pekarcik:

How long has the gentleman been your neighbor? Answer: 5 years, maybe.

Did he watch the construction or voice a complaint while it was being built? Answer: No. Mr. Pekarcik stated that Mr. Leerentveld only complained in retaliation. Mr. Pekarcik stated that his home has been sold and this variance is holding up the sale.

Is the neighbor here tonight? Answer: No. Secretary stated that his wife was having pre-op and he sent an email requesting it be read into record.

How much of the building would have to be removed to be in compliance? Answer: A substantial amount – about 6 feet. Mr. Pekarcik then asked how far Mr. Leerentveld's buildings are from the property lines. Myron could not answer.

Josh Krager asked: *Are the neighbor's building also not in compliance?* No. *Can a fire truck get in between the buildings?* Yes.

Motion was made to go into Executive Session by Susan and seconded by Rudy. The audience was dismissed.

Rudy motioned to adjourn executive session and Gerri Hausch seconded. The audience was invited back into the townhall.

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Stuart allowed one last comment from Josh Krager: *Had the homeowner submitted a drawing it would have reflected that the line was 20 feet, as (the township) does not require a survey for buildings. It seemed that both neighbors thought the line was where it wasn't due to the positioning of their buildings and that should be taken into consideration.*

Brian Crouse made a motion to accept the variance as listed and Rudy seconded. Roll call vote was taken. All were in favor except Susan Hanna. Variance passes.

Stuart motioned to close the meeting, Rudy seconded.

Meeting was adjourned.

Respectfully submitted,

Julie Himmelman

Leroy Zoning Secretary