

## LEROY TOWNSHIP ZONING BOARD OF APPEALS

### Minutes

January 8, 2019

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on January 8, 2019.

Chairman Rudy Veselko called the public hearing to order at 7:05 p.m.

Members present were: Rudy Veselko, Susan Hanna, Shawn Parker and Sharon Noewer.

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

Guest: Applicant, Mr. Lee Scaife

Audience: Walt Elliott

Chairman, Rudy Veselko stated that the publication of the meeting was posted in the News Herald on December 29, 2018 as well as the Township website. Legal Notices were mailed to surrounding property owners.

The chairman read the Notification of Application: *Lee Scaife has requested a conditional use permit for a home occupation at 6491 Paine Road of a landscaping business with a 5,000 square foot accessory building for maintenance and storage.*

*Rudy administered the oath to Mr. Scaife and invited him to give testimony pertaining to his business.*

Mr. Scaife stated that his landscaping business has been in business since 1981. He built an accessory building in 1985 with an addition in 1991. He stated he has always been respectful of his neighbors and keeps his business out of sight. The landscaping business is active for about 9 months of the year, and he does snow plowing in winter. The business is installation only.

Rudy asked about the frequency of traffic during the landscaping season. Mr. Scaife stated that there is no retail business, there are piles of mulch and other materials there, but that the trucks will haul most materials directly to the site or take mulch when leaving for the site, and then coming back at night, for the most part.

Mr. Scaife stated there were about 7 employees, but they are thinking of downsizing. He explained the dynamics of the management and number and types of vehicles and equipment owned by the business.

## LEROY TOWNSHIP ZONING BOARD OF APPEALS

### Minutes

January 8, 2019

Sharon asked about the shop on the property. Two-thirds of it is set up for auto restoration, but he only uses it for his own vehicles and landscaping equipment. He is not asking for a home occupation permit for any auto restoration. The other third is for the amps and guitars for his online eBay business, Vintage Tone Music.

Mr. Scaife confirmed that there were no new structures being requested nor planned for. He stated that there were no concerns about safety issues that required emergency services. Employee and landscaping vehicle parking was discussed. Mr. Scaife confirmed that there was no plan to change the current landscaping that is used for screening. He also stated that there is no open burning.

Myron had no complaints from neighbors.

There were no comments from the audience and no correspondence concerning this request.

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

Rudy made a motion to approve the conditional use permit with the following conditions; The permit will be granted to continue your wholesale landscaping business and the use of existing space, not to exceed the current 1,200 square feet of the 5,000 square foot outbuilding, for said business, with the following restrictions:

1. There shall be no further expansion of the business' existing outbuilding space.
2. There shall be a maximum of 7 employees and 7 employee vehicles on the premises.
3. There shall be a maximum of 6 business owned vehicles.
4. All landscaping vehicles, equipment and stock shall be kept behind existing screening.
5. Landscape screening shall be maintained.
6. This will be a two-year review process. At that time if there are no complaints or violations, a five-year extension will be granted. There will be a five-year renewal period thereafter.

Susan seconded and all were in favor.

## LEROY TOWNSHIP ZONING BOARD OF APPEALS

### Minutes

January 8, 2019

The reading of the October 3, 2018 minutes was waived. Sharon pointed out one typo. Susan moved that the minutes be approved as corrected. Sharon seconded and all were in favor.

New potential BZA members were discussed.

Susan nominated Rudy Veselko for Chair. Shawn seconded the nomination. Rudy accepted. There were no other nominations. Rudy made a motion to close nominations. Susan seconded and all were in favor.

Rudy nominated Susan Hanna for Vice-Chair. Shawn seconded. Susan accepted. There were no other nominations. Rudy made a motion to close nominations. Susan seconded and all were in favor.

Discussion was made as to the handling of interruptions from the audience during a hearing. Ron stated that the board only has to ask the audience if there is anyone who wants to speak for the project and then those against. The audience is not allowed to disrupt the hearing.

The second Tuesday of each month will be set as the meeting date for the BZA as needed.

Myron stated that if the board would like more information added to the application to let him know.

Susan asked Myron to add any background information to the application that is relevant, such as if a business has been operating for a number of years and whether there were complaints or not.

Variance and Conditional Use letters were discussed.

Inspection reports and Conditional Use Permits were discussed.

The secretary spoke of points of order.

Sharon requested after 9:00 or 9:30 p.m., remaining agenda items or the hearing itself be tabled to give proper attention to all details.

The Cedar Hill facility's correspondence and their concerns with the conditions of the granted permit were discussed.

Shawn stated that he was excited to be part of the board. Shawn stated that he was a zoning inspector for Kirtland and ran the BZA and zoning there.

Sharon motioned to adjourn the meeting. Susan seconded. All were in favor.

**LEROY TOWNSHIP ZONING BOARD OF APPEALS**

**Minutes**

January 8, 2019

Respectfully submitted,

Julie Himmelman

Zoning Secretary