

AV10-161115

Jill V. Dugan
11259 Whitewood Dr.
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 November 15, 2016 with board members Mary Lee Brezina, 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 read the BZA procedures to be followed and confirmed with the secretary that the hearing had been advertised, neighbors notified and was now being recorded. Mr. Tomsic read the applicant's variance request:

Jill V. Dugan requests an Area Variance to construct a 24 ft. x 24 ft. detached garage 41 ft from the road right-of-way (per Art. V, Sec.5.05, req'd 100 ft from road r-o-w) on parcel 23-033000 at 11259 Whitewood Dr. in the R-1 Residential District.

Mr. Tomsic asked the applicant to state her case.

Ms. Dugan said with the current leach field location, the new garage was positioned in the only logical place as the property was located on a road curve. The detached garage would not affect the neighborhood. She said they had lived there 21 years and she had talked with her neighbors who expressed no objections to positioning the new garage.

Mr. Tomsic confirmed the location of the septic system with the new garage building just 10 ft from the end of the leach lines.

Ms. Endres noted the driveway was across from the turn-around and the new garage doors faced the existing garage. The cement pad in front of the new building should connect to the driveway that rises steeply from the road. Only one or two trees would need to be removed – minimally invasive to the site. She asked about window placement – windows on the street side only for natural sunlight, no cathedral eave windows.

Mr. Yaecker asked if there was a Homeowners Association on Whitewood – no.

Ms. Endres asked what would be stored in the new garage – a trailer and one other vehicle. Ms. Dugan replied they have more “stuff” than space to storage it.

Mr. Yaecker described the closest buildings: no houses but one new outbuilding permitted by a prior BZA hearing.

Ms. Endres asked Ms. Dugan if she had considered using evergreens as screening between the new building and the road. Ms. Dugan said she would landscape appropriately. There would be no heat, plumbing or water connections, only electrical lighting will be installed. She commented that 9 of the 18 homes on Whitewood Drive have detached garages. She has found no other practical location for this new garage.

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Mr. Yaecker said he had investigated alternate sites but found the leach field the major obstacle to any rear location. Mr. Dugan agreed saying the new garage was “positioned in the only logical place”.

Ms. Brezina asked Mr. Joyce to explain the road right-of-way rules and changes:

Old rules – 100 ft setback from the road centerline,

New rules – 100 ft. setback from the road right-of-way.

Mr. Joyce provided colored photos showing the proposed garage location.

Mr. Dugan measured 71 ft. from the road centerline per the old setback rules.

Ms. Endres asked if the Dugans had found the property survey pins – yes. Mr. Yaecker confirmed Mr. Dugan showed him the property pins.

Mr. Yaecker asked how soon the Dugans planned to start construction – ASAP.

Mr. Tomsic advised the applicants that with only four board members present they could postpone this hearing till a full board was available – they agreed to continue with the four members present.

Mr. Tomsic asked the board to review the Findings of Fact:

- a) There is value of the lot with or without the variance, but extra storage space is needed,
- b) The variance is substantial, but the lot is heavily wooded and the applicants agreed to landscape screening the garage from the road,
- c) There is no substantial impact on the neighborhood, 9 others have detached garages,
- d) There is no affect on delivery of government services,
- e) Applicant said he was not aware of the zoning restrictions,
- f) The applicant’s predicament cannot be obviated through some method other than a variance as the heavily wooded lot and leach field precludes expansion to the rear,
- g) The spirit and intent would be observed by granting the front setback keeping all buildings convenient to the driveway; there were no neighbors in the audience to raise objections.

Ms. Brezina asked about the garage exterior: will use the same siding to match the house.

Ms. Endres asked if the Dugans were willing to mitigate with year-round evergreen screenings – they replied “yes”.

Ms. Endres moved to grant the variance as requested with the following condition: install landscape screening with minimum (3) 6 ft evergreens between the garage and the road.

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Ms. Brezina seconded the motion. Mr. Tomsic said a yes vote would grant the variance.

Karen Endres	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 holds hearings on the first and third Tuesday of the month. These minutes will be signed on December 6, 2016 at 7:30 p.m.

The board wished the applicants good luck with their garage addition.

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

Marge Hrabak, Secretary

Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker,

Karen Endres,

Mary Lee Brezina

Marge Hrabak, Sec’y BZA
Date: _____