

CU01-160223
Glen Quigley Chairman,
Newbury Twp. BOT
10985 Music St.
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 February 23, 2016 with board members Mary Lee Brezina 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 read the BZA procedures to be followed.

Mr. Tomsic verified with the secretary that all notices for the meeting were published and adjacent neighbors notified in accordance with code requirements.

Glen Quigley, Chairman of the Newbury board of Trustees, requests a Conditional Use Permit for construction of a government building (per Art.VI, Sec. 6.04B) on parcel 23-707924 at 14890 Auburn Rd. in the B-1 Commercial District.

Mr. Tomsic noted there were only 3 board members in attendance tonight and asked Mr. Quigley if he was willing to continue with just 3 board members – Mr. Quigley said yes.

Mr. Tomsic then asked the applicant to state his case.

Mr. Quigley stated that he was here to request a Conditional Use (CU) to construct a government owned building on township owned property, submitting the site plan showing a pole barn constructed gazebo positioned on the parcel.

Mr. Yaecker said that Sec. 6.04 references a structure, not a building. Ms. Bezina agreed this gazebo met the structure definition. Mr. Tomsic added that a CU zoning permit was required to obtain a Geauga County Building permit.

Mr. Quigley confirmed there would be future underground electrical connections for top, ground and holiday lighting but no plumbing or septic systems would be installed.

Mr. Tomsic noted that the military style vehicle - the “tank” is not considered a structure - would be placed on a concrete pad for display.

Mr. Quigley further explained there would be a play area on a crushed rock base with pipes to crawl through that required no continuous maintenance. The gazebo would be built at ground level with an exterior railing so no additional handicap requirements are needed.

Mr. Tomsic asked if the gazebo would be available for community events and continued use by the Newbury Community Church. Ms. Brezina asked about available parking.

Mr. Quigley replied the area would be open for use by the public, lunch time picnicking, special events such as weddings and community historic celebrations. Liability for these uses would be covered by the township insurance with the Church uses covered as a 2nd

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insured. The site plan shows 6 or 7 parking spaces intended for handicap use with additional parking available on other township property – Town Hall, Cemetery, adjacent Church parking lot with overflow at Newbury School.

Mr. Tomsic inquired if there would be a refundable damage deposit required for special events – yes, if deemed appropriate.

Mr. Quigley said there would be future trails constructed through the existing woods per the arborist design and advice to retain valuable trees and plants native to the area.

Discussion continued regarding the design and construction of the gazebo. Mr. Quigley noted the BOT had applied for a grant (end of October) that prohibited starting any work prior to the grant approval - \$25,000 was received at the end of November. Other donations of \$121,000 have been raised for this purpose.

Mr. Quigley noted that the builder Bob Moon and many in the community have donated or waived their fees and asked if the BZA would also waive their hearing fees – the BZA agreed unanimously.

Mr. Quigley added that water drainage from the church property would be piped to the existing ditch. He is also requesting an additional grant from the Watershed Partners for more “free money” to enclose the ditch.

Mr. Tomsic noted there were no attendees in the audience for this hearing.

Mr. Yaecker stated he thought Findings of Fact were not appropriate for this case.

Mr. Tomsic asked the board for a motion.

Chris Yaecker moved to grant the CU request as presented (with no conditions), Mary Lee Brezina seconded the motion.

Mr. Tomsic called for a vote stating that a yes vote would grant the CU:

Chris Yaecker	yes
Mary Lee Brezina	yes
Lou Tomsic, Jr.	yes

Mr. Tomsic announced the Conditional Use request was approved.

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

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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.”

Mr. Quigley asked Mr. Joyce to immediately prepare the Zoning Permit to expedite securing the Building Permit - the board agreed.

Mr. Tomsic adjourned this BZA hearing at 8:05 p.m.

Discussion continued on other BZA procedures - notably Mr. Tomsic’s concern regarding the BZA granting of Use Variances vs. the trustee’s Judgment Entry.

The meeting was adjourned at 8:25 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

Date: _____

Marge Hrabak, Sec’y BZA