

AV07-161004

Gregory & Leslie Taylor
11690 Butternut Rd.
Chardon, OH 44024

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:32 p.m. on October 4, 2016 with board members Mary Lee Brezina, 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 read the BZA procedures to be followed and confirmed with the secretary that the hearing had been advertised, neighbors notified and was now being recorded. Mr. Tomsic read the applicant's variance request:

Gregory & Leslie Taylor request an Area Variance to construct a 448 sq.ft. accessory building 10 ft from the side yard line (vs. Art. V, Sec. 5.05, req'd 30 ft side setback) on parcel 23-285010 at 11690 Butternut Rd. in the R-1 Residential District.

Mr. Tomsic advised the applicants that with only four board members present they could postpone this hearing till a full board was available – they agreed to continue with the four members present.

Mr. Tomsic asked the applicant to state his case.

Mr. Taylor said the rear site is heavily wooded and he would like to place the accessory building with easy access to his driveway and not too close to the present rear patio and needs a side yard setback variance of 10 feet on the east side.

Mrs. Taylor submitted letters for the board review from their neighbors, the Gardners and the Schindelholzs, who expressed no objections to the 10 ft. variance request.

Mr. Taylor confirmed the accessory building would have a small garage door plus a man door. There would be no electric, heat or plumbing installed at this time. He also confirmed the location of the well with the septic on the west side.

Ms. Brezina said their request was more than a 50% variance change from the side line and was considered substantial.

Mr. Tomsic asked Mr. Taylor whether the addition would be parallel to the property line not parallel with the house – confirmed parallel to the property line.

Mr. Yaecker asked clarification of the Gardner's letter referring to the "right-of-way" vs. the property line – property line is the correct terminology.

Mr. Tomsic asked if Mr. Taylor would consider revising his request to 15 ft. from the property line. Mr. Taylor said the existing patio may be in the way.

Ms. Endres asked about drainage – Mr. Taylor said rain drains off via the existing driveway.

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Both Ms. Endres and Ms. Brezina agreed the need to uphold the 50% variance limitation.

Mr. Taylor said he would revise his variance request to 15 ft. from the east side line.

Ms. Endres asked Mr. Taylor to provide a more accurate site plan for this 15 ft. side line variance, sign and date it and submit it to the Zoning Inspector for his records. He agreed.

Mr. Tomsic asked the board to review the Findings of Fact:

- a) There is value of the lot with or without the variance, but extra storage space is needed.
- b) The variance at 50% is substantial,
- c) There is no substantial impact on the neighborhood,
- d) There is no affect on delivery of government services,
- e) Applicant said he was not aware of the zoning restrictions,
- f) The applicant's predicament cannot be obviated through some method other than a variance as the heavily wooded ravine precludes expansion to the rear,
- g) The spirit and intent would be observed by granting the side setback; there were no neighbors in the audience to raise objections.

Ms. Endres moved to grant the amended 15 ft east side line variance request with submission of a signed and dated accurately shown revised site plan; Ms. Brezina seconded the motion. Mr. Tomsic said a yes vote would grant the variances.

Karen Endres	yes
Chris Yaecker	yes
Mary Lee Brezina	yes
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".

The board holds hearings on the first and third Tuesday of the month. These minutes will be signed on October 18, 2016 at 7:30 p.m.

The board wished the applicants good luck with their addition.

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Mr. Tomsic adjourned this BZA hearing at 7:58 p.m.

Marge Hrabak, Secretary

Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker,

Karen Endres,

Mary Lee Brezina

Marge Hrabak, Sec'y BZA
Date: _____