

Leroy Township Zoning Board of Appeals
Public Hearing 2024-5 – September 24, 2024
Leroy Township Town Hall, 6684 Paine Road, Leroy Township OH

PUBLIC HEARING

Vice Chairman Shawn Parker called the meeting to order with the pledge to the flag.

Roll Call: Vice Chairman, Shawn Parker, Members Susan Hanna, Tim Toman, Greg Miller

Absent: Chairman Rudy Veselko, Alternate, Amy Shelton

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

Audience: Attorney Ron Graham, Residents Jeannette Veselko, James Duda, Louis Duda, John Peterson, Heather Peterson

Purpose of Hearing: A variance is requested by Heather Peterson, 6464 Paine Road, Leroy OH 44077, to install an accessory structure at a proposed 59 feet from the center of the roadway. Section 16.1 requires all structures be a minimum front setback of 130 feet from the centerline of the road. A variance of 71 feet is requested.

An **Oath of Truthfulness** was administered by Vice Chair Parker to those in attendance who planned to speak during the proceedings.

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

Testimonies of Interested Parties: Ms. Peterson stated the 12' x 28' structure is used as a school bus stop shelter for her handicapped son, in addition to sometimes housing chickens and ducks, along with hay and feed. There is no location in the back of the residence to place the structure due to the lot being long and narrow, and the backyard has a creek and marsh, leach bed, a well, and other existing structures. Cinder blocks are currently under the structure for leveling and drainage.

Testimonies from guests and audience: Resident, Lou Duda, 6454 Paine Road, Leroy Twp, OH, said the large structure looks like a small house, sits too close to the road, is on cinder blocks, and brings down property value. He clarified he was not the individual that lodged the complaint about the structure's location.

Correspondence Received: Resident, Lee Wilson, 6474 Paine Road, Leroy OH, wrote he was against having the variance granted. Property owner, Andy Stupica, 7474 Lanier Dr, Cleveland OH, wrote he was not opposed to the variance if, in fact, it was needed for handicap mobility purposes (wheelchair, crutches), however, the requested 71 feet variance is more than normal.

Recommendation of Zoning Inspector: Deny. Permitting an accessory structure so close to the front setback puts a precedent for future requests. The property can still be used for enjoyment without the structure being installed in the current location. Had the applicant come for permits prior to installation, they would have been advised the location did not meet the minimum requirements of the Zoning Resolution. In addition, building permits were not obtained. The structure needs to either be removed from the property or relocated on the property to a Code conforming location and BOTH Zoning and Building Permits obtained.

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; Hanna seconded. All in favor. Parker made a motion to exit the executive session; Toman seconded. All in favor.

Motion to Approve: Parker made a motion to approve the submitted variance request; Miller seconded.

Poll of Vote: Parker – No Miller - No
Hanna – No Toman – No

Variance No. 2024-5 DENIED

Finding of Facts:

1. No hardship was presented to justify the variance,
2. There are other locations on the property where the structure could be placed in compliance with Leroy Township's Zoning code, and
3. No public support was presented in favor of the variance, while two letters and one in-person testimony were not in favor of the requested variance.

Due to the variance not being granted, the board has ruled that the requestor will have thirty days to remove the structure from the property or have it moved to a location where it will follow the Leroy Township Zoning code. If the decision is made to relocate the structure on the property, both a zoning and building permit must be obtained from the zoning inspector.

GENERAL MEETING

- Parker made a motion to approve June 25, 2024, meeting minutes as written; Toman seconded. Three members approved; one abstained (Hanna).
- Old Business: None
- New Business: Next meeting October 22, 2024, 7:00 p.m.

ADJOURNMENT: Hearing no requests for further business, Parker made a motion to adjourn; Toman seconded. All in favor.

Respectfully submitted,

N Kranstuber

Secretary, Zoning Board of Appeals