

**AV04-180605
Joseph Barstow
15850 Ravenna Rd.
Newbury, OH 44065**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:40 p.m. on June 6, 2018 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 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.

Joseph Barstow requests an Area Variance to build a detached 1,200 sq ft garage 15 ft setback from the sideline (per Art. V, Sec.5.05, 30 ft. req'd setback) on parcel 23-344200 at 15850 Ravenna Rd. in the R-1 Residential District.

Mr. Tomsic advised the applicant the normal 5 member board requires a 3/5 vote to approve the variance request. With only four members present tonight the option is to continue with a full board or proceed now with 4 members present which will require a 75% approval vote to grant the variance.

The applicant agreed to proceed. Mr. Tomsic asked the applicant to state his case.

Mr. Barstow detailed the zoning approved side lot set back location is in the drainage path where the applicant testified that the recent heavy rains emptied a curtain of water from the rear adjoining properties causing the “blown out tile” he recently installed in the existing ditch to the retaining area Rt. 44 culvert at corner of the property. The variance request locates the building in the “driest place available” as confirmed by Mike Joyce & the placement also leaves room for future options for older home & older septic requirements.

Discussion continued regarding the Conservancy Land rear 82 acres, new owners & the access currently used. The questions regarding the State driveway regulations & Rt. 44 traffic & safety issues were discussed but are not addressed in this hearing.

The applicant originally requested the agricultural exemption, but the variance application states a residential, detached garage.

The Chairman asked for clarification of the building plans as presented: the wall(eave) ht is 12’, the pitch as printed, all metal building with foundation manufacturer recommended 6” crushed concrete pad.

Chris Yaecker asked about water & electric, Mr. Barstow responded electricity now, possibly water to the building in the future.

Karen Endres asked about the door size & direction. Mr. Barstow responded 1 man door & 2 10’ x 10’ garage doors facing south.

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Lou Tomsic asked if the building could be rotated 90 degrees, the applicant said the idea was to provide privacy from the street view. Mr. Barstow has verbal approval of the proposed site by the surrounding neighbors.

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,**
- b) The variance is substantial 50% by Zoning rule but not by lot topo restrictions,**
- c) No change,**
- d) There is no affect on delivery of government services,**
- e) Applicant says he was unaware 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 variance - there was no one in the audience to raise objections.**

Chris Yaecker moved to grant the Area Variance, Karen Endres second with the condition the building complies with R-1 district permitted uses. Voting as follows:

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 8:30 p.m.

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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: _____