

Newbury Township

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Newbury, OH 44065

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Board of Zoning Appeals Meeting Record of Proceedings

Date: October 21, 2025

7:00pm

Zoning Hearing regarding: CASE NO. AV – 10-01-2025

Case # AV- 10-01-2025

Zoning Certificate Application No.

10-01-2025

Property Address: 14592 Stone Rd Newbury, Oh 44065

Board of Zoning Appeals Members present:

Mike Fenstermaker

Lewis Tomsic Jr. Chairman

Edward Meyers

Mary Lee Brezina

Scott Koller

Board of Zoning Appeals Members absent:

Chris Yaecker

Albert Hehr

Staff / other officials

Zoning Inspector, Mike Joyce

Zoning Secretary , Amy Lydan

Trustee, Greg Tropf

Applicant/Guests Present:

Raymundo Soto

Rodolfo Soto

Michael Hoffman

Donna Hawkins

Cathleen Mathews

Sharon Wildes- arrived later

Bill Wildes- arrived later

Board of Zoning Appeals (BZA) Chairman Lewis Tomsic Jr. called the meeting to order at 7:00 p.m., and stated:

Mr. Tomsic, Chairman stated that we are here to hear an appeal filed by who Raymundo Soto who resides at in Newbury Township, and concerns this property : 14592 Stone Rd Newbury, Oh 44065

“Good evening. This is a meeting of the Newbury Township Board of Zoning Appeals. 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.

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.

.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.”

Tomsic asked the audience member(s) present, if they wanted to speak - to raise their right hand. Tomsic swore in:

Raymundo Soto

Rodolfo Soto

Michael Hoffman

Donna Hawkins

Cathleen Mathews

Tomsic noted everyone had been sworn in.

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

A roll call of the board members was conducted.

Mike Fenstermaker

Lewis Tomsic Jr. Chairman

Ed Meyers

Mary Lee Brezina

Scott Koller

Mr Tomsic stated that tonight's hearing was brought to us by the applicant Raymundo Soto for the Use Variance located at 14592 Stone Rd

Notable minutes as to what transpired at the hearing:

Donna Hawkins, I am the project manager speaking for Raymundo Soto. Mr Soto Owns 46 acres. They have a small house on the property now. We are proposing to build this new construction for him and his family.

Mr. Raymundo Soto used the laser pointer to show the board the property, existing buildings and where the proposed new home construction would be on the screen.

Mr. Tomsic asked what that large building is.

Ms. Donna Hawkins stated that it is the Hickory Dale Party Center

Mr. Edward Meyers asked what is the Hickory Party Center

Mr Tomsic stated that it was a bar

Zoning Inspector Mike Joyce showed the board a map and indicated where the existing house is located.

Ms. Hawkins stated that what we are asking for is for them to be allowed to live in the current small house that they occupy now until the new house is built and ready to be

occupied. At that point they would convert the small house into an accessory building per your zoning requirements.

Mr. Joyce stated that only one home is permitted on a lot per the zoning resolutions which is why we are here.

Ms. Hawkins stated, so I guess the question becomes when we get final occupancy for the new construction then that would constitute two structures on the lot

Mr. Joyce stated that this was correct

Ms. Hawkins stated that until that point it doesn't seem to me that that property would be livable so thereby it really wouldn't constitute two properties on the same lot. I was also told by the former zoning inspector that he would have six weeks to turn the small house into an accessory building by eliminating the kitchen

Mr Tomsic asked, How would we know when the existing house is no longer a house but is an accessory building

Ms. Hawkins stated We were told we would have six weeks to remove the kitchen thereby it would then be not a living space at that time

Mr. Tomsic stated that it would still have bedrooms and bathrooms and its own septic

Ms. Hawkins asked what would make it an accessory building

Mr. Tomsic stated that it would need to have no water or plumbing

Mr. Soto asked, what if we were to just demo the whole thing? Would this be easier for everybody if after the new home is built we demo the old one.

Mr. Tomsic stated that this still creates a problem for us. You are asking us to grant a use variance. If we grant this we can't take it away. It goes forever, once we grant it we really don't have any control over it after that. We can't force you to tear down your house. We can't stop you from doing whatever you want with that house. That's why the zoning says one house, one property. What we are trying to understand is what the hardship is. Why do we need to break our zoning to allow a second house to be built on this property?

Ms. Hawkins stated that it's because Mr. Soto and his wife and children live there. The children are in school in Newbury and if we were to force them to move for a year to a year and a half while we build their new house that would be a huge hardship.

Two new people entered the hearing at this point and were sworn in by Mr. Tomsic

There were:

Sharon Wildes

Bill Wildes

Ms. Hawkins continued and stated that this would be the hardship as they are currently living on the property. It's a very small house. It's him and his wife and two children.

Mr. Joyce stated that it's 47.4 acres

Mr. Tomsic asked how many feet of frontage

Ms. Mary Brezina stated that the application listed that there were 157 feet of frontage

Mr. Joyce stated that the frontage would be along Stone Rd

Mr. Tomsic asked what is the minimum frontage required

Mr. Joyce responded it is 200 feet but that it would be difficult to say they don't have the frontage since they already have a house and that they must have gotten permission at that time.

Mr. Tomsic stated that he is trying to think outside the box and asked why we are not just splitting the property. Split off the acres making it two properties with two addresses and two driveways. Then they would not need the BZA approval. He added that this is a safety

issue and that it is difficult for emergency responders when they have a shared driveway as they do not know which house to go to.

