

Newbury Township

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Newbury, OH 44065

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Board of Zoning Appeals Meeting Record of Proceedings

Date 1/ 20/ 2026

7:00pm

Zoning Hearing regarding:

CASE NO. 12-21-2025-01

Case No.AV 12-21-2025-01

Zoning Certificate Application No.

12-21-2025-01

Property Address: 12097 Hotchkiss Rd Burton, Oh 44021

Board of Zoning Appeals Members present:

Lewis Tomsic Jr, Chairman

Chris Yaecker

Edward Meyers

Albert Hehr

Board of Zoning Appeals Members absent:

Mike Fenstermaker

Mary Lee Brezina

Scott Koller

Staff / other officials

Zoning Inspector Mike Joyce

Zoning inspector Nick Bellas

Zoning Secretary Amy Lydan

Applicant/Guests Present:

Dave Terrill 12097 Hotchkiss Rd burton, Oh 44021

Greg Tropf- 13881 Fairgate Newbury, Oh 44065

Carly Sayre- 14686 Dora Dr Newbury Oh 44065

Barb Foose – 14518 Ravenna Rd Newbury, Oh 44065

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.

Mr Tomsic started the meeting with the pledge of allegiance.

Mr. Tomsic, Chairman stated that we are here to hear an appeal filed by David Terrill who resides at in Newbury Township, and concerns this property: 12097 Hotchkiss Rd Burton, Oh 44021

“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:

Dave Terrill 12097 Hotchkiss Rd burton, Oh 44021

Greg Tropf- 13881 Fairgate Newbury, Oh 44065

Carly Sayre- 14686 Dora Dr Newbury Oh 44065

Barb Foose – 14518 Ravenna Rd Newbury, Oh 44065

Mr. Tomsic noted everyone had been sworn in.

Mr. Tomsic asked if all of the interested parties were notified and the Zoning Inspector verified with the Board Secretary and stated that yes, all interested parties were notified.

A roll call of the members was conducted.

Notable minutes as to what transpired at the hearing.

Mr. Tomsic stated the meeting was called to consider an area variance application for David Terrill at his residence of 12097 Hotchkiss Rd, Burton, Oh 44021.

Mr. Tomsic shared with the applicant that the board members were not all present, only 4 of 5 members are present. He explained that only 3 votes would be needed to pass the variance. He asked the applicant if he still wished to continue with the hearing or would like to reschedule with all members.

Mr. Terrill stated that he wished to continue with the hearing with only 4 members.

Mr. Tomsic stated, just so you know, Greg is one of our Trustees and is here as a liaison to the board of zoning appeals, and our other Trustee Carly is here as well as a citizen.

Mr. Terrill showed the board what he wished to do using the projected ReaLink map.

Mr. Terrill stated were going to put hopefully a 3-car garage at the end of the drive. This paving here is 25 feet. We want to put a garage here and was hoping it can be 28 by 36, I can put 3 cars and have a little bit of workshop space. Its going to get very tight to the property line, you see coming back this way if I keep it at the same angle as the house, we keep getting closer and closer to the property line. The neighbor does not really care but I know that's not relevant to this. Right now, I have it staked out and if I can get closer to 5 feet and not 30 feet for what I am hoping to build there. If I have to do more than that I will have to redo, I haven't done the design yet because I have to pay for that. Alternatives, we could try this area but then I'm going to be too close to the road. and they also did a gas line on our street so right here I have to watch the gas line. This area back here that is wooded is a reserve area for the septic fields so if I did that, I can't cut down that stuff. If I go further, it gets costly. So, I'm kind of locked. About here there is a walk out basement. And there is a hill that's probably 8 foot high. If I come to close to the hill I'm worried about

the foundation. I don't want to get too close. I staked it out and I can fit what I want on my property, but I can't do it staying in the zoning without a variance. So, I don't know what leeway there is. Again, this back corner is the issue. The front corner is close to ten feet off the property line but as I go back it gets closer to that property line. I've got a lot of land but it's tough to use. If I had foresight 30 years ago, I would have built the house over this way more, but I didn't realize. So, that's kind of what I'm asking. Also, if I come back this way the land slopes and so I can't really turn it and also the leech bed is here running this way and there is also a drain. If I did do something up front it's going to be costly to put in the driveway and there is a lot of water there. It could be costly to do that and attach it to the existing driveway.

Mr. Yaecker asked, where is your well at?

