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Newbury Township

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Board of Zoning Appeals Meeting

Record of Proceedings

April 4, 2023

Members Present: Lewis Tomsic Jr., Ed Meyers, Mary Lee Brezina, Chris Yaecker, Mike Fenstermaker, Scott Koller

Members Absent:

Other Officials: John Boksansky – Zoning Inspector
Lorraine Sevich, Zoning Secretary

Guests:

Mary M. Kevern – 14731 Munberry Oval, Newbury, OH 44065

Charles Milvet – 14719 Munberry Oval, Newbury, OH 44065

Shelly Milvet – 14719 Munberry Oval, Newbury, OH 44065

Joanne Orichella – 14714 Munberry Oval, Newbury, OH 44065

Rose Pyle – 14723 Munberry Oval, Newbury, OH 44065

Mike S. Mirenda – 10320 Wye Road, Chesterland, OH 44026

Mike J. Mirenda – 15196 Munn Road, Newbury, OH 44065

Steve Sherbondy – 14715 Munberry Oval, Newbury, OH 44065

Barbara Gorke – 14715 Munberry Oval, Newbury, OH 44065

Karen Sherbondy – 14715 Munberry Oval, Newbury, OH 44065

Todd Petersen – 10680 Mayfield Road, Chardon, OH 44024

Board of Zoning Appeals (BZA) Chairman Lewis Tomsic Jr. called the meeting to order at 7:00 p.m., and said:

“Good evening. This is a meeting of the Newbury Township Board of Zoning Appeals. Before proceeding, I will read a brief overview of tonight’s hearing. The Board of Zoning Appeals is a quasi-judicial body, and as such, its role is similar to a Judge – in a court case. We hear evidence and make decisions based upon the facts presented, the rules set forth in the resolution and the principles of law. Everyone who wishes to present evidence or testimony will be sworn in. The applicant will be asked to present his/her evidence to support the appeal, and the Board may then ask questions. After the applicant’s presentation, and the Board completes its questioning, we will invite members of the audience to present evidence, bearing on the appeal, and to ask questions regarding evidence that the applicant has presented. Please keep in mind that the applicant has the burden to produce evidence in support of the application, and the burden to persuade the Board that the evidence justifies the action being asked to take. The Board will not make the applicant’s case for him. This meeting will be recorded. In order to prepare appropriate meeting minutes, each person who speaks will slowly state for the record his/her name and address. Both the Board and the applicant may request to continue a matter to a future date.”

Tomsic asked all audience members, if they wanted to speak - to raise their right hand. Tomsic swore in everyone who raised their hand, and said - let the record show that everyone had been sworn in.

The Board Secretary conducted a roll call.

Tomsic said the hearing tonight was for an application for a conditional zoning use submitted by Mirenda MJM, LLC, D.B.A. Lake County Concrete, LLC. They are requesting that an addition, and the renewal of a conditional use, for the property located at 10076 Kinsman Road in Novelty, OH 44072. The hearing was originally scheduled for March 7, 2023.

Tomsic asked the Board Secretary if all of the interested parties were notified and the Board Secretary said yes.

The Board Secretary conducted a roll call vote.

Tomsic confirmed with the Board Secretary that everyone attending the meeting tonight was sworn in.

Audience member Todd Petersen, attorney with Peterson and Peterson, said he was here on behalf of, and with his clients - Lake County Concrete. Petersen said he originally inquired about what his clients were looking for now, which was the addition on the back of the building. He said if you were looking at the building from the road - he showed a map where the addition would go, further back on the lot. Petersen thought they were good with the addition, in terms of no variance being needed for the

addition. Petersen noted since his clients were getting towards the end of the conditional use term, his understanding was they had to come back in and just let the BZA know that things were good, and if there were any concerns from the Board, they would be happy to address those. Petersen thought the BZA had in their possession the plans for the addition and thought that would indicate that it was consistent with the existing building, and it made sense to go where it was going. It didn't infringe on any yards or septic, or cause any issues.

Tomsic said that is what he thought, and said there were no variances required for their addition, and thought the addition did not even need to be viewed by the BZA.

Newbury Township Zoning Inspector, John Boksansky said anything that was a conditional use previously – anything that had any changes, had to come before the BZA. Tomsic said he understood. Boksansky said this hearing was timely, in that their 5 years (length of time for a conditional use) was coming up.

