

Leroy Township Zoning Commission
April 14, 2026
Public Hearing
Public Hearing and Working Session Meeting Minutes

Chair Sharon Noewer opened the public hearing at 7:00 p.m. with the Pledge of Allegiance.

MEMBERS PRESENT: Chair: Sharon Noewer: Vice Chair, John Brown: Members: Ron Baker, Charlie Cross, Frank Dragolich, Alternate: Sarah Mullins

TRUSTEES: Linda Burhenne

ZONING INSPECTOR: Noell Sivertsen

PUBLIC HEARING:

Public hearing started with a roll call of zoning members and a welcome to the audience. In addition to the Zoning members, Zoning Inspector, BZA chair Veselko, Trustee Burhenne, two residents were in attendance for the hearing. Chair Noewer noted that the public notice for the hearing had been timely posted on the Leroy Township website, on the Leroy Township official social media site, and published in the News-Herald on March 20, 2026. Chair Noewer stated the purpose of the public hearing was to collect public input on the 10 proposed text amendments to the Zoning Regulations. Chair Noewer asked for any written comments. There were no written comments from the audience.

Review of Leroy Township Zoning Commission Proposed Text Amendments

Section 2 Definitions: (Amendments 1,2, and 3)

ATTACHED ACCESSORY BUILDING: *An attached accessory building is a structure that's physically connected to the dwelling unit, and shall share a wall, roof, and have direct access to the dwelling unit, making it functionally part of the main structure for zoning purposes, requiring compliance with principal building codes and setbacks, but not intended to be used for living or sleeping by one or more human occupants.*

DATA CENTERS: *Buildings that house computer services and infrastructure for data processing and storage.*

LOT, MINIMUM AREA OF: The area of a lot is computed **exclusive of any portion of the right-of-way of any public thoroughfare** inclusive of no more than half of the road or street right of way when the lot owner holds title.

- Chair Noewer asked for any comments from the audience. Hearing none, Chair Noewer shared a letter received from the Lake County Planning Commission. The LCPC recommended a one word change in the Data Center definition: use “computer servers” instead of “computer service”.
- F. Dragolich made a motion to accept the word change above. R. Baker seconded the motion. All in favor.

- Chair Noewer asked if the board had anything to consider on the three definitions. There were no comments from the board.

Section 9 PROHIBITED USES (Amendment 4)

9.26 Data Centers.

- Chair Noewer asked for any comments from the audience and from the board. None were given.

Section 10 Township Zoning Commission and Amendments to the Zoning Resolution (Amendments 5 and 6)

10.11 Notice of such hearing shall be given by the Township Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township area in accordance with the Ohio Revised Code. ***Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using the township and/or Zoning Commission web site and social media account in accordance with Ohio Revised Code 519.12 A(2)(c).*** This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

10.14 Upon receipt of the recommendation of the Township Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such ***the*** hearing shall be given by the Township Trustees the Board by at least one (1) publication in one (1) or more newspapers of general circulation in the Township area, in accordance with the Ohio Revised Code. ***at least ten days before the date of the hearing using the township /or Zoning Commission web site and social media account in accordance with Ohio Revised Code 519.12 E(3).***

- Chair Noewer asked for any comments from the audience and from the board. Trustee Burhenne indicated that Section 10.12 contained the following: “The notice shall contain the same information as required of notices published in the newspaper as specified.” After some discussion, Chair Noewer stated that Trustee Burhenne’s comment will be taken under advisement.

Section 11 Board of Zoning Appeals (Amendment 7)

11.6 *Period of Validity: No variance granted by the Board of Zoning Appeals shall be valid for a period longer than one (1) year from the date on which the Board grants the variance unless within such period a zoning certificate is obtained and the construction, moving or remodeling of structure is started or subdivision approval has been obtained from the Lake County Planning Commission. The Zoning Inspector may grant a maximum of two (2) extensions not exceeding six (6) months each, upon written application, without notice of Hearing.*

- Chair Noewer asked for any comments from the audience and from the board. None were given.

