

AV05-160719

Steve Saunders

3525 Edison

Cleveland Hts, OH 44121

site: 13950 Auburn Rd.

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, a 7:40 p.m. on July 19, 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. He asked the applicant to present his case.

Steve Saunders requests an Area Variance to construct a 32 ft x 34 ft detached garage 10 ft from the side and 40 ft from the rear property line (per Art. V, Sec. 5.05, vs. req'd 30 ft side & 50 ft rear setback) on parcel 23-033100 at 13950 Auburn Rd. in the R-1 Residential District.

Mr. Saunders said he was a hobbyist who collected classic cars and needed this new building for additional floor space. He said the location of the house was not conducive to building on within the setback limits. Camp HoMidaCoda was his neighbor to the south with no nearby buildings. He then asked Tony Kucia, his general contractor, to continue the explanation of the building details.

Mr. Kucia said the northwest backyard area was too rocky leaving the SW corner the most advantageous placement for the new 2 x 6 frame structure. He verified that both existing sheds would remain; their dimensions were verified being under the 120 sq. ft. allowable.

Mr. Saunders stated he was now the legal owner of the parcel.

Karen Endres questioned the location of stakes 10 ft. from the property line as shown on the site plan. Mr. Joyce verified the survey stakes at the property corners.

Mr. Saunders showed the location of the well and septic field on the site plan as well as the new driveway access to the new building. He did not intend to remove the in-between shed as it was well built on a permanent foundation.

Mr. Meyers asked if the building could be moved further north – Mr. Saunders replied that rocks were in the way. Mr. Saunders said he now lives in Cleveland Heights and will move to Newbury after the new garage is built.

Mr. Yaecker asked if Mr. Saunders had considered building the garage in front of the house – no, that was never an option.

Ms. Brezina asked Mr. Saunders if he would consider moving the garage a few feet – he replied other houses had been built 11 ft from the property line.

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Ms. Endres explained there could be many reasons for the “11 ft.”; built without a permit, a change in zoning, among others. Mr... Saunders said he thought it would be no problem.

Ms. Brezina said she thought he should conform as much as possible but sees no problem with the camp next door.

Mr. Kucia said this was certainly a unique property with a camp like HoMidaCoda as a neighbor.

Mr. Saunders said his wife did not want to remove the shed closest to the house but keep it in the same angular position.

Mr. Yaecker asked the color of the new garage - it would match the house. He acknowledged the garage would not be visible from the street.

Mr. Saunders said the front shed was their favorite, “a doll house” as Mr. Joyce showed on the pictometry view.

Mr. Kucia pointed out the land drops off to the rear and north of the proposed new garage site. He also presented the layout for the new porch attached to the house at walk-out level that is not part of this variance request.

Mr. Saunders then offered: “would it be better if the garage site were shifted 5 ft. to the north?” Ms. Endres said she felt the board would be more inclined to vote yes.

Mr. Tomsic then asked Mr. Saunders to sketch in the driveway location showing the back in/out turnaround area; he did as requested with the 15 ft. S setback dated and signed. Mr. Saunders said he would keep grass between the buildings and complete the landscaping next year.

Mr. Tomsic called for a vote. Ms. Endres moved to grant the area variances: for the 32 ft. x 34 ft. garage 15 ft. (had been 10 ft.) setback from the S side line and 40 ft. rear yard setback per the following Findings of Fact:

- a) There is value of the lot with or without the variance, but storage is needed.
- b) The variance is not substantial for either size or modified south 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 with topography limitations W and N with an existing shed to the E in-between the house and new garage.

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- g) The spirit and intent would be observed by granting the size, modified south and rear setbacks; there were no neighbors in the audience to object.

Mr. Meyers 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	no

Mr. Tomsic advised Mr. Saunders he could obtain a zoning permit from Mike Joyce.

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 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 August 2, 2016 at 7:30 p.m.

Mr. Tomsic adjourned this BZA hearing at 8:25 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: _____