Petersen said for what it was worth, his understanding was the locations really worked well for his clients, and business was good. Petersen said there may have been a couple of things the Zoning Inspector asked them to fix and they did, and this was over the whole course of the whole time that they've had the conditional use permit. Otherwise, Petersen thought they were all set. Petersen said, "Again, if there are any concerns from the BZA or the Zoning Inspector, we'd be happy to address them."

Tomsic asked Mike S. Mirenda and Mike J. Mirenda from Lake County Concrete how things worked out for them. Both said, "Good, and they love the location."

Tomsic asked the BZA members if they had any questions. BZA member Chris Yaecker asked Petersen if they had to move part of their septic. Petersen said no, he said it didn't need moved. He clarified that with both the Mirendas and they said no, the septic was out in the front. Yaecker said he didn't know if he saw septic tanks on the plans. Mike S. Mirenda said they moved the Conex box and everything, and noted he occasionally brings gravel from a job, and dumps it and takes it to another place. He said he had to keep everything inside; there's Mini Storage - and there's too much around there, and he wanted everything locked up. Yaecker said he understood.

Yaecker said he thought the first time Lake County Concrete came before the BZA, there was one condition about removing the asphalt in the first 75 feet from the edge of road right of way. Mike S. Mirenda said yes. Yaecker asked him if that was something he was still able to maintain. Mike S. Mirenda said he could do it; it was not a big thing, but he was waiting because he wants to concrete the whole parking lot, and he wanted to do bedding all the way around the whole perimeter. Yaecker clarified that he wanted to do it all at once. Mike S. Mirenda said yes; he didn't want people....too many people coming in there. Mike S. Mirenda said it was himself and his son that went to work every day and kept a low profile, and added his property was very meticulous, very clean – they don't drag dirt on the road or anything like that.

Yaecker asked if they had a timeline for the first bit of asphalt, and Mike S. Mirenda said June of 2023. Yaecker clarified June. Mike S. Mirenda repeated June, and said he wanted to redo the front beds and build it up a little bit. Mike J. Mirenda asked if that was 75 feet from the center line. Yaecker clarified from the edge of the roadway,

and both Mirendas concurred. Mike J. Mirenda asked what the width measurement was they were allowed to have. Boksansky said 15 feet, and the Mike J. Mirenda clarified 15 feet wide for 75 feet. Boksansky said correct. Yaecker said they would just have to measure back 105 feet from the center of the road. Mike S. Mirenda said from the center line. Yaecker noted it was easier to find the center sometimes.

Tomsic asked Boksansky if the typed notes in their packet were from him. Boksansky said they were, and explained they went out in a previous mailing to Mr. Mirenda, previous to this hearing. Boksansky explained that Mirenda had complied with everything but taking out the asphalt. Tomsic said OK. Boksansky noted Mirenda mentioned enhancing the landscaping and Boksansky thought that would go far in improving the site. Tomsic said OK. BZA Vice Chairman Ed Meyers asked what the notes were about and Boksansky explained they were the original conditions when the Mirendas went through their conditional use application the first time.

Tomsic asked Mirenda what was going to be in the addition. Mike S. Mirenda said trucks. Tomsic asked cold storage, and Mike S. Mirenda said right, cold storage. Mike S. Mirenda said he just wanted to park one more truck in there, that he occasionally used to drive, and he just bought a pick-up truck, and he wanted to put a dump truck inside, too. Mike S. Mirenda said there was too much around, such as the mini-storages and he already had to call the sheriff a couple of times. He said he wanted everything locked up inside. Tomsic said OK.

Yaecker asked Mike S. Mirenda if he had problems with theft. Mike S. Mirenda said, "No, just one time. A neighbor lady who was real nice, she called and said someone was riding around, that's all." Boksansky said it could have been the zoning inspector.

Tomsic asked the BZA if anyone had any questions or problems. Yaecker asked Tomsic if he wanted to go over the original conditions. Tomsic noted that the Mirendas were currently working under the conditions of:

- ✓ No outside storage of material stockpiles
- ✓ That Newbury Township required a 75 foot parking setback – Mike S. Mirenda said yes.
- ✓ No vehicle repair work – Mike S. Mirenda said no.
- ✓ A container had to be moved to interior storage, screened on the setback, or removed from the site. Tomsic noted that was already gone.
- ✓ Asphalt removed in designated areas flanking the driveway, and Tomsic said they just discussed that.

Tomsic read the conditions as per the October 3, 2017 Conditional Use hearing:

- ✓ Comply with Article VI Section 6.13 screening and landscaping regulations. Tomsic didn't think they added anything extra to that. Boksansky said that was a bit of an effort of landscaping now, and from what the Mirendas said tonight, in regards to enhancing that, Boksansky said he thought that would go a long way, and Tomsic agreed.
- ✓ Comply with the general standards for Conditional uses Section 10.08
- ✓ Comply with the specific conditions for contractors
- ✓ Conditional Use was granted for a period of 5 years

Tomsic said he drove by this business probably just about every day, and noted he never saw anyone coming or going, he never thought of it as an eyesore. If anything, Tomsic said, and Yaecker agreed - it didn't stand out, and that was a good thing.

Tomsic said he didn't have any problems and he did not see any reason to add any other extra conditions. Tomsic said Mike S. Mirenda had plans to keep complying and move forward and make it look like a nicer, better place. Yaecker agreed. Tomsic thought it was a pretty straight forward renewal, as far as he was concerned.

BZA member Mary Lee Brezina said she thought it was fine, and she understood the point of Mike S. Mirenda; that he didn't want to concrete up front - a little bit at a time; it was better to do it all at once. Tomsic agreed, and said absolutely; you don't landscape before you pour the concrete. Brezina agreed.

Tomsic made a motion to renew the conditional use for 5 years, as it currently exists, and to approve the addition, as proposed, as per the site plan submitted by Lake County Concrete, LLC. The site plan will be marked exhibit A. Meyers seconded the motion.

Tomsic asked anyone in the audience if they had any questions or comments.

The Board Secretary conducted a voice vote roll call.

Tomsic – yes; Meyers – yes; Brezina – yes; Yaecker – yes; Fenstermaker – yes. Motion passed 5-0.

Petersen and the Mirendas thanked the BZA. Tomsic said they were all set, and said their facility looked good. The Lake County Concrete people left at 7:13 p.m.

Tomsic greeted the remaining audience members and said it was the second hearing of the day. He stated the application was submitted by a Charles and Shelly Milvet, requesting an area variance be granted for an accessory structure. The property was located at 14719 Munnberry Oval in Newbury, OH 44065, in an R-1 residential district.

Applicant Charles Milvet introduced himself, and said they were asking to build a garage structure and they would need a variance for where they would put it, about 30 feet "off of normal." Milvet said, "You guys are looking for 100 feet off the road and we would be looking at around 70 feet."

Applicant Shelly Milvet introduced herself and said, "Just a little bit of history, forgive me, I'm a little bit nervous, we've never done this. We're new to Newbury, we've only been here for a month. We've been looking for a long time for property and we found our perfect property here. It's wooded. It's a beautiful house and a very beautiful community, and it's what we were looking for and when we purchased the property, the driveway was set up – and is beginning to where a garage would be expected to be. The owner indicated to us at the time, it was ready to go, it just needed somebody to invest in building it. We were excited because the woods are there, the fence is there, everything we want is there." Tomsic said right up until you needed a variance. Shelly Milvet laughed and said, "We got the property, but

regardless, we're very happy to be part of the community, and we hope this is our last stop. So, we learned in this process to build a garage, to house our vehicles, we have to request this variance. It's scary, right? Because this is where we want to remain. So, we've looked at all of our options, and we're really facing some difficulties. There is a permanently installed fence, there's a driveway that would require a 90 degree angle which makes it impossible to use off to the side within a hundred feet. We've got a concrete patio and a porch – all of this would need to be demolished as well as seven mature trees that would need cut down and removed. It speaks against why we purchased the home; we don't want to ruin the aesthetics of the neighborhood by chopping down any number of trees. We don't want to demolish a fence that we need and use. We really find it very difficult to function without a garage – we don't like our stuff in the yard; we are very neat people. So, those are kind of the foundations for the practical nature of our request. Where the driveway ends - is flat; it's clear and it's hidden by a raised landscape bed. So, what we would do would be less noticeable – at the end of the driveway than if we were to tear up our entire yard to go within the 100 foot setback. So that's the foundation for the practical nature of our request. We really do want to maintain the beauty of the neighborhood, and the aesthetic nature as well as the practicality of not chopping down trees, not removing the plants, not removing our patio. And not, essentially starting a whole new driveway to make this work. But we're super glad to answer any questions that the Board may have.”

Tomsic asked Boksansky about this application, and Boksansky replied, “It's a corner.” Tomsic said it has two frontages but no side setbacks. Tomsic thought this was really affecting the frontage. BZA member Scott Koller said especially where the house was sitting. Boksansky agreed with Koller and said the development also required – it's on the site plan for when the development was laid out – that the 100 feet was required. Boksansky explained this was all put in previous to the purchase by the Milvets. Shelly and Charles Milvet concurred. Boksansky said, “In fact, there was evidence in the file that there was somebody who – one of the previous owners came in and they were contemplating doing the very same thing, but they never followed through on their application to ask for a variance.” Tomsic said OK.

Shelly Milvet said, “Where it's tucked in, surrounded on three sides by woods, we prefer to leave it tucked in surrounded three sides by woods, and not cut down all of the big trees.”

Meyers asked Boksansky if there were deed restrictions on this property – he said the way it was laid out and asked Boksansky if there was some sort of restrictions. Boksansky said on the plat, there was a requirement for 100 feet, which was consistent with the Newbury Township Zoning Resolution. Meyers and Tomsic said OK.

Tomsic asked the applicants to tell the BZA about the garage, what it would be. Charles Milvet said mainly storage, initially for their cars. He said he would like to have a workshop in there as well. Shelly Milvet said a workshop for home projects. She said they had all of their stuff in storage right now, stuff that goes in that shop, so they have various tools sitting in the yard; they don't have anywhere to put them. Tomsic asked if the garage would be heated and both Shelly and Charles Milvet said no. Tomsic clarified no heat. Tomsic and Meyers asked if they would have water in the garage, and Shelly Milvet said no water. Tomsic said OK. Tomsic asked both

Milvets if this would be an in law suite and both Milvets said no. Shelly Milvet said, "Oh my gosh, no!"

Yaecker asked the Milvets if the garage was a pole structure, or a foundation. Charles Milvet said pole. Shelly Milvet said very simple, very neat. Yaecker clarified with them that they did not have to move their septic at all, and Charles Milvet said no – the septic was all in the front of the home.

Brezina asked the Milvets how they would finish the outside of the garage. Charles Milvet said he believed they would use steel, vertical steel that would match the house. Shelly Milvet said it would match the house. Charles Milvet said - like in the front – the front of the house is white and brown. Shelly Milvet said it was a Tudor. Charles Milvet said, "It's a Tudor style, so we would like to do something very similar to that on the structure. As a matter of fact, I want to have the same exact shingles put on the roof as well, instead of a steel roof, I want to match the house as closely as possible."

Shelly Milvet said, "This is about practicality – but we're very much considering aesthetics because that is important to us." Brezina said right.

Tomsic asked the BZA if they had any questions. Meyers said he understood what the Milvets wanted to do.

Audience member Steve Sherbondy introduced himself and said he was a neighbor who lived right behind the Milvets, at 14715 Munberry Oval, and said this garage was fine with them. Shelly Milvet said it was nice to meet them. Tomsic clarified that Sherbondy was the neighbor to the south. Tomsic noted the area was totally wooded, and you couldn't see anything. Sherbondy said unless they cut all of the trees down.

Audience member Mary Kevern at 14731 Munberry Oval introduced herself as a neighbor and said she was on the west side and south of the Milvets. Tomsic pointed to her location on a map and clarified her location and she said yes. Kevern explained that her hearing was pretty bad, and she wanted to make sure she understood correctly. Kevern asked, "If they need 100 feet from Munberry Oval – the road – to build their garage?" Tomsic said yes. Kevern said, "OK, that's the only variance. The variance - is it needed off of any of the other neighbor's property lines?" Tomsic said no. Tomsic, using the laser pointer, pointed to the map on the wall, and showed where the 100 foot setback was. Kevern said, "Gotcha." Tomsic explained that the Milvets wanted to build a garage here – pointing to the location on the map on the wall. Kevern asked, "Where that pad is – that cement pad?" Tomsic said yes, right off of the end of that pad. Kevern said, "Gotcha." Tomsic pointed on the map to where Milvet should be building - behind the line – so his garage should be going back here somewhere – pointing again to the map on the wall. Tomsic explained that would make a tight corner and a lot of crazy things would have to get demolished. Tomsic said the place where they want to build seemed the logical place to put a garage. Kevern said she agreed. Tomsic said the Milvets setback line, as per Newbury Township Zoning, off of Munberry Oval, puts his garage right about there (pointing to the map), so it wasn't a very big variance. BZA member Mike Fenstermaker said it was a 30% variance. Koller and Boksansky also said it was a 30% variance. Tomsic said it was significant. Kevern agreed that it was significant. Tomsic said in his

opinion, it looked like that is where a garage would belong. Meyers and Koller agreed. Tomsic said especially because the concrete is already there.

Shelly Milvet said they respect the neighborhood and they really want to maintain the beauty of the neighborhood; they thought everyone's houses in the neighborhood were gorgeous. And they want to be in line with that as well. Tomsic said he understood. Charles Milvet said one of the reasons they bought in the neighborhood was they wanted to have a wooded lot, and they wanted to have a nice home and they wanted it to look as nice as the rest of the neighborhood. He said it was very important to them.

Audience member Joanne Orichella introduced herself as the neighbor living at 14714 Munberry Oval, and welcomed the Milvets to her neighborhood. The Milvets thanked her. Orichella said according to Zillow, when the Milvets bought the home on February 2, 2023, they had 2 acres and they had a 1.5 car attached garage. She asked them if that was correct, and both Milvets said that was correct. Orichella asked the Milvets what type of vehicles would be inside of the garage. Shelly Milvet said she had a Dodge Challenger and her husband had a pick-up truck. Shelly Milvet noted that both vehicles were too long to fit inside the garage that they currently have; she said the vehicles did not fit. Orichella said, "Oh my, I didn't realize that garage was soooo tiny." Charles Milvet said it was. Shelly Milvet said they have a Corvette, and if they put a Corvette in the garage, it just barely closes. Orichella said, "Oh my." Charles Milvet reported that the Corvette – well, it won't fit on the left side of the garage because of the staircase that comes out into the garage. Orichella said, "That's crazy!" Mary Kevern said that must be why the Corvette is parked outside all of the time. Charles Milvet said they didn't know that until they bought the house. Shelly Milvet invited Orichella to come over any time and see.

Orichella confirmed with the Milvets that this garage was just for their own vehicles, and Charles Milvet said correct. She said to the Milvets, "So you're not landscapers, or anything like that, or tree removal people." Shelly Milvet said they were not. Charles Milvet said no, nothing like that. Orichella said OK, and asked if they had plans drawn up for the garage, and asked if they had an architect. The Milvets said yes. Orichella asked if she could see the plans. The Milvets proceeded to show the plans for the garage to Orichella. Orichella said she was curious how it was going to look, and said, "Oh, it's a pole structure." Shelly Milvet said yes, and Charles Milvet said right. Orichella asked when the garage would be put up. Shelly Milvet said depending on the decision today, they would start preparation probably within a few months – and if the decision today was no variance, then it would take them a longer time to figure out their next steps. Shelly Milvet said their goal was to make the front of the garage look like the front of the house – she noted they have a Tudor. Orichella said right.

Orichella asked Milvet if they were going to have lights. Shelly Milvet said no electric for the foreseeable future, maybe down the road, it would just be a simple garage for now. Orichella repeated a simple garage, and said a concrete slab and Shelly Milvet said yes. Shelly Milvet reported that the individual who poured the driveway was going to pour the garage. Orichella asked who their architect was, and Charles Milvet said Mike Miller.

Boksansky advised the Milvets if they were planning lighting in the future, Newbury Township had an anti-glare resolution, so any light should be pointing down rather than out. Shelly Milvet said OK. Charles Milvet said, "Basically, I would like to have electric in the garage at some point. Obviously for garage door openers. And then if I make a workshop out there, obviously it would be nice to have electric out there, but I wasn't going to have any up lighting or anything, if that's what you're talking about." Boksansky said if they were going to have lights, it should be shining down on the property or the building, rather than out and causing glare. Charles Milvet said it made sense to him. Boksansky said both residents as well as business. Charles Milvet said sure.

Shelly Milvet asked Orichella if there were any other questions they could answer for her. Orichella noted if they didn't get the variance, it would be expensive. Shelly Milvet said about \$52,000. Orichella said yea, that would be expensive to do that, and said she was thinking about the cost and the labor; it would be a lot.

Orichella asked if they would landscape around the garage. Shelly Milvet said of course. Orichella asked, if according to zoning, if they would have 2 years to landscape, and Shelly Milvet said to give her two months. Charles Milvet said, "She loves landscaping, much to my chagrin." Tomsic noted it was already a pretty wooded lot. Charles Milvet said it was great, and he loved the woods. Tomsic observed that you didn't see much from the road. Shelly Milvet said they have one raised bed that covered the view, and it was beautiful, but they would add to that.

Orichella reported that she did not have any problems with the garage and wished good luck to the Milvets, and welcomed them to the neighborhood. The Milvets thanked Orichella.

Yaecker added that he went out and looked at the lot today, and said he kind of got the lay of the lot, and the land. Yaecker thought there probably wasn't any better spot to put any kind of building than where they want to put it. Yaecker said he liked proposals that disturbed the least amount of the property; the fewest trees that came down, and he thought maybe only a couple of trees, but not much. Shelly Milvet said that the previous owner had taken down a few trees prior to their purchase, and there are not trees that need to come down, from them; at all. Yaecker said it was just the funky configuration of their lot, just made it difficult to do anything. Yaecker noted that Newbury Township Zoning was written for the perfect 3 acre lot, and said that was always the problem. Charles Milvet said of course. Shelly Milvet noted that they respected the zoning, and Yaecker said that is why they were there tonight – because they had an irregular lot, and said he didn't have any problems with it.

Tomsic held up plans, and asked the Milvets if they understood that their telephone, electric and gas were right there – pointing to the plans, and suggested they do not drill holes in them. Shelly Milvet said they will not.

Yaecker made a motion to accept the variance, at about 30%, - a 70.85 foot front yard setback where 100 feet is required - to build an outbuilding – a detached garage, as proposed. Approximate size is 32 x 32. The location is where the Milvets proposed it - at the end of the driveway, with no additional conditions that the BZA talked about.

Meyers seconded the motion.

The Board Secretary conducted a voice vote roll call.

**Yaecker – yes; Meyers – yes; Brezina – yes; Fenstermaker – yes; Tomsic - yes.
Motion passed 5-0.**

The Milvets thanked the BZA. Tomsic said after the minutes were signed, they will receive a copy of them and then they can talk to Boksansky about getting their zoning permit. After the zoning permit, they can then move forward with the building department.

Brezina said it was so nice to see all of the neighbors happy. Shelly Milvet said that made her happy.

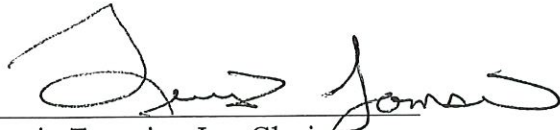
Tomsic shared with Charles Milvet that if all of his other plans have been submitted and everything else was good, it should be smooth sailing from here on. Charles Milvet thanked Tomsic. The Milvets and audience left the meeting at 7:30 p.m.

Tomsic and the BZA went over the Findings of Fact for this hearing, to go over the issues related to the facts for this case.

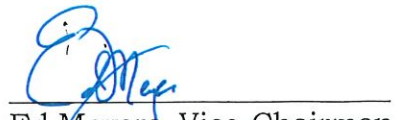
1. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance? Milvet answered, "The garage will increase the value of the property. Without it, we are unable to store yard implements and other stuff." Tomsic agreed that it was better to have their vehicles under roof.
2. Whether the variance is substantial. Milvet answered, "The variances are not substantial, requesting 70.85 feet from the road versus 100 feet." Tomsic, Yaecker and Meyers thought the variance was substantial.
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance? Milvet answered, "Many homes have similar structures in similar locations. Without the variance, lawn equipment will be stored outside. Detriment to the look of the area." Tomsic, Yaecker and Meyers agreed.
4. Whether the variance would adversely affect the delivery of governmental services? Milvet answered, "The variance will not affect the delivery of governmental services." The BZA members agreed.
5. Whether the lot owner purchased the property with the knowledge of the zoning restriction? Milvet answered, "The lot was purchased without knowledge of the zoning restriction." Tomsic felt that was probably true.
6. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance? Milvet answered, "Our predicament cannot be feasibly obviated through some other method. Possessions are in a storage unit until this can be resolved – vehicles are in the driveway as they don't fit in

the attached garage. We also want to maintain the integrity of the wooded lot.” Tomsic thought that was a valid point.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? Milvet answered, “The spirit and intent of the zoning requirements would be observed, by granting the variance. We are proud to be new members of the community and would like the opportunity to maintain a neat and orderly yard.” Yaecker noted that 3 neighbors were at the meeting tonight and they were good with the decision. Tomsic adjourned the meeting at 7:40 p.m.



Lewis Tomsic, Jr., Chairman



Ed Meyers, Vice-Chairman



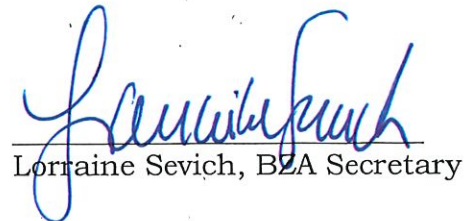
Mary Lee Brezina



Chris Yaecker



Mike Fenstermaker



Lorraine Sevich, BZA Secretary