

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

November 16, 2021

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Rd., Leroy Township, on November 16, 2021 to review Sugar Lakes Conditional Use Permit. Shawn Parker, vice-chair, called the public hearing to order and began with the Pledge of Allegiance.

Members present were: Susan Hanna, Tim Toman, Shawn Parker, and Greg Miller. Julie Himmelman, Secretary

Audience: Mr. and Mrs. Steven Todd, Andrew and Deidra Orosz, and Dan Himmelman, zoning commission Chair.

Minutes: The minutes of the July 27, 2021 meeting were read. Susan made a motion to approve as written. Shawn seconded. Tim abstained and all else were in favor. The minutes of the November 9, 2021 meeting were read. Greg made a motion to accept the minutes as read. Tim seconded. All were in favor.

Hearing: The Vice-Chair stated that the purpose of the meeting was to review the Conditional Use Permit (CUP) for the business known as Sugar Lakes, located at 6881 Kniffen Road. The meeting was posted on the website and in the news-Herald agenda.

Shawn administered the oath to all who were testifying.

Shawn asked if Mr. Todd wanted to add anything to the testimony that was read in the minutes of the November 9, 2021 meeting. Mr. Todd said he would reiterate a couple things. He has had about 100 events over 5 years with only 2 complaints. He wants to be a responsible business owner and he has full control over the music volume in his contract. He feels he has been a good neighbor and will continue to do so.

No one from the board had any further questions.

Shawn read the recommendation from the zoning inspector as follows:

An application has been received for a Conditional Use Permit (CUP) Renewal for Sugar Lake Lodge located at 6881 Kniffen Road, Leroy, Ohio. This property previously received a Conditional Use Permit and on May 23, 2017 the CUP was amended and set for a three (3) year review which would have been due in 2020. Due to transitions within the Department and COVID the CUP is now before the Board for a renewal.

The previous CUP had the following stipulations:

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- It was increased from 100 to 250 people inside, if the fire, health department and building codes could be met and the security was worked out with the Lake County Sherriff's Department.
- It was amended for NO outdoor music to NO amplified music outside.
- All other previous conditions remained.

There has been a complaint filed by the neighboring property owner regarding noise. They have indicated that they can hear the music inside their house across the street from the property. No other complaints have been filed.

Recommendation: Approve the CUP with the SAME stipulations as before. If there are any future complaints regarding noise then there will be a hearing set to discuss the denial of the CUP. I would also recommend a review in one (1) year. If at that time there are no further complaint the Board could consider a longer review time.

Shawn confirmed that there was no correspondence.

Shawn opened the hearing to comments from those present: Deidre Orosz of 6758 Kniffin Road stated that there were other complaints in the past filed with the past zoning inspector. She stated that on July 24, 2021 she and her husband could hear music at the back of her house with the windows closed and the air conditioner on. They walked down the road to verify where the music was coming from. She stated that she moved out here for over 30 years ago for the peace and quiet. She presented a recording of the music.

Tim asked her how often it happens. Answer: Not a lot, but often enough. It was estimated to be close to 5 times a year.

Mr. Orosz stated that when they have contacted Mr. Todd, he states he was just down the road, or that it is a private party. Mr. Orosz feels that if he is having a private party in his party center, he should still have to follow the rules.

Mrs. Orosz asked if in the minutes it was reported that the sheriff's department had been called. Answer: Yes. She stated that she would not call the sheriff for a noise complaint, but she would if that is what it takes. Shawn stated that they would log the complaint if someone came to the office to file the complaint.

Mrs. Orosz also stated there was an increase in traffic due to the events.

Mr. Orosz stated that he would like to be able to call Mr. Todd when they are hearing the music to ask it to be turned down a bit. Mr. Todd stated that he did suggest Mr. and Mrs. Orosz call him with any issues in the past. He stated that he was still open to that. Mr. Orosz felt that when he did call Mr. Todd, his response was not very open. Shawn stated that it is on the table as a possibility and asked to move forward.

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Mr. Todd expressed concerns over the zoning inspector's recommendation to renew the CUP for one year. In order for them to plan for future bookings he would like to stick to the 5-year renewal.

Mr. Orosz asked if any other neighbors complained. Answer: No.

Mr. Todd asked, if he has a private party do the same rules apply as they would any other resident?
Answer: Yes. Mrs. Orosz, asked if that was true if his private party was held at the Sugar Lake? Yes.

Susan moved to go into executive session. Tim seconded and all were in favor.

Tim made a motion to return to the public hearing. Greg seconded.

Shawn made a motion to renew the CUP with the same requirements for a period of 5 years. Susan seconded. There was no further discussion. Poll of the vote: Susan, aye. Tim, aye. Shawn, aye. Greg, aye. The motion was passed.

Shawn stated that it is important to hear any concerns from the residence of Leroy. There has been a very limited number of complaints for the past 4-5 years. He would like this situation to be handled like good neighbors. His recommendations to Mr. and Mrs. Orosz would be to contact Mr. Todd with any concerns and Mr. Todd to correct the situation. If that does not work, it is recommended that the Oroszes follow-up with our zoning inspector and the BZA. If it falls into an area of the sheriff's jurisdiction, it is recommended that the Oroszes file a complaint with them. All of this information is reviewed when renewing a CUP.

If it gets to be a nuisance, then the renewal can be revisited at any time.

As there was no other business, Susan made a motion to close the meeting. Tim seconded and all were in favor.

Julie Himmelman
Zoning Secretary