

LeRoy Township Zoning Commission
October 26, 2021
Public hearing and Working Session Meeting Minutes

The Zoning Commission met in regular session on October 26, 2021 at 7:00 pm at the town hall. The chair opened the meeting with the Pledge of Allegiance.

Members Present: Dan Himmelman, Sharon Noewer, Steve McKee, Dane Hockman and secretary, Julie Himmelman.

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

Minutes: The minutes of the September 14, 2021 meeting were read. Dan made a motion to approve as corrected. Dane seconded. Dan, Sharon and Dane were in favor. Steve stated he was in favor for the part he was there for, but abstained for the first part he was absent for.

Correspondence: The trustees will consider all the recommended changes and additions made by the zoning commission at the November 10, 2021 public hearing.

Zoning Inspector: Noell reported there were permits issued for a new dwelling, a porch/deck, and an addition. The Mahr hearing was rescheduled again. There are violations at the old Grange being pursued as well as advertising sign on Vrooman that was moved to RT 86 near the roundabout. On Brakeman, a junk pile was removed and a used car business (which is a prohibited use in Leroy's regulations) is supposed to apply for an appeal and the CUP renewal review is being scheduled for Sugar Lake.

Ron stated that he spoke with the judge about Mahr Farm. The judge mentioned using those with Public Services hours to clean up Mahr Farm, which may be a solution.

Trustees: Heather spoke prior to the meeting with Dan regarding the changes she and Chuck would like to have reviewed tonight.

Old Business: There was nothing to add regarding Riparian Setbacks.

New Business: Drafted changes for the following six sections.

Sharon recommended increasing the penalties for a violation under Section 5.2 – Enforcement (fines). The changes would increase fines from \$10-\$150 per day, to up-to \$500 per day. They would also expand the scope of who may be fined.

The increased penalties are to make owners stop non-conforming actions. The expanded scope would place any and all persons involved liable. These are similar to other township's regulations.

After discussion was made, Sharon made the recommendation to revise Section 5.2 to read as follows:

Any person, firm or corporation violating this Resolution or any regulation, provision, or amendment thereto shall be deemed guilty of a misdemeanor and upon conviction thereof, or an accepted plea of no-contest, shall therefore be punished for such Unclassified Misdemeanor as provided by Ohio Revised Code Section 519.99; and in addition, shall pay all costs and expenses involved in the case. Each and every day during which such illegal erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. The owner or occupant of any building, structure, premises, or part thereof, or any architect, builder, contractor, agent, or other person who commits, participates in, assists with, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

Dan made a motion to approve the recommended change, sending it to the County for their recommendation prior to the public hearing to be set this day. Dane seconded. Poll of the vote: Sharon, aye. Dane, aye. Steve, no. Dan, aye. The motion passed.

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Dan brought up discussion regarding section 16.04.13 Paragraph B. He read the regulation and suggested a change to the setback for RV's, to clarify where the setback is, behind the 100-foot setback or behind the setback of the house. The change would allow the RV to be in front of the house if it is set 100-feet from the right-of-way. The secretary stated that the trustees were asking to review the setback due to the violations that were recently issued and the fact that many people have RVs and keep them out during the summer months for use. It was decided that no change would be pursued.

Dan brought up Section 33.04.A.02.a - Alternative Energies and suggested that solar panel setbacks shall be considered met, for roof-mounted solar panels that are to be installed on previously built structures that are themselves, legal non-conforming regarding current setback minimums. Steve agreed. Dane felt that this was a growing technology and should not have to obtain a variance.

Dan read the proposed additional language to be added to this section as follows:

If roof-mounted solar panels are to be installed on a previously built structure that is deemed a legal nonconforming structure per Section 8 of the Zoning Regulation, the solar panel setback requirement is deemed to be met.

Sharon made a motion to approve the recommended change, sending it to the County for their recommendation prior to the public hearing to be set this day. Dane seconded. Poll of the vote: Sharon, aye. Dane, aye. Steve, aye. Dan, aye. The motion passed.

Dan recommended adding a definition of Light Manufacturing and read the proposed language, which was mostly taken from Perry Township. Sharon asked, if this was to make clearer and more defined, the definition as it pertained to other proposed changes to come? Dan said, yes.

Dan made a motion to approve the recommended addition, sending it to the County for their recommendation prior to the public hearing to be set this day. Dane seconded. Poll of the vote: Sharon, aye. Dane, aye. Steve, aye. Dan, aye. The motion passed.

Dan introduced Section 17 changes as follows:

17.01.f – regarding B3. He proposed a change of the descriptive from Five-Points crossroads to roundabout (“Five-Points”) as a transitional wording. This is just to reflect the change from an intersection to a roundabout.

After discussion was made, Dan made a motion to approve the recommended change, sending it to the County for their recommendation prior to the public hearing to be set this day. Sharon seconded. Poll of the vote: Sharon, aye. Dane, aye. Steve, aye. Dan, aye. The motion passed.

17.01.h Industrial and Manufacturing (I) District. was discussed. It was decided no change would be recommended.

Dan discovered that there was a definition of Manufacturing, Light, which made the definition of Light Manufacturing he recommended tonight redundant. The commission therefore needed to rescind the previous motion to add a definition. Dan made a motion to add the light manufacturing definition as updated earlier. Sharon seconded. All were opposed. The earlier motion was struck.

Dan made a motion to submit to the County the following changes to be presented at the Public Hearing to be set tonight, to the definition of Manufacturing, Light:

Manufacturing, Light (Light Manufacturing) means industrial type uses which may include the design, assembly, processing, creation, formation, production, or construction of products and equipment from

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previously manufactured components, where such operations conform to the requirements of Section 17.06 hereof, but shall not include any operations that involve the combination, reduction, refining, heat treatment, or chemical conversion of primary raw materials, or the manufacture and/or distribution of asphalt, concrete, or fuel, including crushing of previously formed concrete.

Sharon seconded. Poll of the vote: Sharon, aye. Dane, aye. Steve, aye. Dan, aye. The motion passed.

Table 17.03 was discussed. Dan stated that Retail Establishments, 10,000 square foot or greater are currently permitted in a B-4 district. He recommended that it be changed to NOT permitted. There was no discussion.

Dan made a motion to submit this recommended change to Table 17.03 to the County and be presented at the Public Hearing to be set tonight. Sharon seconded. All were in favor.

Dan brought up the topic of performance standards in 17.06. After much discussion, the topic was tabled for now. Dan will revisit in the new year after looking to other township's wording.

Section 29.05 refers to a section that has since been removed. It should now read section 7.12.

Dan made a motion submit the recommended change in section 29.05 from referencing section 18.03 to section 7.12 and present at the Public Hearing to be set tonight. Sharon seconded and all were in favor.

Dan alerted everyone to the fact that the Lake County Planning Commission will next meet at the end of November. Dan made a motion to postpone the November 9, 2021 meeting and set the public hearing to December 7, 2021 at 7 p.m. at the town hall. Sharon seconded and all were in favor.

Sharon made a motion to adjourn the meeting. Dan seconded and all were in favor.

Respectfully submitted,

Julie Himmelman
Zoning Secretary