Section 16 Rural Residential, R-2 (Amendments 8, 9, and 10)

16.05 E: (Amendment 8) All accessory buildings shall be a minimum of twenty (20) feet from any main building or existing residence. Minimum side yard clearance shall be twenty **thirty (20 30)** feet, except on corner lots where the side line clearance on the side of the lot abutting the side street shall be no less than fifty (50) feet from the road right-of way sideline of the road or eighty (80) feet from the traveled portion of the road, whichever is greater. **Minimum side yard clearance on lots that are less than 1.5 acres and less than 150 feet in width, may be 20 feet from the sideline and 20 feet from the rear line.**

- Chair Noewer asked for any comments from the audience and from the board. None were given.
- Chair Noewer read an email from a concerned resident, Dan Himmelman, about setback changes creating non-conforming lots and obligations under Section 8.9

To: noewer@aol.com

Date: Saturday, April 11, 2026 at 09:07 PM EDT

Hi Sharon,
I hope all is well.

Unfortunately, I am unable to attend the zoning public meeting on Tuesday as I will be on the far west side, but I would like to provide my comments and have them read into the record.

My main concern is with the setback changes for accessory buildings. This seemingly simple change has wide-ranging impact as it has the potential to put many parcels into legal non-conforming status. My lot is included in that but my comments are not just personal. While the commission has the right to make these changes, it is critical that residents be made aware of the potential changes to the status of their existing lots.

In addition, the following text is from section 8.9:

"A Zoning Certificate shall be required of all lawful nonconforming uses of land or buildings created by adoption of this Resolution or otherwise. Application for such Zoning Certificate for a nonconforming use shall be filed with the Zoning Inspector within one (1) year of the effective date of this section by the owner or lessee of the building or land occupied by such nonconforming use. It shall be the duty of the Zoning Inspector to issue a zoning certificate for a lawful nonconforming use, but failure to apply for such Certificate for a nonconforming use or refusal of the Zoning Inspector to issue a Zoning Certificate for such nonconforming use shall be evidence that such nonconforming use was either unlawful or did not lawfully exist at the effective date of this section."

This means by adopting the changes in the setback requirements, any parcel that becomes non-conforming will require the owners obtain a zoning certificate. I'm quite sure that residents are not aware that this new requirement will be necessary only due to changes proposed by the Zoning Commission and not due to anything that the owner had done.

If my assumptions are true, I would strongly encourage that the Township (Trustees or Zoning Commission) provide ample, clear and timely communication of new requirements that are placed simply due to "minor" changes to setback requirements. If I know the people in this township, the blowback will be strong and swift. I just thought the commission should consider these changes and the likely unexpected consequences.

Thanks for your time and I hope all goes well. If you have any questions or comments, please feel free to reach out.

- Chair Noewer spoke to the township's legal counsel, David Hackman, and was advised that Section 8.9 should be deleted. The section no longer conforms to the ORC. No other comments were provided on 16.05E.

16.05 F: (Amendment 9)

Attached garages or accessory buildings connected with the main building by a breezeway or other permanently constructed connection shall be construed to be part of the main building. Provided, however, that on lots lawfully with one hundred (100) feet frontage or less, the minimum side yard clearance on each side shall be fifteen (15) feet. ***The total square footage of any attached accessory building(s) on a lot shall not exceed the square footage of the living area on the ground floor level of the dwelling unit on the lot, but shall also not exceed the maximums permitted above in Section 16.05(D). No attached accessory building shall be erected to a height in excess of that of the dwelling unit to which it is incident.***

- Chair Noewer asked for comments on Amendment 9. Audience member asked why the township was putting a limit on size and how was the size determined. Chair Noewer explained when working with the Lake County Planning & Community Development, part of what the board was considering when the change was made was the desire of the community to remain rural, to not have unlimited massive buildings attached where there would be no limitations at all on the size. .
- Zoning Inspector Sivertsen added that it was also to reduce the number of businesses going into homes that are not permitted. A lot of these garages get converted into commercial uses very quickly and easily in residential districts and that becomes a big problem on how to enforce other zoning regulations on businesses. They also get converted into dwelling units when they were not constructed as such, which has brought in other problems such as people living in barns.
- Board Member F. Dragolich stated that people can always apply for a variance.
- BZA Chair R. Veselko explained that the appeals process looks at whether there is a hardship, looks at the zoning regulations, and looks at what the special requirements are for the applicant. It is case by case specific. There is no broad category.
- Zoning Inspector Sivertsen mentioned the "Duncan Standards". In Ohio they refer to the **Duncan Factors**, a set of seven legal criteria established by the Ohio Supreme Court for evaluating area variance requests.
- Chair Noewer asked if there were any other comments. There were none.

(Amendment 10)

Leroy Township Zoning Regulations
SECTION 16
RURAL RESIDENTIAL R-2

Table 16.1 Development Standards (revised 12/10/21)	R-1	R-2
	Residential	Rural Residential
Lot Requirements		
Minimum Lot Size (1)	1.5-acre	3 acres
Minimum Lot Frontage/lot width	150'	200'
Cul-de-sac bulb lot frontage (2)	75'	75'
Rear or flag lot (2)	60'	60'
Minimum front yard setback/depth (3)	50'	100'
Minimum side yard setback (each side) (4)	20'	3020'
Minimum rear yard	20'	5020'
Building Specifications		
Height (5)	35'	35'
Minimum Square footage (6)		
Single floor dwelling	1,400 sq. ft.	1,400 sq. ft.
Two floor dwelling	1,600 sq. ft.	1,600 sq. ft.
Minimum building setback from an existing gas well		100 feet
Notes		

- Chair Noewer asked for comments from the audience. There was some discussion regarding Lake County Department of Health septic requirements and lot size.
- Chair Noewer stated all 10 amendments had been reviewed and if anyone had anything else to mention. None voiced.

- Chair Noewer made a motion to continue the public hearing to May 12, 2026. R. Baker seconded. All were in favor.

Chair Noewer opened the Zoning Meeting.

- **Minutes:** The meeting minutes for March 10, 2026, were previously distributed via email. There were no comments. F. Dragolich made a motion to approve the March 2026 minutes; Ron Baker seconded the motion. All were in favor.
- **Correspondence:**
 - Chair Noewer noted that the Lake County Planning & Community Development sent a letter to the Zoning Commission. The letter, dated 13/25/2026, was regarding the acceptance of the Leroy Township text amendments to Sections 2, 9, 10.11, 10.14, 11.6, and 16.05. The LCPCD recommended changing the Data Center definition from “computer service” to “computer servers”. This was discussed at the public hearing.
 - Chair Noewer mentioned the email from Dan Himmelman, the Leroy resident, with comments about the accessory buildings and Section 8.9. Discussed in the public hearing.
 - Chair Noewer noted a letter received from Becky Lynch, Lake County Recorder, regarding the formats for Zoning Resolutions and Amendments.
- **Zoning Inspector comments:** Nothing to report.
- **Trustee comments:** Nothing to report.
- **New Business:** None.
- **Old Business:**
 - Input from the public hearing regarding proposed text amendments to Leroy Zoning Regulations. Continued the public hearing to May 12, 2026.
 - Chair Noewer made a motion to delete Section 8.9. J. Brown seconded the motion. All in favor.
 - Discussed input from Lake County Planning & Community Development regarding proposed text amendments.
 - Determined course of action on proposed text amendments.
 - Section 31 Natural Resources Protection refiled.
 - Zoning meeting calendar for remainder of 2026
 - Move September 1 meeting to June 9.
 - Chair Noewer made a motion to accept date change. C. Cross seconded the motion. All in favor.
- The next meeting scheduled will be Tuesday, May 12, 2026, at 7pm.

- **Adjournment:** There being no further discussion, R. Baker made a motion to adjourn the meeting; C. Cross seconded the motion. All were in favor.

Respectfully submitted,
Deirdra M. Orosz
Leroy Zoning Secretary