Ms. Hawkins stated that we tried to go that route, but we didn't have the frontage to do that to split it in half

Mr. Tomsic stated that this would be an easier variance to ask for

Ms. Hawkins stated that we met with Mike over the summer and went over that option and we didn't have the side yard requirements if we did a lot split

Mr. Joyce stated that there is a private road which runs along the property, view street, but that adding a driveway from a private road requires bringing the road to county standards

Mr. Joyce stated that they would need 200 feet of frontage unless they created a flag lot and stated that it would be difficult to break off a lot and have it be useful and that it does not lend to being split.

Mr. Tomsic stated that it looked like there would be plenty of land but that it would be light on frontage and discussed having it as a flag lot

Mr. Joyce stated that the two homes cannot have the same driveway

Ms. Hawkins stated that they plan to use the existing driveway then branch off.

Ms. Hawkins stated that if we did demolish the old house after getting an occupancy certificate for the new house then that would alleviate the two residences on the same property

Mr. Joyce stated that the problem is that this is not enforceable

Mr. Tomsic added that we cannot put conditions on an approval

Mr. Meyers stated that the quickest way would be to first tear down the old house.

Mr. Tomsic noted that this would require them to rent while building.

Ms. Hawkins stated that they did consider splitting the lot and that they looked at all this. He wants to build his house on the pond and has 47 acres that he cant use unless he tears down the other house

Mr. Tomsic asked what the hickory building is considered, an accessory?

Mr. Joyce said yes, it is an accessory

Mr. Joyce went over the resolution guidelines for when you are able to have a trailer while building in emergency circumstances. If your existing home is damaged.

Mr. Meyers asked if the guidelines are applicable in this instance

Mr. Joyce stated they are not.

Mr. Tomsic asked what are the plans for the party center.

Ms. Hawkins stated there are no plans

Mr. Soto stated it is abandoned.

Mr. soto asked what makes something considered a livable space, is it when you break ground?

Mr. Joyce said it's when you obtain a building permit.

Mr. Tomsic stated that we are trying to help you figure out a solution for you.

Mr. Tomsic asked if the property is zoned R1 and stated that it is existing nonconforming with the party center

Ms. Brezina expressed concerns about what would happen with the existing home after the new home is completed. And how would they get to the new house.

Ms. Hawkins stated that they would use the existing driveway and add a new driveway that connects to the new home.

Mr. Joyce discussed the accessory buildings and stated that they are allowed but that they would need a variance for the new accessory building.

Mr. Meyers stated that to return to the two dwellings, the only resolution I can see is to tear down the existing house before starting the new build, or do a lot split.

Mr. Tomsic stated that a lot split would require a second driveway.

Ms. Hawkins asked, do we have enough frontage to do two driveways off of Stone Rd

Mr. Tomsic replied yes, sure

Ms. Hawkins stated that's what I thought our problem was.

Mr. Tomsic stated well you would need a variance.

Mr. Joyce discussed the setbacks needed for driveways and a flag lot. He stated that you would need a variance for the existing lot.

Mr. Tomsic used Realink on the computer to determine the measurements of the property. This was displayed on the screen. He stated that he shaded split area was 7 and a half acres

Mr. Tomsic showed the board and applicants a possible location for a second driveway and a lot split that would be possible.

Discussion was held regarding some possible alternative options available and the variances that would be needed for each option

Mr. Tomsic stated that area variances are much easier to approve

Mr. Tomsic asked if a continuation would be an option.

Mr. Joyce stated that there would be a new variance it would need to be re-posted.

Mr. Tomsic stated that it would make more sense than to close the current case.

Mr. Joyce discussed the fees for a dual variance application and that there is a reduced fee for dual

Mr. Meyers stated that we cannot say now that an area variance would be approved

Mr. Tomsic stated that splitting the lot would allow them to keep the existing house.

Mr. Tomsic asked if there were any further comments from those present

Cathleen Mathews stated that she owns view drive and that it's a bridle path and she does not want anything done with it. She stated that she would love to see them get their new house. She stated that was all she wanted and that she wanted to meet her neighbor.

Sharon Wildes stated that we live two doors down. We are excited to have a hardworking family and business owners with children and we appreciate you working so hard to help them build their home.

Mr. Tomsic asked the applicants if they wish to have the board vote or to withdraw.

Ms. Hawkins stated that they wish to withdraw

Mr. Tomsic stated that they are welcome to work with Mike Joyce to help them with their next application.

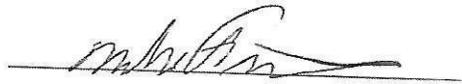
Mr. Tomsic stated that the application is withdrawn

Mr. Joyce asked the applicants to add their withdrawal in writing

Mr. Tomsic adjourned the meeting at 8:00 pm



Lewis Tomsic, Jr., Chairman



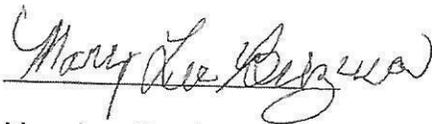
Mike Fenstermaker



Chris Yaecker



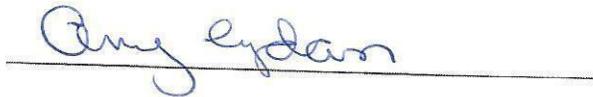
Scott Koller



Mary Lee Brezina



Ed Meyers



As approved by: Amy Lydan, BZA Secretary