

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

July 10, 2018

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on July 10, 2018.

Chairman, Rudy Veselko 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, Sharon Noewer.

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

Guest: Applicants, Mr. Gopal Patel and Mr. Chris Major, and Jessica Ruff of Ruff Neon Signs & Lighting Maintenance, and the Major's attorney, Brandon Dynes.

Audience: Zoning Commission member Dan Himmelman.

The reading of the February 13, 2018 minutes was waived. Rudy made a motion to approve with grammar corrections. Stuart, seconded, and all approved.

Those who were to give testimony were sworn-in by Mr. Graham.

The chairman confirmed that the hearing date was published in the News-Herald on June 30, 2018 and on the township website. Surrounding property owners were notified by mail.

The Chairman read from the application that, Mr. Patel of Geetanjani Real Estate LLC, owner of the BP station on Vrooman Road requests the following variances pertaining to his high-rise pole sign located off I-90, east of the Vrooman Road entrance ramp. (1) In addition to the current BP sign, he would like to add two signs to advertise his Subway restaurant and his gas prices. (2) To have the signs be visible above the trees, he would like to increase the overall height from 90 to 100 feet. (3) With the additional signs, the overall square footage will increase from 30 to 168 square feet.

Mr. Patel stated that he had a standing permit with ODOT to trim the trees that might grow in front of the sign. Mr. Patel stated that the entire sign, including the foundation would be replaced. Jessica Ruff provided copies of the submitted drawings. Due to the size and additional signage, the new sign will have two poles.

The signs brightness was discussed. Mr. Patel stated that the sign will adjust to the natural light, dimming at night.

Myron asked if Mr. Patel used the ODOT signs to alert travelers of his businesses. He said yes.

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Myron cautioned that if the board approves the variances from the regulations regarding size, overall height and also the quantity of signs, that it be made known that it was approved due to the unique location of the signage.

The construction design was discussed. Jessica stated the sign's dimensions are of standard size.

Rudy asked if there were any opposed to the variances. No one responded.

Rudy read a letter sent to the secretary from Mr. John Allega (see attached).

Mr. Patel stated that the pole is on his own property. The easement is only for the egress to service the sign. Ron stated that it is not an issue as there is an agreed upon easement either way. Myron stated there is no code regarding light emissions.

Susan made a motion to move into executive session. Brian seconded and all were in favor. Susan made a motion to end the executive session. Stuart seconded and all were in favor.

Stuart made a motion, based on the proximity of the applicant's business to interstate 90, to approve the variances as requested for the replacement of the existing sign per the provided drawings, to accommodate the additional height, increase of square footage and addition of a lighted sign for fuel prices. Susan seconded and all were in favor.

The second hearing began.

The chairman read from the application, that the second set of applicants, Christopher, Teresa, and Betty Major, owners of 6450 and 6430 Vrooman Road, requests a Conditional Use Permit for the operation of Major Waste Disposal Services, Inc.

Stuart recused himself because the lawyer representing Mr. Major is also Stuart's attorney. Alternate, Sharon Noewer replaced him.

Brandon Dynes spoke for Mr. Major. He summarized the attached provided letter explaining the building on the parcels and the surrounding landscape. He shared that the business was started in 1979 by Chris Major. He stated it is a unique situation as it has existed for many years in the community. There is no additional cost to the township, it does not impede upon the neighborhood, and there is no trash stored there.

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Myron stated that 90% of the land in Leroy is zoned R-2 and businesses were built on them illegally. Zoning created Home Occupations Type 1 and Type 2 to limit what could be run from R-2 zoned land. These conditional uses are not transferrable.

Myron stated there were no complaints against Mr. Major.

Mr. Dynes stated that the landowners are asking for the variance for the business run from their land. Mr. Dynes said any actual expansion would only be the 4,800 square feet indicated on the plans, but that he would get proper permits before any changes were made.

Rudy asked Myron if there would be zoning issues made if the board granted this Conditional Use to Major Waste due to the uniqueness of their situation and due to the fact that it does not fit into either type 1 or 2. Myron stated that if anyone else came in to do a similar business they would have to complete an application and present their case before the Board of Zoning Appeals.

No one had anything further to add, and no one was opposed.

Rudy made a motion to move into executive session. Jerry seconded and all were in favor. Rudy made a motion to end the executive session. Sharon seconded and all were in favor.

Sharon made a motion based on the fact that this is a long-standing business with no complaints, to approve the requested conditional use, with the following restrictions:

1. No refuse on-site.
2. No expansion beyond the 4800' addition on the submitted plans.
3. This is limited to the existing owners and will not be transferrable.
4. It will be subject to reinspection after 1 year and renewed after 5 years.

Susan seconded. The members were polled and all were in favor.

Rudy made a motion to adjourn. Jerry seconded and all were in favor.

Respectfully submitted,

Julie Himmelman

Zoning Secretary