

Newbury Township

14899 Auburn Road

Newbury, OH 44065

Phone: 440 564 5997

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Board of Zoning Appeals Meeting Record of Proceedings

Date 12/16/2025

7:00pm

Zoning Hearing regarding: CASE NO. Class II Conditional Home Occupation 11-24-2025-02

Zoning Certificate Application No. 11-24-2025-02

Property Address: 11267 whitewood Dr Newbury, Oh 44065

Board of Zoning Appeals Members present:

Lewis Tomsic Jr., Chairman

Chris Yaecker

Scott Koller

Albert Hehr

Board of Zoning Appeals Members absent:

Mary Lee Brezina

Edward Meyers

Mike Fenstermaker

Staff / Other officials

Mike Joyce

Amy Lydan

Applicant/Guests Present:

Larry Green

Stephanie Chip-Young

Robert Young

Terry Crislip

Robert Hartwell

Carly Sayre- Township Trustee elect

Ray Hinch

Kristin Hartwell

Michael Forster

Greg Tropf- Township Trustee

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:

We are here to hear an appeal filed by Robert Hartwell in Newbury Township, and concerns this property : 11267 Whitewood Dr Newbury Ohio 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. This meeting will be recorded. In order to prepare accurate 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.”

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

Larry Green

Stephanie Chip-Young

Robert Young

Terry Crislip

Robert Hartwell

Carly Sayre

Ray Hinch

Kristin Hartwell

Michael Forster

Mr. Tomsic noted everyone had been sworn in.

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

Notable minutes as to what transpired at the hearing.

Mr. Tomsic stated the meeting was called to consider a request for a conditional home occupation for Robert Hartwell located at 11267 Whitewood Dr Newbury, Oh 44065.

Mr. Hartwell stated his name and address. I would like to run a class II gun repair business from my 3 car garage. I have plenty of space to provide for security as required. This is the first step to get a zoning permit, then I will get a business license and a tax ID number and apply for my federal firearms license. I didn't do any of those steps first because this is required before I can do any of those other things.

I built the building with the intent of having a garage and a shop for myself and to be able to pursue this business. The building was approved and inspected and has been completed . There were no discrepancies with the county.

Mr. Tomsic asked what is the scope of this business going to be?

Mr. Hartwell replied my intent is gun repair. I will do transfers and minor gun repair. I would do business hours by appointment only. The state requires the license states what your business hours will be, so I will have appointment only and maybe some open hours on the weekend. I don't intend to have a lot of foot traffic. I do have two additional parking spaces available in front of the shop. So I would do as needed gun repair, cleaning, maybe some refinishing and camouflaging. My intent is to apply for a type 7 FFL if your familiar with that because I might do some guns I buy to teach me as I go through my schooling. I may then sell those guns and that would be considered manufacturing so I want to have the proper

license with the 7FFL. I don't intend to exceed a 50 gun manufacturing in a year. Right now it is going to be a part time business. I don't know what else would you like to know.

Mr. Tomsic asked, will you be test firing?

Mr. Hartwell replied, I will be test firing yes. I do have a small berm set up in the back. My intent would be that if I have a single shot to fire I can do this at my house shooting range if it's a 22 or small caliber and not too noisy. If I do have multiples or louder things I can go to first strike or the gun club in Orwell where I am working on becoming a member. So I can do those for anything significant. I don't intend to create a lot of noise. I didn't like it when we had a lot of noise on the street and I don't intend to be the guy making a lot of noise on the street.

Mr. Hehr asked, will you be reloading, manufacturing ammunition, or work like that?

Mr. Hartwell replied, I don't intend to. I do some reloading for myself. I don't intend to be doing ammunition. It does come with a license that I would be able to make wildcats or do some small amounts of ammunition manufacturing, that's not really something I intend to specialize in. If your asking if I will have large amounts of gunpowder..

Mr. Hehr said, well my next question is about fire suppression, so yes

Mr. Hartwell replied, I definitely will have fire extinguishers throughout the facility on each level. Upstairs is just for storage. I will definitely have fire extinguishers and separation of the materials. Obviously the gunpowder is kept in a fire safe container and the guns are kept in a separate gun safe.

Mr. Yaecker asked, so you said you just put up a new building? Where is it exactly on the lot?

Mr. Hartwell showed the board where the building is located on the projected Realink display.

