

AV01c-160322
Richard Wervey dba
Precious Cargo Transportation Inc.
7894 Country Lane
Chagrin Falls, OH 44023

site: 15050 Cross Creek Pkwy
site: 15113 Munn Rd.

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 8:05 p.m. on March 22, 2016 with board members Chris Yaecker, Mary Lee Brezina, Ed Meyers and Karen Endres present. He announced that this meeting was a continuance of the February 2, 2016 hearing and is being recorded. All in attendance who wished to speak at this hearing were duly sworn and reminded when testifying to clearly state their name and confirm being sworn in.

Mr. Tomsic announced that the Use Variance was denied at the February 2, 2016 hearing but no action was taken on the Area Variance request. The Board has been asked to complete the applicant's Area Variance request at this re-scheduled continuance hearing. He reviewed the applicant's request.

Richard Wervey, dba Precious Cargo Transportation, Inc., requests 1) a Use Variance and 2) an Area Variance to permit a maximum 6 acre parking lot expansion by purchasing adjacent 14.3 acres, a portion of parcel 23-044600 currently zoned R-1 with frontage at 15113 Munn Rd. (vs. Sec. 4.01, 5.01, 5.02, 5.05, 11.00C-E-G-H&M - not listed or permitted) and consolidating the 14.3 acres with Precious Cargo parcel 23-203210 at 15050 Cross Creek Pkwy in the M-1 Industrial District.

Mr. Donald Bagley, representing Richard Wervey dba Precious Cargo Transportation, Inc. said he wishes to appeal the 2/2/16 Use Variance denial and understands why the Area Variance request seemed unnecessary at the time. He now asks the board to complete the Area Variance application request.

Ed Meyers stated he was not in attendance at the Use Variance Hearing.

Mr. Tomsic said he agreed it was cleaner for the board to now hold this hearing as a re-scheduled Area Variance

Mr. Bagley said he had no evidence to support this Area Variance request without a Use Variance approval. There was no response from the audience.

The board confirmed the Use Variance denial and reviewed the Area Variance details for striping and gravel parking lot surface, rear yard setbacks, fencing and lighting.

The Board reviewed the Findings of Facts:

- a) There is value of the lot with or without the variance,
- b) The variance is substantial as it is not permitted in R-1,
- c) There is no substantial impact on the neighborhood,
- d) There is no affect on delivery of government services,
- e) Applicant says he was unaware of the precluded "gravel surface" driveway,

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- f) The applicant's predicament can be obviated through some method other than a variance,
- g) The spirit and intent would not be observed by granting an M-1 use in an R-1 district.

Ms. Endres summarized the applicant's request as asking for a non-permitted use in a residential district. She moved to deny the Area Variance requests, Ed Meyers seconded the motion.

Mr. Tomsic called for a vote stating a yes vote would deny the Area Variance request:

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

The motion to grant the Area Variance was denied.

Mr. Tomsic adjourned this BZA hearing at 8:15 p.m.

Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Ed Meyers, V. Chairman

Mary Lee Brezina

Chris Yaecker

Karen Endres

Date: _____

Marge Hrabak, Sec'y BZA