

AV06-180821
Stephen Belliveau
Stephen Douglas Corp.
10420 Kinsman Rd.
Newbury, OH 44065

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:30 p.m. on Aug. 21, 2018 with board members Mary Lee Brezina, Karen Endres, Ed Meyers, 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.

Paul Belliveau, agent for Stephen Douglas Corp., requests an Area variance to expand the existing parking lot by 4,910 sq. ft. in the B-1 Commercial District with a 15'6" rear setback [150' required setback from R-1 per Sect. 6.07(c)] & a side yard 15'6" setback [25' required setback per Sect. 6.07(b)] on Parcel #23-385267 at 10420 Kinsman Rd.

Mr. Tomsic asked the applicant to state his case.

Stephen Douglas, owner of Stephen Douglas Corp, described the company function as design & build machines for automation, manufacture parts required and assemble machines. Building purchased in 2007 from Chuck Gates, operating for 10 years in which time the sales have tripled as have the number of employees, hence the need for additional parking. The existing parking area is 15'6" from the east lot line, proposed additional parking area would maintain that line and same for rear lot line.

The applicant stated it is a reasonable request as there are no negative effects: it can not be seen from the road.

Mr. Tomsic asked who butts to north lot line, Fred VanNess in attendance stated his property is zoned residential. Discussion continued on depth of lot and zoning districts. Mike Joyce verified the entire lot, 530' depth, is zoned commercial.

The applicant described the need for the second parking pad necessary to park work trailers so as to not take up space for employee parking.

The septic system & well placement to the south of the building do not impact the proposed parking areas.

Previous uses for the building in the past & lot coverage with the variance identified (42%).

Mr. Tomsic asked for questions from the audience. Mr. VanNess said he had no problem with the parking expansion, the business is very clean. Karen Endres asked if he has any plans to change from the existing green space, VanNess answered No.

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Mr. DiFranco, owner of property to the west, indicated the drainage issues he has would not be impacted by the expanded parking on the east side, drainage to the north & east would be unchanged.

Chris Yeacker asked if tree line & green space would remain, applicant indicated trees could be planted to maintain screening.

The applicant discussed the expansion of 2 bays indicated on the plans when he purchased the building & the possibility in the future in order to stay in Newbury as it is centrally located for many of the employees. The chairman advised him he would need to submit a new variance application.

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 Rt. 87,**
- d) **There is no affect on delivery of government services,**
- e) **Applicant says he was 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. Mike Joyce indicated a Judgement Entry allowing manufacturing facility to all successors forever as granted by the courts.**

Ed Meyers moved to grant the Area Variance without any conditions, Lou Tomsic second. Voting as follows:

Mary Lee Brezina	yes
Karen Endres	yes
Chris Yaecker	yes
Ed Meyers	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 in two weeks to sign the minutes.

Lou Tomsic adjourned the BZA hearing at 8:15 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: _____