

**Newbury Township**

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Board of Zoning Appeals Meeting Record of Proceedings**Date**

August 25, 2026

7:00pm

Zoning Hearing regarding: CASE NO. BZA 2026-13

Zoning Certificate Application No.

Property Address: 13711 Auburn 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

Amy Lydan- Zoning secretary

Applicant/Guests Present:

Vanessa Jensen

David earls

David Putnam

Michael Heywood

Roll 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:

Vanessa Jensen

David earls

David Putnam

Michael Heywood

Mr. Tomsic noted everyone had been sworn in.

Mr. Tomsic asked if all of the 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 David Putnam of 13711 Auburn Rd asking for an area variance for a front porch addition

Mr. Tomsic- Mr. Putnam, have a seat there. There's a laser pointer there. You can show us what you want to do.

Mr. Putnam- This is the front porch. Now that was slightly after excavation, so we can go to the pictures that I provided for more detail. Picture of the excavation around the property. So, One of the first things I did when I moved into this property was one of the

second largest improvements. It was about a forty thousand dollar job in excavating around the entire house, including the garage and around the entire foundation because I had a wet basement and active water during rainstorms coming in. So we excavated all the way around the house, repaired cracks in the foundation walls, repaired the walls, seal coated the walls, and installed new foundation drainage. In doing so, I had to remove the front porch which is right there. So you can see where the debris pile or the dirt that came out of the excavation, all the way in our house is kind of piled up there. We later spread it out, but the porch came out four point five feet, I think, according to like the original survey map that I, the survey map from the purchase of the house four point five feet. So that had to come out. That foundation went down like forty eight inches, and you know it was just really rough getting that out of there. So once it was pulled out so we could get access to the wall, we had a gap between the foundation, wall and undisturbed earth in the yard of about five feet. And so now when I want to go back and replace that porch with a flanked porch, I've got to come out to solid, undisturbed earth because that whole area of excavation was filled in with river gravel all the way up to the surface. So, I can't go down on that river gravel, unless I go down like six feet or almost eight feet to get solid ground. So I've got to come outside of where that excavation was to get a solid base for the footing, and so I'm asking for me to extend that porch. I don't know what it was. Nick came out and measured; it was an additional four point five, four point five feet out. So instead of the porch being four and a half, it's going to be twelve. That's for the footer, but the porch itself is actually going to be eight feet. The footing is going to go beyond that, but it won't be seen from the street or anything. So it's just a matter of properly building that structure with you know proper footing on undisturbed earth.

Mr. Tomsic- This is the existing?

Mr. Putnam- Yeah

Mr. Tomsic- So, There's already a roof underneath the old.

Mr. Putnam- Yeah

Mr. Tomsic- Now are you extending the roof out too?

Mr. Putnam- No just the lower part. The old foundation for the concrete porch was four and a half four and a half. Feet out. I need to put the new uh sonotubes out at these center on, I think, eight point one feet. These center on eight point one feet away as opposed to like the outer edge of the old foundation, which the porch, which you can see was four point five, but I think the footing was five. So it's actually what you're going to see is about two point seven feet further, so I can hit that solid ground outside of the fill. The only reason those I put those wooden structures up there and I really don't really need them because that overhang is cantilevered out, and it doesn't really need

any support. But I didn't know that so I just built it in. Those are all going to go away. Okay. And, it will look a lot nicer than having a machine that just looks so bad for a while. I want to get it done. So all I'm looking for is that porch deck coming out what you will see about another four, actually three point five feet beyond what the old concrete porch came out to, and then it's an eight inch step down to the sidewalk. Nothing more overhead.

Mr. Tomsic- Just the deck. Does that make sense? Yep. Okay. No questions?

Mr. Hehr- I'm good.

Mr. Tomsic- Well, good. Go ahead, make a motion.

Mr. Koller a motion to accept the front yard area variance setback of an additional four and a half feet into the front yard as proposed.

Mr. Fabig Seconded

Mr. Tomsic called for a roll call vote regarding the motion on the table.

The Board Secretary conducted a voice vote roll call.

Scott Koller- yes

Dave Fabig- yes

Albert Hehr- yes

Mike Fenstermaker- yes

Lou Tomsic- yes

Mr. Putnam- Thank you for your time.

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 the improvement of a new front porch will benefit the property and neighborhood

BZA Review: agree, pretty minor

- B. Whether the variance is substantial?**

Applicant- No

BZA Review: agree

- 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- no

BZA Review:

- D. Whether the variance would adversely affect the delivery of governmental services**

Applicant- no

BZA Review:

E. Whether the lot owner purchased the property with the knowledge of the zoning restriction?

Applicant-no

BZA Review:

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

Applicant-no

BZA Review:

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

Applicant-yes

BZA Review:

Meeting was adjourned by Mr. Tomsic at 8:30pm

Lewis Tomsic, Jr., Chairman



Mike Fenstermaker

Scott Koller



Albert Hehr



Dave Fabig

Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary