

**Newbury Township**

14899 Auburn Road

Newbury, OH 44065

Phone: 440 564 5997

Fax: 440 564 7512

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

August 25, 2026

7:00pm

Zoning Hearing regarding: BZA 2026-15

Zoning Certificate Application No.

Property Address: 10952 Fairmount 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 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 Michael Heywood and Doreen Ribelli for an area variance for a detached garage at 10952 Fairmount Rd Newbury Oh 44065

Mr. Heywood- yes, for a storage building.

Mr. Tomsic- Go ahead. Please explain to us what you're trying to do or what the predicament is.

Mr. Heywood- I've been here forever, 43 years now, always wanted and needed a storage building. Finally can afford one now that I'm retired. Seven years ago, we put in a new septic system because we have a big drip system now, two 2000 gallon tanks and they sit right here, ten feet behind my deck. The building that I am proposing is sixteen feet wide with a six-foot porch on the east-facing side. It will sit roughly here, and I am asking for a variance from the thirty-foot side offset because I have to maintain ten feet to my septic tank. I can't build anything within ten feet of the tank. A twenty-foot setback is perfect. It gives me about ten extra inches for that ten feet clearance to the deck. And I know it looks like I have a ton of space back here, I could actually, being honest about it, I could fit the building back here, but there's a couple of reasons I don't want to do that. One is my access road would have to cut right across the corner of my septic tank and would come very close to the edge of my deck, which is right here. It's just not very practical. And from right here, my pump lines, my drip system run right through here, so they're very close too. My only option really, if I need to stick with the 30 foot setback would be to eliminate the porch on the building and put a smaller building in that really does not fit my needs.

Mr. Tomsic- Where does your plumbing come out of your house at?

Mr. Heywood- it comes out right here out of the back. Into the and then there's another.

Mr. Tomsic- So that's the first tank?

Mr. Heywood- Right, that's the septic tank and then there's a second tank there. The second tank begins right here and extends out to.

Mr. Tomsic- I don't think it goes out that far.

Mr. Heywood- And it's seventeen feet from here to the edge of the tank, which you can see my deck.

Mr. Tomsic- I mean, I can see all the lids, and if that's the first tank,

Mr. Heywood- That's the inlet to the first tank. It's seventeen feet it's a two-thousand-gallon tank. That small thing right there is where the filter for the septic tank is. Then, literally six eight inches away, is the beginning of the second tank, the graywater tank. And it comes out to right about here off this railing on my deck. That's the edge of the tanks right there.

Mr. Tomsic- Where's the pump at?

Mr. Heywood- It's in this second tank. And then this one is a control shelf. Your controls are and from there, there's two supplies and two return lines that run out to an

upper leach field and a lower leach field back there. This is a big, huge oak tree right here, whose job is to drink all the water from my upper field.

Mr. Tomsic- And what is that area?

Mr. Heywood- This was my garden of 40 years long. I have. Dug all the topsoil out of my garden, and I now have garden boxes right here. I put raised bed boxes in. So I've dug that all down to clay, and there's I got a pile of dirt sitting there waiting to be reused, and another pile sitting over here.

Mr. Tomsic- I saw your proposed drawing; I am just trying to understand why we need to break zoning because it looks like if you were just to slide the building back a few more feet and slide it over a few more feet. I mean, you're only needing 10 feet, right?

Mr. Heywood- The front of the building. You can see a railing on my deck; that's the end of the tank, and it's seven feet wide. The proposed front of the building is about two feet closer to the house than that back edge of the tank is. I can't just go over this way. And if I measure out from the end of the tank, ten feet clearance puts me out here. That only leaves me enough space to the thirty foot line to get like a ten foot wide, maybe a twelve foot wide building in, Which just won't be big enough to house all the stuff I am trying to house. A couple years ago, I don't know if you guys remember that bad storm we had when Auburn Road was closed for three or four days. That was because of me. I lost eighteen trees in the front yard, so and probably six more in the back. So I ended up buying a compact tractor with a backhoe and I've been getting my yard back into shape for two years now. I need somewhere to store it. She can barely get her car in the house and garage now, and I've got some stuff sitting outside. These are the garden beds. You can see I've got some junk sitting around this area that I just don't have anywhere to store it.

Mr. Fenstermaker- Have you talked to the neighbors to the west of you about this?

Mr. Heywood- The neighbor to the west of me, I mean, I okayed a variance for him, the previous owner of that house. Since then, this guy's installed a couple more sheds. You know, When he found out I was when I told him I was going to build this, you can do whatever you want. I said, "Well, I'm going to go to the zoning board and make sure it's okay with everybody." So, you know, I think his building is probably closer than thirty feet to the property line. It looks like they have a problem with it. You know, the neighbor across the street from me Roger, I went with them for a meeting years ago for a variance for their barn. This neighbor on this side knows I am going to do it. He's actually got a shed tucked in here in the woods. I don't have a problem with any of that, you know. The building I am putting up, you know, I guess the one size of the pad, again, this is not on foundation. It's a movable building ;. It's sitting on a gravel, or will sit on a gravel pad.

Mr. Fenstermaker- This one you want to build? Yes. Oh, you'll have to tie it. You'll need a building permit for that. It's going to have to be anchored to the ground. If it's over two hundred feet, you need a building permit.

Mr. Heywood- Not what I saw on Geauga counties, it said, if it was a temporary build or a movable building.

Mr. Fenstermaker- They're going to make you anchor that down We just ran into this last week,

Mr. Tomsic- Just had a hearing on our last time

Mr. Heywood- I can certainly do that, Yeah, screw anchors or something. I think that's what they. In fact, I think that's an option for the building. Yeah, I can just add that to the cost of the building.

Mr. Fenstermaker- What is it? Nick anything over two hundred feet square feet, you got to have a building permit?

Mr. Bellas- Yes, Yeah, We just had a hearing about that and gentleman built a structure, and they made them anchored in all four corners. It's not It's not a huge deal, but, they're going to require it.

Mr. Heywood- I was under the impression that I did not need to get a permit for this.

Mr. Bellas- A lot of people have that misconception. Anytime you build a structure on the property, it requires a permit from us, And it may or may not require something from the building department depending on the size.

Mr. Tomsic- Nick, can you do a measurement for me on that. From the property line directly across to that closest septic tank.

Mr. Tomsic- So when was the system put in?

Mr. Heywood- Seven years ago.

Mr. Tomsic- Seven years ago. Every septic tank has to have a riser on the inlet and outlet of the tank. So that tank shouldn't extend past that lid more than about a foot. But even if it does, Say the tank only had an inlet one end or an opening one end, a two thousand gallon tank is twelve point six feet long. So at best, it's another twelve feet shorter. So you back up twelve feet. You are at seventy five feet now?

Mr. Heywood- I mean, all I can tell you is that actually I confirmed the measurements I went and opened this. So I could see exactly where the inlet pipe was, and I measured from there all the way to the outlet. It measured seventeen feet and seven feet wide. It

was my guess, and you can kind of see where the ground has settled around it. Yeah, I watched them go in.

Mr. Hehr- So subtract ten more feet. He's got to be ten feet from the end of that well.

Mr. Koller- Plus the porch, right? That's on the house side. I believe that porch that overhang porch you are putting toward the east, right?

Mr. Heywood- I actually have a better representation of the building.; I did not have when I submitted the application if you guys want to look at this.

Mr. Tomsic- I just don't think you need a variance.

Mr. Heywood- Well, I could tell you, I've measured and measured and measured, And I can't fit it in that third side, offset.

Mr. Tomsic- You just go thirty feet off the property line, and then you have your sixteen foot building and your six foot porch. That's forty two feet.

Mr. Heywood- My pad that it sits on has to be, Twenty four feet wide by thirty four feet deep.

Mr. Tomsic- Your gravel pad can be closer than ten feet to your septic tank.

Mr. Heywood- Well, it's only a foot more. They want a foot extra on every side of the court.

Mr. Tomsic- That's fine, but your one foot extra can be within the thirty foot, I mean, that's fine too. It's just the building itself can't be closer than thirty foot.

