

AV01-180206

**Brandon Stevenson  
15440 Crampton Dr.  
Burton, OH 44021**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:30 p.m. on February 6 , 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.

***Brandon Stevenson requests an Area Variance to build a detached 10 ft x 12 ft wooden deck (120 sq. ft.) 6.5 ft setback from the sideline on a 6970 Sq. Ft. lot (per Art. V, Sec.5.05, 8 ft. side setback & 8000 sq. ft. min lot req'd) on parcel 23-352500 at 15440 Crampton Dr in the Little Punderson Residential District.***

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

**Mr. Stevenson pointed out the location of the proposed new deck (attached to the garage) and the property lines of the parcels he owns on Crampton Drive.**

**Mr. Tomsic described the property line setback and questioned whether a variance would even be needed if the parcels were consolidated – Mr. Joyce confirmed the need for a variance.**

**Mr. Tomsic confirmed parcel ownership on both sides of the road. He acknowledged that consolidation would be time consuming and costly – approximately \$4000 or more. He then recommended using the Affidavit of Fact (AFF) tying all 5 parcels together in any future sale. Mr. Joyce confirmed the AFF would be applicable for these lot line specific parcels in the Little Punderson subdivision.**

**Ms. Endres further explained the AFF was a form of deed restriction to notify a title company of the sale restriction.**

**Lou Tomsic outlined the AFF filing process with the zoning secretary preparing the paperwork for the applicant to have notarized and then file with the county recorder. Mr. Stevenson nodded in agreement.**

**Lou Tomsic recommended the board should consider using the Affidavit of Fact to tie the parcels together for any future sale as a condition of any variance for this free-standing deck.**

**Karen Endres agreed the parcels should be sold together but said she had a problem searching for these parcels on GIS. Mr. Joyce confirmed the GIS parcels. He agreed the new deck would be quite usable and available.**

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Ms. Brezina noted there were no neighbors present at this hearing.

Ms. Endres noted that GIS shows Crampton Road as a private road with access at both north and south ends.

Mr. Stevenson clarified his Crampton Road driveway access

Ms Brezina said this clarification answered her questions..

Ms. Endres asked Mr. Stevenson to clarify this Crampton Road access for easy emergency crew access.

Mr. Stevenson agreed to file the AFF (as a variance condition) tying all 5 parcels together in any future sale.

Mr. Tomsic asked the board to review the variance justifications:

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 new deck would enhance usage,
- b) The variance is not substantial – the AFF was made a variance condition,
- c) The neighborhood will be improved,
- d) There is no affect on delivery of government services,
- e) Applicant says he was not 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 (any consolidation option would have been too expensive) - there was no one in the audience to raise objections.

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

Chris Yaecker moved to approve the variance as amended with filing of the Affidavit of Fact tying all 5 parcels together in any future sale; Karen Endres seconded the motion with voting as follows:

Mary Lee Brezina	yes
Karen Endres	yes
Chris Yaecker	yes
Lou Tomsic	yes

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**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”.**

**Marge Hrabak will prepare the filings for the Affidavit of Fact with a cover letter of instruction for Mr. Stevenson to complete.**

**Ms. Endres alerted the board she would not be available for the 2/20/18 hearing, leaving only 3 board members in attendance for that date.**

**Lou Tomsic adjourned the BZA hearing at 7:50 p.m.**

**Signatures of the Newbury Board of Zoning Appeals:**

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

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**Chris Yaecker,**

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**Karen Endres**

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**Ed Meyers, V. Chairman**

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**Mary Lee Brezina**

\_\_\_\_\_  
**Marge Hrabak, Sec’y BZA**  
Date: \_\_\_\_\_