

Newbury Township Board of Zoning Appeals

Minutes 3/27/2019

Keith Lynce (Northwoods Cabins) CU 19-005 Continuance

The Newbury Township Board of Zoning Appeals public hearing was called order by Mr. Lou Tomsic, Chairman, at 7:30 p.m. On March 26, 2019 with board members, Mary Lee Brezina, Karen Endres, Chris Yaecker and Mike Fenstermaker. All in attendance who wished to speak at this hearing were duly sworn and asked when testifying to the state their name and confirm being sworn in. Mr. Tomsic said the BZA procedures would be followed and that the hearing was being recorded He verified that notices were advertised and mailed. He read the applicants Area Variance request.

This is a continuance of a hearing for Keith Lynce regarding area variance for operating Northwood Cabin Company at Newbury Industrial Park, PPN Nos. 23-192700; 23-385301; 23-385273.

Mr. Tomsic asked if everyone had a chance to look at the new site plan, and asked Mr. Lynce to explain it. Mr. Lynce said he had the set back at 75'. Some buildings would be eventual cabins, not starting out with as many as shown on site plan. There is already existing, full coverage lighting in the parking lot. They will run low voltage landscape lighting. Pavilions in back, play furniture, water tower, gazebos, pergolas and sheds.

Mr. Tomsic asked Mr. Joyce what was considered a structures. Mr. Joyce stated that structures are anything that the located on the ground or attached to something located on the ground. Mr. Joyce stated that he did not consider the play sets to be part of the building area. Mr. Tomsic stated that we determined last week that all these structures are going on top of what is already concrete. No increase in lot coverage.

Mr. Lynce inquired about the maximum lot coverage per lot. Mr. Joyce stated 50%. Mr. Lynce stated they are well under that, because of combining the 2 properties.

Mr. Yaecker stated they are not covering any additional green space, so the conversation is "moot" point. Mrs. Endres stated that we are reviewing this just to make it clear that there is not to be additional lot coverage.

Lengthy discussion regarding lot coverage and structures and conditions.

Mr. Joyce stated that lot coverage is at 48.5% at this time with the consolidation.

Mr. Tomsic inquired if they were offering financing. Mr. Lynce said not at first, but eventually.

Mrs. Endres wants to define how many buildings and what sizes will be on the property.

Mr. Lynce defines them as follows:

Small: Under 200 sq. ft. and smaller; (20)

Medium 200 sq. ft. - 400 Sq. feet; (5)

Large 400 sq. ft. and over (3)

Mr. Joyce stated that he would like a summary of the buildings so that you can define what the maximum single building size would be.

Mrs. Endres and Mr. Yaecker stated that would be a different hearing.

Mr. Tomsic stated that the variance would be worded for temporary structures only. He inquired about the path width going through. Mr. Lynce stated 20 to 25 feet. He needs it big enough to get his trucks in with a 35 foot circle turnaround.

Mr. Yaecker inquired about access off of Route 44. Mr. Lynce said that there would be no access, but possibly a sign. At a later date to be discussed.

Mrs. Brezina feels this is a decent fit for property. Plenty of access. Visibility, and set back.

Mr. Lynce inquired about 1 building being on poles. That would have to go through building dept. However the poles will stay in the ground. A "Platform" for the cabin to sit on. The poles would go down 42' below frost.

Mr. Tomsic stated that the pad (platform) would have a 75' setback and would be considered a permanent structure. Mr. Lynce stated that the poles would be removed if he left, however the concrete would stay. All buildings will be strapped down. Mr. Lynce is meeting with the building dept. He also stated that it will take approximately 2 months to set up.

Mrs. Endres asked Mr. Lynce if he agreed to all the conditions. Mrs. Lynce agreed and Mr. White also agreed. Mr. Lynce signed and dated the map.

Karen Endres made the motion that the applicant shall be allowed to use the property in Newbury Business Park to only locate temporary model buildings and structures and the sales office for Northwoods Cabin Co., and variances granted as outlined in the Application For Newbury Township Zoning Certificate dated 01/28/2019, and the Notice of Appeal Requesting an Area Variance dated 02/22/2019 signed by Keith Lynce with conditions as further described here in, with one exception:

One (1) 14' x 24' leveling platform built with posts, or the like, marked on Exhibit A titled "leveling platform".

Temporary buildings and structures are defined as the following: Means a building or structure not permanently affixed to the ground and without any foundation, footings, or underground posts or the like, and which can be removed from the site when the designated time period, activity, or use for which the temporary building or structure was erected, has ceased.

1. Variance granted from Section 7.07(A) front required yard setback from 100' to **75'**.
2. Variances granted from the interior lot line to locate temporary buildings and structures
3. Variances granted from Section 7.10 minimum floor area to permit temporary model buildings smaller than 900 square feet and for the temporary sales office building or structure smaller than 900 square feet as detailed in the conditions.

The following conditions will apply

1. An affidavit of fact is to be filed with the Geauga County Recorder documenting the fact that permanent parcels 23-192700 and 23-385301 are to be joined together for any future property sale and considered as one (lot) for the purposes of Newbury Township zoning regulations.
2. There shall be no additional lot coverage – beyond the current maximum lot coverage of 50% - as defined in the Newbury Township Zoning Resolution and no lot coverage variance is granted. No existing greenspace shall be converted into additional lot coverage. The existing grassy mound (as marked on Exhibit A) shall remain in place. All temporary buildings and structures are to be completely located on areas of the lot which have existing lot coverage.
3. The number of temporary buildings and structures shall be limited as follows:

- 1.) 20 small temporary buildings or structure defined as 200 square feet or less
- 2.) 5 medium temporary buildings or structures defined as greater than 200 square feet and less than 400 square feet
- 3.) 3 large temporary buildings or structures defined as 400 square feet to no larger than 900 square feet.
4. The sales office is to be located within one of the larger temporary buildings.
5. An Occupied temporary building shall be limited to one sales office.
6. All temporary buildings and structures are to be located no closer than 75' from the Kinsman Road (Rt. 87) road right of way.
7. The variances granted in connection with this application are specific to temporary buildings and are to be extinguished when the Northwoods Cabin Co. ceases to operate within the Newbury Business Park.
8. The applicant shall acquire all required Geauga County building permits related to the temporary buildings and structures and provide copies of permits to the Newbury Zoning Inspector.
9. Maintain an access area (driveway) 22 feet wide through the lot, unfettered and clear, to allow easy access for safety and emergency forces.

The reasons for granting the variances are based on the following facts.

1. The variance from the road right of way is not substantial nor out of character with the other buildings in the surrounding neighborhood and other properties in the Newbury Business Park.
2. Some of the existing uses and buildings on the site are close to the road and impair the visibility of this site resulting in a practical difficulty of realizing the full use and benefit of this site, if the required 100 feet setback is applied.
3. The variances from the internal lot lines will have no impact on adjoining property owners and any administrative issues are mitigated by the filing of the affidavit of fact.
4. The location is in an industrial/business park zoned M-1 and will not negatively impact any of the adjoining properties which are all currently zoned either M-1 or B-1.
5. There is no one in attendance at the hearing(s) objecting to the applicant's requests.
6. The property owner and the applicant are on record they agree to all the conditions for granting the variance.

Chris Yaecker seconds the motion.

Roll Call:

Karen Endres	Yes
Chris Yaecker	Yes
Mary Lee Brezina	Yes
Mike Fenstermaker	Yes
Lewis Tomsic	Yes

Mr. Tomsic read to the Appellant and Audience, "Within 30 days after service for 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 requirement regarding this application are satisfied, although if you plan construction it is recommended you wait 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 requirement of Newbury Township zoning"

Mr. Tomsic told the applicant the board will meet April 16th at 7:30 to sign the minutes

Lou Tomsic adjourned the BZA hearing at 9:00 p.m.

Signatures of the Newbury Board of Zoning Appeals:

Lewis Tomsic, Jr. Chairman

Chris Yaecker

Karen Endres

Mary Lee Brezina

Mike Fenstermaker

Sue Wagner, Secretary BZA