

Leroy Township Zoning Board of Appeals
Public Hearing No. 2023-4, 2023-5, 2023-6 / General Meeting
July 25, 2023
Leroy Township Town Hall, 6684 Paine Road, Leroy Township OH

PUBLIC HEARING

Chairman Veselko called the meeting to order with the pledge to the flag.

Roll Call: Chairman, Rudy Veselko, Members, Susan Hanna, Greg Miller, Tim Toman, Alternate, Amy Shelton

Absent: Vice Chairman, Shawn Parker

Staff Present: Secretary, Nancy Kranstuber

Audience: Jessica Ruff, Gopal Patel, Matt Magyar, Chris Magyar

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

A **legal notice of the hearings** was published in the News-Herald on July 13, 2023, and on the township website. Written notices were mailed to all parties of interest.

- **PURPOSE OF HEARING: 2023-6 (Transformation Camp Inc.)**

This is a required yearly renewal of Transformation Camp's Conditional Use Permit (CUP) for property located at 5811 Vrooman Road.

Testimonies of Interested Parties: None

Testimony from guests and audience: None

Correspondence Received: None

Recommendation of Zoning Inspector: To date, the camp has been compliant, and no public complaints have been received. The township has a good working relationship with the camp and recommends renewing the CUP and require it to be renewed in one to two years.

Motion to Approve: Hanna made a motion to renew the CUP for a two-year period; Toman seconded.

Vote:	Veselko – Yes	Toman – Yes
	Hanna – Yes	Shelton – Yes
	Miller – Yes	

Motion carried. Variance 2023-6 APPROVED.

- **PURPOSE OF HEARING: 2023-4 (Shell Gas Station)**

Ruff Neon & Lighting, Painesville, OH, submitted an Application for Variance to Section 23.05 Non-Residential District Signs, to add an additional 5' by 24' double-sided sign to the existing pole sign for a total of 120 square feet per face at the Shell Gas Station located at 5941 Vrooman Road.

Testimonies of Interested Parties: Jessica Ruff, Ruff Neon & Lighting, explained the placement of the requested new box cabinet sign. A "Truck" sign will be inserted between the illuminated gas price sign and the existing Subway® sign. The sign will advertise the new service and attract the attention of highway traffic, thus increase business.

Testimony from guests and audience: None

Correspondence Received: None.

Recommendation of Zoning Inspector: Approve the request for additional space to the existing sign. This signage is needed when services are added.

Motion to Approve: Miller made a motion to approve the request for the additional sign; Hanna seconded.

Vote: Veselko – Yes Toman – Yes
Hanna – Yes Shelton – Yes
Miller – Yes

Motion carried. Variance 2023-4 APPROVED.

• **PURPOSE OF HEARING: 2023-5 (Magyar)**

Application for variance of Section 25.01 and Section 16.04.02 home occupation not on its own property. Matthew Magyar is requesting a shared driveway which is not permitted at 6450/6430 Vrooman Road to parcel no. 07A0160000090, and home occupation not on its own property.

Testimonies of Interested Parties: Matt is requesting to share the existing driveway to gain access to his property located further back where it will connect to the driveway he created last September. Building a new driveway from Vrooman Rd back to the dwelling would be cost prohibitive. He explained that the Illuminating Company has been on the property, mapped it out, and approved the layout to provide underground power lines versus overhead power lines. Matt advised the County is also in agreement, as long as the property owners of the driveway consent to sharing it. Matt provided drawings of what had already been built, what is being proposed, and answered specific questions from the Board.

Testimony from guests and audience: None

Correspondence Received: None

Recommendation of Zoning Inspector: Deny. Require the new construction to install an independent driveway and remove all commercial enterprises and use from the property. There is ample room to construct a driveway for the proposed new single-family dwelling. The Zoning Commission recently updated the Zoning Regulation requiring each dwelling to have its own driveway. Shared driveways are especially an issue for maintenance throughout the lifetime of the property. Failure to maintain the drive may result in delays to emergency services now and in the future. Though the adjoining properties are currently owned by other family members, that could change at any time. Additionally, the proposed driveway already services three lots, one of which is a business.

Executive Session: Veselko closed the public hearing and made a motion to go into executive session to discuss and deliberate to arrive at a decision; Miller seconded. All in favor.
Upon completion of deliberations, Veselko made a motion to exit the executive session; Hanna seconded. All in favor.

Motion to Approve: Veselko made a motion to approve the submitted variance for a shared driveway, which is not permitted at 6450/6430 Vrooman Road to parcel no. 07A0160000090; Hanna seconded.

Vote on approving the application for variance:

Veselko – No Toman – No
Hanna – No Shelton – No
Miller – No

Variance 2023-6 DENIED.

Finding of Facts

- This is a newly created lot split for a flag lot to meet current zoning code of which there is a 60-foot frontage, so there is driveway access to the rear portion of the parcel.
- It was determined there was no hardship.

Chairman Veselko explained:

- The Board had to take into consideration what was being proposed on the subject application, and not take into consideration the adjacent property and who owns it.
- The Board's only focus was the specific piece of property referred to on the variance application, and not the fact that all surrounding property is owned by the Magyar family.
- The Board cannot provide a solution; all they can do is vote on the information provided on the subject application.
- Suggested meeting with the zoning inspector to discuss how to move forward.
- Advised that the decision can be appealed.

GENERAL MEETING

Mr. Gopal Patel, owner of the Shell Gas Station located at 5941 Vrooman Road, advised that Shell gave preliminary approval for a charging station. Based on the modified site plan, he asked for feedback on the possibility of reducing the right-of-way setback from 50-foot to 30-foot. There was an original approval of a 50-foot setback from Vrooman Road.

Old Business: A motion was made by Toman to approve the March 28, 2023, meeting minutes; Miller seconded. All in favor.

New Business: Veselko gave an update on the asphalt plant. Allega's conditional use permit was renewed prior to its July 15 expiration. Therefore, they are complying and are allowed to make cold patch asphalt.

ADJOURNMENT

Hearing no requests for further business, Veselko made a motion to adjourn; Hanna seconded. All in favor

Respectfully submitted,

N Kranstuber

Secretary, Zoning Board of Appeals