

AV05-1710103

John Lenz
15042 Sperry Rd.
Novelty, OH 44072

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 8:35 p.m. on October 3 , 2017 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 was being recorded. He verified that notices were advertised and mailed. He read the applicants variance request.

John Lenz requests an Area Variance to build a 1440 sq. ft. replacement attached dual-purpose - 1120 sq. ft. garage & 320 sq. ft. laundry room - 14.5 ft from the N property line (per Art. V, Sec.5.05, 30 ft. req'd) on parcel 23-205400 at 15042 Sperry Rd in the R-1 Residential District.

Mr. Tomsic asked the applicant to state his case.

Mr. Lenz asked to present a correction to the 14.5 ft. side yard variance per the 10/2/17 survey showing the actual variance to be 4.3 ft. He signed and dated the correction and presented it as Exhibit A. He said he has a pre-approval permit to include the laundry, utility room and furnace area square footage to be in full compliance. He presented The Schwartz survey as Exhibit B. He said the carport was a temporary structure and would be removed.

As there were no members in the audience to comment or object, Lou Tomsic asked the board to consider the Findings of Fact:

- a) The lot has value with or without the variance; the existing house needs updating expansion,**
- b) The variance is not substantial – only 4.3 ft,**
- c) The neighborhood will be improved,**
- d) There is no affect on delivery of government services,**
- e) Applicant says he was not aware of the zoning restrictions,**
- f) The applicant's predicament could not be obviated through some method other than a variance,**
- g) The spirit and intent could be observed by granting this small variance - there was no one in the audience to raise objections.**

Ms. Endres asked if the addition would be used for any business purpose – Mr. Lenz answered no.

With no more comments from the board, Mr. Tomsic called for a vote.

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Ed Meyers moved to approve the variance as amended under Exhibit A and the Exhibit B survey; Mary Lee Brezina seconded the motion with voting as follows:

Ed Meyers	yes
Mary Lee Brezina	yes
Karen Endres	yes
Chris Yaecker	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”.

Lou Tomsic adjourned the BZA hearing at 9:10 p.m.

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: _____