

Newbury Township Board of Zoning Appeals

Minutes 4/5/2019

Michael Denchik: Garage addition; AV-19-006

The Newbury Township Board of Zoning Appeals public hearing was called order by Mr. Lou Tomsic, Chairman, at 7:40 p.m. On April 5th, 2019 with board members, Mary Lee Brezina, Karen Endres, Chris Yaecker and Mike Fenstermaker. All in attendance who wished to speak at this hearing were duly sworn and asked when testifying to the 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 Area Variance request.

Mr. Tomsic stated that this is a hearing for Mr. Denchik for an area variance for his property at 15466 Lakeshore Drive, Newbury, Ohio. He would like to reduce the front yard setback by 2' and the side yard setback from 8' to 4' for adding a garage and deck onto his home

Mr. Yaecker stated that the deck does not need a variance.

Mr. Denchik stated that there is a 1 car garage there now and he wants to make it into a 2 car garage. He needs to go 2' forward and from 20' to 22' deep. The property is a pie shaped lot and he does not want to encroach on the window that already exists on the house. He has already spoken to the neighbor and he has no problem with the addition.

Mrs. Brezina stated that the area looks much better than it did 2 years ago

Mr. Denchik stated that he has been remodeling the home and is putting on a new roof. He had a new survey done to clarify lot lines. The overlay on GIS makes it appear that his house is on the neighbor's property. There is a small strip in between the property lines for the benefit of the neighbor so that his house is not on the property line. He took pictures and presented them to the board. Mr. Denchik stated that this is his primary residence. He believes the addition will add value to his house and the neighborhood.

Mr. Tomsic inquired about plans to the garage. Will there be matching roof lines. Mr. Denchik stated that he will be taking off the garage's entire existing roof line and lower the pitch. Otherwise the new roof line would go above the rest of the roof, he is keeping the pitch to the existing peak. The pitch should be around 6' 12'. The house is built in the side of the hill, which makes it almost 3 stories.

Mrs. Endres inquired about the setbacks in Little Punderson. Mr. Joyce stated 40' in front; 8' side; 30 rear.

Mr. Denchik stated that his setback was 29' when he purchased. The roads are not 40' wide.

Mrs. Endres inquired if there was a permit when the original garage was built. Mr. Denchik stated that he did not know, he purchased the house on a short sale.

Mr. Joyce said the house was built on 2 different parcels. Mr. Joyce stated that these houses were built before zoning was established in Townships.

Mrs. Endres inquired if there was an architectural review board or Homeowners Association for Little Punderson. Mr. Denchik stated that there is a Homeowners Association. She also inquired about paving in front of the garage. Mr. Denchik stated that he is not sure if he will have concrete or asphalt, but it will definitely be one of the two. He is going to leave the apron on the driveway. The driveway needs to be widened with the garage.

Mr. Fenstermaker inquired about the building plans. Mr. Denchik stated that he had not had them drawn up yet. He was waiting for the Zoning Permit. Mr. Joyce explained the process to Mr. Denchik.

Mrs. Endres feels that there should be an Affidavit of Facts, as the septic and propane are on a separate lot. Two different parcel numbers. Board has discussion regarding joining lots; 23-88750 & 23-28875 Mr. Tomsic stated whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance. Mr. Tomsic responds that Mr. Denchik wants a 2 car garage to protect his cars.

Lou Tomsic asked the board to consider the Findings of Fact:

- a) Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance? The lot has value with or without the variance
- b) Whether the variance is substantial? 50% Variance, Yes.
- c) Whether the essential character of the neighborhood would be substantially altered or whether the adjoining properties would suffer a substantial detriment as a result of the variance? No, it will improve the value.
- d) Whether the variance would adversely affect the delivery of governmental services? No
- e) Whether the lot owner purchased the property with the knowledge of the zoning restriction? No
- f) Whether the lot owner's predicament feasibly can be obviated through some method other than a variance? No
- g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? Yes
- h) No one in attendance of the meeting in opposition of the variance.
- i) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? Yes
- j) No one in attendance of the meeting in opposition of the variance.

Mrs. Endres requests a condition that the house/garage will look fluid. The roof line looks continuous. Also an Affidavit of Facts to be filed to document that these lots will remain together.

Mrs. Endres motions to approve the variance of a setback to 27.4' verses 60' from Lakeshore Drive Right of Way, and a setback of 4' verses 8' from the Southside lot line for the construction of a 22' x 26' garage addition to an existing house on a nonconforming lot in Little Punderson Subdivision. He will be adding 11'2' toward the South Lot line and 2 ' toward the East lot line as depicted on Exhibit "A" With the following conditions:

The reason for granting the variance is that there is no one attending this meeting in opposition to the variance, although substantial is not out of character with the rest of the neighborhood. No adverse effect to Governmental Services.

Mr. Yaecker seconds the motion.

Roll Call:

Karen Endres	Yes
Chris Yaecker	Yes
Mary Lee Brezina	Yes
Mike Fenstermaker	Yes
Lewis Tomsic	Yes

Mr. Tomsic read to the Appellant and Audience, "Within 30 days after service for 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 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 requirement of Newbury Township zoning"

Mr. Tomsic told the applicant the board will meet April 16th at 7:00 to sign the minutes.

Lou Tomsic adjourned the BZA hearing at 8:22 p.m.

Signatures of the Newbury Board of Zoning Appeals:

Lewis Tomsic, Jr. Chairman

Chris Yaecker

Karen Endres

Mary Lee Brezina

Mike Fenstermaker

Sue Wagner, Secretary BZA