

UV2&AV05 -180619

**R. Blake Frederick**  
10115 Charlton Lane  
**Novelty, Oh 44072**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic, Chairman, at 7:30 p.m. on June 19, 2018 with board members Karen Endres, Ed Meyers 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. The secretary verified all parties were notified.

He read the applicants variance request.

***R. Blake Frederick, dba First Strike Indoor Shooting Range, requests a 1)Use Variance to construct a 14,000 sq.ft. indoor shooting range building in the B-1 Commercial District [not permitted in Art. IV, Sect. 4.01 and Art. VI, Sect. 6.01(D) & (E)] and a 9,750 sq. ft. retail & educational building as permitted in B-1 Commercial District and requests 2)an Area Variance for a reduced number of parking spaces as required by the building size on Parcel #23-131150 on Kinsman Rd.***

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. Frederick stated the business has outgrown the current location in the Newbury Industrial Park located at 12375 Kinsman Rd. The location is a warehouse leased in 2013, he has made updates to the facility but it still lacks central Ac & heat. When asked specifically why he needed to move from the industrial park where he already has an AJE, he said the cost of the air conditioning is prohibitive, he “tried to do it on his own but it didn’t work out”. He put a bid on the Strom property *Parcel #23-131150*, located ¾ mile west on the north side of Kinsman Rd., which was accepted by Mrs. Strom, Mr. Strom deceased, to build a new facility.

Site plan zoning overlay discussion followed regarding the parcel situated between Habitat/Restore & the Pawn Shop building showing 500 ft commercial & last 50-75 ft residential. Karen Endres asked is any part of the proposed building in the residential area, applicant replied No. Karen Endres noted the zoning districts are not shown on the site plan. Further discussion followed regarding the legal description, lot size, dimensions, & set-backs.

The applicant expressed frustration with the zoning process initiated on March 3, 2018 & said the rules “do not make any sense...it is made artificially impossible”.

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Mike Joyce stated possibly some of the building would be in the residential district but could move the building toward the street to avoid that. The 6.5 acre parcel has sufficient area for well & septic. If the UV is granted, a survey would be done before construction begins.

Mr. Tomsic asked if the scope of the business will change, Applicant said no. Primary nature of the business is Sales, 80%, a permitted use in B-1 & shooting range 20%.

Chris Yaecker asked if the former use of the property as a junkyard had been disclosed, applicant said yes, property has since been cleaned up. Mr. Tomsic asked if a need for soil testing was recommended, applicant indicated discussion with Chip Hess regarding sandy soils & foundation requirements only. Chris Yaecker clarified his question for contaminated soils testing, applicant stated bank loan & appraisal process did not indicate the need.

Ed Meyers discussed with Mike Joyce the incorrect AV application form for signage & whether Zoning inspector error occurred. The correct AV application form was also filled out by the applicant for review by the board.

BZA member Mary Lee Brezina arrived at 7:55 pm. & took her seat on the board.

Karen Endres questioned the answers to UV questions that were relevant to the AV parking issues. Mike Joyce clarified the confusion between initial AV application for signage instead of parking. The applicant concurred.

A lengthy discussion followed pertaining to:

- Scope of BZA vs. ZC
- Prohibitive cost/ time/process required to rezone property
- Previous precedence of judgment entry transfer from Grange Park (J. Swartwout) Shooting Range permit to B. Frederick at Newbury Industrial Park
- Due process described by Mike Joyce
- If UV is denied, AV is not required

BZA board suggested the applicant apply to ZC to ask the ZC to modify the Zoning Resolution to include Shooting Range as a permitted use or a conditional use.

Karen Endres stated the UV for Shooting Range has been adjudicated 3 times in Newbury.

The applicant does not need a variance to build the retail store.

Mr. Tomsic clarified that the BZA is here tonight to hear the Use Variance request.

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The board informed the applicant of his options: 1) if board voted to deny, applicant has 30 days to appeal to the trustees, or loses the right to appeal, or, 2) applicant can withdraw his application for the UV & AV.

After further discussion, the applicant agreed to withdraw all the variance applications.

**Mr. Tomsic confirmed the applicant has withdrawn the Use Variance, & 2 Area Variances by his signature & date on each application.**

**The hearing was ended at 8:58 p.m.**

**Signatures of the Newbury Board of Zoning Appeals in attendance:**

\_\_\_\_\_  
**Lou Tomsic, Jr., Chairman**

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**Chris Yaecker,**

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**Karen Endres**

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**Ed Meyers, V. Chairman**

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**Mary Lee Brezina**

\_\_\_\_\_  
**Marge Hrabak, Sec'y BZA**  
Date: \_\_\_\_\_