

**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 2026-12

Zoning Certificate Application No.

Property Address: 10311 Kinsman Rd Newbury, Oh 44065

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 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. and began with the pledge of allegiance.

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 interested parties were notified. 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 17755 Ravenna Corp. requesting an area variance at 10311 Kinsman Rd Newbury, Oh 44065

Leon Sampat, Dallas Architects- So, we were in front of the board. I think a couple months ago getting a conditional use variance. We've been through going through a building permit process, and now we kind of finalized our exterior design. So, as part of it, I am sure you are all familiar with the property;. It's pretty flat on the front. There is no covering, so this is going to be a higher-end steakhouse restaurant. We are adding patios in the back; covered patios. But, we're looking for a variance because the existing building is already set into the setback quite a bit. I think. Most of the structures in the setback as existing, but so we want by adding this cover, we're violating the setback. So, we're basically looking for I don't know if you guys received the color rendering we did. (gave drawings to board members)

Mr. Sampat - Yeah, so that's basically the gable protrudes out from the building seven and a half seven foot four inches by twelve. And then the two sheds the sidewalk's five feet, the two sheds just cover the sidewalk areas. Those are five feet by ten and a half feet on each side of the gable. So that's basically what we're looking for with variance on. It's basically just have a covered sidewalk so they could get out of the rain and snow. Just gives them a little bit easier way to get into the building. And I think I believe the other issue we have is a sign variance of location. I think your packages you have the sign design; it's basically going to be similar to the structure of the canopy. It's going to be more of a timber frame design, looking to set that at ten foot off the property. I believe the original sign, which is shown there, kind of in the center. The original sign was right here. We're looking at putting it over here. I believe that was even closer than ten feet to the property line. You know, with the way we have it designed, we have basically right in that corner ten feet off the line and then, Thirty feet off the side yard, which I think twenty-five is the requirement.

Mr. Tomsic - How far is the sign supposed to be off the right of way?

Nick Bellas- Its five feet from the road right away.

Mr. Tomsic - and you're going to be ten feet?

Mr. Sampat- Yeah, we're ten feet. It's going to be ten feet.

Mr. Tomsic- You're good on that. So we don't need it. We're not talking an area variance for the sign.

Mr. Sampat - No, just the canopy. I was under impression we needed the area variance for that, so okay, great. I put it in there because.

Speaker 4- You and The sign meets all the other size specs regulations?

Mr. Bellas- Yes, Yeah, this The sign itself is does conform to our regulations.

Mr. Tomsic - Okay You're good to go with your sign .

Mr. Sampat- There was existing parking in the front. It was all kind of blended parking driveway, So we've dedicated a one -way drive through the front, and then we have four parking spaces at the front. So, you know, as part of that, that's where we felt it would be nice to give it some covered area. Inside, we don't have a lot of indoor seating ;. It's not a very big building. So, at least, we're trying to get people closer, but we do have some outdoor patio area.

Mr. Tomsic- Nick, have you reviewed their parking spaces?

Mr. Bellas - Yes, they have ample. It's to code. Yes, the number and location . It's all good. Handicapped is to the number everything.

Mr. Sampat- Yeah, we provided forty one parking spaces, its forty required.

Mr. Tomsic- Any questions about that building being seven feet closer to the road? Nope.

Mr. Hehr- Not for me.

Mr. Fabig - I'm good.

Mr. Koller made a motion to accept the variance going from 42 feet down to 34 feet

Mr. Hehr seconded

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. Hehr- yes

Mr. Fenstermaker –yes

Mr. Fabig- yes

Mr. Tomsic- yes

Motion Passed

All were in favor, and the Motion for the area variance 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.

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: yes, however, the covered entry would be beneficial for patrons

BZA Review: agree

- B. Whether the variance is substantial?**

Applicant: no, minimum to provide cover

BZA Review: its 7 feet closer to road and no green space so its only in their own parking lot

- 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: yes, would add character to the building

BZA Review: agree

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: no, they were unaware

BZA Review: no comments

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

Applicant: no, existing building is in the required setback

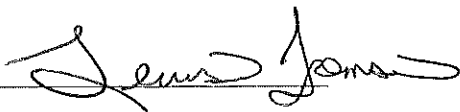
BZA Review: it is already existing non conforming

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

Applicant: yes, we believe the building is a unique situation

BZA Review: agree

Meeting adjourned by Mr. Tomsic at 8:00pm



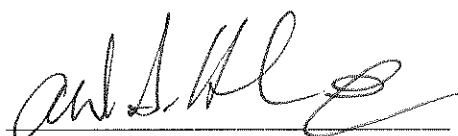
Lewis Tomsic, Jr., Chairman



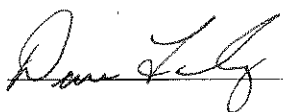
Mike Fenstermaker



Scott Koller



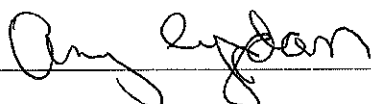
Albert Hehr



Dave Fabig



Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary