

CU01-170502

Nicholas Lioni
14235 Bass Lake Rd.
Newbury, OH 44065

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:30 p.m. on May 2, 2017 with board members Mary Lee Brezina, Ed Meyers, 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.

Nicholas M. Lioni requests a Class II Home Occupation Conditional Use Permit for a home-based gun repair business and sale and repair of firearms on the leased parcel 23-192720 at 14235 Bass Lake Rd. in the R-1 Residential District.

Mr. Tomsic asked the applicant to state his case. Mr. Nicholas Lioni said Michael Lioni was the property owner and resident leasing space to the applicant Nicholas Lioni. He has no license yet as it requires zoning approval in the application for gun and firearm repair. He said he would maintain regular business hours or hours by appointment. Responding to the question regarding expected traffic, he replied there would be 1 or 2 people at most per appointment.

Karen Endres said that a conditional use permit would not allow manufacture of guns just repair and reassemble of gun parts. Nicholas Lioni introduced his co-worker Shadi Sassouh who would be co-responsible for custom design of guns and firearms, all per the FF2 Federal Firearms License. Ms. Endres cited page 62 of the home occupation code requiring products to be produced onsite.

Mr. Yaecker asked about security – specifically about a gun safe. Mr. Nick Lioni responded that the sheriff’s department would be the interviewer for the license verification. Adequate customer parking is available. There would be no testing of firearms on the property. Nick described half of the basement as his workshop – he lives upstairs. Most deliveries would be by UPS per license requirements with most business by appointment. A typical “job” would be to repair and return the firearm with Nick and Shadi as the only employees. There would be no outside business storage. The storage building onsite is used for residential maintenance materials and equipment. There is no by-product generated by the business.

Mr. Yaecker informed Mr. Tomsic there seemed to be no special issues here – no internet sales, no mark-up sales requiring sales tax but possible trade-in of weapons.

Mr. Tomsic shared his experience in the same business with the board.

Ms. Endres asked how many guns on the property at any one time – Nick replied just a couple with a maximum of 5 firearms at any one time. He will be licensed to buy firearms with a #7 vendor’s license.

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Ms. Brezina asked about business advertising – mostly word-of-mouth with a small address sign. Michael Lioni responded that he was a veteran who taught his son responsible gun handling – he also has had home office experience.

Mr. Yaecker asked about entrance to the business – through the main front entry foyer to the basement shop – there is no walk-out basement access.

Ms. Endres expressed her concern that the business would turn into a gun store for flipping firearms. Mr. Sassouh said if the business were successful they would find another location for more needed space.

Ms. Endres explained Conditional Uses were reviewed in 2 to 5 years. She asked how many guns for sale – possibly 10 for re-assembly. Nick Lioni said that gun signage “invited trouble” and was not needed.

Michael Lioni explained that his address was listed on Bass Lake Road but his driveway was off Pekin Road. Discussion continued regarding driveway access as the legal address.

In summary: the business name is “Sticks and Stones Armory”, there will be no signage identifying firearms on the property (only the address sign) with a maximum of 10 firearms on the property at any one time.

With no more comments from the board, Mr. Tomsic called for a vote.

Karen Endres moved to approve the Conditional Use on property at 14235 Bass Lake Rd. in the R-1 district as requested for home-based Class II Home Occupation and repair of firearms that meet the conditions for Home Occupation: there was no audience opposition.

- 1) business is incidental to the residential use and the applicant lives on the property,**
- 2) there is no change to the residential neighborhood,**
- 3) no signage advertising firearms is permitted, only street address,**
- 4) adequate off-street parking is available,**
- 5) no negative/offensive noise – gun testing must be done off-site,**
- 6) property is in compliance with Newbury Zoning Resolution,**
- 7) there is only 1 employee outside of family,**
- 8) inside business space is limited,**
- 9) Maximum 10 guns on site at one time,**
- 10) there is no outside storage permitted,**
- 11) no more than 2 clients at any one time,**
- 12) CU meets 10.08 General Standards for Conditional Uses.**

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Chris Yaecker seconded the motion.
Mr. Tomsic said a yes vote would approve the Conditional Use.

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

A CU term limit was added for review in 3 years. The Ohio permit can be discontinued at any time.

Mr. Tomsic read to the Appellant and audience, “Based on the decision of the Board, you may proceed with obtaining your permit, once all requirements regarding this application are satisfied. You are advised if someone objects to this decision they may challenge it in court. If you choose to start operating at once, as soon as you begin your business you are bound by the conditions set forth by this Board, and all other Newbury Township zoning requirements.” It was pointed out that the Board must sign the meeting minutes within 30 days and that the 30-day period during which an appeal could be filed starts on the date of such signing.”

The permit needs Federal approval – the BZA will notify the applicant the date the Conditional Use permit is issued.

These minutes will be signed on May 16, 2017.

Mr. Tomsic adjourned this BZA hearing at 8:30 p.m.

Marge Hrabak Secretary

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: _____