



**Newbury Township**

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Newbury, OH 44065

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

**Date** 12/16/2025

7:00pm

**Zoning Hearing regarding: CASE NO.** 10-24-2025-01

**Zoning Certificate Application No.** 10-24-2025-01

**Property Address:** 9982 Kinsman Rd, Newbury Ohio 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 Young in Newbury Township, and concerns this property : 9982 Kinsman Rd 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

**Notable minutes as to what transpired at the hearing.**

**Mr. Tomsic** stated the meeting was called to consider a use variance for Robert Young for a sandblasting business at the same location where Newbury sandblasting used to be at 9982 Kinsman Rd Newbury, Ohio 44065

**Mr. Young** stated, actually sandblasting is a misnomer as sand is no longer used due to health concerns. We use different medias depending on application. We will be using the old location as Newbury sandblasting. Everything is in place there. There is already the right power and a paint booth at some point we will be using hopefully. We anticipate a lot of folks coming in and out. There is plenty of room there for people to get in and out without disrupting traffic. Hours of operation were looking at maybe four days a week from 7-5. Its more efficient to keep things running four days a week. At this point I am the sole employee, so I will be pretty busy for awhile.

**Mr. Tomsic** asked, are you doing this now.

**Mr. Young** replied, no, well I have a few small blast cabinets at home. I know Pete from previous and Mike out at diversified out of Bloomfield. The operation that we want to do is fully enclosed we will be doing it out of a room..

**Mr. Tomsic** asked, so you wont be doing anything outside

**Mr. Young** responded, no, I live right next to Newbury sandblasting. Actually Maria Livers owns that property and two buffer properties around it. Obviously I want to keep everything contained as I live right next door. I'm also the president of the HOA so any complaints would come to me, I will hear about it that way to.

**Mr. Tomsic** stated that Pete used to do things outside

**Mr. Young** stated , yes, he did. Open days A lot of that burned down 6-7 years ago. Were using a compressor . Were doing it fully encapsulated in a room and actually have a duct system so everything will be dropped into a 45 gallon drum with a curtain around it and will be disposed of. Anything we create will be disposed of offsite, by that I mean, most of the stuff anymore typically is not hazardous and can be taken to a sanitary landfill , but if we get into anything like that there are facilities that can come and take them and dispose of them by burning or in a hazardous waste landfill. As far as things getting to the outside air were trying to keep that as minimal as possible. Weve got two areas set up a two thousand square foot area, both in the commercial zone

**Mr. Yaecker** asked, you are in the back in the M1 industrial part of the property correct

**Mr. Young** responded, no, we are in the commercial part. Right behind it is that line. We have 2000 feet up top and right below is where the blasting is going to be at. Dust collection system is 12 feet high, not very big with pulsers on it pulsing every few minutes to clean the filters which drops everything down inside the 55 gallon drum. Or whatever hopper we use.

**Mr. Yaecker** asked, is it the first 400 or 500 feet that is commercial

**Mr. Young** responded , I believe it is 500 feet

**Mr. Young** showed the board where it will be located on the projected Realink map and stated that the compressor is electric to keep noise down

**Mr. Hehr** asked about dust collection to clarify that a system will be used

**Mr. Young** stated that is correct and I have information on the system if that is needed.

**Mr. Tomsic** asked, so it will be fully enclosed then

**Mr. Young** stated yes, the structure pole building insulated with 2 inch foam and plywood and steel on top of that

**Mr. Tomsic** clarified so no noise or dust on the outside

**Mr. Young** stated that he could not guarantee no noise, but minimal noise, not like it used to be.

**Mr. Yaecker** asked doesn't OSHA have regulations that prohibit the dust and particulates outside

**Mr. Young** stated that OSHA is regarding safety for employees and EPA is another issue. If we are not doing anything with bocs , contaminants or lead based , and there are certain types of products , there is potential for the industrial side you must test things prior to blasting and we will be testing . We anticipate in the future that we will be testing

**Mr. Yaecker** asked, so you will have OSHA and EPA approval

**Mr. Young** stated, we will not need OSHA and EPA approval , if we start painting or certain primers you need EPA approval, but distributors like Sherwin Williams will not sell to you if you don't have that approval and a paint booth. But most things do not require it and can be disposed of in the regular landfill. Most people don't like to hear that.

