

AV02-170620  
**Steve Nicholas**  
**9865 Bell St.**  
**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 June 20, 2017 with board members Mary Lee Brezina, Ed Meyers, Kimya Mathews 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.

Steve Nicholas, agent for NW Associates LLC, requests an Area Variance to build a 5 ft. open porch on the front of an 1830 farmhouse 77 ft from the road Right-of-Way (per Art. V, Sec.5.05, req'd 100 ft. from R-o-W)) on parcel 23-180351 at 9865 Bell St. in the R-1 Residential+ District.

**Mr. Tomsic asked the applicant to state his case. Mr. Nicholas said he owns 10 acres and gave a brief history of the century house, the barn and horse property uses. He previously separated the horse barn uses by building a new garage attached to the house with a driveway accessible from Bell Rd.**

**The front door of the old house was never used and he would now like to build a covered entryway, protected from the weather, which would be closer than the required 100 ft. front setback. He presented the site plans showing the locations of the new front entry, the attached garage and relocated driveway that had not required a variance.**

**He wants to celebrate the 1830 original house structure by maintaining the historic exterior while adding modern interior conveniences.**

**Mike Joyce confirmed that Mr. Nicholas had a permit for the attached garaged that was far enough from the road not to need a variance but he does need a variance for this porch addition.**

**Mr. Tomsic asked if this property was part of the Lucky Bell sub-division – it was not.**

**Mr. Yaecker said he had no problems with the Lucky Bell side but asked the location of the septic fields – Mr. Nicholas responded the septic fields were north and east of the house far from the proposed porch addition.**

**Ms. Brezina asked if Mr. Nicholas will abandon the rear driveway. Mr. Nicholas said he is using a separate culvert driveway from Lucky Bell to keep the horse barn activity separate from the house.**

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Mr. Tomsic noted that the parcel address is on Bell St. not Lucky Bell and the fire department needs correct access info in case of a barn fire. Mr. Nicholas said he could add a sign on Bell St. with directions to the barn entrance on Lucky Bell.

Ed Meyers asked about the ownership. Mr. Nicholas said he was the owner in residence and managing member of the limited liability company that holds title. He has 6 horses, soon 1 more, for his daughters' use. He acknowledged that he had a second buildable parcel.

Kimya Matthews asked about lot grading. Mr. Nicholas described re-grading former flooded areas to improve the site. He agreed with her suggestion to add a Bell St. sign to the barn driveway location on Lucky Bell.

Mr. Nicholas asked if there was any information whether natural gas was available at this site. He said he would investigate cost of gas line extension.

Mr. Tomsic asked if there were any questions from the audience – none were forthcoming.

Mr. Tomsic asked the board to consider the Findings of Facts as presented:

- a) The lot has value with or without the variance; the new front entry is protection from the weather,
- b) The variance is not substantial,
- c) The neighborhood will be improved,
- 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 small variance - there was no one in the audience to raise objections.

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

Chris Yaecker moved to grant the area variance as requested with one condition:

- 1) agreed upon Bell St. sign directing barn drive entrance to Lucky Bell,
- Ed Meyers seconded the motion.

Mr. Tomsic said a yes vote would grant the variance.

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|------------------|-----|
| Ed Meyers        | yes |
| Chris Yaecker    | yes |
| Mary Lee Brezina | yes |
| Kimya Matthews   | yes |

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Lou Tomsic

yes

Mr.Tomsic read to the Appellants 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 adjourned this BZA hearing at 8:10 p.m.

Marge Hrabak Secretary

Signatures of the Newbury Board of Zoning Appeals:

\_\_\_\_\_  
Lou Tomsic, Jr., Chairman

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Chris Yaecker,

\_\_\_\_\_  
Kimya Matthews

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Ed Meyers, V. Chairman

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Mary Lee Brezina

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Marge Hrabak, Sec’y BZA  
Date: \_\_\_\_\_