

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 18, 2020

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Road, Leroy Township, on August 18, 2020.

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

Members present were: Rudy Veselko, Susan Hanna, Tim Toman and Greg Miller.

Also present were: Zoning Inspector, Noell Sivertsen and Julie Himmelman, zoning secretary.

Guest: Applicant, Krystal and Shawn Edixon, applicants, Kelly Williams, a project manager of Wayne Homes (builder), and Dave Radachy, Director of the Lake County Planning and Community Development

Audience: Susan Debeljak of 6455 Monte Drive and Dan Himmelman of 7979 Proctor Road.

As the minutes of the January 21, 2020 organizational meeting were distributed in advance and read by all, the reading of the minutes was waived. Susan Hanna made a motion to approve the minutes as written. Tim Toman seconded and all were in favor.

The chairman read the Notification of Application: Purpose of the hearing is a request by Krystle and Shawn Edixon for a variance to decrease the setback from 100 ft. to 50 ft. at the property located at 6490 Monte Drive.

Chairman, Rudy Veselko stated that the publication of the meeting was posted in the News Herald on August 6, 2020 as well as the Township website. Legal Notices were mailed to surrounding property owners.

Rudy administered the oath to all who were to testify and asked the applicants to give testimony as to their request.

Krystal Edixon stated that the reason for the request was because of the soil map that Harry Jones used to develop their site plan. Originally the builder had the house sitting back 100 feet. Harry Jones created the site plan and sent it to the Health Dept. She stated that the Health Dept. did not approve the plan due to the soil map, because there was no room for the septic system. Mr. Jones then adjusted the map with the requested 50-foot setback. She provided a copy of the soil map to the board members.

Krystal stated that there was a mound of soil on the land when they purchased it. To keep the costs down, the plan was to distribute the soil on the land instead of hauling it off. She stated that the current placement of the septic system was the only place that the Soil people, the Health Dept and Harry Jones said it could go without a huge expense.

Question: How many houses are on Monte? Answer: 6 or 7.

Well and a reservoir system were discussed.

What type of septic system will be put in? Answer: Wisconsin Mound.

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 18, 2020

As the maps were reviewed by the board, Krystal shared why they wanted to build in Leroy.

Tim stated that the neighbors would probably not like having a house so close to the road. Krystal stated that her house would fit into the neighborhood, and that some houses on the road were also not at a 100-foot setback.

The Edixon's stated that they purchased the property from the father of a property owner on Monte. The son let them use their well water, and shared his thoughts about the street. There was no mention of the lot being tight, by the previous owner or his son.

Rudy asked Dave Radachy to give a brief overview of what the setback regulations. Mr. Radachy shared the following background and insights: The Monte Road subdivision was approved in 1997 when the minimum lot size in Leroy Township was 1.5 acres with a 50-foot setback and 150 feet of frontage. In 2013, Leroy increased the minimum lot size to 3 acres with a 100-foot setback and 200 feet of frontage. The lot in question was then considered legal non-conforming. It can be built upon, but must conform to the setbacks and frontage.

To Mr. Radachy it seemed that, the plan to go forward with a 50-foot setback was made without due diligence. The owners, builder and/or site plan developer should have asked the zoning inspector before going ahead with the 50-foot setback plan. The standard is to meet 100 feet if they can meet 100 feet. It is now up to the board to decide if the landowners have a reasonable request to move the setback to 50 feet.

Mr. Radachy continued to state that there were two locations that they can build on the septic and the house. One at the 100-foot setback and another at the 50-foot setback. Both cannot be at 100 feet. The homeowners chose to put the septic in the back. It appeared from soil map that there were many areas tested.

The existence of a Homeowners' Association was discussed. Mrs. Edixon reiterated the reasons they wanted to move to Leroy and their intent to be long-term residents.

Mrs. Edixon stated that the builder, Laura told the owner that they sent the zoning application to the zoning department address she found on (Leroy's) website in March. The secretary noted that she spoke with Julia, (taking over for Laura) who had told her she had the address on file (of the previous zoning inspector). In March the owner sent a new application and check. She felt that it was hard to get in contact with Noell.

Noell admitted there was a lot of confusion with the original application and that she did not have a copy of the variance application to give out. The secretary stated that she provided Mrs. Edixon a copy of the variance application.

Rudy read emailed letters from three current homeowners on Monte Drive. Christine and Tim White of 6470 Monte, James Lucas of 6485 Monte and Jim and Christine Gielink of 6475 Monte all opposed the variance. Concerns expressed were that the 50-foot setback would change the look of the neighborhood; that there were

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 18, 2020

other lots still undeveloped that may then request a similar setback; and that closer setbacks would make the street look like a development.

Rudy asked if there was any consideration to rotate the house 30 degrees and tuck it between the two sites that were available. Answer: No.

Susan Debeljak addressed the board. She stated that she also opposed the variance. She felt it would not conform to the other houses on the street and allowing the 50' setback would open the door to other lots asking for the same variance, which would change to look of the street.

Mr. Radachy pointed out that there were seven houses on the street. Three are beyond the 100-foot setback. Four are between 60 and 80 feet from back.

Other design changes and the cost of these changes were discussed.

Mr. Radachy provided an aerial view of the 1.5-acre property with the setbacks roughly thrown in. He stated that the home could be built on roughly one-third of an acre within that property to meet setback requirements and the septic could be outside of that.

Rudy asked if there was any more questions, concerns or testimony for or against the variance.

Rudy moved to go into executive session, asking the zoning inspector, secretary and Dave Radachy to remain. Tim seconded. All were in favor.

Rudy moved to close executive session and Susan seconded. All were in favor.

Rudy read the following:

On August 18, 2020 the Leroy Board of Zoning Appeals considered your request of a reduction of the front setback from 100 feet to 50 feet at 6490 Monte Drive. The board decided in the best interest of the community to allow for a 25-foot reduction in the front setback to 75 feet. We, the board, feel this is in the spirit of Leroy Township's Zoning resolution.

Susan moved that the variance be approved with modification as noted above. Greg seconded. A poll of the vote was called. Greg, yes. Susan, yes. Tim, yes. Rudy, yes.

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

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 18, 2020