**Mr. Tomsic** asked Mike Joyce if he had any records on Newbury Sandblasting

**Mr. Joyce** stated I do not and it was not a permitted use but was doing sandblasting for over 30 years . As far as I could see there were never any complaints. Might I suggest that you mention the four person board.

**Mr. Tomsic** gave the applicant the option to reschedule if he wished to wait for the full board.

**Mr. Young** declined and wished to proceed.

**Mr. Tomsic** asked about the fire that had occurred at Newbury sandblasting

**Mr. Young** stated , I do not have any information about that. From what I heard it was due to rags left where they should not have been. Since you are asking We do have a flammable cabinet for anything, any chemicals we use that needs stored in the cabinet. Propane for the tow motors will be kept outside and everything else. I know one of the big questions was water run off, And there is no water in the facility at this time so there will be no water run off so that will not be an issue.

**Mr. Koller** asked, is there even a well on that property

**Mr. young** responded, yes I believe there is two because there is a house on that property.

**Mr. Tomsic** asked do you know what is going on with that house?

**Mr. young** stated. No. I am not privy to that information

**Mr. Tomsic** asked, so you are leasing the property

**Mr. Young** stated yes, if this goes through yes

**Mr. Tomsic** asked what else was in that property, are there any other uses

**Mr. Young** stated that Somrack roofing was on the property in a different building to the right and then storage. The reason I chose this space is because its already set up for what I

need. It has the 480 for the compressor and that's a cost I won't have to incur and compressors on top, so a lot of costs I won't incur

**Mr. Hehr** asked, what's your background

**Mr. Young** stated, I'm a general contractor actually, in construction, I've been doing it for 25 years, maybe longer. We worked in a masonry outfit so I'm familiar with silicosis and those type of things if that makes sense, things you can ingest through dust particles.

**Mr. Yaecker** asked Mr. Joyce if there have been zoning certificates in the past for sandblasting

**Mr. Joyce** responded , no, it was not permitted but there were at least two facilities doing it in the townships and it generated no complaints. But dust can be explosive as agricultural silos demonstrate

**Mr. Young** added that the dust collection systems will be grounded along with the stuff inside. We put the grounding rod right outside by the pole. Anything blasted inside will be grounded. This actually is from Maria, this is the original zoning permit for Newbury sandblasting.

**The board inspected the document**

**Mr. Joyce** asked whose name was on it

**Mr. Tomsic** said it's Steven Kitko, before Karen took over

**Mr. Tomsic** stated that this does not mean anything for the current case other than the fact that it was there for 30 some years without complaint. This does run with the land and is permanent .

**Mr. Tomsic** asked if there were any questions from the audience

**Ms. Sayre** stated, I didn't before you said it was permanent. So, it has never been a conditional use?

**Mr. Tomsic-** No, it cant be considered a conditional use unless it's a listed conditional use in our book, so therefore he cant apply for one

**Ms. Sayre** stated , so it really hasn't been approved before. My thought process is just conditional use to see how it goes.

**Mr. Tomsic** stated the standards for a use variance are very high because we cant undo them

**Mr. Yaecker** stated so you said again that the first 500 feet is commercial and the front of your business will be in the commercial

**Mr. Young** stated yes, essentially this will be a retail business as we wont be making anything

**Mr. Tomsic** stated this wouldn't be an M1, its not permitted in M1, its not permitted anywhere

**Mr. Tomsic** asked have you thought about talking to anyone about changing zoning, the trustee elect has brought it up

**Mr. Young** stated no, but we can talk about it now if you like

**Mr. Tomsic** said no, that would be the zoning commission

**Mr. Tomsic** made a motion to approve the application as presented

**Mr. Yaecker** seconded

**The board secretary took a roll call vote**

Mr. Tomsic- yes

Mr. Yaecker- no

Mr. Hehr- yes

Mr. Koller- yes

**Motion Passed**

**Three were in favor, and the Motion**

**Was approved.**

**Mr. Tomic** stated ok, it has been granted, by the skin of your teeth. It looks like it will be a smaller quieter operation than what Pete was doing for 30 years

**Mr. Yaecker** stated I don't have a problem with the operation, just the zoning aspect. I would like to see it as a permitted use in the M1 district.

**Mr. Tomsic** asked what's your timeframe

**Mr. Young** stated, yesterday

**Mr. Tomsic** stated you could go to the zoning commission and you could ask them to rewrite zoning if they choose to do it. We'd see you next year

**Mr. Tomsic** stated, so you're all set. We will sign our minutes at the next meeting or will have a meeting to sign them in a week or two weeks probably

Mr. Young asked, so what's my timeline to get started

**Mr. Tomsic** stated, there was nobody here to complain so I don't think anyone will bother with this 30 day period but I am supposed to tell you that you're supposed to wait to start anything.

**Mr. Joyce** stated, the 30 day period is if someone were to object to and file in court, after 30 days they don't have the right to do that. So it's up to you if you want to risk starting during that period.

**Mr. Young** stated I'm not even going to begin blasting during the 30 days, I'm just getting set up.

**Mr. Tomsic** stated, thank you

**Tomsic and the BZA went over the Findings of Fact for this hearing, to review the issues related to the facts for this case.**

**A. Whether there are conditions which are unique to this lot, and not ordinarily found in the same zoning district.**

Applicant- previously used for requested usage of sandblasting and metal preparation.  
Location was previously Newbury sandblasting

BZA Review: agree

**B. Did the applicant create these conditions?**

Applicant- no

BZA Review: agree no

**C. Whether the variance would adversely affect the rights of adjacent owners**

Applicant- no

BZA Review: agree no

**D. Whether the variance would adversely affect public health, safety or general welfare**

Applicant- no, a commercial dust collection system to be used

BZA Review: agree its all indoors and more modern

**E. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance? How?**

Applicant-yes by producing a needed service to local residents/ businesses as well as the surrounding area which could potentially generate work/ business for others

BZA Review: **Mr. Tomsic** stated that's not really the spirit and intent, but substantial justice is still done

**Mr. Yaecker** stated I would have liked to put a few conditions like for dust and noise and particulates

**F. Whether the requested variance is the minimum action which would afford relief to the applicant?**

Applicant-yes

BZA Review: agree

**G. What other economically viable use of the lot could be made within this zoning district?**

Applicant- storage, but is set up for requested usage

BZA Review: **Mr. Tomsic** stated in this district he could have done a million things, but its been a sandblasting place and that's what he wants to do with it and he needs a use variance to be able to do that

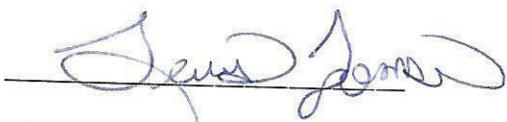
**Mr. Yaecker** stated I don't have a problem with what he wanted to do, just a problem with the use variance, I wanted to make it a conditional use

**Mr. Tomsic** stated even as a use variance, if he were to shut his doors, its allowed to be sandblasting, but that doesn't mean it would be on again.

**Mr. Hehr** asked if in two years it would drop off

**Mr. Tomsic** stated that no, this is forever. Even if we changed the rules he would be grandfathered. We did not put conditions because its not a conditional use

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



Lewis Tomsic, Jr., Chairman

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Mike Fenstermaker



Chris Yaecker

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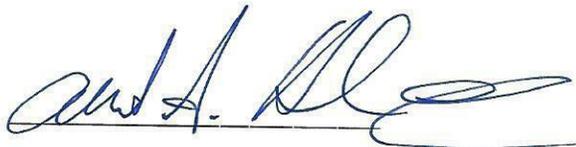
Scott Koller

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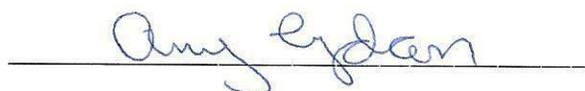
Mary Lee Brezina



Ed Meyers



Albert Hehr



As approved by: Amy Lydan, BZA Secretary