

Leroy Township Zoning Board of Appeals
Public Hearing Nos. 2024-1, 2024-2, and 2024-3 / Organizational Meeting
March 26, 2024
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, Vice Chairman, Shawn Parker, Members Tim Toman, Greg Miller, Susan Hanna, and Alternate, Amy Shelton

Staff Present: Zoning Inspector, Noell Sivertsen, Secretary, Nancy Kranstuber

Audience: Residents Terry and Mindy Reed, Michael Toman, Mike Toman, Paul Jurkovic, James Boyer, and Bonnie Cole-King

ELECTION OF 2024 OFFICERS

Hanna nominated Veselko for Chairman; Miller seconded. Veselko closed the nominations when no further nominations came forward. All in favor.

Hanna nominated Parker for Vice Chairman; Miller seconded. Veselko closed the nominations when no further nominations came forward. All in favor.

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 March 14, 2024, and March 16, 2024, and on the township website. Written notices were mailed to all parties of interest.

- **PURPOSE OF HEARING: 2024-2 (King)**

Application for Variance of Section 21.02 A & B by Bonita Cole-King for property located at 12886 Carter Road, Leroy Township, to construct and replace at its current location a front yard fence and at the current six-foot height. The Zoning Resolution states decorative fences be installed within the front setback, and that all fences must be no greater in height than 48". A two-foot variance is being requested.

Testimonies of Interested Parties:

Contractor, James Boyer, REC Construction, advised this fence is a replacement to the existing six-foot fence and provides privacy, security, and reduces noise with the ongoing construction at the corner of Vrooman Road and Carter Road.

Requestor, Bonnie Cole-King stated she purchased the property in August 2021. The current six-foot fence is thirty years old and has fallen into disrepair. Several panels came down during the winter, and she wants to replace and duplicate the fence that is currently there.

Testimony from guests and audience: None.

Correspondence Received: None.

Recommendation of Zoning Inspector: Approve, with modification. Allow the replacement of the privacy fence, however, there is sufficient screening if the fence were lowered to the maximum permitted height of 48".

Executive Session: With no further questions or comments, the board moved into executive session to discuss and deliberate to arrive at a decision. Parker made a motion to move into executive session; Toman seconded. All in favor. Veselko made a motion to exit the executive session; Hanna seconded. All in favor.

Motion to Approve: Parker made a motion to approve the submitted variance request, with the condition that the height be reduced to 48" and stained the same color as original fence. Toman seconded.

Poll of vote: Veselko – Yes Miller - Yes
Parker – Yes Hanna - Yes
Toman – Yes
Motion approved.

Variance 2024-2 APPROVED, WITH MODIFICATION.

• **PURPOSE OF HEARING: 2024-1 (Reed)**

Application for Variance of Section 16.05.A requested by Terence and Melinda Reed, 3928 Main Street, Perry, Ohio, for property located at parcel no. 07-A-023-0-00-009-0, Carter Road, Painesville Ohio, to install an accessory structure on a vacant lot. Section 16.05.A prohibits accessory structures on vacant lots, and all structures must be 100 feet from the edge of the right of way. A variance of twenty feet is requested.

Testimonies of Interested Parties: Property owner, Terry Reed stated they were unaware they were in violation of the zoning regulation. The eleven-acre property was purchased in early fall, and the shed purchased and built on site one month later. It is being used for storing small tools and chairs when they are onsite. There will be a monetary issue should the shed have to be taken down.

Testimony from guests and audience: None

Correspondence Received: None

Recommendation of Zoning Inspector

Deny. Permitting an accessory structure prior to a primary structure being constructed sets a precedent for future requests. The property can still be used for their enjoyment without the structure being present.

Executive Session: With no further questions or comments, the board moved into executive session to discuss and deliberate to arrive at a decision. Toman made a motion to move into the executive session; Parker seconded. All in favor. Veselko made a motion to exit the executive session; Miller seconded. All in favor.

Motion to Accept: Veselko made a motion to accept variance request no. 2024-1; Hanna seconded.

Poll of vote: Veselko – No Miller – No
Parker – No Toman – No
Hanna – No
Motion denied.

Finding Of Facts: Per Section 16.05.A,

- There is no residence on the property,
- No permit for an accessory structure,
- Encroachment on the property,
- Property can be used as is without the structure.

Variance 2024-1 DENIED. Removal of structure required within 180 days.

• **PURPOSE OF HEARING: 2024-1 (Toman)**

Application for variance of Section 16.05D requested by Michael Toman, 13550 Carter Road, Leroy Township, to construct a 3,320 square foot pole barn. A maximum combined 2,400 feet is permitted. A variance of 1,496 square feet is being requested.

Testimonies of Interested Parties: Mr. Toman advised the building would be used to house his aircraft and equipment to maintain the existing runway. He shared the runway with his father, who had antique aircraft. His father passed

away, and Mr. Toman has been using the hangar at his mother’s residence for storage. The original intent was to build his own hanger, but due to his father’s passing, did not see the need to do so. He has since purchased the runway and needs to build his own hangar and will relocate his aircraft from his father’s property to his own property. The 24 x 24 structure currently on the land will stay there. The variance request meets the setbacks and will be built behind the house. He shared detailed drawings of the runway along with the location of the requested structure.

Testimony from guests and audience: After learning how the subject property will be used, resident Paul Jurkovic had no objection to the request.

Correspondence Received: None.

Recommendation of Zoning Inspector: The Township is aware of Mr. Toman’s use of the hanger on his mother’s property and the past variance request to allow the runway to be split from that property and joined on to his property. Mr. Toman does have unique property as it has an active runway on the property. There is a concern that the property could be used for commercial purposes in the future, whether it be used as a hanger or for machinery business use. If the Board were to consider granting this request, the following stipulations should be considered:

1. Limit the use of the hanger to the sole use of Mr. Toman, or the future owner of the property. There can be no renting of space for any equipment or aircraft not owned by the property owner.
2. File a restriction of the hanger’s use with the deed at the Lake County Recorder’s Office.

Executive Session: With no further questions or comments, the board moved into executive session to discuss and deliberate to arrive at a decision. Veselko made a motion to move into executive session; Parker seconded. All in favor. Hanna made a motion to exit the executive session; Parker seconded. All in favor.

Motion to Approve: Veselko made a motion to approve the submitted variance request with the stipulation of limiting the use of the hanger to the sole owner, Mr. Toman, or future property owner, with no renting of the space for any equipment or aircraft not owned by the property owner, as well as a restriction of the hanger’s use with a deed restriction at the Lake County Recorder’s Office. Parker seconded.

Poll of vote:	Veselko – Yes	Miller – Yes
	Parker – Yes	Shelton - Yes
	Hanna – Yes	Toman – Recused

Motion approved.

Variance 2024-3 APPROVED, WITH MODIFICATION.

GENERAL MEETING

- Hanna made a motion to approve the August 22, 2023, meeting minutes as written. Veselko seconded. All in favor.
- Next scheduled BZA Meeting is Tuesday, April 23, 2024, 7:00 p.m.

ADJOURNMENT: Hearing no requests for further business, Parker made a motion to adjourn; Hanna seconded. All in favor. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
N Kranstuber
Secretary, Zoning Board of Appeals