

LEROY TOWNSHIP ZONING BOARD OF APPEALS

May 23, 2017

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on May 23, 2017.

Brian Crouse, chairman called the public hearing to order at 7 p.m.

Members present were: Jerry Hausch, Brian Crouse, Stu Bennett, Rudy Veselko, Susan Hanna, and alternate, Sharon Noewer.

Also present were: Attorney at Law, Ron Graham, representing Leroy Township, Assistant Zoning Inspector, Shawn Parker, and Zoning Inspector, Myron Telencio.

Guest: Mr. Steve Todd, representing Candlelight Villas LTD, 9437 Shepler Church Ave. S.W., Navarre, Ohio, 44662.

Audience: See Attached Sign-in sheet.

The minutes of the January 19, 2017 meeting were read. Stuart Bennett made the motion to approve, Jerry Hausch seconded, and all approved.

The BZA hearing for Ken Blakeley/ Morning Star Property Preservation LLC for a conditional use permit was set for Tuesday June 13, 2017. Brian Crouse, Jerry Hausch, Rudy Veselko, and Sharon Noewer were available. The applicant wishes to decrease the riparian setback and build a house smaller than square footage minimums. Both issues are new to Leroy's zoning.

At 7:15 the hearing began:

Purpose of Meeting: BZA 0219A: Mr. Steve Todd, owner of Candlelight Villas, LTD, is requesting to amend his conditional use permit for the property located at 6881 Kniffen Rd., Leroy Township. He requests an increase in the maximum party size from 100 to 250 people in the main lodge for evening events, and to allow open air bands until 11 p.m. on that property.

Secretary confirmed that legal notices were posted in the News-Herald and on the township's website and that surrounding neighbors were notified by mail.

Mr. Todd was not present at the beginning of the hearing.

The Zoning Inspector, Myron Telencio, noted that in the application Mr. Todd stated that all functions of 100 persons or more will require 2 security guards and 1 additional security guard for each additional 100 persons. Rudy Veselko asked the definition of security guard and Myron answered that would mean sheriff's officer.

Those speaking for the request:

Dennis L Keeney: He felt that the property was big enough that the noise wouldn't be a problem and the 11pm end time was reasonable.

Mr. Todd arrived, was sworn-in by Ron Graham and gave testimony:

The original conditional use permit granted by the board does not meet the necessary requirements he would have to have, to operate what he would like to. Very few weddings have less than 100 guests.

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Plus, there are potential multiple venues on property that cannot be marketed to with the limitation of 100 people.

The second thing was the open-air band. Many weddings want a DJ, but some may wish to have an orchestra trio or duo. Prohibiting open-air band makes no sense to him as an open-air band could make less noise than a DJ and precludes him from doing business with certain people.

Mr. Todd had a sound engineer play music louder than he would probably allow a wedding (band) to play. He could not hear the music at the two nearest neighbors' property.

Stuart Bennett pointed out that if the appeals board allowed open-air bands, it could mean a large band with amplifiers such as AC/DC. Mr. Todd stated that he, personally would be policing the music and he would allow music at a reasonable level.

Susan asked if the sound engineer gave a report as to the decibel levels at various point from the amplifier. Mr. Todd said no.

Stuart asked if Mr. Todd had hosted any events on the property. Mr. Todd said no, not events.

Rudy stated that Mr. Todd originally brought up the 100 people limit in the original hearing. Mr. Todd felt that was a misunderstanding. He stated that one room in one of the venues with 3 rooms can hold 100 people, plus there are multiple potential venue sites on the property. So, to limit him 100 people per evening excludes him from 95% of the possible events that people would like to have there. He feels he has the potential to accommodate the number of people requested.

Stuart stated that in a letter provided by the neighbors (this evening), it stated that Mr. Todd used the wording "small intimate gatherings". Mr. Todd agreed that they would be mostly small gatherings, but that several events could be held at different venues concurrently.

Stuart read the prior conditions from the first hearing and reiterated the current permit's request.

Ron Graham, attorney, explained the purpose of the board, and the procedures of the hearing.

Those speaking against the request:

Tom Gabor expressed concern for sound carrying from the venue that could be bothersome if it got too loud. He stated that Mr. Todd thought he could make a profit with the restrictions he was given. He suggested that Mr. Todd be allowed to continue with his original restrictions for the summer as a trial before expanding his restrictions.

Andrew Orosz also expressed concerns for the noise levels. He stated that sound carries on Kniffin Road and the venue is not too far from the road. He had concerns about traffic and litter.

Tom Gabor asked as to when the attendee would be off the property. Answer: There were no restrictions on when the parties would leave.

Mariam Hansz asked what the impact of a party center would be on Hidden Lake MetroPark. Mr. Todd stated that he and his family intend to live on the property and that it would never become a party center. He would like to host weddings there, and generally speaking most music would be inside.

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Tom Nelson suggested another test be done and neighbors be notified so that they can listen for it.

George Nash pointed out that the amount of sound that travels varies due to winds. His concerns are that the music may become bothersome if it is a regular affair versus an intermittent noise from a neighbor's house. He also feels the original permit should be tested.

