

Newbury Township

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Newbury, OH 44065

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Board of Zoning Appeals Meeting Record of Proceedings

Date June 30, 2026

Zoning Hearing regarding: CASE NO. BZA 2026-09

Zoning Certificate Application No. BZA 2026-09

Property Address: 14842 Overlook Dr Newbury Oh 44065

Board of Zoning Appeals Members present:

Mike Fenstermaker

Lou Tomsic

Scott Koller

Dave Fabig

Board of Zoning Appeals Members absent:

Albert Hehr

Jay Jones

Staff / other officials

Nick Bellas - Zoning Inspector

Amy Lydan- zoning secretary

Greg Trop Trustee liaison

Applicant/Guests Present:

Bill Soplata

Dave Boyd

Brandon Croucher

Elise Bennett

Larry Bennett

Tracy Thompson

Ed Emerick

Anne Tropf

Danial Battaglia

Bill Bice

Katherine Evans

Margo Hrabak

Kurt Pokopac

Kelsey Turner

Shelly Girox

Diana Mekota

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:

Bill Soplata

Dave Boyd

Brandon Croucher

Elise Bennett

Larry Bennett

Tracy Thompson

Ed Emerick

Anne Tropf

Danial Battaglia

Bill Bice

Katherine Evans

Margo Hrabak

Kurt Pokopac

Kelsey Turner

Mr. Tomsic noted everyone had been sworn in.

Mr. Tomsic asked if all 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- We are here to hear a request for a Class II Home occupation filed by Brandon Croucher who resides in Newbury Township, and concerns this property: 14842 Overlook Dr Newbury, Oh 44065

Mr. Tomsic- We are normally a board of five. Tonight we only have four members present. You can ask for a continuance if you wish to wait for a full board.

Mr. Croucher- I have to get three out of four.

Mr. Tomsic- so you are a tenant at this property

Mr. Croucher- For now, Betsy Figgie is the owner. She is trying to transfer the deed over to me. It's an agreement that we had years ago. The only reason it hasn't been transferred is because she is going through some legal things that are public record and I didn't know the house was involved in it. She just got it wrapped up and is supposed to be transferred to me in a week.

Mr. Tomsic- so, soon to be the owner

Mr. Bellas- I spoke with the owner on the telephone, and she has no problems with this.

Mr. Tomsic- This is an existing business

Mr. Croucher- yes, its existing. I am asking for a variance to continue.

Mr. Tomsic- please go ahead and explain what you do

Mr. Croucher- so I work from home and I take care of other people's dogs every now and then. They find me on an app called Rover. It's a pet sitting app. They come to my house and see the yard and if the family thinks I am a good fit for their dog, then the dog comes and stays. I am particularly known for providing care in emergency situations. My ex-fiancé had a non-profit and we trained inmates how to train service dogs. So, I took that knowledge, got this house and have been helping take care of dogs. Over the last few years, I have had HOA say there were complaints. They say there was barking and stuff like that. Each time with the HOA I have met their standards. They wanted a higher fence, and to make sure there were no smells. The last two zoning inspectors never came to the house. They sent letters and I responded. They drove by and saw I was doing everything the HOA approved of. This then got brought up again and was taken to zoning agriculture, then the dog warden and the dog warden did the same thing. All of them except for the two zoning inspectors were in my house and in my yard, checked everything and I got zero violations.

I'm here because there's two people who don't like me and the HOA doesn't want to deal with this anymore and if I get a zoning permit then they are able to say he is not doing anything wrong and they can wipe their hands of it. I will elaborate that I have recently had to get restraining orders on two people who are creating problems. I applied for a protective order. The police, the Sherrif and the HOA have all been involved

Mr. Tomsic- so that has nothing to do with this

Mr. Croucher- It does when the two people that are here and have made this a problem are the ones who continue to cause problems and they are the ones throwing poison and broken bottles in the yard. The HOA has told them to stop this. So, it does have something to do with it.

Mr. Tomsic- ok

Mr. Croucher- So I have a six-foot fence. The dogs come to me when there is an emergency situation. Like the dog that's at my house now, his mom has cancer and needs to go for chemo and radiation, so I take care of the dog. There are other people who are going on vacation, and they need someone they can trust. I have developed a relationship with these people. I do have a lawyer, unfortunately she was unable to attend today.

Mr. Tomsic- how many dogs do you take care of at a time?

Mr. Croucher- up to seven or eight at a time. There can be some overlap with people dropping off and picking up. I try and keep it low which is one reason families like me. Seven different families sent emails. My closest neighbors are ok with it and even went to Nick and sent letters saying they never even knew I had anything going on and are ok with it.

Mr. Fenstermaker- how many cars are there at a time?

Mr. Croucher- No more than four per day, not all at the same time. The first of the day is at 6am, that's rare, others are at 10 am. People find me on Rover. If they are working a long day they bring the dog to me, and I make sure the dog is fed and tired and happy mentally and emotionally when they are picked up. I make the dog as happy as they can be. That's what the neighbors and clients have been saying. I would be happy to provide my Rover profile so you can see how its spaced out. I do have all of that available.

Mr. Tomsic- Is this your full-time job?

