**Newbury Township**

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Board of Zoning Appeals Meeting Record of Proceedings**Date**

March 31, 2026

7:00pm

Zoning Hearing regarding: CASE NO. BZA-2026-02

Zoning Certificate Application No. BZA-2026-02

Property Address: 14592 Stone Rd Newbury, Ohio 44065

Board of Zoning Appeals Members present:

Mike Fenstermaker

Lewis Tomsic Jr. Chairman

Dave Fabig

Scott Koller

Albert Hehr

Jay Jones (alternate)

Board of Zoning Appeals Members absent:

n/a

Staff / other officials

Nick Bellas- Zoning Inspector.

Amy Lydan- secretary

Greg Tropf- trustee liaison

Applicant/Guests Present:

Cathleen Mathews

Donna Hawkins

Raymundo Soto

Ken Moses

J.L. Holden

Nick Goris

Larry Green

Jonathan Tiber

Roll call was taken and attendance is reflected as stated above

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

Mr. Tomsic-

“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. As a quasi-judicial body, we keep our procedures relatively informal. However, in order to conduct an orderly meeting and allow all interested parties an opportunity to present the evidence necessary to assist us in making our decision, certain procedures will be followed.

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, any 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.”

Mr. Tomsic asked the audience member(s) present, if they wanted to speak - to raise their right hand. Mr. Tomsic swore in:

Cathleen Mathews

Donna Hawkins

Raymundo Soto

Ken Moses

J.L. Holden

Nick Goris

Larry Green

Jonathan Tiber

Mr. Tomsic asked if all of the interested parties were notified

Board Secretary and stated that yes, all interested parties were notified.

Notable minutes as to what transpired at the hearing

Hearing for applicant Raymundo Soto

Mr. Tomsic - the first case we will hear is Mr. Soto. Your first case was in October, and now your back again. Please explain what you would like to do.

Donna Hawkins- Yes, after our meeting last time, we pretty much did what was discussed. So we would be splitting lots, 6 acres and adding a new driveway. Creating a new parcel so that he can keep his existing home and build this new house. So the variance that he would need is we don't have the frontage to do two driveways so we're looking at adding a driveway right next to the existing driveway.

Board looks over the maps and information provided

Mr. Tomsic- were required to have 200 feet of frontage, this only has 157, or something near that.

Ms. Hawkins- correct

Mr. Tomsic- So 60 for the flag lot and the remainder for the existing lot

Mr. Koller- which is 87.4

Mr. Tomsic- it looks like what we talked about

Mr. Koller- the new lot is going to be 7.45 acres ?

Ms. Hawkins- yes correct

Mr. Koller- and the other lot will be what?

Ms. Hawkins- 38 acres

Mr. Tomsic- I don't really have questions because this is what we asked them to do.

Mr. Hehr- yes, I'm good

Nick Bellas- I would like to have the final survey plat before the 30 day period ends so I can review it and make sure everything is good.

Mr. Hehr- so its not unusual for the surveyor to come to you in process to make sure your both in agreement correct?

Mr. Bellas- correct, but in this case because they weren't quite sure if something may have changed , or if you folks my want to do something different... Its quite an expensive outlay to do a survey on the entire parcel, So they gave them essentially half of a survey with the new lot shown to make sure they included anything you ordered. Its my understanding that he is prepared to come out Friday providing there is approval , to get that going and it should be ready before the 30 day period ends.

Mr. Tomsic- asking Mr. Bellas- is this compliant, 30 feet off the building?

Mr. Bellas- 30 feet is the minimum

Mr. Bellas- The new house will be somewhere up here. If they put it here they are proposing 100 foot building setback with 30 feet from the property line. Both parcels are then in compliance.

Mr. Tomsic- a flag lot is 60 feet. They are creating a flag lot. Flag lot is compliant at 60. Its the remainder that needs a variance.

Mr. Koller made a motion to approve the drawing submitted for the lot split with a condition that an approved survey is submitted to the zoning inspector .

Mr. Tomsic seconded the motion

Chairman Mr. Tomsic called for a roll call vote regarding the motion on the table.

The Board Secretary conducted a voice vote roll call.

Mr. Koller – yes

Mr. Tomsic- yes

Mr. Fenstermaker-yes

Mr. Hehr-yes

Mr. Fabig-yes

Motion Passed

All were in favor, and the Motion was approved

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

A. Whether the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance?

Applicant- variance needed to build new home

BZA Review: yes, it is what we told them was needed

B. Whether the variance is substantial?

Applicant- left blank

BZA Review:- yes, it is a substantial variance, going from 200 feet to 87

C. 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?

Applicant- properties to benefit by increasing value of their homes

BZA Review: Agree, depending upon what they build, but probably accurate

D. Whether the variance would adversely affect the delivery of governmental services

Applicant- No, new home will have its own driveway and address

BZA Review: yes, that is what we wanted to achieve

E. Whether the lot owner purchased the property with the knowledge of the zoning restriction?

Applicant- no

BZA Review: agree

F. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance?

Applicant- the zoning board members suggested the variance, other variance request was turned down


BZA Review: yes, this was suggestion

G. Whether the spirit of the intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

Applicant- yes

BZA Review: yes agree

Meeting adjourned by Lou Tomsic at 7:50pm



Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



Scott Koller



Albert Hehr



Dave Fabig



Jay Jones



As approved by: Amy Lydan, BZA Secretary