

AV02-180320

**William Atkinson
12155 Hotchkiss Rd.
Burton, OH 44021**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:45 p.m. on March 20 , 2018 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 said the BZA procedures would be followed and that the hearing was being recorded. He verified that notices were advertised and mailed. He read the applicants variance request.

William Atkinson requests an Area Variance for a new 32 ft. x 40 ft accessory building 5 to 13 feet from the west property line (per Art. V, Sec.5.05, 30 ft. setback t required) on parcel 23-3854570 at 12155 Hotchkiss Rd. in the R-1 Residential District.

Mr. Tomsic asked the applicant to state his case.

Mr. Atkinson presented his drawings and said he planned the new building to match the exterior of his house. The lot slope would require a great deal of fill to build at the 30 ft sideline setback. The neighbor has an 8 ft property line fence partially obscuring the south view of the new building.

The building would be located at the rear of the existing driveway and be used for vehicles, a boat and extra storage with house-extended water and electric service. Moving the building any further south would also require additional fill. The proposed site is the only one not requiring extensive fill buildup, adjoining the grass area to “look like it’s always been there”.

He said his house is well back from the road and the proposed new building site is the only flat area with convenient access, “the best case scenario”.

Mr. Tomsic asked how many feet between the house and new building – Mr. Atkinson answered - about 60 feet. The house is offset from the road and the new building would be sited parallel to the house and slope gradient. The well is in front of the house with septic in the southeast side with no driveway crossing access. Underground utilities: 15A electric and plumbing access would have a shutoff valve to the hosebib.

Mr. Atkinson said he had 5 month old twins and anticipated the need for additional future storage needs as his family grows but not for workspace.

Mr. Yaecker confirmed the new building could not be used for commercial uses.

Ms. Endres confirmed the 4 inch concrete floor with stairs to a cat-walk attic access and 6 x 6 posts, trusses 2 ft on center as required for 30 pound snow load with Geauga building department.

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Ed Meyers expressed concern that the new family to the west may not have been notified of this hearing. The secretary provided a mailing list of neighbors notified for verification.

Mike Joyce verifies the 8 ft neighbor's sideline privacy fence. Ms Endres confirmed the spray-painted 2014 survey stakes shown on the topo map and sprayed lines between stakes.

Mr. Atkinson said drainage slopes down the driveway from the road ending in a French drain between the rear of the house and the only feasible location for the new building.

Ed Meyers said that 5 ft from the property line was not good but acknowledged the topography constraints. Discussion continued regarding establishing the 5 ft line, distance from the neighbor's house/visibility, heavily wooded lot, covered patio and garden shed.

Mike Joyce confirmed that 12141 Hotchkiss Rd was owned by Paul Williams and would have been notified by mail.

Mr. Atkinson said he observed mail delivery next door and presumed the neighbor received the notice of the hearing.

Ms. Brezina said she had no objection to the variance request as the building would be 250 ft between houses, the all wooded lots and the applicant's need for more storage.

Mr. Tomsic asked about the height of the new building – 19 ft was the reply.

Ms. Endres asked about the sediment control plan – not needed per Geauga Soil & Water; neighbor's house was built in 1995, Atkinsons in 2014. Ms. Endres said Townships require sediment control during construction.

Mr. Yaecker said he viewed the site, slopes to NE with 20 ft drainage line. Mr. Atkinson said his professional contractors agreed the chosen site was the best recommendation. Mr. Yaecker said he thought about screening but pine trees wouldn't grow in this heavily wooded area.

Mr. Meyers asked if 5 ft is "real". Mr. Atkinson said he figured 6 ft during construction – "as far away as possible". Mr. Meyers stated "no closer than 5 ft", Mr. Atkinson agreed. The shed roof end would be farther from the property line.

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Mr. Atkinson said he would act as general contractor on this project. Discussion continued on the new pole barn construction; uplift roof protection, interim post reinforcements, Amish contractor's expertise and relative costs.

As there were no members in the audience to comment or object, Lou Tomsic asked the board to consider the Findings of Fact:

- a) The lot has value with or without the variance; the steep slopes require a variance,
- b) The variance is substantial – the topo and drainage constrict building area,
- c) The neighborhood will be improved,
- 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 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 motion.

Karen Endres moved to approve 5 ft nearest West lot line setback to 13 ft setback at north end to construct a 32 ft x 40 ft accessory building with a 10 ft x 20 ft lean-to on the back, not to be used as a dwelling nor commercial or business, as presented by the applicant and site plan submitted; Chris Yaecker seconded the motion with voting as follows:

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

Lou Tomsic adjourned the BZA hearing at 8:40 p.m.

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Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker,

Karen Endres

Ed Meyers, V. Chairman

Mary Lee Brezina

Marge Hrabak, Sec'y BZA
Date: _____