Mr. Joyce suggested that Mr. Tomsic may want to make the applicant aware that the board is short a person and that he has the option of rescheduling if he wishes.

Mr. Tomsic explained that it is a five person board but that only four are in attendance and that the applicant requires three yes votes for approval.

Mr. Hartwell stated that he wished to proceed with only four members.

Mr. Hartwell stated that the only other thing he had to share was the requirements and that he could share how he planned to meet them.

Mr. Joyce stated that it is a conditional use home occupation class II which is a permitted use so long as the conditions are met and this is one of the rare cases where the board has the ability to include additional conditions if they wish and they will be enforceable.

Mr. Hartwell went through the conditions listed:

So, the business must be on premises and it will be in an accessory building.

Applicant must reside on the premises which I do

No change in the exterior appearance of the dwelling, which there will not be

Parking spaces are provided, there are two parking spaces

No offensive noise, vibration, dust odors, or traffic. I would do very limited hours and by appointment to control the traffic, and I make more noise woodworking than I would with gun repair.

It is a permitted accessory building; I have a permit to build it and its authorized by the county. I won't have anyone working for me.

Articles offered for sale on the premises will be limited to those produced in the dwelling unit. I don't intend to produce anything new, but I may have guns that I repair and sell. The easiest way to do that is online. I don't intend to have like case of guns and people walk through.

No storage, that's easy and no more than two clients at a time. I can limit that by doing the appointment only.

So I believe I meet all of your class II home occupation requirements.

Mr. Yaecker asked, so you said you have an outdoor range?

Mr. Hartwell replied, I have an embankment and targets for 22s. It's got the right angle and I took care to make sure it's safe.

Mr. Tomsic asked if anyone in the audience had any input.

Carly Sayre asked, what is driving this, what is the intent?

Mr. Hartwell replied that it is just a hobby and something that he wants to do in retirement

Mr. Forester stated that I am a neighbor and live directly across from Rob. I don't have any problem with this. Id like to see him get going with something he would like to do.

Mr. Yaecker stated, since I've been on board I think you are the second or 3rd person asking for this. You talked about security, and you talked about a safe for the guns and safety for the storage of powder.

Mr. Hartwell stated that all of that is also verified when they do the inspection for the FFL license and I am required to notify the sheriff as well.

Mr. Hehr said, so those were my last two questions, with the FFL do you have to have an inspection and will the sheriffs department know about it. You said yes, so I am good.

Mr. Yaecker made a motion to:

To accept this with the conditions that are stated in the zoning resolution. A motion to accept as proposed.

Mr. Hehr seconded the motion

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

The Board Secretary conducted a voice vote roll call.

Mr. Yaecker- yes

Mr. Hehr- yes

Mr. Koller- Yes

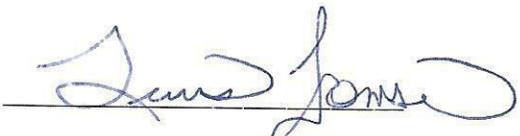
Mr. Tomsic- yes

Motion Passed/

All were in favor, and the Motion for a class II home occupation was approved

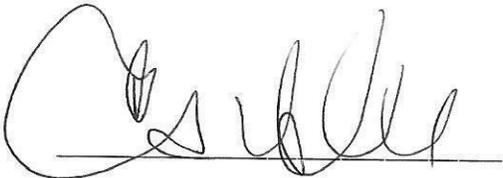
There are no findings of fact for this hearing

Meeting adjourned by Mr. Tomsic.at 8:00pm



Lewis Tomsic, Jr., Chairman

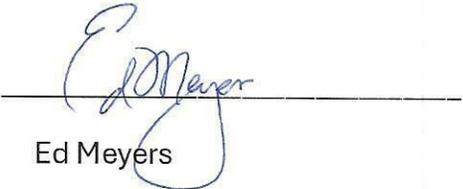
Mike Fenstermaker



Chris Yaecker

Scott Koller

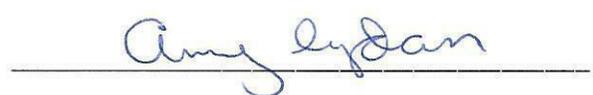
Mary Lee Brezina



Ed Meyers



Albert Hehr



As approved by: Amy Lydan, BZA Secretary