

Newbury Township

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Newbury, OH 44065

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Board of Zoning Appeals Meeting Record of Proceedings

Date Sept 16, 2025

7:00pm

Zoning Hearing regarding: CASE NO. AV 091625-01

Zoning Certificate Application No. 08152025-5

Property Address:

10710 Bell St Newbury, Ohio 44065

Board of Zoning Appeals Members present:

Mike Fenstermaker

Chris Yaecker

Ed Meyers

Mary Lee Brezina

Scott Koller

Board of Zoning Appeals Members absent:

Lou Tomsic Jr

Staff / other officials

Frank Kolk Zoning inspector

Amy Lydan Zoning secretary

Greg Tropf Trustee

Applicant/Guests Present:

Stephan Ellis

Vincent DeGeorge

Martin White

Jennifer White

Patrick Mcvey

Thomas F. Greve

Chesane M. Meakin

Albert Hehr

attendance is reflected as stated above

Board of Zoning Appeals (BZA) Vice Chairman Ed Meyers called the meeting to order at 7:00 p.m and stated that we are here to hear an appeal filed By Vincent DeGeorge concerns his property : 10710 Bell St , 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.

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

Stephan Ellis

Vincent DeGeorge

Martin White

Jennifer White

Patrick Mcvey

Thomas F. Greve

Chesane M. Meakin

Albert Hehr

Mr. Meyers noted everyone had been sworn in.

Stephan Ellis presented the case stating that the property owner wants to add a garage . Their property has some utilities in the front and a pool to the west side. The driveway goes 25 feet to the east corner of the house and is the most natural spot for a garage. This would put them 10-12 feet from the property line.

Mr. Meyers asked what is the reason that they cannot make the side yard requirements. Stephan Ellis stated that there is not adequate parking on the property with only two parking spaces.

Vincent DeGeorge stated that he currently has a two car garage that is tight and that he has teenage sons. He would like to add onto the garage so that they can park additional vehicles inside during the winter. He wants to add on and make it a three car garage. DeGeorge stated that the current setback is 25 feet and the house was built about 30 years ago. He does not know if there was a variance then. The property line on the east side where the addition would be is a tree lawn and the neighbors driveway is about 1000 feet so the addition would not interfere with any structures.

Mr. Meyers asked what the side yard would be after the addition

Mr. Ellis responded about 10 feet and three quarters of an inch.

Mr. Yaecker asked zoning inspector Frank Kolk if there have been any other variances on the property.

Mr. Kolk responded that there were none he was aware of.

Mr. Meyers asked if any neighbors of the property were present. None were.

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

The board reviewed the property map.

Mr. DeGeorge stated that to the west is conservancy land and behind is all protected wetland.

Mr. Meyers asked for clarification on the conservancy land

Mr. DeGeorge stated that it is Western Reserve Land Conservancy and has a conservation easement on it

Mr. Meyers asked who owns the property to the west

Mr. DeGeorge stated that the owners are Jeff and Cathy Male and that he spoke with them and they had no problem with it.

Mr. Yaecker asked if the current garage was an addition.

Mr. DeGeorge stated that he believed the previous owners added it in 2007.

Mr. Koller asked how the east line had been measured

Mr. Ellis replied that they scaled from the current garage size and used Geauga ReaLink

Mr. Meyers stated that he felt a survey is needed and that they could approve on the condition of a survey confirming the side yard distance.

Mr. Ellis asked if it could be approved at 10.65 and they could adjust to meet that amount if needed.

Mr. Fenstermaker asked if the 10.65 foot was from the foundation without overhang

Mr. Ellis replied that yes, it is without overhang

Mr. Yaecker asked if well and septic are not in the way

Mr. Ellis replied that they are not and are located in the front.

Mr. Yaecker made a motion to :

accept the variance for a garage addition assuming it is 10.65 feet from the eastern property line and that a survey be provided to confirm that.

seconded by:

Mr. Fenstermaker

Mr. Meyers called for a roll call vote

The Board Secretary conducted a voice vote roll call.

Mr Yaecker- aye

Mr Fenstermaker- aye

Ms Brezina- aye

Mr Koller (alt) -aye

Mr Meyers- aye

All were in favor, and the Motion for the area variance was approved , subject to verification by survey of the distance as noted above.

Mr. Yaecker explained to the applicant that anyone with objections would have 30 days from the time the minutes are signed to object and that the minutes cannot be signed until the survey is turned in.

Mr. Meyers 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- no, there are no other feasible parking options without the variance

BZA Review: this is acceptable

B. Whether the variance is substantial?

Applicant- yes

BZA Review: Yes it 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, due to heavy tree cover and a large side setback it is hardly noticeable

BZA Review: agree and add that the property to the east sits way back and owner did not object

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

Applicant-no

BZA Review: No, existing structure is in violation, owner did not know

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

Applicant- no we believe that the proposed solution is the best for neighbors and it is out of way for utility concerns

BZA Review: agree

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

Applicant- yes

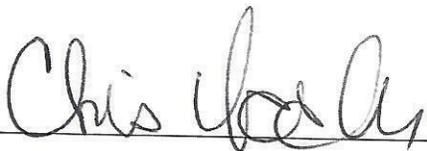
BZA Review: agreed

Meeting adjourned by Ed Meyers at 8:30pm

Lewis Tomsic, Jr., Chairman



Mike Fenstermaker



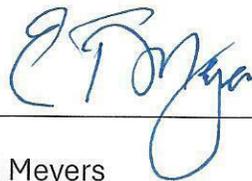
Chris Yaecker



Scott Koller



Mary Lee Brezina



Ed Meyers



As approved by: Amy Lydan, BZA Secretary