

**Newbury Township**

14899 Auburn Road

Newbury, OH 44065

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

June 16, 2026

7:00pm

Zoning Hearing regarding: CASE NO.

BZA 2026-07

Zoning Certificate Application No.

BZA 2026-07

Property Address: 14137 Fairgate Blvd Newbury, Ohio 44065Newbury Ohio 44065

Board of Zoning Appeals Members present:

Lou Tomsic

Mike Fenstermaker

Dave Fabig

Scott Koller

Albert Hehr

Board of Zoning Appeals Members absent:

Jay Jones

Staff / other officials

Nick Bellas- Zoning Inspector

Amy Lydan- Secretary

Greg Tropf- Trustee

Applicant/Guests Present:

Brenden Breen

Kristine Frankenberry

Alec Wendel

Marisol Wendel

Lisa DiMattio

Greg DiMattio

Stan Kasmajcak

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:

Brenden Breen

Kristine Frankenberry

Alec Wendel

Marisol Wendel

Lisa DiMattio

Greg DiMattio

Stan Kasmajcak

Mr. Tomsic noted everyone had been sworn in.

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

The pledge of allegiance was said

Mr. Tomsic, stated that we are here to hear an appeal filed Insert by Alec and Marisol Wendel of Newbury Township, asking for an area variance at 14137 Fairgate Blvd, Newbury Ohio 44065

Notable minutes as to what transpired at the hearing.

Marisol Wendel- We have some letters here from our neighbors to give you. (Secretary made copies for the board)

Mr. Tomsic- so, you are on Fairgate and you would like to add a garage that is dangerously close to the property line.

Alec Wendel- We had a garage that we have turned into a living room now, before we moved in. Its 5 feet. We talked to the neighbor , they came over today, they are ok with it.

Mr. Tomsic- the neighbor to the south?

Mr. Wendel- yes, with the long driveway

Ms. Wendel- We have both adjacent neighbors and also the neighbor across the street as well. Those are the three papers we handed off.

Mr. Wendel- and camp Ho Mita Coda, we didn't talk to them

Mr. Breen- we are here.

Mr. Wendel -showed board on projected realink image the location of the proposed garage

Mr. Wendel- this will hold all of our stuff like mowers, atv trailer, motorcycle

Mr. Fabig- did you consider any other locations on your property

Ms. Wendel- so, we thought about putting it further back but with our neighbors being right there we didnt want to put a structure right across from them.

Mr. Wendel- there is a leech field there and a well

Mr. Tomsic- why not attach it right to the house

Mr. Wendel- money, the builder said it would be more expensive, the way the trusses are it would be a lot more expensive.

Ms. Wendel- there is a fence along there too. It wont even touch the fence.

Mr. Koller- is that your fence?

Ms. Wendel- its our fence

Mr. Koller- Have you had that surveyed?

Ms. Wendel- yes, They are really good friends with the previous owners, so the stakes and stuff are up.

Mr. Koller- it looks like the pad is pretty much on the line.

Mr. Wendel- thats our concern. When we get the funds we want to redo the whole driveway.

Ms. Wendel- we just moved, so this is the home we want to raise our kids in. Slowly trying to make additions.

Mr. Koller- so this is a 24 x 36 pole building. How much is the overhang on the width? Is this five feet from the base or roof overhang? when we get this close there is concern about dumping water on your neighbors property.

Mr. Wendel- We already get standing water there all the time. I think the building is 12 feet from the well. Mr. Wendel showed well and leech bed locations on map

Mr. Fenstermaker- where are the tanks for the septic?

Mr. Wendel -showed on screen- its in front, its so weird.

Mr. Fenstermaker- I would feel more comfortable if you tied it to the house and gained that 7 feet. I know its more money, but cost is not a reason to grant a variance. But if you got it to 12 feet I think you have a better chance asking for a variance. Right now, your going to be entering your neighbors yard to clean getters.

Mr. Hehr- I have the same concerns about any maintenance you need to do going into your neighbors yard or right against that fence. How are we going to get from the back to the front on that side.

Mr. Wendel- there is a fence there.

Ms. Wendel- We are also putting a garage door in the back to pass through to get to the back yard. The side is more a footpath.

Mr. Fenstermaker- I think you would be better off down the road if you tied it in.

Mr. Fabig- I also have concerns about the five feet. If you could attach it, twelve feet would be a big difference. Right now the neighbors are happy, but down the road you don't know. Thirty feet to five is quite a variance.

Mr. Tomsic- Five feet is tough for a lot of different reasons for us. If you want we could make a motion, or you could come back with a different plan to attach it to the house. If you would like to continue and ask for a twelve foot variance instead of five it would be better.

Ms. Wendel- do you mean we go out and come back in?

Mr. Tomsic- well, we would need to reschedule another hearing and would need new drawings showing it wherever it's going to be. We can vote but there is a lot of concern.

Mr. Hehr- yeah, that five feet is tough. That's a narrow passageway when you consider fire and rescue and things.

Mr. Tomsic- or if someone needs to service your well. A 30 foot side yard lets a firetruck drive in your yard. It's up to you. We can vote today or continue.

Mr. Hehr- whether you can see your garage out your back window is not a concern. The distance matters more.

Mr. Wendel- We were thinking of doing it there (showed on map) if you said no.

Ms. Wendel- There are a lot of constraints with the leech field and the well and everything.

Mr. Tomsic- How far back is this from the road. Could you put the garage in front of the house?

Mr. Koller- it's 174.69 feet

Mr. Tomsic- I'm thinking if you put it here and made a side entrance, then you wouldn't even need to come before us and could just work with the zoning inspector. No variances needed, maintains the side yard setback. Behind the house is fine to. We don't want to go against zoning if other options can be explored.

Ms. Wendel- so how would that work, do we need additional paperwork or is it a continuance?

Mr. Fenstermaker- some options may not even require you to see us again

Mr. Tomsic- If you would like for us to not rule on this tonight then you would ask for a continuance, we will continue to a future date contingent upon you bringing in different plans.

Mr. Wendel- That's what we will do then.

Mr. Tomsic- The applicant is going to ask for a continuance.

Mr. Hehr- I would like a continuance. Am I correct that the fee is waived if the board requests it.

Mr. Bellas- yes that is correct. If the board requests it then there is no additional fee. If the applicant does then there is a fee.

Mr. Hehr made a motion for a continuance for the applicants to look at some of the other options that are available,

Mr. Fenstermaker seconded the motion.

The Board Secretary conducted a voice vote roll call.

Mr. Hehr- yes

Mr. Fenstermaker- yes

Mr. Koller- yes

Mr. Fabig- yes

Mr. Tomsic- yes

All were in favor, and the Motion was approved.

Mr Tomsic made a motion to adjourn

Mr. Hehr seconded

All were in favor and the motion passed

Meeting was adjourned by Mr. Tomsic at 7:45pm



Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



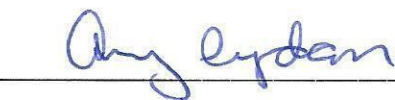
Scott Koller

Albert Hehr



Dave Fabig

Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary