

CU02-171003

**Michael Mirenda  
16210 Ravenna Rd.  
Buron, OH 44021**

**site: 10076 Kinsman Rd.  
Newbury**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:30 p.m. on October 3, 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 and neighbors notified.

Michael Mirenda, dba Lake County Concrete, LLC, requests a Conditional Use Permit for a combined 2500 sq. ft. business office (with water & septic) & an equipment parking garage (per Art. VI Sec. 6.04 par O) on parcel #23-133200 located at 10076 Kinsman Rd. in the B-2 Commercial District.

**Mr. Tomsic asked the applicant to state his case. Mr. Mirenda said Mr. Peterson would be representing him tonight.**

**Mr. Peterson used the screen views to illustrate the conditions on the lot where illegal debris had been dumped on the parking lot. He presented current photos to show the corrected condition.**

**Michael Joyce showed the 2013 and 2017 aerials of the building site. Mr. Tomsic asked Mr. Joyce to clarify that the original plan – without water and septic – was not now before the BZA. The new building plan contains offices with water and septic for employee showers.**

**Mr. Joyce said the Conditional Use (CU) was for a utility contractor that is not specifically defined but used by power companies as utility contractors. Note: Ms. Endres asked for M. Joyce clarification of this statement.**

**Mr. Mirenda is working with Hess Engineering to provide “end of day” employee facilities and safe equipment parking. This is not a retail establishment.**

**The President of the Chatham Glen Homeowners Association sent an email to Lou Tomsic that they were aware but had no objections to the CU.**

**Ed Meyers said he likes what Mr. Mirenda has already done. He read the description of “utility contractor” that lacked any mention of activity or offices. He noted there were no Newbury HomeOwner Assoc. residents in attendance.**

**Lou Tomsic asked about the scope of business – Mr. Mirenda confirmed they were full scope general contractors, not just concrete contractors. He said there would be no outside storage – to insure safety/security.**

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**Chris Yaecker said he helped write the zoning code to accommodate contractors but specifically left out asphalt contractors. Ed Meyers said the board could attach conditions if needed. Mr. Yaecker said he was not sure about the differences in contractor status.**

**Mr. Mirenda said he has some new equipment and was open to conditions if required. Mr. Meyers said reviews can monitor any changes; he reminded all that the CU stays with the company. The revised building drawing will be reviewed prior to receiving a permit from the Building Dept.**

**Michael Joyce reported that the HO President told him Mirenda “was doing a lot of good”.**

**Karen Endres said the board was missing page 2 of the Application for Zoning Certificate non-residential addendum – Mike Joyce admitted he had sent a blank page 2 copy. Lou Tomsic told Mr. Petersen page 2 should be filled out - to include:**

**bathroom sink, shower for rest room,  
all facilities on existing well water.  
Dumpster available for trash disposal,  
Bin for small gravel stockpile,  
No outside storage permitted,  
Hours – 7 a.m. to 6 p.m.,  
5 trucks including employee pick-ups & company vehicles,  
No noise above neighboring industrial sand-blasting noise,  
Saturday hours – ½ day,  
Will be stone, not a block or pole building,  
2 offices plus storage areas.**

**Ed Meyers re-emphasizes “no outside storage or material stockpiles”.**

**Chris Yaecker reminded all of the 75 ft parking setback requirement. Lou Tomsic said the current lot coverage was at 31%.**

**Karen Endres asked if all set-backs were met on the new drawing and asked for a full scale site plan be supplied to the board. Mr. Mirenda concurred. No vehicle repair work would be done on site – equipment is new enough to be under warranty.**

**Lou Tomsic read the description under “contractor” – Ms. Endres agreed it fit the general contractor.**

**Mr. Tomsic asked Mr. Yaecker if he would impose any additional conditions beyond those listed in the NZC Art. X? Mr. Mirenda said he would retain the existing landscaping and greenspace.**

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**Mr. Meyers asked to accept the Hess drawing dated 7/27/17 as Exhibit A.  
Mr. Mirenda said his building and lot improvements would increase area property values.**

**Ms. Endres reminded the board that anytime a decision is made the board should justify their positions:**

- The building must meet all conditions within 30 days of the occupancy permit – start construction as of March 2018,**
- The building and parking must comply with Zoning Resolution Sec. Sec 6.04 & 607 7 & Art. X,**

**There being no more questions from the board or the audience, Mr. Tomsic called for a motion stating that a yes vote would grant the Conditional Use as amended:**

**Karen Endres explained:**

- 1) There were no representatives of the Chatham Glen Home Owners Association present at this hearing,**
- 2) The CU was granted as the “general contractor” applied,**
- 3) The Rt 87 Corridor provisions are met.**

**Chris Yaecker moved to grant the CU as amended with 3 conditions;**

- 1) Asphalt parking & plantings (per Exhibit A) 60 days after occupancy,**
- 2) Existing asphalt at 75 ft setback – greenspace restored,**
- 3) Comply with Art. VI Sec. 6.13 screening and landscaping regulations and meets Art.X, Sec. 10.08 General Standards for Conditional Uses and Art VI Sec 6.04(O) specific conditions for contractors.**

**Ed Meyers seconded the motion with the vote as follows:**

<b>Chris Yaecker</b>	<b>yes</b>
<b>Ed Meyers</b>	<b>yes</b>
<b>Mary Lee Brezina</b>	<b>yes</b>
<b>Karen Endres</b>	<b>yes</b>
<b>Lou Tomsic</b>	<b>yes</b>

**The applicant agreed to abide by all above conditions.**

**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**

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**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.”**

**These minutes will be signed on October 17, 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: \_\_\_\_\_**