

## LEROY TOWNSHIP ZONING BOARD OF APPEALS

### Minutes

June 22, 2021

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Road, Leroy Township, on June 22, 2021 at 7 p.m.

Chairman Rudy Veselko called the public hearing to order with the Pledge of Allegiance.

**Members present were:** Rudy Veselko, Shawn Parker, Susan Hanna, Tim Toman and alternate, Al Erickson.

**Absent:** Greg Miller.

**Also present, were:** Zoning Inspector, Noell Sivertsen and Julie Himmelman, Zoning Secretary.

**Guest:** Variance applicants Scott and Kimberly Dunford. Cedar Hills representatives Mark Merlihan and John Allega

**Audience:** Dan Himmelman, Zoning Commission chair

**Minutes:** The reading and approval of the minutes of the May 25, 2021 BZA hearing were tabled to give some members of the board time to review.

The chairman read the Notification of Application: The purpose of this hearing is a request by Power Homes Solar for a variance (21-04) to decrease the setback from 100 feet to 80 feet for solar panels at 14455 Painesville Warren Road. A legal notice of the hearing was published on June 11, 2021 in the News Herald and on the township website and written notices were mailed to all parties of interest.

Rudy administered the oath to Mr. Scott Dunford and asked the applicant to give testimony as to his request.

Mr. Dunford stated that he recently built his home and read that all solar projects must be approved by zoning. He informed the company that was installing the solar panels.

Rudy stated that application indicated that the setback was 100 feet and his application stated the house was at 80 feet. Mr. Dunford stated that his house setback was more than 100 feet. Discussion ensued and Mr. Dunford went to his house to get his original site plans. When he returned, the board reviewed his site plan and determined that the dwelling was over the 100-foot setback. The Zoning Inspector stated that if she had been given the correct plans, she would have approved the application.

Al asked whether the solar panel would supply only to the home. Mr. Dunford stated that it is sized to supply the needs of the home, but that it is connected to the electric supplier and there is a tentative contract with them to buy any surplus.

The zoning inspector stated that due to the information provided by the homeowner and ascertained from the correct site plan there was no need for a variance.

The secretary stated that there was no reason to continue the hearing and suggested the homeowner contact his contractor regarding the fees paid.

Susan made a motion to terminate the variance request due to further information. Shawn seconded. Poll of the vote: Susan, aye. Shawn, aye. Rudy, aye. Tim, aye. Al, opposed. Motion passed.

The BZA commenced with the review for Cedar Hills. Rudy swore-in Mark Merlihan and John Allega. Mr. Merlihan stated that Cedar Hills is a post-detoxification drug and alcohol recovery center. The clientele is vetted by the facility. There is intense one-on-one and group counseling offsite, Monday through Friday 8 am to 12:30 pm. They return back to Cedar Hills,

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have lunch and downtime. At 4:30 there is an onsite class. After dinner and down-time there is teaching time at 7 pm. Weekends are more relaxed. Clients are allowed a one-hour family visitation on Saturdays and there is a mandatory Sunday church service onsite. There is recreation onsite. Demographics are well across the board.

Shawn stated that the BZA had toured the facility prior to the review. He felt that all questions concerning the facility and the township community were answered in a very positive way.

The secretary asked the following questions for the record:

How many beds? Answer: 36

Are they at capacity? No. We are at 24. We are hiring another counselor. There is a limit to the number of clients to counselors which is why we are limited to 24 at this time. When we get a third counselor, we can legitimately go to 36. Mr. Merlihan spoke of the caution with increasing the numbers slowly to evaluate those in the program.

If a participant does not fit in, Cedar Hills will help them find a place that will work better for them. Mr. Merlihan stated that Cedar Hills is critical of who they take because they must be a good fit for the group and have the right motivation for coming to their program.

Mr. Merlihan stated that there have been 4 men who have already completed 6 months, which helps bring up the others.

So, there is a 12 to 1 ratio of clients to counselor? Yes.

How many staff members are there daytime/nighttime? There are 8 staff members who live on the grounds.

What is the rate of turnover? Mr. Merlihan stated he would estimate 30% turnover due to either the client not wanting to stay, or follow the rules. Mr. Allega stated that the average who stay is better than the average of 50-55% which he feels is better because of the vetting process. He stated that they can do that because they are not government funded.

Have you had to have EMS needs? Twice. There was one person this weekend who had a fainting spell in chapel due to severe dehydration. They do not have medical personnel on the ground so EMS was called. When EMS is called for a client, Cedar Hills policy is that they must go to a hospital and be cleared by a doctor before returning.

Has the sheriff been called? Once when a client was not appropriate for the program. The sheriff took them back to Winsor Laurelwood. They have clarified with Winsor Laurelwood who would/would not be good candidates for Cedar Hills.

Where is the center where the clients go for counseling? The Genesis Center, which is about 15 minutes away. And the clients are transported there and back again by your staff with no other stops? Yes.

What is the procedure if someone wants to or is asked to leave Cedar Hills' program? A family member may come for them. If not, Uber or another such service are used. They will never just be left at the gate.

Mr. Merlihan stated that after they have been at a facility for the prescribed amount of time, they may earn a day pass. Upon return they will submit a urine test and their belongings (clothing and such) will be searched.

Shawn asked if there were security cameras. Yes. There are over 26 cameras.

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Susan asked for a brief explanation of the program. Mark stated that they were going to partner with Teen Challenge but that was not allowed by the corporation. They are partnering with Alpha House, a faith-based organization which brought the Genesis Center with them. They bring the revenue for the program through insurance and partnerships. They use fundraising to improve the facilities. Their goal is to make it the best facility, not the biggest.

Shawn asked about the timing of the start of the program. Mr. Merlihan stated that they began in January of 2021.

The secretary provided a copy of the prior conditional use permit letter and asked if there were any issues with any of the 8 conditions. Mr. Merlihan said that there was no problem. Rudy read the 8 conditions. The board members confirmed that they felt Cedar Hills had met the conditions. The Zoning Inspector agreed and stated the property was maintained in a reasonable manner.

Shawn made a motion to move into executive session. Tim seconded and all were in favor.

Shawn made a motion to move end executive session. Susan seconded and all were in favor.

Shawn made a motion to continue the Conditional Use permit for Cedar Hills with the same conditions as put forth in the June 13, 2019 permit along with an annual inspection and BZA review hearing in May of 2022. Susan seconded. Poll of the vote: Susan, aye. Shawn, aye. Rudy, aye. Tim, aye. Al, abstained. Motion passed.

John Allega stated The BZA members were more than welcome to stop in anytime.

Discussion was made concerning when the minutes can be approved. Susan requested the next minutes be available earlier than the day of. The secretary said yes. The minutes will be approved at the schedule meeting date of July 27, 2021.

Discussion was made regarding whether porch steps would be considered part of the setback.

Rudy made a motion to close the meeting. Susan seconded and all were in favor.

Respectfully submitted,

Julie Himmelman  
Zoning Secretary