

**LeRoy Township Zoning Commission**  
**September 14, 2021**  
**Public hearing and Working Session Meeting Minutes**

The public hearing was called to order by the chair at 7:01 pm at the town hall.

**Members Present:** Dan Himmelman, Sharon Noewer, Dane Hockman and secretary, Julie Himmelman. Steve McKee came in at 7:24.

**Absent:** none

**Guests:** Ron Graham, Township attorney and Noell Sivertsen, Zoning Inspector,

**Audience:** Jaime Coulter and Cindy Binnig

The chair stated that the public hearing was advertised in the New-Herald on Friday, August 20, 2021 and on the township's website.

The following section changes and additions were discussed and voted on individually to be forwarded to the Trustees with their recommendation to update the Zoning Regulations.

**Section 2 – Definitions:** Add the definition of Fence as presented previously. Dane made a motion to approve the addition and forward it to the trustees. Dan seconded. There was no public comment. All were in favor.

**Section 16 – R2 Residential:** The only change is to Table 16.1 with the addition of a minimum building setback from an existing gas well of 100 feet. Dan made a motion to approve the addition and forward it to the trustees. Sharon seconded. There was no public comment. All were in favor.

**Section 19 - Pools:** The only change is the addition under subsection 19.01 D that the distance from the bottom of the fence to grade shall be no more than 4 inches. Dan made a motion to approve the addition and forward it to the trustees. Dane seconded. There was no public comment. All were in favor.

**Section 20 – Private Driveways:** Suggested changes from the Lake County Planning and Community Development were adopted. Four changes were reviewed:

1. All mention of private driveway will be replaced with flag lot.
2. The rewriting of 20.01 to the following:  
Only single-family dwellings may be constructed on flag lots in an R District and only upon the following terms and conditions:
3. The removal of 20.01 B.
4. In the current 20.01 G, the change of the wording from any property line to front property line of the flag portion of the lot.

Sharon made a motion to approve the changes and forward it to the trustees. Dan seconded. There was no public comment. All were in favor.

**Section 21- Fences:** Recommendations made by the Lake County Planning and Community Development to the Commission's proposed changes to Section 21 were discussed. The following were adopted from those recommendations:

21.01 General Welfare be split into two subsections as follows:

21.01 GENERAL WELFARE. No fences shall be permitted to be erected or maintained in any front, rear, or side yard which would be contrary or detrimental to the public health, safety, convenience, comfort, prosperity or general welfare of Leroy Township.

21.02 FENCE STANDARDS (Effective xx/xx/xxxx)

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- A. All fence posts and supporting rails should be exposed to the owner's property side. The manufactured fence side should face the adjoining property.
  
- B. Acceptable Fence Materials:
  - 1. Open fences permitted in any use district, unless otherwise indicated are: chain link, bollard and chain, open picket, smooth rail, split rail, or contemporary rail, and wrought iron style/design fences.
  
  - 2. Solid fences permitted in any use district include: board on board or alternating board on board fences, solid picket fences, stockade or palisade fences, or brick or stone wall fences.
  
- C. Prohibited Fence Materials:
  - 1. Fences that are composed of or include any of the following are prohibited in any use district: a charged electrical current, razor wire, chicken wire, pallets, barbed wire, or guard rail.

All subsections thereafter would be renumbered appropriately.

In current the 21.02, The addition of the following as C with all subsequent lettering adjusted: Except decorative fences generally referred to as "split rail" or "post and rail" or "ornamental iron" fences.

Dane made a motion to approve the changes and additions and forward it to the trustees. Sharon seconded. Jaime Coulter asked if electric fence would include (invisible) dog fencing. It does not. There was no further public comment. All were in favor.

**Section 22: Oil and Gas Wells:** Strike the section and replace with the wording: *Purposely Left Blank*. Dan made a motion to approve the removal and forward it to the trustees. Dane seconded. There was no public comment. All were in favor.

**Section 23 – Signs:** In section 23.01, the addition regarding sign maintenance as item 12: "Signs shall be maintained in a safe condition in a reasonable state of repair. The Zoning Inspector shall have the authority to inspect, and order the painting, repair, alteration or removal of any sign which becomes damaged or dilapidated, is abandoned, or which constitutes a hazard to the public safety. "

Dan made a motion to approve the addition and forward it to the trustees. Dane seconded. The secretary noted that the section would be renumbered to conform to all other sections that had been updated. There was no public comment. All were in favor.

**Section 25 – Parking:** Additional language added to 25.01 as follows: "Each parking area shall be accessed by its own separate means of ingress and egress to the right-of-way. The means of ingress and egress shall be made out of a hard surface capable of handling the weight of a fire truck and be a minimum of 10 feet wide. " Dan made a motion to approve the addition and forward it to the trustees. Dane seconded. The secretary noted if approved by the trustees, she would make grammatic changes noted previously. There was no public comment. All were in favor.

**Section 27 – Telecommunication Towers:** In 27.01, the addition of a clause limiting the scope of the regulation to only residential districts. Sharon made a motion to approve the addition and forward it to the trustees. Dan seconded. There was no public comment. All were in favor.

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**Section 28 – Occupancy Permit:** All mention of Occupancy Permit will be changed to Zoning Compliance Permit. Dan made a motion to approve the change and forward it to the trustees. Sharon seconded. There was no public comment. All were in favor.

**Section 32 – Architectural Design Standards for Commercial Development.** The Lake County Planning and Community Development’s recommendation was to not make the proposed changes. No motion was made to forward these changes.

Dan made a motion to close the public hearing. Sharon seconded and all were in favor.

Dan opened the regular working meeting at 7:18 with the Pledge of Allegiance.

**Minutes:** The minutes from the August 10, 2021 meeting were read. Sharon made a motion to approve the minutes with corrections. Dane seconded. Steve abstained as he was not present at the August 10, 2021 meeting. All else were in favor.

**Correspondence:** none

**Zoning Inspector:** As of September 7, there were 7 new homes approved for construction. Mr. Mahr was referred back to Painesville Municipal Court but today’s hearing was continued.

**Attorney:** Ron said that the judge may use community service people to work on the Mahr Farm.

**Secretary:** Trustee Shelton has suggested reviewing solar panels for legal non-conforming homes where the solar panels would go on the roof of said home and RVs parked in yards for seasonal use in the zoning. Ron stated as a Point of Order that there needs to be at least 2 trustees to recommend a change. Ron stated that Dan may ask the other trustees for their opinion on what Heather communicated to the secretary.

The Chair explained the process for changes to the zoning regulations, as they were done tonight.

**Old Business:**

Riparian Setbacks: Sharon would like to get feedback from Dave Radachy and Noell regarding the changes she had suggested to make to that section.

**New Business:**

Dan would like to review Section 17 – Commercial and Industrial and 29 - Special Interchange in the future. Sharon is agreement.

Sharon asked about the Architectural Guidelines that the Commission had worked on earlier in the year. Dan said that Lake County Planning recommended that the Commission should take the ideas from the guidelines and incorporate them into the regulations such as sections 17 and 19, so that they will be enforceable.

The secretary asked for confirmation that there will be no December 4<sup>th</sup> meeting as it was only set in case there was need. There is no need and it will be struck from the newspaper and website.

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The process for the approval of the changes was discussed.

Dan thanked the board for all the hard work that was done regarding all the changes that were approved at the meeting. A lot of individual research is done outside of the meeting that is not compensated and that work is much appreciated.

Sharon requested that enforcement and penalties for zoning violations also be reviewed in the future.

Dan made a motion to adjourn. Dane seconded and all were in favor.

Respectfully submitted,

Julie Himmelman  
Zoning Secretary