George Machuta asked if there would be a limit to how long the permit would be for. Stuart answered that there is already a limit. There is a renewal one year after the start of operations for one year, then three years, then every 5 years as long as conditions are met.

Ellen Nelson asked why Mr. Todd cannot have tents if the Lake Metroparks can. Stuart clarified that he can have party tents but not camping tents as the MetroPark can because the township cannot regulate the MetroParks.

Leslie Machuta asked about the timing of events. Stuart clarified that the conditional use permit was approved for 100 people prior to the purchase of the property by Mr. Todd. Mr. Todd stated that he was dissatisfied with the original limit but took a chance that he could appeal and gain approval for a larger number of people.

Mr. Todd stated that the average wedding party that has approached him was 140 people. He stated that he did not ask for 100 people, but that was what was approved. He acknowledged that he went ahead on the closing with the hope that he could get that number increased to 250.

Deidre Orosz stated that when the original hearing was held, Mr. Todd said there were several opportunities to rent his property to small groups of people and that on his other property they hold youth camps, barn dances and overnight accommodations for families. She further stated that Mr. Todd acknowledged that there was standing room for 100 people in the lodge and that he knew this when he purchased the property.

Mr. Todd replied that the notes did not reflect that just in the main lodge building itself, one room holds 100 people and there are 3 halls in the lodge. The main thrust of his business from the beginning was to do weddings and there are very few under 100.

Stuart asked how Mr. Todd got to the number of 250 people that he is requesting. Mr. Todd stated that he had some inquiries for a wedding of 220, but that wedding ranged from under 100 to under 250.

Myron Telencio stated that he had attended many AMLA events on Kniffen Road in the past where there were hundreds of people in attendance and historically he did not recall any concerns from the citizens.

An audience member pointed out that the frequency of events at the AMLA was less than what Mr. Todd's business goal of events every Friday, Saturday and Sunday as much as possible.

Leslie Machula expressed concern for parking and the lodge venue's size.

Mr. Todd responded that there was ample parking. Mr. Todd stated "...and whether a particular individual thinks that they might/would want to have an event there, the way it is configured, is to me irrelevant. The fact is in the lodge we would not host 250 people. That would be more back by the lake with tents." He feels there is ample property, space, and parking.

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Bev Nash also asked why Mr. Todd could not wait to see if 100 people is feasible. Mr. Todd states there are no parties under 100. Bev also asked about bathroom facilities. Stuart and Ron responded that issues such as bathroom facilities, water sources, safety issues are for the fire, health and building department to oversee. Ron stated he has to pass all inspections by the fire, health, and building departments and that they have been out there and are aware of what's going on. Mr. Todd stated that in the original permit that was granted, it stipulated that he must be in compliance with the fire, health, and building departments.

Motion was moved by Susan Hanna and seconded by Rudy Veselko to go into executive session. All were in favor. The secretary was invited to stay.

Motion was moved by Stuart Bennett and seconded by Rudy Veselko to go back into public session. All were in favor.

The motion was made by Brian Crouse to amend the conditional use permit for Candlelight Villas as follows:

250 people allowed inside, if the fire codes are met, the health department codes are met, and the building codes are met and the security is worked out with the Lake County sheriff's department and no amplified music outside.

This Conditional Use Permit shall be issued for one year after startup of operations. Mr. Todd will notify the Zoning inspector once he commences to operate as a private park. The zoning inspector shall renew the permit for one year after that, if all conditions are met the Zoning Inspector shall renew the permit for 3 years. After that, if the conditions are met the Zoning Inspector shall renew the permit for 5 years, and every 5 years after that.

Jerry Hausch seconded it. All were in favor.

Meeting was adjourned at 8:01.

Respectfully submitted,

Julie Himmelman

Zoning Secretary

LEROY TWP ZONING MEETING - AUDIENCE SIGN-IN

DATE: 5/23/17 BZA 0219A Hearing		
	NAME	ADDRESS
1	Frank Noewer	5955 Paine Rd.
2	TOM GIABOR	7334 LEROY THOMPSON RD
3	ANDY & DEIRDRA ORSZ	6758 KNIFFEN RD
4	MICHAEL STOFF	13979 Leroy CTR RD.
5	D.L. KEENEY	14429 LEROY CENTER ROAD
6	Dan Himmelman	7979 Proctor Rd
7	Chris Himmelman	" "
8	Denise Hunter	7301 Kniffen Rd
9	Miriam Hanz	7331 Kniffen Rd.
10	Debbie Lefelhoe	14010 Leroy Center Rd.
11	Joel Perzmal	7186 Kniffen Rd
12	Tracie Percival	7186 Kniffen Rd.
13	George & Leslie Machuta	14044 Leroy Center Rd
14	Tom & Ellen Nelson	14065 Leroy Cntr Road
15	GEORGE NASH	7318 LEROY-THOMPSON RD
16	STEVE DOO	6891 KNIFFEN RD
17	BEV NASH	7318 Thompson Rd.
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Please Print myron RON