Mr. Terrill replied, its right here right in front of the house. Probably ten feet off the front porch. The gas line is relatively close. I know I've got to stay behind that. If you just look without considering property lines, this makes the most sense. It's about the area I want to get the three garage doors in. I don't want to go too far. I don't know how many feet you guys are willing to go.

Mr. Tomsic stated, so, we have the general idea and the footprint of the building. So it's going to be a three car garage. Is there going to be a second floor?

Mr. Terrill stated I'm thinking about possibly doing a second floor because that's really just for storage so I can get stuff out of the walk out basement. I've got files and stuff and things. But he was looking to mimic the roofline of the house. We're trying to get it to blend in and not look different although my wife is talking maybe wanting a gambrel roof like a barn, but we haven't really gone forward with this part because to get a design I've got to start paying money and I don't want to pay money to the designer until I know how much space I have to work with. We probably would go relatively high at least 10 or 12 feet with the first floor. When I was first building the house I thought I would do something 30x40 or something because it gives you a decent amount of space and probably would have been one floor, but reducing it down means I don't have storage on the first floor so I'm adding storage upstairs.

Mr. Tomsic asked, what else is going in this building? Will there be heat, water?

Mr. Terrill responded, I'm thinking about doing heat, possibly a radiant floor. I don't know I've got to figure out a cost. I would like to do water. I don't know because of the cost, but

it's nice to have water. I want electric, 500 amps of power so I have enough power to do whatever I want. Everything's all electric, we have geothermal in the back under the leech bed, so this area is out of the question, and I don't know how to get a road to it either.

Mr. Tomsic stated, that's kind of a moot point, were looking at this application for a variance here. Were yes or were no. We might tell you to shift a few feet but were not going to tell you to put something in front of your house.

Mr. Terrill stated I was just explaining why I needed the variance. If I had better options, I would consider them.

Mr. Tomsic stated, I understand that the front is wet and you have septic in the back. The house was built at a goofy angle.

Mr. Terrill stated I'm not sure why I built at that angle. I was young and didn't understand things I do now.

Mr. Yaecker asked, so the purple circle at the back of the house is the leech field.

Mr. Terrill responded no it's the pool.

Mr. Yaecker asked, where is the leech field at?

Mr. Terrill replied and showed on map, about here back and the lines go like this on angles, and this area in woods is for the reserve bed.

Mr. Yaecker asked if that area slopes down

Mr. Terrill stated yes that area slopes back and this goes this way to the walkout. It's a fairly steep hill.

Mr. Yaecker asked where the geothermal lines are located

Mr. Terrill responded they go under the leech bed and he showed on the map.

Mr. Yaecker asked so it's not going to interfere with where you want to put the building.

Mr. Terrill responded stated no it runs under about ten feet down.

Mr. Tomsic asked what type of construction will this be?

Mr. Terrill responded conventional construction steel sided footers and block foundation partly because this back corner here goes down 2 or 3 feet from the level floor line so if I tried to do post and beam I would have to fill that in which is harder to do so Im thinking conventional construction with footers and block. Then pour concrete pad. The plan is to

insulate at least the lower level. Maybe not the upper as that will just be storage up there. Have a place for woodworking. Now if I want to do something I have to take the tools outside as I don't have room in the basement to do it. You need a lot of space with a table saw. We have three cars, a small utility trailer. Right now, we don't have any storage buildings on the property. I need to figure how much of a variance or how close I can go to there. If I do have to go a little smaller then I definitely want a second floor so stuff that would normally go in the garage can go there.

Mr. Yaecker asked can you push this building a little more to the east / southeast of the house?

Mr. Terrill responded, not exactly. It's tough. I know I'm already building smaller than I would like to but I can't get it as big as I want it. Will I ever put three cars in it I don't think so, but you also have to look at property resale value. I may also get a tractor too so it will probably be two cars and toys, maybe a tractor and something else. I've got a rototiller, a walk behind mower, generators all that kind of stuff.

Mr. Yaecker asked can you get away with a two car two bay opening and maybe a little storage.

Mr. Terrill responded that it would be nice but if I had to go smaller I would go smaller. It depends on how close your going to let me go to the property line. The other thing you could do but it would look funny is to parallel it to the property line but it doesn't look right. If you drove in it naturally looks like that's where you put a garage, but I understand that there is zoning and constraints. I'm not looking to bother that. I talked to this neighbor and he doesn't care. He didn't come in tonight, but he would if I had asked. This side is further away and we would have to come back for another variance because there is no way to do this without a variance.

Mr. Hehr stated, so I don't have a lot of questions. It does not seem like with the configuration of the house it does not look like a three-car garage is possible.

