

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

May 24, 2022

Rudy Veselko, Chairman, called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

Roll Call: Rudy Veselko, Shawn Parker, Susan Hanna, Tim Toman and Greg Miller

Also Present: Attorney, Ron Graham; Zoning Inspector, Noell Sivertsen and acting secretary, Nancy Kranstuber.

Guests: Applicants Paul Sciarrino and Evie Tsevdos, and their attorney Michael Lucas

Audience: Vince Minello, Aaron Hugus, Wanda Chop, Sheryl Perry, Leroy Perry, and Dennis L. Keeney

Purpose of Hearing is for a variance request by Mr. Paul Sciarrino and Ms. Evie Tsevdos regarding their residential property at 7180 Brakeman Road. The owners wish to sell used cars, by appointment, in an enclosed accessory building on their residential property. This would be a variance request of permitted uses in an R-2 district (Section 16 of the Zoning Regulations).

A legal notice of the hearing was published in the News Herald on May 13, 2022, and on the township website. Written notices were mailed to all parties of interest

An Oath of Truthfulness was administered to those in attendance who planned to speak during the proceedings.

Testimonies of Interested Parties:

Michael Lucas spoke on behalf of the applicant and distributed to the board members a packet containing photos and information on the current accessory building and its surrounding area. He pointed out that this is not the typical used car sales lot, but more of a showroom. If the variance is granted, Mr. Sciarrino and Ms. Tsevdos are voluntarily willing to provide the following conditions, and if the conditions are not followed, the variance would cease to exist.

1. Any sales or the showing of vehicles will always be in the inside of the accessory building. At no point in time would any cars be displayed outside.
2. There will never, at one time, be more than five vehicles within the enclosed structure. Under the State of Ohio Class B license a maximum of ten used vehicles are authorized for sale; the volunteered condition is there would never be, for sale, at any one time more than five vehicles.
3. Vehicles are shown/sold by appointment only in the enclosed structure. The vehicles are not open for the general public to shop. There is no traffic coming in or out of the property for purposes of looking at used motor vehicles.
 - a. There are no signs along Brakeman Road advertising used car dealership
 - b. Never place a sign immediately contingent to Brakeman Road advertising the sale of vehicles within the enclosed structure itself

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Paul Sciarrino advised he has not operated his business since March 8, 2022, when the zoning violation was issued. He is attempting to reinstate his Class B license, which is being held in abeyance because of the zoning violation.

- The Class B license requires a minimum of two spaces with no more than ten vehicles in inventory at one time, and restricted to keep vehicles indoors.
- State of Ohio Class B license was discontinued October, 2020, however, he was grandfathered in.
- Neighbors are aware of the business and he has received no complaints from them.

Questions and discussions from Board members included:

- Price range of vehicles sold: \$5K - \$18K
- Car Carriers: No car carriers; vehicles are personally driven in and out
- No servicing of vehicles on site

Testimony from guests and audience

Resident Dennis L. Keeney voiced concern over this type of operation in a residential area, as it could be subject to future expansion; other people may want to start similar business in the R district. The zoning resolution do not allow for used car sales as a Home Occupation.

Attorney Lucas reminded Mr. Keeney that this type of expansion would not exist since the Class B license has been abolished.

Zoning Inspector: The Zoning Inspector reminded the board that the business was first discovered after a complaint had been reported. The owners never contacted the zoning department to verify that used car sales were permitted in a residential district. She stated that B-2 district allows for pre-own with new car sales and that was in accordance with the Comprehensive Plan. Noell's recommendation was to deny the variance request for those reason. She noted that, if the variance is granted, there should be a stipulation that the variance does not stay with the property.

Noell had concerns as to her ability to determine if the owners are staying within the limitation of no more than five cars, at the location, at one time.

Evie Tsevdos advised that Noell does not need to make an appointment and can come at any time to inspect the premises.

Chairman Veselko received and read correspondence from Mr. Jeff Wagner, who wrote that he is a neighbor and, "... there has never been any noise or issues with the selling of cars at the residence. I am for them continuing with their license and ability to sell cars at their residence."

Attendees Leroy Perry, Aaron Hugus, and Vince Minello all voiced in favor of granting the variance.

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EXECUTIVE SESSION:

Susan Hanna made a motion to move into executive session, seconded by Tim Toman. All were in favor. Susan made a motion to close the executive session. Shawn seconded and all were in favor.

Chairman Veselko made the motion to approve the variance request based on the following conditions:

- A five-car maximum within the enclosed accessory building
- No signage for the business
- Clients by appointment only
- Zoning Inspector able to check status of business during normal business hours
- Variance will be null and void if there is a transfer of the property

Greg Miller seconded. There was no further discussion.

Poll of the Vote: Rudy, no. Shawn, yes. Susan, no. Greg, yes. Tim, yes. Motion carried.

Minutes: Rudy made a motion to accept the March 22, 2022, meeting minutes as written. Greg Miller seconded and all in favor.

Zoning Inspector:

Cedar Hills Post Detox and Recovery Learning Center: She has made three inspections. They reported 61 graduates from their program. They are not at full capacity and report a 65% graduation rate. There were a few calls to service, but nothing excessive. Rudy moved to continue the CUP with same conditions and to continue with the annual review of the CUP due to the nature of the facilities. Noell agreed that it would be best to continue with an annual review. Susan seconded. Poll of the Vote: Rudy, yes. Shawn, yes. Susan, yes. Greg, yes. Tim, yes. Motion carried.

Noell gave updates on Mahr Farms and the Curtin property.

Rudy made a motion to adjourn the meeting. Tim seconded and all were in favor.

The meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Julie Himmelman
Zoning Secretary