

LEROY TOWNSHIP ZONING BOARD OF APPEALS

Minutes

March 22, 2022

The Leroy Township Zoning Board of Appeals met at the Leroy Township Hall, 6684 Paine Road, Leroy Township, on March 22, 2022 at 7 p.m. Chairman Rudy Veselko called the hearing to order with the Pledge of Allegiance.

Members present: Rudy Veselko, Shawn Parker, Greg Miller, Susan Hanna, and Tim Toman. **Absent:** none

Also present, were: Attorney, Ron Graham; Zoning Inspector, Noell Sivertsen; and Julie Himmelman, Zoning Secretary.

Guest: Variance applicant Karen Curtin and builder Rick Colwell.

Audience: See attached.

Meeting purpose: The chairman stated the purpose of hearing is a variance request by Karen Curtin regarding vacant property she owns at the corner of Painesville-Warren Road and Brakeman Road (parcel # 07-A-006-000-0140). She is requesting approval for a duplex (multi-generational dwelling).

A legal notice of the hearing was published in the News Herald and on the township website and written notices were mailed to all parties of interest.

Testimonies of interested parties: Rudy administered the oath to Rick Colwell and Karen Curtin. He then asked the applicant to give testimony as to the request.

Mr. Colwell from Little Mountain Homes spoke of the request for the variance. He stated that the home would be a multi-generational home. He discussed the difference between an in-law suite versus this home. He would like it to be considered a single-family home. There will be one gas and one electric meter, as well as one septic system which has been looked over by the Health Department. The number of wells would be determined by the output ability.

Rudy asked for confirmation that the septic system would handle a seven-bedroom house on 3.8 acres per the county? Mr. Colwell stated that was correct. The soil testing was done and it would be a mound system.

Susan expressed her concerns of two residents on that size acreage because Leroy requires 3 acres per household.

Karen Curtin stated that her family purchased the land because they needed space and wanted to live close together and wanted the grandsons to be in the school district. They split the parcel so that her one son could live there, separately. She read the zoning code and hoped for it to be considered one household with two separate families. They designed the house themselves and are open to suggestions for ways to make it acceptable.

Rudy asked the original acreage of the property? Answer: eight acres. The one lot is 4.2 and the lot in question is 3.8. They would not be building until they were sure they could move forward with the project as desired.

Correspondence: There was no correspondence from the adjacent property owners.

Zoning Inspector's recommendation: Noell recommended a denial of the variance. Duplexes are not allowed in the R-2 district. The submitted plan shows two separate dwelling units, with their own kitchens, baths, and living rooms. One household would be sharing a common space and this does not. There is concern that because we cannot limit what happens to this property in the future; there is no limitation of using it as a rental with two unrelated families living on one lot. She feels the 3.8 acres are too small and duplexes are not a permitted use on R-2 residential properties. Additionally, there was no communication regarding the lot split beforehand.

Rudy asked when the lot was split. Answer: The lot was purchased in August of 2021 and split immediately.

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Audience: Cody Crouser spoke of he and his brothers' desire to continue living as an extended family for at least the next 40 years. Karen Curtin stated further that there is a trust set-up and the house would be in the trusts when built.

Shawn made a motion to go into executive session. Tim seconded and all were in favor. Shawn made the motion to end the executive session. Greg seconded and all were in favor.

Shawn made a motion to approve the variance request as requested. Susan seconded. Poll of the Vote: Rudy, no. Susan, no. Tim, no. Greg, no. Shawn, no. The motion was denied.

Rudy read the following statement: The township went through a review of the regulations and in accordance with the comprehensive plan, as well as the Rural Residential (R-2) Zone. The intention is intended to provide for agricultural, residential and undeveloped open space land uses while considering the unique physical and environmental characteristics of the area. By allowing this variance, we felt that the density of the area on a 3.8-acre lot would be in conflict of these regulations.

Karen Curtin asked, what were the options? Ron stated they could appeal at the Court of Common Pleas. She asked if they could submit a new plan and asked if it was the plan or the fact that it was multifamily that was the issue. Rudy stated that the plan was for two homes with adjoining garages and therefore a duplex. That is not permitted in the township. Ron then stated that they could submit a new plan to the zoning inspector that would comply with the current zoning. If it complies, there would be no need for a variance. He stated the problem the board has is that a duplex is not a permitted use.

Noell suggested that if there was a chance to get extra acre from a neighbor, they could have 3 separate 3-acres lots.

The builder asked the guidelines for one family versus two. Discussion was made.

The minutes for the February 22, 2022 was read. Susan made a motion to approve the minutes as read. Greg seconded. Sean abstained and all others were in favor.

The Cedar Hills review was discussed. Noell stated she would do her inspection in May, and a review by the BZA will be scheduled after her report is completed.

As there was no further business, Rudy made a motion to close the meeting. Shawn seconded and all were in favor.

Respectfully submitted,

Julie Himmelman

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