

CU01-180417

**Larry Arnold
14433 Burton Windsor Rd.
Burton, OH 44021**

The Newbury Township Board of Zoning Appeals public hearing was called to order by Mr. Lou Tomsic, Chairman, at 8:30 p.m. on April 17, 2018 with board members Mary Lee Brezina, Karen Endres, Ed Meyers 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.

He read the applicants variance request.

Larry Arnold, dba Raymond Arnold Masonry & General Contracting Inc, requests a review of a Conditional Use for a residential home office and equipment storage in an existing accessory building on parcel 23-327000 at 16176 Ravenna Rd. in the R-1 Residential District.

Mr. Joyce said all parties to the original CUP were notified.

Karen Endres confirmed that Larry Arnold was in attendance.

Mr. Tomsic asked Larry Arnold if part of the house was used by the secretary. Mr. Larry Arnold replied that Raymond Arnold Masonry owned the house where their clerical work is done by the secretary.

Mr. Tomsic asked Larry Arnold about his use of the outbuilding; Larry Arnold replied the building was used for storage of equipment.

Mr. Tomsic asked Larry Arnold if the scope of his business had changed since 2005; Larry Arnold replied “not really”. The employees start their day there - during the busy season about 6 or 7 a.m.

Chris Yaecker asked Larry Arnold for a reviewed use of the out building. Larry Arnold said 80% is masonry work, electrical and/or remodeling. Mr. Yaecker asked about landscaping – reply was “no”.

Mr. Meyers asked if part of the business was snow plowing – Larry Arnold said “yes”. Mr. Yaecker asked where additional equipment is kept – Larry Arnold replied “at his brother’s property nearby”.

Karen Endres asked Larry Arnold and his son Cody Arnold if clerical work is done in the house, if Cody lives in the house with his wife who also works for the company and asked Cody Arnold to confirm he is an officer in the company. Ms. Endres stated the father, Raymond Arnold was not a resident of the house. The applicant’s response on the application of “N/A” is not appropriate nor comprehensive.

Mr. Yaecker said Cody Arnold’s name should be on the application.

Mr. Tomsic asked “who owns the business”? Larry Arnold replied he is the owner of Raymond Arnold Masonry.

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Board discussion continued regarding Home Occupations (HO), storage of equipment, employees, class I & II HO standards/approvals, et al.

Mr. Tomsic questioned whether the original 2005 CUP issued to Mary Prescott for a Home Occupation should have been more correctly applied for as a Use Variance.

Cody Arnold suggests he should apply for a Use Variance. Mike Joyce provided an application for a Use Variance.

Lou Tomsic recommended the board move to Executive Session; Chris Yaecker Moved and Karen Endres seconded the motion that passed by unanimous vote.

The board returned from Executive Session at 8:58 p.m.

Lou Tomsic said that Mary Prescott does not live there; the Conditional Use must go to the current owner. Home Occupations are granted by Mike Joyce.

Karen Endres said under clerical/administrative services/home based business no additional employees are permitted. One commercial vehicle is allowed on site. Cody or his wife Kayla Arnold, who live in the house, must apply.

Cody Arnold said he did not know he needed to apply.

Mike Joyce stated that the property is owned by the company.

Larry Arnold asked “what can be stored outside?” – no outside storage.

Lou Tomsic discussed Use Variances and the 7 conditions difficult to meet.

Karen Endres and Lou Tomsic agreed employees could come in and out of the property for clerical related activities.

Cody Arnold said he wanted to buy the property and then erect another out building. Mr. Tomsic said an Area Variance would be needed for another out building with discussion of size of permissible garages.

Ed Meyers moved to dismiss Larry Arnold’s application as he is not the occupant of the house.

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Amendment to the hearing added 5/1/18:

*Without prejudice, _____ seconded the motion that passed
by roll call vote as follows:*

<i>Ed Meyers</i>	<i>yes</i>
<i>Mary Lee Brezina</i>	<i>yes</i>
<i>Karen Endres</i>	<i>yes</i>
<i>Chris Yaecker</i>	<i>yes</i>
<i>Lou Tomsic</i>	<i>yes</i>

Mr. Tomsic confirmed the applicant's request for a Conditional Use was dismissed, without prejudice.

The hearing was ended at 9:12 p.m.

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: _____