**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**

June 16, 2026

7:00pm

Zoning Hearing regarding: CASE NO.

BZA 2026-06

Zoning Certificate Application No.

BZA 2026-06

Property Address: 13860 King Arthur Ct Newbury 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 Frankenberg

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 Greg and Lisa DiMattio of Newbury Township, asking for an area variance at 13860 King Arthur Ct Newbury Ohio 44065

Notable minutes as to what transpired at the hearing.

Mr. Tomsic- ok, so you are proposing to do an addition.

Lisa DiMattio- yes, a 16 x 20 addition to expand our living space for grandchildren, older children home from college and to have more room to spread out. We have a very modest sized home and just need more room to spread out. We will go from about 1750 square feet to 2000 square feet. So, still a modest size home but with more room for grandchildren and family parties and entertaining. We built our home in 1990, moved in in 1991. My husband grew up in Newbury. We have been here as a married couple since 1991. We are looking to stay and increase the value of our property.

Mr. Tomsic- is this a single story addition

Ms. DiMattio- yes, our whole house is single story. Its a ranch

Mr. Tomsic- what is behind that parcel?

Nick Bellas- its wooded.

Greg DiMattio- (showed on projected Realink image) There is a fence over here, trees, bushes and a creek too.

Mr. Tomsic- does anyone have questions

Mike Fenstermaker- Why are you going so small? Its a small addition.

Ms. DiMattio- money

Ms. DiMattio- It will be big enough for us. With unlimited funds we would do more.

Mr. DiMattio- its a good sized room.

Ms. DiMattio- I would like to take the whole back of the house off. But you need to consider the look and size of your house. But it costs money.

Mr. Tomsic – what is this old permit in the file?

Mr. Bellas- The applicants came in after the initial permit had expired

Ms. DiMattio- it was about two years ago we had been hoping to get started then

Mr. Bellas- after reviewing it with them I got into the file and noticed the previous zoning inspector had issued the permit in the file, but he did it using 1976 old regulations. I think where he maybe got confused and made a mistake is that area used to have duplexes and then changed to single family homes. We still kept the same dimentions but now a variance is required. I explained the reasoning for this to the applicants and they understood.

Albert Hehr made a motion to accept the variance as its been presented.

Dave Fabig seconded the motion

Roll count vote was taken

Albert Hehr-yes

Dave Fabig- yes

Mike Fenstermaker-yes

Scott Koller- yes

Lou Tomsic- yes

All were in favor and the motion passed.

Mr. Tomsic explained that this decision could be challenged for up to 30 days after the meeting minutes are signed. It does not happen often, but I should make you aware that you should wait 30 days from then to start construction.

Mr. 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 the lot in question will yield a reasonable return or whether there can be any beneficial use of the lot without the variance?

Applicant- We have been here 37 years and just want to increase our living area due to grandkids

BZA Review: agree, they are not changing much

B. Whether the variance is substantial?

Applicant- No, variance is only requesting 16 feet

BZA Review: 26% is substantial

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance?

Applicant- No, the rear of property is completely wooded, there is a fence on the side, there is a stream and woods on the left

BZA Review: its very small and secluded

D. Whether the variance would adversely affect the delivery of governmental services

Applicant- no

BZA Review: agree

E. Whether the lot owner purchased the property with the knowledge of the zoning restriction?

Applicant- yes, I knew of the odd shape of the lot, and didnt consider any additions at the time the house was built

BZA Review: appreciate the honesty

F. Whether the lot owner's predicament feasibly can be obviated through some method other than a variance?

Applicant- no, I have difficulty fitting the addition on my lot and following the zoning codes.

BZA Review: agree, it is an odd shape

G. Whether the spirit of the intent behind the zoning requirement would be observed and substantial justice done by granting the variance?

Applicant- Yes, I am building an esthetically pleasing addition that will fit in with my house and the neighborhood

BZA Review: agree

Other business

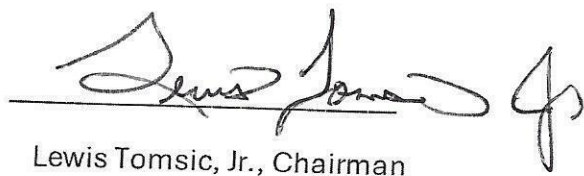
The Board signed minutes from the April 22, 2026 Tri Board meeting

The Board signed a letter to trustees requesting annual training from the prosecutor's office.

Motion to adjourn by Lou Tomsic

Seconded by Albert Hehr

All in favor meeting adjourned at 7:45pm



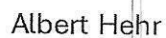
Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



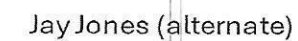
Scott Koller



Albert Hehr



Dave Fabig



Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary