

AV04-170801  
**Fred Schneider**  
**10065 Pekin Rd.**  
**Newbury, OH 44065**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic Chairman, at 7:30 p.m. on August 1, 2017 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 was being recorded. He verified that notices were advertised and mailed.

Fred J. Schneider requests an Area Variance to build a 30 ft. x 45 ft. detached garage 10 ft from the E property line (per Art. V, Sec.5.05, 30 ft. req'd) on parcel 23-385764 at 10065 Pekin Rd. in the R-1 Residential District.

**Mr. Tomsic asked the applicant to state his case. Mr. Schneider said he asked to build a detached garage behind his house in line with his driveway - 10 feet from the W property line vs. the 30 ft. zoning required.**

**Lou Tomsic commented that the garage was 700 ft. back from the road. Fred Schneider distributed a photo of the garage assembly kit for board review. He said he would install electricity but no heat or plumbing. The small building now on the property would be torn down.**

**Karen Endres asked where the septic system was. Fred Schneider confirmed the septic system was in front of the house with nothing behind the house. She then asked if the property line had been surveyed with marking stakes every 50 ft. Fred Schneider said the line had been surveyed, but no stake markers, to indicate the garage site as 10 ft. from the property line.**

**Chris Yaecker said the board must be certain of the lot line location. Fred Schneider said he knows where the survey posts are. Mike Joyce said he visited the site but has no survey equipment to verify the side line.**

**Karen Endres asked if any business would be conducted in the new garage – Fred said no, the garage was for residential use only. She commented that it was a goof size building – but legal.**

**Mr. Tomsic asked for questions from the audience. Mr. & Mrs. Joe Spangler of 10101 Pekin Rd. said they were neighbors who built their house on a 3 acre parcel in 1961 and now objected to this large building set so close to the property line/. They said they had always planned to build farther in the rear of their larger 21 acre parcel and felt such a large building only 10 feet from the property line represented a detriment to any future development plans.**

**Ed Meyers asked the Spanglers to point out their planned new building site.**

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**Lou Tomsic asked Fred Schneider if he had considered turning the garage 90 degrees to the driveway behind the house and 30 feet from the property line so he would not need this variance.**

**Both Mary Lou Brezina and Karen Endres said the board suggested an alternative 20 ft. side line setback as the 10 ft. request was “too significant” and agreed the recommended site behind the house would not compromise the septic lines.**

**Ed Meyers moved to approve the variance request – there was no second to the motion. Karen Endres said there should be a survey to verify the setback line and a site plan provided to scale.**

**Lou Tomsic explained the options possible by continuance of this hearing: no extra charge if board initiated, a second fee if applicant requested a continuance. He said this narrow lot could accept the new garage without a variance if it were rotated 90 degrees and sited 30 ft. from the side lot line.**

**Mary Lee Brezina recommended the building site change to avoid need for a variance. Chris Yaecker said he saw two options – continuance of this hearing or garage site relocation to comply with zoning.**

**Mike Joyce answered Fred Schneider’s questions regarding “what happens next”.**

**Fred Schneider asked the board to accept his withdrawal of this variance request.**

**The chairman accepted the applicant’s variance withdrawal request.**

**Lou Tomsic adjourned the BZA hearing at 8:25 p.m. Marge Hrabak Secretary**

**Signatures of the Newbury Board of Zoning Appeals:**

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**Lou Tomsic, Jr., Chairman**

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**Chris Yaecker,**

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**Kimya Matthews**

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**Ed Meyers, V. Chairman**

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**Mary Lee Brezina**

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**Marge Hrabak, Sec’y BZA**  
Date: \_\_\_\_\_