

AV01-170404

**David VanCuren**

**PO Box 91**

**Newbury, OH 44065**

**site: 10555 Kinsman Rd.**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:30 p.m. on April 4, 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.

**Mr. Joyce said there was an anomaly whether a fire pond was required 1) for structures over 12000 sq.ft. and 2) whether a fire pond was feasible given the flat terrain with no stream input. He said this building was not for business expansion but for protection of existing assets.**

**Mr. Tomsic asked the applicant to state his case. Mr. VanCuren said he needs to build another building over the existing parking lot to house and protect his trucks. Mullett Co. would be the builder, the building front would be 2 color block construction with the rear metal. Interior fire walls would negate the need for a fire pond. The building would be strictly for storage, there will be no offices or plumbing inside with 5 exterior doors facing west and 1 facing east.**

**He gave a brief history of his business – first renting on Cross Creek for maintenance only then building on this site on Rt. 87 in 1997. He said he is an active business person willing to give back to his community and schools. His main business is contract work for the State of Ohio ground work and First Energy high powerline maintenance that moves from job-to-job with trucks returning only for maintenance. He also does some residential business. His Midwest Business is smaller but uses the same equipment.**

**His trucks are washed every night and he needs more secure storage. The present detention pond will remain with additional visual entrance enhancement. He utilizes the Morningstar Cross Creek facility for vehicle maintenance. All business is run from the Kinsman Rd. offices.**

**When asked about a soil & water sediment control plan, he said he wanted to get the zoning approval first then apply to Geauga soil and water. As to any residual landscape material – logs go to local saw mills and chipped branches are mulched, removed in fall with no on-site storage remaining. He described the orchid grower in Lorain County who uses these chips.**

**Mr. VanCuren reiterated that the new storage building would be built over the existing parking lot. The original 1997 or 1998 BZA variance for excess lot coverage was noted. He said even with cameras installed, he has experienced break-ins, stolen equipment and trucks.**

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**Ms. Endres asked about any water or flooding issues – none on this flat terrain. She reminded all that code required a fire pond for safety. Mr. VanCuren responded that internal building fire break areas were >12,000 sq.ft. therefore Ohio regulations did not require a fire pond.**

**Discussion continued regarding the capability of the Newbury Fire Dept. to supply 4000 gal/min from a dry hydrant and whether this was possible or required.**

**Mr. Meyers asked the applicant if he was willing to amend his application to exempt the fire pond per the Fire Dept. ruling – Mr. VanCuren agreed. He said he hoped to start construction in the next 8 weeks.**

**The existing driveway to the west was grandfathered; no additional green space could be purchased from Osbourne Co. but additional landscaping with retaining wall would be added at the entrance. Mr. VanCuren agreed to a condition to plant trees for visual screening.**

**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 building will be built over the existing parking lot,**
- b) The variance is not substantial at 1% over the existing lot coverage,**
- c) The neighborhood will be improved with indoor truck storage,**
- d) There is no affect on delivery of government services,**
- e) Applicant says he was aware of the zoning restrictions,**
- f) The applicant’s predicament could be obviated through some method other than a variance but this was the most practical option,**
- g) The spirit and intent could be observed by granting the indoor storage facility; there was no one in the audience to raise objections.**

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

**Karen Endres moved to grant the area variance for 53% lot coverage with 2 conditions:**

- 1) agreed upon landscape plantings and**
- 2) a letter from the Newbury Fire Dept. whether a fire pond is needed at that location (per NZC Sec. 6.2, par. 8); Ed Meyers seconded the motion.**

**Mr. Tomsic said the variance would be contingent on the Fire Dept. letter and a yes vote would grant the variance.**

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

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Lou Tomsic

yes

Mr. Tomsic instructed the applicant to contact the Newbury Fire Dept. for the required letter and email the letter to the board members (secretary to provide emails).

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".

These minutes will be signed on April 18, 2017.

Mr. Tomsic adjourned this BZA hearing at 8:25 p.m.

Marge Hrabak Secretary

Signatures of the Newbury Board of Zoning Appeals:

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

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Chris Yaecker,

\_\_\_\_\_  
Karen Endres,

\_\_\_\_\_  
Ed Meyers, V. Chairman

\_\_\_\_\_  
Mary Lee Brezina

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