

AV07-181016
Scott Magoch
13906 Fairgate Blvd.
Newbury, OH 44065

Prior to the beginning of the hearing, Mike Joyce presented the board with survey information regarding accuracy as presented vs. requiring the applicant to pay for a new survey/location check. The total square footage listed on the variance application is incorrect at 178 sq. ft. It should be 320 sq. ft. which will be corrected during the hearing.

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:30 p.m. on Oct. 16, 2018 with board members Mary Lee Brezina, Karen Endres, Chris Yaecker and new alternate member, Scott Koller 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.

Scott Magoch requests a dual Area Variance for 300 sq. ft. addition to an existing accessory building: 1) 17' side yard setback requested [30' required per Art. V, Section 5.05], 2) 176' additional building size, [maximum building size 1,280 sq. ft. per Art. V, Sec. 5.02, par. 3-1] on parcel 23-227100 at 13906 Fairgate Blvd. in the R-1 Residential District.

Mr. Tomsic asked the applicant to state his case.

The Applicant explained the need to build an addition to the existing accessory building built in 1999 to store his Classic cars under roof, eliminating the cost of local storage facility. He is retired and this is his "toy box". The addition total is 448 sq. ft to be built on the south side. Discussion followed regarding possible other placement: "the topo shows the land falls off on the North side" & the driveway placement makes it logical to add on the south side.

The septic system is in the front of the house & not impacted by the addition.

Mr. Tomsic asked if the addition will be heated & have water or plumbing. The applicant answered no.

Karen Endres asked the applicant to confirm the addition is to be used for residential storage only, Mr. Magoch answered yes.

Chris Yaecker said he visited the site to determine if any other citing options were available.

The applicant said the addition will cover the pad from an existing shed that was torn down.

Karen Endres reiterated concerns of survey lot line validity but said she was satisfied using the mortgage survey as it is part of a "plated subdivision."

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Mrs. Magoch described the wooded area between neighbors, Mr. Tomsic agreed the addition would be well shielded from the neighbors.

The neighbor, Bob Lewandowski, said he had no objection to the addition.

Mary Lee Brezina stated she prefers to see all items under cover, not stored outside.

Mike Joyce has no objection. He was unable to find any inspection sheet from the 1999 building.

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, more than 50% setback requirements,**
- c) No change, not visible from the road,**
- 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 variance - no one in the audience raised objections.**

The Chairman asked the applicant and Mike Joyce to initial & date the sq. ft. on the variance request to reflect the corrected 320 sq. ft. He also made it clear, in the future, if another building is built, it must conform to the total square footage allowed. The applicant agreed.

Chris Yaecker moved to grant the Area Variance as presented/corrected, Mary Lee Brezina second. Voting as follows:

Mary Lee Brezina	yes
Karen Endres	yes
Chris Yaecker	yes
Scott Koller	yes
Lou Tomsic	yes

Mr. Tomsic read to the Appellant 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".

Mr. Tomsic told the applicant the board will meet Nov. 6, 2018 to sign the minutes.

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Lou Tomsic adjourned the BZA hearing at 8:15 p.m.

Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker

Karen Endres

Scott Koller, alternate

Mary Lee Brezina

Marge Hrabak, Sec'y BZA
Date: _____