

AV09-161018

Brian Dudich
14718 Munnberry Oval
Newbury, OH 44065

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:30 p.m. on October 18, 2016 with board members Mary Lee Brezina, Ed Meyers, Karen Endres and Chris Yaecker present. All in attendance who wished to speak at this hearing were duly sworn and asked when testifying to state their name and confirm being sworn in. Mr. Tomsic said the BZA procedures would be followed and that the hearing had been advertised and was being recorded. He asked the applicant to present his case.

Brian Dudich requests an Area Variance to construct a 1872 sq.ft. detached garage (vs. Art. V, Sec. 5.02 A-3-b, max. 1280 sq. ft. allowed size) on parcel 23-315312 at 14718Munnberry Oval in the R-1 Residential District.

Jennifer GL Dudich, owner of the property, authorized her husband Brian to speak as the applicant to present this variance request.

Brian Dudich said he has a 32 ft. motor home and wants to build a detached garage for the RV with additional storage space to house all their “stuff” under one roof. He explained they have the smallest house in the neighborhood and built without a basement, with a full 2 car garage and now are renting storage on Munn Rd. for all their extra’s. He said he is a carpenter and intends to build a clean looking building to compliment the house and blend into the neighborhood appropriately, with everything stored inside.

The new building will be located centrally on the lot behind the house with no hindrance to the rear property power line easement.

Mr. Tomsic commented that this was a big building. Mr. Dudich said he wanted to “do it right the first time and not have to come back” for additional storage. Mr. Joyce verified that the owner is permitted one detached garage and 2 small sheds.

Mr. Dudich described the construction of the 18 ft x 56 ft RV port (per the submitted north elevation sketch) with a 14 ft. overhead door and an adjoining man-door on the storage side. He explained that the roof ridge would be 2 ft. higher than the house ridge. The building would be a pole barn design on post footers.

Karen Endres asked about utilities to the new building: there would be no heat but extension of power to the existing shed.

Mr. Dudich further described the driveway extension as “a straight shot for the RV to the new building”, the relocation of the existing 12 x 24 accessory building with its own man-door as a side attachment to the new RV port. He pointed out the location of the well and septic system on the same site drawing.

Both Ms. Endres and Mr. Yaecker pointed out that the attachment of the existing shed now makes the new building much larger by 288 sq. ft.

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Mr. Meyers noted that other properties on Munnberry Oval have similar storage buildings. Mr. Dudich said he designed his building to compliment others in the area and he also has a bonus second floor attic area.

Mr. Tomsic advised Mr. Joyce that the variance request should be amended to reflect the relocation and attachment of the existing shed to the proposed new detached garage: 288 sq.ft. plus 1872 sq.ft. becomes 2160 sq.ft. minus 1280 sq.ft. permitted to equal 880 sq.ft. for the requested variance.

Mr. Dudich said his house is less than 2000 sq.ft., without a basement; they have transformed a former office into a playroom for their son whose playthings will add to their need for more storage.

Mr. Tomsic confirmed the new building would have no plumbing and be used only for storage – Mr. Dudich agreed. Ms. Endres asked if there would be any business use of the new building – Mr. Dudich said no. Mr. Tomsic verified the rear easement was for power lines.

Ms. Brezina said she thought the new building was well located, isolated and out-of-sight from the road and agreed with the need for the RV port and additional storage.

Mr. Yaecker confirmed that zoning allowed two outbuildings – with one relocated, one shed remains in compliance.

Ms. Endres asked Mr. Dudich if he would accept the **amended size of 2160 sq.ft.** for the one new garage (with the shed additional 288 sq.ft.) – he would accept that amended size.

Ed Meyers asked for comments from the audience. Tom Bottger said he had no problems with the proposed/amended variance request. His property is between the power line buffer and the Dudich property.

Mr. Tomsic said the variance request can be amended and asked the board to consider the following Findings of Fact:

- a) There is value of the lot with or without the variance, but the RV port and indoor storage is needed.
- b) The amended variance is substantial – 69% - as it is 880 sq.ft. over the 1280 sq.ft. permitted.
- c) There is no substantial impact on the neighborhood as the building is located behind the house.
- d) There is no affect on delivery of government services,
- e) Applicant says additional storage was not thought of at the time the home was purchased.

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- f) The applicant’s predicament cannot be obviated through some method other than a variance with one existing shed combined with the new detached garage.
- g) The spirit and intent would be observed by granting the amended size for the detached garage for RV port and all inside storage. There were no objections by a neighbor in the audience.

Mr. Tomsic called for a vote stating that a yes vote would grant the variance.

Ms. Endres moved to grant the amended area variance for the 2160 sq.ft. detached RV/ garage (to include the one attached existing 288 sq.ft. shed) – with the conditions:

- 1) that the remaining shed be removed upon completion of the new garage, &
- 2) any future storage expansion is limited to 400 sq.ft.

Mr. Yaecker seconded the motion with the vote as follows:

Karen Endres	yes
Ed Meyers	yes
Chris Yaecker	yes
Mary Lee Brezina	yes
Lou Tomsic	yes

Mr.Tomsic read to the Appellants and audience, “Within 30 days after service of the minutes granting your request, if someone wishes to challenge this decision through the court, he or she may. The required permit can be issued once all requirements regarding this application are satisfied, although if you plan construction it is recommended you wait the 30 days before proceeding. The challenge could reverse or negate our decision. At the time you receive your permit you must also comply with all other requirements of Newbury Township zoning”.

The board agreed to hold hearings on the first and third Tuesday of the month. These minutes will be signed on November 1, 2016 at 7:30 p.m.

The board wished Mr. & Mrs. Dudich good luck with their new storage building.

Mr.Tomsic adjourned this BZA hearing at 8:10 p.m.

Marge Hrabak, Secretary

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Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker,

Karen Endres,

Ed Meyers, V. Chairman

Mary Lee Brezina

Marge Hrabak, Sec'y BZA
Date: _____