Mr. Heywood- I've measured from what I firmly believe is the end of the ten feet, Marked it out on the ground and marked out thirty feet off, and I could only fit a twelve foot wide building in there with a fourteen foot pad to stay that ten feet away. With what I'm asking for with a twenty foot setback and a twenty four foot wide pad. Puts me within fourteen inches of that ten foot zone.

Mr. Tomsic- The tank is only seven feet wide. If you bump the building back eight feet, You can slide it over wherever you need to be to meet the thirty foot.

Mr. Heywood- But again, that gives me a really bad angle for my access to it. Again, this is side of my deck there is a set of steps right here. If I build a little road to get to it, I've got to cut across this way, which I really didn't want to do. The front of the building should be right about here, and then I could just have a little gravel access road to it. This would really kind of boost me up. I don't know that I'll build the building when I have to lose whatever money I put on the building because it won't suit my needs. And I've kind of figured out the junk I have in my current garage.

Mr. Fenstermaker- What's the distance between the property line and his house right now?

Mr. Bellas- Approximately, give or take a foot, you know, forty- four or forty- five feet.

Mr. Heywood- I feel like they had it right at the back of my driveway, But that leaves me no room to get anything into the backyard without running over the top of a septic tank. We have a very limited clearance from my deck. And, all this roadway stuff is all from me, moving dirt from the front yard in the last two years. Put almost a hundred square feet or cubic feet of dirt, yards of dirt in my front yard to repair all the stump and tree damage. I mean, this will be once the proposed building went in, all this will be re landscaped.

Mr. Tomsic- Questions ?

Mr. Hehr- I'd like to make sure that we're measuring properly. I think right now that variation on the measurement is my biggest concern for granting the variance because we're awful close, And we're not talking about ten feet of difference. We're talking about maybe five feet of difference or even less. I want to make sure that measurements are proper.

Mr. Heywood- I was a building manager for forty some years for Standard Oil. So, you know, I'm kind of familiar with the construction industry and I know how to use, you know, 100 foot tape and I've measured it. Measured it. Measured that thing. Like I said, Just I need that ten feet extra to be able to do what I'm asking to do. If I can't then i got to do something else on that building, I already it's not an ideal setup for me. I really wanted a twenty four foot wide building, thirty feet deep, but I can't fit that in there. T here is just no way. You know, I would have liked to have a building big enough to also get my truck in. That's my brother's truck, but you know, I needed that twenty four by twenty four to do that. I really believe that I've measured accurately, within inches. You know, where I've got the building proposed is actually twenty-one feet off of this line. There's no way this building's thirty feet off the line.

Mr. Bellas- Just as a reference, those are all about twenty-two feet off the line next door.

Mr. Heywood- In the front of my building, it would actually be almost even with the back of his. So it'd be right about here. And I certainly can't go any further back. Another reason I really don't want to be back in this area is I've exposed roots from this big oak tree in here. And like I said, it would, I just had a bunch of trimming work done on it to make sure it lives. This leach field that runs kind of around it. And this whole area up here is all plowed too deep. We did a lot of root damage to that big tree. So. Doing

everything possible to try and make sure this guy lives. He's the one supposed to be drinking all the septic water from that field. I hear what you're saying about this tank, but I mean, This was permitted by the health department . They inspected it. They've got drawings on it. And the inlet to this graywater tank. It's right on this side of that manhole. The pump is right inside that manhole, And the other side of that tank is out here, almost even with that deck rail. Right there, if I come over ten feet, that puts me right about here. Is it further back possible? Yes. Is it something I really want to do? No. Like I said, I don't want to mess with the drip line of this tree, and I really don't want to do everything. Slopes off too. I mean, I said I've removed all the topsoil from this. This is probably two feet lower than this right here. Its a nice looking building. It's not a crappy shed. It's vinyl sided, it's you know, it's going to last forever. Not slapping up some crummy metal building or something.

Mr. Koller- I don't have a question but I understand what you're saying about a proper survey. I don't want to say "survey," but establishing the distance.

