**Newbury Township**

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Newbury, OH 44065

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

August 18, 2026

7:00pm

Zoning Hearing regarding: CASE NO. BZA 2026-11

Zoning Certificate Application No.

Property Address: 15020 Sperry Rd Novelty Oh 44072

Board of Zoning Appeals Members present:

Lewis Tomsic Jr. - Chairman

Mike Fenstermaker- Vice chair

Albert Hehr

Dave Fabig

Scott Koller

Board of Zoning Appeals Members absent:

Jay Jones (alternate)

Staff / other officials

Nick Bellas- Zoning Inspector

Greg Tropf- Trustee Liaison

Amy Lydan- Zoning secretary

Applicant/Guests Present:

Daniel Battaglia

Bill Bice

Marilyn Wilson

Dave Boyd

Chris Yaecker

Leon Sampat

Roll was taken and attendance is reflected as stated above

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

Mr. Tomsic 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:

Daniel Battaglia

Bill Bice

Marilyn Wilson

Dave Boyd

Chris Yaecker

Leon Sampat

Mr. Tomsic noted everyone had been sworn in.

Mr. Tomsic asked if all of the interested parties were notified and the board secretary stated that yes, all interested parties were notified.

Notable minutes as to what transpired at the hearing.

Mr. Tomsic- We are here to hear an appeal filed by JoAnn Sworen and Timothy Huff for an area variance at 15020 Sperry Rd Novelty Oh 44072

Mr. Yaecker- I am their proxy, their representative because they both live in Minnesota. And they just acquired this house. This was Joanne's Warren's sister's house, and she passed away last year, so they just inherited it. And they plan on moving here from Minnesota, fixing up the house. They had to go back to Minnesota to go to work. So she's a bus driver for schools. She had to go back two weeks ago, or her husband had to go back. So, they were here a good part of the summer. But they apologize, they couldn't be here now. There should be some kind of letter, proxy letter.

Mr. Tomsic- I saw a power of attorney in here. I was just curious, I mean, Why they can't speak on their own behalf. And if we have questions that you don't have answers to, its not going to help us.

Mr. Yaecker- I know. I'll try to do what I can, you know. So originally, they had a builder, they came up with some plans where they were going to put a second floor on the house. So, this is a ranch; I don't know if any of you drove by and saw what the house was like. It's a smaller sixties ranch on the crawl space. They were going to go up, they were going to go out. They were going to take the existing garage and renovate it to the living area and build a new garage in front. And then they got a price from the builder, so they went back to drawing board. And now it's a much more modest renovation of the property, so we're only asking for two foot. She had put this on hold because, it was just a few weeks ago, she found out that she was going to redo it, so she actually just sent me a text this morning that she was like, "Oh, I'm glad. Thank you for representing us today." And I was like, "Oh, this is still happening today," so I was a little surprised about that. So she sent me the plan with the garage expansion to the north side. So I think it's only a two foot variance on the north side. yeah, two foot this way and three foot. So, these are relatively small lots; they're one acre lots. And everything was different; the setbacks were different, obviously from the street from the sides. So, if they want to do anything other than going up back, even if they went up back, they'd still have an issue with the side line setbacks.

Mr. Tomsic- So, it's truly just adding on the two sides of the garage. They're not tearing down this garage and building a new one with a larger footprint.

Mr. Yaecker- No, They said originally, they were going to take that garage, convert it to living area, and then put a new garage in front of it closer to Sperry. But, they've gotten rid of that plan and now they're just expanding the garage two feet to the north.

Mr. Fenstermaker- And how many feet to the front? Three? Three, so they're only putting a two foot by three foot addition.

Mr. Yaecker- Yeah. So it's not much. I don't know what the inside looks like.

Mr. Hehr- Are they still going to convert it to a residence?

Mr. Yaecker - That's a good question because I've never actually talked with them.; I just texted with them, so I am not sure.

Mr. Tomsic- Going toward the front. Doesn't require anything, right?

Mr. Bellas- No, Because they're going to be behind the overhang of the existing house. So, all we're really talking about is two foot that goes closer to the sideline setback.

Mr. Bellas- Correct.

Mr. Hehr- Okay, and we're twenty two eight from the sideline so it's already nonconforming.

Mr. Tomsic- It's already nonconforming.

Mr Yaecker- Yeah, And there's a big ditch in between.

Mr. Koller- I noticed that like it kind of cuts through between these two houses.

Mr. Yaecker- Yeah, it drains a hole. Yeah. East side is very when we get a lot of rain, there's a lot of water that comes out to there. So between her and Sally's to the north, and then it comes in the back, And it's really right back at Warren's house and at the back of Sally's house as well.

Mr. Koller- So where's the well and where's the septic?

Mr. Yaecker- They're going to put a new. they plan on putting a new septic in somewhere in the back. In the back. And the well is like right there in front corner of the house section here. I'm not sure.

Mr. Koller- Wells are right there.

Mr. Yaecker- So I don't know where the existing septic is, but they said they're going to put it somewhere back here. Now, it's wet in here and then it goes back uphill, and it's drier back here.

Mr. Bellas- Exhibit four uh they indicated where the septic unit is,

Mr. Yaecker- And I talked to Mrs. Sally, who lives here. She didn't have a problem with it; she is not here tonight. The neighbor across the street is here, Marilyn.

Mr. Tomsic- Do you want to say anything?

Ms. Wilson- No, I have no problems with it.

Mr. Tomsic- Questions? Anybody want to make a motion on allowing a two-foot addition on a dead-end section of Sperry Road?

Mr. Hehr made a motion to allow a two-foot addition on a dead-end section of Sperry road as requested in the formal application.

Mr. Fabig seconded

Mr. Tomsic 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 for the area variance was approved.

Mr. Tomsic- You should wait thirty days in case somebody challenges our decision

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.

Area Variance

- 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: Just purchased the house. Need more space due to family dynamics.

BZA Review: Not sure what that means

- B. Whether the variance is substantial?**

Applicant: adding a normal size garage for two SUVs

BZA Review: increasing garage size

- 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: Most homes have attached garages

BZA Review: no comments

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

Applicant: no

BZA Review: agree

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

Applicant: Not fully aware of zoning requirements

BZA Review: no comments

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

Applicant: Only option is to go toward the street. North is a creek, new septic in back

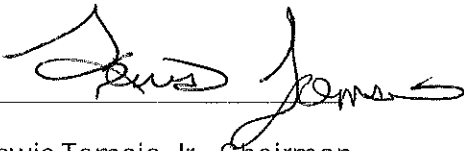
BZA Review: no comments

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

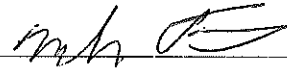
Applicant: yes

BZA Review: no comments

Meeting adjourned by Mr. Tomsic at 8:00pm



Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



Scott Koller

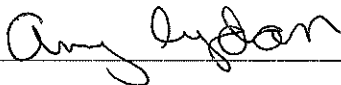


Albert Hehr



Dave Fabig

Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary