

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 23, 2022

Rudy Veselko, Chairman, called the meeting to order with the Pledge of Allegiance.

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

Also Present: BZA alternate, Amy Shelton, Zoning Inspector, Noell Sivertsen and secretary, Julie Himmelman.

Guests: Applicants Bruce and Fran Armour

Audience: Nancy Kranstuber, Victor Rebenock and Mike Shaw

The purpose of hearing is a variance request by Bruce Armour to build a third accessory building with a front setback of 62 feet (minimum is 100 feet). Proposed accessory building is 2,880 sq. ft. This would bring his total square footage of outbuildings to 3,712. Maximum for lots under 3 acres is 2,000 sq. ft.

A legal notice of the hearing was published in the News Herald on August 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: Mr. Armour stated that he has several muscle cars, tractors and trailers that he would like to get inside to both, keep them out of the weather and clean the yard up.

Question: Why did the owner chose the size and placement of the accessory building? His other buildings are filled. His contractor ordered trusses prior to getting permits, they have been sitting out for about 18 months. His building size was based on what current trusses would cover.

Question: Is a third accessory building already on the property? There is an approximately 6' x 12' used to store 4 wheelers, but it is falling apart and would be taken down if he builds a new building.

Question: How many vehicles would he be storing in the new building? Mr. Armour listed 5 vehicles.

Question: Are these recreational vehicles for the owner's private use, or will they be restored and sold? Mr. Armour stated they were for his own personal use.

Question: Has the owner considered a storage building? Mr. Armour stated he had cars at his auto repair business in Willoughby, but they are in the way.

Question: Is the owner considering moving his business from the leased space? No. The owner states he has a good business location for customers and will not be moving.

Question: Have you considered rebuilding where the current buildings are? Mrs. Armour stated that their builder wanted to remove the smaller building and build back into the woods. She did not want to do that to the neighbors behind them.

Mr. Armour stated they have also considered adding an attached garage onto their house.

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 23, 2022

Testimony from guests and audience

Mike Shaw, a neighbor of the applicant, stated the following: In 2018, he asked for a copy of the proposed building plan and felt the drawings he was sent were lacking. He provided a copy of what he received at that time. He felt the new drawing was equally lacking detail and was not drawn to scale. He feels that the township has zoning regulations that should be followed. The maximum of accessory building for lots under 3 acres is 2000 square feet. He feels that a minor variance is acceptable, but the new construction is 880 square feet over the maximum and the set back is 62 feet, not the minimum of 100 feet. Mr. Armour's proposed total square footage of accessory buildings is 86% over the maximum. He feels that is a big request. He feels that from October through May he would be looking at this building if allowed, as the trees are not that dense. He feels it would affect his resale value.

Mr. Rebenock, a neighbor of the applicant, stated the following: He feels there are regulations for a reason, and the excessive size of the building is an issue. He pointed out that the building would be bigger than the applicant's house as well as the neighboring homes. He felt that the regulations were put into place to curb excessively large accessory buildings.

Agricultural uses were discussed and the inspector reminded the audience that the building must be used primarily for agriculture. If found to not be used as agriculture, you could face prosecution.

Recommendation of the Zoning Inspector: The Zoning Inspector recommended denial of the variance. The proposed structure is excessive and much larger than even the primary structure. The lot is a small lot and the granting of the variance would be in conflict of the comprehensive plan in leaving open spaces. If the variance is granted this would open the doors for other such requests in the residential district.

Alternatives were briefly discussed.

There were no further questions or comments.

Executive Session: Rudy made a motion to move into executive session, seconded by Shawn. All were in favor. The secretary, alternate and zoning inspector were invited to stay. Rudy made a motion to close the executive session. Susan seconded and all were in favor.

Motion to approve: Vice-Chair Shawn Parker made a motion to approve the variance as requested. Tim seconded. There was no further discussion. Poll of the Vote: Rudy, no. Shawn, no. Susan, no. Greg, no. Tim, no. Motion was denied.

Finding of Fact and Conclusion of the Board: Chairman, Rudy Veselko stated that the Board of Zoning Appeals feels, and the facts presented support the following: The front setback and the square footage of the proposed building far exceed the maximum allowable by the township's zoning regulations for a residential district. The number of structures on the property are in conflict with the zoning regulations and the township's comprehensive plan. Adjacent property owners and the zoning inspector were all opposed to the variance. For these reasons your application was denied.

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

August 23, 2022

Rudy stated that the owners could meet with the zoning inspector to discuss other possible modifications.

The hearing was closed.

Minutes: The minutes of the May 24, 2022 meeting were read. Rudy made a motion to accept the minutes as read. Tim seconded and all in favor.

Zoning Inspector: The inspector reported on current litigation.

New Business: The secretary introduced the new alternate, Amy Shelton and Nancy Kranstuber, who will become the new secretary in the near future.

The secretary was thanked for her organization of the notes, minutes and agendas. Board appointments were discussed.

Rudy shared the loss of Jerry Hausch, a long-time board member and the longest-running member of the Lake County Planning Commission member at 37 years. Rudy would like to thank her as well for her help and service.

The board will meet on August 30, 2022 at 7:30 pm to approve the minutes and sign the letter of denial.

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

The meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Julie Himmelman
Zoning Secretary