Mr. Tomsic- One of the points that we're going to ask ourselves here in a few minutes is: Is a variance, the least amount, do we need it? Do we need it right to resolve this situation? Right. I think you can actually build a twenty four by twenty four building he wants without a variance. But you got to know exactly where that septic tank is.

Mr. Heywood- I do know sort of where it is. I am sorry, I am not able to communicate it to you more clearly.

Mr. Tomsic- Ive got a pretty good idea where it is. And furthermore, when the system was put in, You got to stay ten feet away from the building. When you add buildings When, you add buildings down the road. I see people build buildings on top of their septic tanks. The health department isn't coming back out to inspect. I mean, it's not right, but I mean people do it all the time. And, you have drawings from the health department. they'll have an as- built, drawing file and To probe around and feel for the concrete edge of that tank is not difficult to know, but I mean, I, I've installed enough two thousand gallon tanks to know that they are twelve feet six inches long from end to end. The reason being is they come on a truck.

Mr. Heywood- I mean, even if I made a five foot error in how long the tank is; that still leaves me.

Mr. Tomsic- But, if you've got seventy feet from your property line to the edge of that lid, and then you back out twelve and a half feet, you back out the ten feet to stay away from that, and you back out the thirty feet. To stay in compliance with our zoning, that still leaves you with twenty two feet, and that's wider than what you're proposing. So, You've got wiggle room there of about six or eight feet from what you're proposing.

Mr. Heywood- I guess the only way I can kind of go along with that is that I missed on how long that tank is.

Mr. Fenstermaker- Do we know exactly where your property line is? Has that been surveyed recently?

Mr. Tomsic- Has that been staked out. You know exactly where your property line is.

Mr. Heywood- Septic tank went in there.

Mr. Tomsic- So You got a survey? Okay. Okay.

Mr. Heywood- I mean, It is real close to my drive edge of my driveway right here. It was just this spring. I lost a big, huge pine tree right here. That's kind of what happened to that area. That happened this spring. Fell right out of my deck, almost hit my house, Hit my truck. It's kind of another reason I'm not real thrilled about this area back here. I don't want to be underneath that big oak tree. But I just don't see how I could have made that big of an error in measuring. I really don't because, you know, like I said, It's only five feet, I think. It's maybe a five- foot error.

Mr. Koller- And even your identification of the property line, you know, running north to south. I mean, You are kind of, going off the edge of your driveway or You are kind of guessing from that spot where you are measuring.

Mr. Heywood- I agree, I could be off a little bit, but I don't think is big here.

Mr. Hehr- But if you are two feet that side and two feet the other side, you know now your four feet that's, I think nine feet with the shorter tank,

Mr. Heywood- Well, again, if I whiffed on the tank take five feet off of it, that gives me six feet of clearance by my measurements. Now that would mean I had to make a four foot error. Well, I guess this would be the edge of that thing right here.

Mr. Tomsic- I'll leave it up to you. We can put this up for a variance, or we can vote, Or you can continue this meeting, and if we can stake out four corners of your building and the edge of your septic tank. And your property line, so we have specific measurements on what we're working with. Then we can come back and vote on this. We'd have to continue the hearing.

Mr. Heywood- I'll be completely honest with you guys. I mean, I've had a hard time waiting for you know this meeting, and I have stripped out the grass from the area. Not really started to build anything yet prior to, you know, approval. But I have cleared the area that I stripped out.

Mr. Tomsic- That's okay. I'm just listening to this board and I think we're all a little, like I said, it's up to you. We can vote if you want. I'm just listening to the other people on this board. And it seems like more than just me have a few problems with not knowing exactly where the distances are and what we're approving, and we don't get to unapprove it later. I mean, that's our problem. Just finding the definitive edge of that septic tank and seeing just how much room you have to work with is really quite easy. You just put a probe in the ground; you'll feel the tank, and when it. you'll know where the edge is. If you've got some other property pins or stakes, or some way to establish the true property line, then we know exactly what we have to work with.

Mr. Heywood- You're talking about I need a survey.