Mr. Terrill stated, I've got it actually staked right now. I did that 28x36 and it is possible

Mr. Hehr asked will there be an overhang or anything on the side, what will the side of the garage look like? Are you going straight up?

Mr. Terrill responded that somewhere there is a map. The board looked through their packets and found the map. So this corner here is about 5 feet off the property line, this corner is more like 10 feet. Now I could

Mr. Hehr asked, will you have a porch, any overhang, or gutters. What is the side of the house going to look like.

Mr. Terrill responded, I don't even know if I'm going to put windows in there. It's going to be steel and siding.

Mr. Hehr, nothing is going on back

Mr. Terrill the only thing I was thinking of putting on back is a pad because that land drops down so putting a pad in case I want to put anything there like a trailer.

Mr. Hehr well how would you get it back there

Mr. Terrill, I could come this way, or another door. I'm actually thinking about putting a door on the back so I can go straight through. Because there is a drop this way and this way. There is also a drain and a dip this way. Then there is the walkout basement.

Mr. Hehr where is the walkout

Mr. Terrill it's where this corner of the garage is from that corner is a retaining wall then 6 feet down is walkout.

Mr. Hehr so you will have a five-car garage then.

Mr. Terrill well there is a two-car garage on the house so we are just looking for more space

Mr. Tomsic asked so this met all the size requirements, correct?

Mr. Joyce responded the size requirement is not a problem. He is allowed twelve hundred and eighty square feet or five hundred feet per square acre, whichever is larger. The concern I have is that you were going to find a survey or get one done so we know exactly where the property line is.

Mr. Terrill replied well there are stakes that were put down so the property line is there. I know where those are and when I'm measuring, I used a string and came from that corner. If I could do it further I would, but if I have to reduce it to much then I've got to decide what I want from the building. I've got three cars, and I still have a daughter now in school. Initially I didn't want it there but as I get older, I don't want to trapse through 150 feet to get to it. If I just wanted a storage building, I could put it out behind those trees and not worry about zoning but I can't get a vehicle back there.

Mr. Yaecker or you could have a two-car garage and storage on the east end.

Mr. Terrill then again, I still can't come to close this way.

Mr. Tomsic asked audience member if she had any comment

Ms. Foose, no I just came to see what this was about . I don't know where he is.

Mr. Tomsic, I see his dilemma. I understand wanting to put up a detached garage. And I'm not to concerned about being that close to the property line. I have a problem with the second floor.

Mr. Yaecker so what are you looking at with the second floor

Mr. Tomsic it's a block foundation and will be insulated with heat water and electric. This is starting to sound like an apartment. Don't want to have an apartment on the second floor.

Mr. Terrill, I have no desire to do that.

Mr. Tomsic he could have a five-car garage there and if it was one floor I probably wouldn't have a problem with it. But I don't the second floor. And we don't have any plans or drawings. I don't know what it's going to look like.

Mr. Yaecker we could make that a condition.

Mr. Meyers how do we turn something down in the future if we hand out variances with that close to line.

Mr. Hehr Being that close to the line, you would cross over any time you went around the house. It would be a natural pathway at some point and you need to maintain the building as well.

Mr. Yaecker could you move it maybe ten feet off the line.

Mr. Terrill I could probably but I'm going to have to reduce the size of the building. For the design the house on the front is 11-12 foot. He is looking to match that and put windows in there to match it.

Mr. Hehr, I think that I would want more to give a good vote. I want a more detailed drawing. I want to see a rendering; it doesn't need to be an architectural drawing. I just need a better idea. If its insulated and has heat and water, even if you don't intend to, were developing an in-law suite at some point. I think it's a valid concern. And being that close to the line it seems inevitable that you will start encroaching on the neighbor.

Mr. Terrill no I'm not trying to encroach on the neighbor. My thought was to but the door on the back so I can drive through and not do that. In all honesty if you went out and looked at the property you would see that it's not conducive to go around that way because of the slope.

Mr. Yaecker that does seem to big then if your neighbor's property is already dumping water towards you then you add a building five feet off the property line you don't have the room to build a swale or divert water or anything.

Mr. Terrill, we don't really have water issues down that side.

Mr. Terrill I can go ahead and get drawings my only concern is that before I start paying because it's not cheap I need to get an idea how much space I've got I have it staked out now and it actually is closer to the ten feet off the line but then there is the drop.

Mr. Tomsic are you the contractor

Mr. Terrill no I hired a contractor, and he did an initial rendering that I have on my phone I can show you what he did.

Applicant brings up pictures on phone to show board

Mr. Hehr if I was to see CAD drawings or something to give a better idea

Mr. Terrill it's a catch 22 what do you do first get drawings and find out we can't do it or get zoning approval. What do you consider a story and a half

Mr. Yaecker like a cape cod style. You said two dormers on the front of this garage

Mr. Terrill well yes that would match the front of the house.

Mr. Terrill I could get more detailed drawings. He started but then told me to talk to zoning before spending money.

Mr. Tomsic could you turn the garage

Mr. Terrill then how would I get in

Board looked over pictures on Mr Terrill's phone

Mr. Terrill if I come more than ten feet this way there is the hill then the drain this way.

Mr. Hehr its thirty feet for a reason so I would like to know the reason so we can vary based on this distance, because five feet is not much.

Mr. Yaecker I understand not wanting to remove trees and your other constraints, but five feet is a little close, maybe you can play around with that and get it further.

Mr. Hehr If you can talk to your contractor and get a CAD drawing so we can get a better feeling of what the front of the house might look like. Because there is only four of us here you could certainly withdraw and not have to go through the entire process again

Mr. Tomsic or just continue

Mr. Terrill so I can go back to the architect and look and see if I can figure out what I can do to meet your concerns

Mr. Tomsic a rough rendering of what it's going to look like just a couple of side views. Whatever you can do so you're not asking for 5 feet will help your cause

Mr. Terrill ok that's fair

Mr. Tomsic if there's a fire the fire department can't get between your building and the property. It's a safety issue, it's too close, it's just too big for that area

Mr. Terrill it's going to be tight no matter what.

Mr. Tomsic if you had something coming off the back, maybe put a retaining wall here

Mr. Terrill the problem is that our master bedroom is above that and we have a balcony and if I put a room on something going out there it's going to have to be low which it's a problem.

Mr. Tomsic so would you like to continue this meeting

Mr. Terrill yes later

Mr. Joyce who is asking for the continuance the board or the applicant. The reason I ask is if the applicant is asking there is a three-hundred-dollar fee and if it's the board there is not.

Mr. Hehr I would like to continue

Mr. Tomsic, do we have to set a date

Mr. Joyce you said you do not have the survey

Mr. Terrill there are posts

Mr. Joyce I'm going to want to come see those.

Mr. Joyce we should have a survey

Mr. Tomsic survey better drawings

Mr. Tomsic We are currently in transition and coordinating schedules to move to the fire station. We have Feb 17th available. Will that work for you?

Mr. Terrill, I think so

Mr. Tomsic we can set this up for Feb 17th. If that doesn't work call in and let us know and we can reschedule.

Mr. Terrill, I do have a question about the second floor

Mr. Hehr rather than piecemeal why don't you get all the information, and we can look at the questions at the next meeting

Mr. Tomsic I'm not against a second floor but if you start adding windows and outside steps then it can become an apartment. So, those are some of our concerns. See if you can get that information for us by Feb 17th and we will see what we can do then.

Mr. Yaecker made a motion to continue to Feb 17, 2026

Mr. Hehr seconded the motion

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

Mr. Hehr- yes

Mr. Yaecker- yes

Mr. Meyers- yes

Mr. Tomsic-yes

All were in Favor and the Motion was Approved

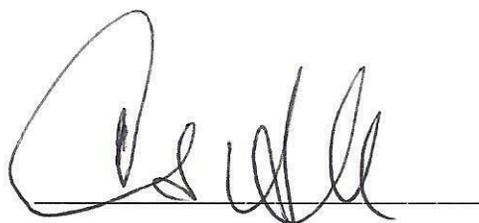
Minutes for the previous 12/16/2026 hearing were signed

Meeting adjourned by Mr. Tomsic

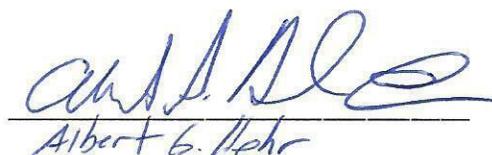


Lewis Tomsic, Jr., Chairman

Mike Fenstermaker



Chris Yaecker



Albert G. Mehr

Scott Kotler

Mary Lee Brezina

A handwritten signature in blue ink that reads "Ed Meyers". The signature is written in a cursive style with a large, looping "E" and "M".

Ed Meyers

A handwritten signature in blue ink that reads "Amy Lydan". The signature is written in a cursive style with a large, looping "A" and "L".

As approved by: Amy Lydan, BZA Secretary