

AV06-160823

**Linda & Tom Retych
15521 Moss Gen Tr.
Newbury, OH 44065**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:40 p.m. on August 23, 2016 with board members Mary Lee Brezina, Ed Meyers, 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 had been advertised and was being recorded.

Linda & Tom Retych request an Area Variance to construct a 22 ft x 24 ft family room addition 18 ft from the side yard line (vs. Art. V, Sec. 5.05, req'd 30 ft side setback) on parcel 23-385541 at 15521 Moss Glen Tr. in the R-1 Residential District.

Mr. Tomsic asked the applicant to state his case.

Tom Retych said he would like to add a family room addition and needs a side yard setback variance of 18 feet on the north side.

Mr. Meyers asked if he had spoken to his neighbors – Mr. Herring, the north side neighbor was in attendance and said he had no objection to this variance request.

Ms. Endres asked about the location of the well and septic system – the well is 10 ft. in front of the proposed addition and the septic field is at the rear on the garage (south) side of the lot.

Mr. Yaecker asked about the addition plans – Mr. David DeVault identified himself as the builder - representing DeVault Construction Co, Inc.

Ms. Endres asked if the property lines could be identified. Mr. Retych said he had the drawings submitted with the house purchase and the health department.

Mr. Meyers asked if there had been any on-site survey work done – no.

Mr. Herring said that he could identify his road and rear survey pins for the Retych north property line.

Mr. Yaecker asked whether the fireplace would remain – yes.

Ms. Endres suggested that a color photo of the site plan should be included with the BZA members packet of information.

Mr. Meyers asked that the addition and the property line be staked out to be able to confirm the 18 ft. variance request. Mr. DeVault replied he would complete this task. He also submitted a full set of contractor plans for this addition as Exhibit A.

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Mr. Tomsic said he felt the board could grant this variance request with verification of the 18 ft. distance from the property line.

Ms. Endres confirmed granting the variance using the front and rear survey property lines with the addition stakes measured to these property line extensions.

Mr. Tomsic asked if there was any more discussion and then called for a vote.

Mr. Meyers moved to approve the variance as requested with the following condition that the staked addition to the property line stakes was no closer than 18 ft – to be verified by the Zoning Inspector from both marked road and rear survey pins:

Ms. Enders offered the following Findings of Fact:

- a) There is value of the lot with or without the variance, but a family room is needed.
- b) The variance is not substantial for either size or north setback,
- c) There is no substantial impact on the neighborhood,
- d) There is no affect on delivery of government services,
- e) Applicant says Mr. Joyce made him aware of the zoning restrictions,
- f) The applicant’s predicament cannot be obviated through some method other than a variance as the garage and septic are on the south side.
- g) The spirit and intent would be observed by granting the north side setback; the north neighbor in the audience said he no objections.

Ms. Brezina seconded the motion. Mr. Tomsic said a yes vote would grant the variances.

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

Mr. Tomsic advised Mr. Retych he could obtain a zoning permit from Mike Joyce after conditions for the staked lot lines were verified.

The board wished the applicants good luck with their addition.

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

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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”.

The board agreed to hold hearings on the first and third Tuesday of the month. These minutes will be signed on September 6, 2016 at 7:30 p.m.

Mr.Tomsic adjourned this BZA hearing at 8:15 p.m.

Marge Hrabak, Secretary

Signatures of the Newbury Board of Zoning Appeals:

Lou Tomsic, Jr., Chairman

Chris Yaecker,

Karen Endres,

Ed Meyers, V. Chairman

Mary Lee Brezina

Marge Hrabak, Sec’y BZA
Date: _____