Mr. Tomsic- No, I'm not saying you need a survey. I don't know if you know if there's any stakes, or if you know where your property lines exactly.

Mr. Heywood- Well, there was. I mean, like said, we had to have a survey when the septic system went in. And I had a lot of trouble with that, too because of the lot width. You know it's only one hundred and fifty feet wide That's why they wound up with a drip system. It was. Really, about the only option that was acceptable for the size of a lot, and then it cost me a fortune. But is what it is. I said I am being honest here, and I think my measurements were accurate within a foot or two tops here. Now I am not saying that you know I am right about the length of the septic tank. I am not an installer but I did see it go on the ground, and I can't see where it settled around the excavation. So, maybe that's what I was looking at there—the edge of the excavation rather than the edge of the tank. Like I said, I did make every effort to measure this tank accurately from you know the inlet to the outlet, which is right there, that little that's going through filter. And that measures out at seventeen feet. And both tanks were the same. So, that's how I came up with seventeen feet, measuring from right here out here, seventeen feet. And that lands right even with the sprayer. You get seventeen feet from the center of the last in between these two manholes, this little manhole and this big one, the edge of the tank is in between those. And it comes out this way. I thought 17 feet, but yeah, I'm not going to argue with him. He's done this since '12 foot. But then if I go another 10 feet from there, that puts me out here. The 30-foot setback line is where it is as well, twenty foot puts me over here again. You know, I don't think it's going to hurt anybody's aesthetics. It's not going to look bad from the street. It's a beautiful building. It's way nicer than what my neighbors built and I have to look at. They're not going to object. People across the street aren't going to object. It's an improvement enhancement to the property. I don't think I am asking for something that's going to be ugly or hurt anybody's property values.

Mr. Hehr made a motion to vote on the ten foot variance as he's indicated.

Mr. Tomsic seconded

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

The Board Secretary conducted a voice vote roll call.

Mr. Hehr- No

Mr. Tomsic- No

Mr. Fenstermaker - No

Mr. Koller - No

Mr. Fabig- No

Motion Failed

The Motion for the area variance failed

Mr. Heywood- I will comply with whatever the board decides if that's going to do this right.

Mr. Koller- if you would get a survey, I think you'll be able to comply with the zoning. You could comply with the zoning and you wont need a variance.

Mr. Heywood- You want me to move the building back further?

Mr. Koller- I'm saying if you, I think if you got a survey and then you looked at exactly where the tanks were at, You'd find that you could fit your building exactly where you want to put it.

Mr. Hehr- It would fit between the tank and the thirty feet, is what you're saying?

Mr. Tomsic- I think so.

Mr. Heywood- I can definitely get closer to the thirty feet.

Mr. Tomsic- Yeah, But you also only got to be ten feet off the tank this way and ten feet off this way. So if the building started ten feet this way, the septic tank becomes a non issue. The building could go you put the building sideways.

Mr. Heywood- Side of the tanks here, so I'd have to be ten feet from that. That's got me backing this area.

Mr. Tomsic- I think you just got you got a lot more options than you think you do.

Mr. Heywood- A lot of it has to do with the access road. I really want to be able to go straight from the back of my driveway and access the building. I didn't want to make a driveway that jogged across, know what I mean? You know, this building's got a ten foot wide garage door in it, so I can get my new compact tractor in. Thats going to tear the grass up unless I put a gravel road in. I don't want to, of course. I measured over and over and over again. Try to come up with something reasonable for that thirty foot offset. How do we proceed?

Mr. Tomsic- All we've determined tonight is you can't build a building twenty feet off your property line. You can still put up a building.

Mr. Heywood- But no consideration for what's going on all around me.

Mr. Tomsic- One of the questions we have to ask ourselves is : " Is, a variance, the least amount that will solve your issues? " And it is not because I believe you don't need a variance. I think you can build your building on your property without a variance. You may have to move it back a little bit. You definitely have to move it over a little bit to meet the thirty foot, but it can be done without a variance. And that's why we have these setbacks. I mean, that's why we have zoning.

