

LeRoy Township Zoning Commission
March 19, 2019
Working Session Meeting Minutes

Meeting was called to order at 7:05 p.m. by Anthony Falcone, Chair.

Members Present: Anthony Falcone, Tom Gabor, T.R. Hach, Dan Himmelman, Steve McKee, alternate Dane Hackman, and secretary, Julie Himmelman

Also present: Zoning Inspector Myron Telencio, and Brian Crouse, Assistant Zoning Inspector

Absent: Ron Graham, Township Attorney

Guests: None

Audience: None

Introduction: Alternate, Dane Hackman introduced himself to the board.

Minutes: The secretary read the minutes of the January 22, 2019 minutes. A motion to accept the minutes as written was made by Dan and seconded by TR. Anthony abstained because he was not present. Tom, Dan Steve, and T.R. were in favor.

Correspondence: None

Comments:

Mahr Farms: Myron gave an update on the Mahr Farm case and the health of the homeowner. He and Ron are working on getting the hearing in front of Judge Cicconetti before his retirement.

ODOT Salt Bins: ODOT was informed that our setback requirements are 100'. Due to power line restrictions, they would not be able to build as many salt bins as they would like. ODOT will exercise eminent domain and will build the salt bins 40' from the road. Myron estimated that they will be 36' high. There will be 5 or 6 salt bins along the road. Myron said they would consider screening them.

BP/Subway: The Subway shop is operating, but the number of handicap spots and debris behind the building are on-going issues that must still be addressed.

The residence with the big garage across from the school and the residence at the corner of 86 and Kniffen were discussed.

Land Bank: Myron submitted 3 houses as nuisances to the Land Bank. They will be added to the pool and if chosen will be demolished. Either the owners will pay for the demolition or the land will be sold to cover the cost of the demolition.

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Old Business:

- **Section 16.04.13:** Myron stated Household Equipment and Tools are not defined and they are not addressed in the section. It was determined that they should be removed.
- **Section 26.1 A:** In paragraph 2, there is mention of building setback line without any specifics to front, side, or rear. It was decided to leave that alone. In subsection (4) Myron suggested removing “material stock”, as it is not defined and equipment and construction equipment as it is covered under Home Occupation. The decision was to leave the latter two items, and discuss material stock” at the next meeting with Ron Graham.
- **Section 5.02.** It was decided that the maximum fine shall be changed from \$100 to \$150.
- **Section 14.05 ISSUANCE OF PERMIT:** Myron suggested the following changes to define the approval cycle:
 1. The word “letter” should replace “Conditional Use Permit” and “permit” in this paragraph, because a conditional use may be approved, but there is no “conditional use permit”.
 2. The letter with a list of the conditions should be signed by the Zoning Secretary as well as the Chair of the Board of Zoning Appeals.
 3. The distribution and conveyance to the applicant will be altered to only state that an original signed copy of the letter should be given to the Zoning Inspector for issuance, along with the applicable zoning certificate and zoning fees. This will clarify the chain of events that must happen, so that the applicant does not take the Conditional Use letter as a signal that all zoning is completed, as there may be particular permits to be ascertained and/or fees to be paid.

Myron will review with these changes with Ron.

- **Definitions updates:** Under the definition of Motor Vehicle, it was decided that “mobile homes” be removed as it is defined separately. It was decided that the definition of Dwell, Two Family/Duplex be removed as it is no longer allowed.
- **Commercial architecture design/site plan review:** Western Reserve will be tabled until the zoning changes are completed.
- **Section 20:** Will be tabled until the zoning changes are complete.
- **Zoning Forms:** The secretary presented the form for New Dwellings. She provided Myron with a copy to review. It was decided to go with the one form for all types of lot to begin with.

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New Business:

The following motions were made concerning the zoning regulations:

- **Section 21 Fences:** Anthony made a motion to add a Maintenance regulation to be inserted after 21.04 Alterations and numbered as 21.05. The regulation will read *“Every fence is to be kept in a safe and secure condition, and in a neat and orderly condition at all times to prevent deterioration in the physical appearance of such fence.”* (all items thereafter shall be renumbered), AND the current section 21.05 Zoning Certificate shall be amended to include the sentence *“Decorative fencing 20 feet in length or less shall not require a zoning permit, but still must comply with all zoning regulations.”* T.R. seconded. Discussion was made and an amendment to the motions was included to change all mention of Zoning Certificate to Zoning Permit. All were in favor.

- **Section 16.04.13:** Anthony made a motion to delete the words “Household Equipment” and “Tools” from the title. Dan seconded. All were in favor.

- **Section 5.2:** Anthony made a motion to change the maximum fine from \$100 to \$150. TR seconded and all were in favor.

- **Section 2 Definitions:** Anthony made a motion to make changes (shown in bold) to the following definitions and TR seconded.
 - **ASSISTED LIVING HOME:** A residential home **licensed and/or approved and regulated by the State of Ohio** in which the owners and/or staff, for a fee, provide family-type housing, supervision, assistance and companionship for eight (8) or fewer retired, frail, elderly, adult residents requiring such services. These adult residents shall be individuals who are in need of assistance with Activities of Daily Living (ADL) and who cannot provide sufficient self-care due to age, physical limitation or frailty, and whose limited function does not require ongoing medical management or nursing supervision.

 - **DEVELOPMENTALLY DISABLED:** **Recognized by the State of Ohio** as meeting a severe chronic disability that is characterized and is attributable to mental or physical impairment or a combination of mental and physical impairments. *(Effective 12/1/04)*

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- ~~DWELLING, TWO FAMILY/DUPLEX: A building consisting of two (2) dwelling units which may be either attached side by side or one above the other., and each unit having a separate or combined entrance or entrances. (Effective 7/9/03)~~ **To be deleted.**
- **FUNERAL SERVICES:** A building or part thereof used for **human funeral** services **and** which may include: space for embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns and other related supplies, the storage of funeral vehicles, and other related uses, excluding crematories. *(Effective 5/2/2012)*
- **HOSPITAL:** An institution, **licensed and/or approved and regulated by the State of Ohio**, providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient departments, training facilities, central service facilities and other similar facilities. *(Amended Effective 5/2/2012)*
- **MOTOR VEHICLE:** Any vehicle, including ~~mobile homes and~~ recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. *(Effective 5/2/2012)*
- **NURSING HOME:** A nursing home means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is **licensed and/or approved and regulated by the State of Ohio** to provide personal care services and skilled nursing care. (From: Ohio Revised Code Section 3721.01(A)(6)). *(Amended Effective 5/2/2012)*
- **PERSONAL CARE SERVICES:** Services including, but not limited to the following:
 - Assisting residents with activities of daily living.
 - Assisting residents with self-administration of medicine, in accordance with rules adopted by the public health council pursuant to this chapter.
 - Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted by the public health council pursuant to this chapter.

Personal care serviced shall not include skilled nursing care as defined in Section 3721.01 of the Ohio Revised Code.

An adult ~~care facility~~ **group home** need not provide more than one (1) of the personal care services listed above to be considered providing personal care

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services. (From: Ohio Revised Code Section 3721.01(A)(5)(a) and 3721.01(A)(5)(b)).
(Effective 5/2/2012)

- ⊖ **RESEARCH ACTIVITIES:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. ~~All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, or vibration shall be detected outside of said building.~~
- **RESIDENTIAL CARE FACILITY:** A home licensed and/or approved and regulated by the State of Ohio that provides either of the following:
- **SCHOOL:** A public or private facility, licensed and/or approved and regulated by the State of Ohio, that provides a curriculum of elementary and/or secondary academic instruction, including pre-schools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational high schools, special education schools, colleges, junior colleges, and universities.
- **SWIMMING POOL:** A pool, ~~pond, lake~~ or open tank containing at least three (3) feet of water at any point and maintained by the owner or manager, designed or intended to be used for swimming purposes. ~~Ponds used in conjunction with agriculture are exempt.~~

Discussion was made and an amendment to the motion was made to include:

- **CHILD DAY CARE:** : A public or private facility, licensed and/or approved and regulated by the State of Ohio, that administers to the needs of infants, toddlers, preschool children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home and caring for more than six (6) said person.
- **JUNK VEHICLE:** A junk motor vehicle means a motor vehicle that meets all of the following criteria:
 1. Three model years old, or older.
 2. Apparently inoperable.
 3. Extensive damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.
 4. A collector's vehicle, whether licensed or unlicensed, is a junk motor vehicle if it meets the above three criteria. ***This will not be number 4, but an additional clarification after the three criteria.***

All were in favor.

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- TR made a motion to hold a public meeting concerning all changes voted upon above on April 16, 2019. Tom seconded and all were in favor.
- **Prohibited Uses:** Shipping containers were discussed. Anthony will revisit the information he has from the county.

TR made a motion to adjourn. Steve seconded and all were in favor.

Respectfully submitted,

Julie Himmelman

Leroy Zoning Secretary