



Newbury Township

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Board of Zoning Appeals Meeting Record of Proceedings

Date

April 21, 2026

7:00pm

Zoning Hearing regarding: CASE NO. BZA 2026-04

Zoning Certificate Application No. BZA 2026-04

Property Address: 10311 Kinsman Rd Newbury, Oh 44065

Board of Zoning Appeals Members present:

Lewis Tomsic Jr., Chairman

Mike Fenstermaker- Vice chairman

Scott Koller

Albert Hehr

Dave Fabig

Board of Zoning Appeals Members absent:

Jay Jones

Staff / other officials

Nick Bellas-Zoning Inspector

Amy Lydan- zoning secretary

Greg Tropf- Trustee liaison

Applicant/Guests Present:

Rozanne Zarack

Kurt Pokopac

Kelsey Turner

Margo Hrabak

Anni Diamond

Leon Sampat

Frank Colini

Ravenna Corp Hearing

Roll 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., and stated:

“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

Rozanne Zarack

Kurt Pokopac

Kelsey Turner

Margo Hrabak

Anni Diamond

Leon Sampat

Frank Colini

Mr. Tomsic noted everyone had been sworn in.

Mr. Tomsic asked if all of the interested parties were notified , the Board Secretary and stated that yes, all interested parties were notified. A roll call of the members was conducted.

Mr. Tomsic, Chairman stated that we are here to hear an application for a conditional use filed by 17755 Ravenna Corp , and concerns this property : 10311 Kinsman Rd, Newbury, Ohio 44065

Notable minutes as to what transpired at the hearing.

Mr. Sampat- I am Leon Sampat with LS Architects

Ms. Diamont- I am Anni Diamond, owner of the property

Mr. Sampat- As you know the property was used for a long time as a restaurant. Ms. Diamond bought the property and she didn't know it was a conditional use. She had been going through the plans and she actually had another architect who could not get a building permit. Once we got involved in December, we found out that it was a conditional use and let her know. She is looking at a small Bistro . Its a handful of seats and bar space and were looking at some outdoor remodeling with patio space. I have renderings. A covered entry point to get out of the rain , the restaurant here and then a covered patio for outdoor dining at the back. A new canopy up front.

Mr. Sampat showed the renderings as he spoke

Mr. Tomsic- so it will look very much the same

Mr. Sampat- yes, different colors. This is part of the back with a covered pavilion and outdoor fireplace. Essentially we want to bring it back to what it was.

Mr. Tomsic- have you seen plans for any of this other than these pictures?

Mr. Bellas- yes

Mr. Tomsic- He has got to be too close to the road to put anything else on the front by 87 right? Half of this parking lot is in the right of way.

Mr. Sampat – We are 28 feet from the right of way with a canopy.

Mr. Bellas- I wasn't aware of the canopy

Mr. Tomsic- He is going to be sitting in front of us again asking for an area variance. But that has no bearing on a conditional use.

Mr. Sampat- a setback for the front. If we decide to do the canopy. Yeah, we just need the use variance for now.

Mr. Koller- Are you removing the other two buildings?

Mr. Sampat- yes

Mr. Koller- where is the septic?

Mr. Sampat- showed location on drawing

Mr. Tomsic- what will be the hours of operation?

Ms. Diamond- Were looking at five nights, Tuesday through Saturday for dinner.

Mr. Tomsic- ok, so restaurant more than bar, you won't be open until 2am.

Ms. Diamond- oh yes, definitely. Very low key

Mr. Fabig- How much seating will it have?

Mr. Sampat- Interior were showing 28 seats and 12 at the bar. Outside about the same. Pretty small

Mr. Hehr- the issue will be the setbacks and designing the front.

Mr. Tomsic- I like the renderings. But they got rid of the ditch so people can drive right into the building.

Mr. Koller- what is the potential time frame

Ms. Diamond- next spring

Mr. Tomsic- what conditions did the old restaurant have?

Mr. Bellas- I don't have that with me.

Mr. Tomsic- how many parking spaces

Mr. Sampat-41

Mr. Tomsic- any other comments or questions

Mr. Hehr- any neighbors here?

Mr. Colini- I have no problem, I think it will be an improvement.

Mr. Hehr-I'm not inclined to put any huge restrictions. I'm in agreement that it seems like it will be an improvement. The only question I have is would we be wiser to table this and look at the other variances at the same time? It seems like you have time.

Mr. Sampat- Well, we have the interior drawings done and need the conditional use to get building permits and start the interior and move forward.

Mr. Hehr made a motion to accept the application as it was proposed.

Mr. Fabig seconded

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

The Board Secretary conducted a voice vote roll call.

Mr. Hehr- yes

Mr. Fabig- yes

Mr. Fenstermaker – yes

Mr. Koller – yes

Mr. Tomsic- yes

Motion Passed

All were in favor, and the Motion was approved.

Mr. Tomsic- The conditional use has been granted. As a conditional use it goes with the business, so when your gone it goes away. It gets reviewed every five years. If in five years the business has changed or you are running it differently than we discussed tonight, then we can put conditions on it.

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 there are conditions that are unique to this lot, and not ordinarily found in the same zoning district?

Applicant: Yes, additional restaurants are found in the B-1 district. The former building was a restaurant.

BZA: agree

b. Did the applicant create these conditions?

Applicant: They purchased the building as a closed restaurant and were unaware a conditional use was required

BZA: accurate

c. Whether the variance would adversely affect the rights of adjacent owners?

Applicant: no

BZA: agree and no owners are here

d. Whether the variance would adversely affect the public health, safety or general welfare?

Applicant: no

BZA: agree

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

Applicant: yes, similar uses found in same district

BZA: yes, as a conditional use we can always review it in the future

f. Whether the requested variance is the minimum action, which would afford relief to the applicant?

Applicant: yes, this would be a minimal request

BZA: agree

g. What other economically viable use of the lot could be made within this zoning district?

Applicant: Not for the building owner, she is in the restaurant business

BZA: That's a great answer

Board members approved and signed minutes from previous hearings from March 31, 2026 hearings.

Mr. Koller nominated Mike Fenstermaker to be Vice Chair

Mr. Tomsic Seconded

All in favor

Meeting adjourned by Mr. Tomsic at 7:33 pm



Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



Scott Koller



Albert Hehr



Dave Fabig



Jay Jones



As approved by: Amy Lydan, BZA Secretary