Mr. Heywood- I am okay with that. I'm a law abiding resident. I want to do what's right. Like I said, I had the area roughed out straight level lines up and, Did I set up a meeting? Had like you had come over and take some measurements.

Mr. Bellas- Yeah, I could come out and we can remeasure. And then I had a question when you were talking about putting the pole in the ground to find the edge of the tank. How deep would that pole have to go to typically?

Mr. Tomsic- Depends how deep the tank is,

Mr. Bellas- Okay, so when they put these tanks in, some could be lower than others.

Mr. Tomsic- Right, but my guess is that tank's not very deep.

Mr. Hehr- No, they have those water probes that that's the way we found ours too. Just a long spike with the with the T on it.

Mr. Tomsic- I suspect the top of that tank is a foot, maybe two feet underground.

Mr. Bellas- Sir, Would you be able to get any diagrams or plans with the health department that we could use?

Mr. Heywood- I have folder at home. I don't know if it shows real like certain dimensions.

Mr. Tomsic- I can get all that. It's online being as new as it is, will be online, we can get that downloaded.

Mr. Bellas- We'll work on getting that and I could come out, we could do some measurements. Try to get you a if it's a suitable place okay.

Mr. Heywood- If, we can find something that stays thirty feet off the line. I'd like to see that I have to put an application for that install or how do I proceed with getting some recertification.

Mr. Bellas- Well if I if we can find a place that is thirty feet off the property line, then I can issue a permit.

Mr. Hehr- I don't mean to interrupt. We still have another application to review today. What I would ask is that you wait until the end of the meeting and have a conversation with Nick or you give him a call during normal business hours and have this conversation. I don't mean to be rude, So I apologize for that because I think these are great questions. And if we continued the meeting that would have been a great time to be able to stay within in the sort of confines of the meeting itself. So again, I apologize for being rude. I just want to make sure we get to the next one.

Mr. Heywood- I understand one quick last question though, if he ends up agreeing with me and says, "Yeah, you know this is where it really needs to be."

Mr. Hehr- then you don't need a variance. You're done you don't They'll issue a zoning certificate.

Mr. Heywood- If he agrees with me that I need the ten foot variance. Do we have to start this all over again?

Mr. Hehr- Because we went to a vote, the answer is yes. Had we not gone to a vote, which is why two of us asked you if you wanted to continue. Okay. Normally, that's not a suggestion that we make. I don't mean to be blunt.

Mr. Heywood- Oh, I hear you. It's a little frustrating but I understand it. Okay, can I come see you in your office next week?

Mr. Bellas- Yes. Sometime this week? Yeah, just give me a call.

Mr. Tomsic-- It is a good- looking building. I hope this works out.

Mr. Heywood- I've got to admit being a little disappointed in the decision, but it is what it is. Thanks guys

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- existing home would benefit from the addition of this equipment storage building

BZA Review: Mr. Tomsic- I agree I just don't agree that he needs a variance

B. Whether the variance is substantial?

Applicant- I believe this request to be reasonable and not of substantial impact

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- adjoining properties have issues and variances granted

BZA Review: Mr. Tomsic- do not know if that is true or not. One neighbor does have quite a few buildings.

Mr. Bellas- I could not find anything in files

Board believes building can be put in place without a variance

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

Applicant- No impact

BZA Review:

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

Applicant- Purchased prior to 1999 zoning changes

BZA Review: don't believe the setbacks were changed in 1999

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

Applicant- Not without changing the size of the proposed building to a size that doesn't meet the need. 150 ft lot width and required clearance to the septic system are the issues.

BZA Review: Board believes that he has enough room and may need to shift a little but should be able to build as big as proposed or larger.

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

Applicant- I believe so. Surrounding buildings have variances to the side setback requirements

BZA Review: don't feel he needed a variance. No need to break zoning

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

Lewis Tomsic, Jr., Chairman



Mike Fenstermaker

Scott Koller

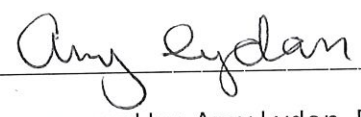


Albert Hehr



Dave Fabig

Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary