

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

October 3, 2017

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on October 3, 2017.

Chairman Brian Crouse called the public hearing to order at 7:00 p.m.

Members present were: Jerry Hausch, Brian Crouse, Rudy Veselko, Susan Hanna, Stuart Bennett and alternate, Dan Himmelman.

Absent: Alternate, Sharon Noewer

Also present were: Zoning Inspector, Myron Telencio, and Attorney, Ron Graham.

Guest: Steven and Gillian Leerentveld, and his lawyer, Nicholas Laudoto.

Audience: Nate Inbody and Victor Calderelli.

The minutes of the July 18, 2017 meeting were read. Stuart Bennett made the motion to approve with corrections, Jerry Hausch seconded, and all approved.

The secretary confirmed that the hearing date was published in the News Herald on September 23, 2017 and on the township website.

The Chairman stated that the Applicant, Mr. Leerentveld, owner of RDP Motorsport, proposes a Conditional Use Permit for a home occupation not to exceed 1,200 sq. ft. and to be located in the rear most accessory building. The proposed home occupation is the online sale of parts to be drop shipped, or that are wholly housed off-site. The Applicant also proposes a second home occupation of the installation for motor vehicle performance upgrades.

The Chairman swore in Mr. Leerentveld.

Attorney, Nicholas Laudoto spoke for Mr. Leerentveld stating the nature of the two businesses.

Focusing on the installation of high-performance motor vehicle upgrades he stated that the accessory building is kept meticulous; it is not like a repair shop and there is usually only one car being worked on at a time. The cars are delivered in closed car trailers and only one car lift is used for customers. The other is for his own use. Because he has his own race cars there are no tools used solely for the

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

October 3, 2017

business and the lift that he uses is well under the 1200 sq. ft. maximum space allowed under the zoning regulations. There is only one small sign with reflective letters RDP on the mailbox. Other than the small sign there is nothing to indicate there is a business at the residence. His attorney stated that Mr. Leerentveld feels he has complied with all the regulations and that because of his personal use of the facilities, there is no added change from the business. There are two accessory buildings on the property and only a small portion of one is used for his business.

Mr. Laudoto stated that the business operates Monday through Friday between 10 – 4:30 and no adjacent properties should be affected. Mr. Leerentveld stated that his business is only in operation May through October.

Myron stated that in 2016 he was at the property for an inspection/evaluation and the entire building in the back seemed to be being used for the customization process and there was a large office area. He noted there was some stock at that time. Myron stated that there was no way to tell what portion was the owner's personal stock or what percent of the building was being used for the business.

Myron brought up the past dyno-testing noise concerns of the neighbors.

Mr. Laudoto stated that the dyno is both for Mr. Leerentveld's own personal use and as part of his business. It does make noise, but the noise would be part of Lake County's noise ordinance and again a noise that would be made for his personal use as well. He stated that this year the business worked on 27 cars and each car is on the dyno no more than 3 times and only for 3 to 9 seconds each time and it is not used frequently.

Questions were asked about the one police report in 2016 for a noise complaint. Mr. Leerentveld stated that the neighbor on the one side has no problem with the noise and the one who complained has moved. He also stated that the dyno testing is going to be phased out.

Mr. Leerentveld stated that the dyno is mobile and was necessary for testing. He admitted the dyno is loud and offered to build a sound-proof area if needed.

Overall size and the size of the office space and the business-associated lift area of the larger outbuilding was discussed. Potential sound-proofing and the phase-out of the dyno was discussed.

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

October 3, 2017

Mr. Leerentveld stated that his own race cars are not part of the business; and that the dyno is used roughly 50% of the time for the business.

Questions were raised concerning the online parts business. Mr. Leerentveld stated that the only stock for the online business at the property are customer returns and that only one employee works there.

Myron stated his concerns were the noise complaints from the neighbor who moved and that discerning what part of the building was being used for the business.

Brian made a motion to go into executive session. Stuart seconded and all were in favor.

Susan made a motion to close the executive session. Jerry seconded and all were in favor.

Stuart made a motion to grant the conditional use permit with the following restrictions:

All dyno testing shall be done between the hours of noon and 3 pm, Monday through Friday, excluding holidays.

Not to exceed 25 customer cars per year. If this limit is exceeded, a sound proof room shall be constructed for the dyno machine.

This will be a one-year review process, at that time if there are no complaints, a one-year extension will be granted. There will be a two-year renewal process.

There shall be no further expansion of the business other than the existing space presented, subject to random inspections by the zoning inspector.

Susan seconded and all were in favor. Motion was granted.

Brian Crouse motioned to adjourn the meeting, Rudy seconded. All were in favor.

Respectfully submitted,

Julie Himmelman, Zoning Secretary