Mr. Croucher- I create products and sell them to companies. I created what's called popsicle. It's a little popsicle. A bigger company bought it. I do major events, that's how I met Ms. Figgie. She bought a bar. I was running the Town Hall a restaurant in downtown Cleveland and she hired me to help with the bar. I wanted to get out of the restaurant industry so we made a deal and that's how I ended up with this house. When my ex and I broke up during covid and I started doing dog watching. I do have a few neighbors here who are clients and would be happy to answer any questions.

Mr. Koller- up to six dogs. How big a lot is that?

Mr. Croucher- Its .0700 acre and what I do with that is if you have a dog that is more hyper or aggressive I can keep them in areas are separated by a fence, a half-acre each if I need to keep a dog separate. I have crates in the back if needed. He showed the layout on the screen. Roman, my closest neighbor, he wasn't able to be here today, but he spoke to Nick, wanting to make sure he knew everything that was going on. The neighbors on the other side of the street, I have police reports as well, they have video evidence of things that are going on. There is a lot that goes into this. Im trying to make sure I have everything.

Mr. Fenstermaker- Have the dogs ever gotten loose?

Mr. Croucher- only once they got loose and police were called by neighbors. I got them back in safely not one person was bit and no property was damaged. When they were out in the neighborhood some people tried to help get them back in the fence and others called the police and were throwing things at the dogs and causing more havoc. That is

also in the police report. It's happened multiple times with those people creating havoc with the dogs.

Mr. Fenstermaker- was there a citation for that

Mr. Croucher- there is and I have the police reports.

Mr. Fenstermaker- Who was cited?

Mr. Croucher- I was cited for the dogs getting loose. Which I agreed to and deserved the fine and worked with it. The dog warden called me afterwards and was impressed with how fast the dogs were back in the yard and with how well they listened. All I had to do was whistle and they came back.

Mr. Koller- if they spend the night is it not a kennel

Mr. Croucher- My understanding is that a kennel has more dogs and dogs in crates. What I have is a home environment. Your dog is able to sleep in bed with me like he does at your house. It's not a kennel, I don't have those numbers

Mr. Koller- So, in Newbury kennels are zoned in B1?

Mr. Bellas- It would be B1 area. Just for context I did reach out to state department of agriculture and they do not monitor, their rules don't apply to dog daycare. without boarding, kennels, runs and cages, things like that. They would only get involved if there was excrement affecting outside the property. Dog urine or feces, then they would investigate.

Mr. Tomsic- The dogs they spend the night. What's the definition between kennel and doggie daycare

Mr. Bellas- I wasn't aware dogs spend the night. I was aware they are there during the day. I did not see runs or kennels. No structures like that.

Mr. Koller- When I look in the resolution for home occupations, I see pet grooming is allowed, it's an in and out type service.

Mr. Fabig- How many dogs usually spend the night?

Mr. Croucher- 1 or 2, it's designed for emergencies.

Mr. Fabig- do they stay in the house

Mr. Croucher- yes, they can go out whenever they want. I have a dog door. They stay in the house.

Mr. Fenstermaker- if they spend the night, it's a kennel. So, it would be the conditional use as a kennel.

Mr. Bellas- I wasn't aware the dogs spent the night. I thought of it as akin to grooming, services that are similar.

Mr. Tomsic- I'm assuming we have audience members who would like to speak.

Tracy Thompson- I wrote to former zoning inspectors. Dogs have gotten loose in the neighborhood several times. There is barking and traffic constantly. It's so frustrating. I have written letters to the dog warden and told them my concern. I have it here. That this is dangerous. The dogs have gotten loose right in the middle of our neighborhood. I wrote that in Sept of 2024. On April 18th of 2025 five big dogs got loose. I have the sheriff's report. There was a pit bull a German Shepard and other dogs. The dogs were next to my house and didn't know where to go. I'm so tired of this. I hear dogs barking every day. In our bylaws in Restful Lake, I have a copy of that. Page 18 says no home business shall be run on any lot. And our board won't do anything about it.

Mr. Croucher- it's been investigated multiple times over five years.

Ms. Thompson- I'm speaking. It's frustrating, they say prove it's a business. I heard agricultural. I film people picking up dogs. That's the only thing I've ever done. It's dangerous and a nuisance. It's noisy. We pay for our own roads. He is running a business and were not allowed to run a business. I have papers I can provide after the meeting.

Dave Boyd- I appreciate you guys addressing this issue. I am opposed and I'd like to see it shut down as fast as possible. I have asked Nick, did you send me a letter like you said you would.

Mr. Bellas- letters were sent to all contiguous property owners.

Mr. Boyd- He paints a pastel picture for you guys. I would not harm anything. I'm 67 and he is wanting to call me out on the road. You start something but then when there is a response.

Mr. Croucher- I'm only filming.

Mr. Boyd- Can I speak. So, the HOA, I was on the board, whatever his story it's not true. Then here I have mentioned it to Greg several times. I have spoken to the trustees several times. I've talked to Greg and Bill Skomrock. We've got the HOA and here it's not happening. I'm tired of it. It's not just six dogs. People dropping off at 6am then picking up later. You've got the rush hour at night. I step out my door, and I'm barked at in my own yard. His version is that I provoke it. I'm tired of it. I had my septic inspection and. I asked him what I had to

watch for when I get a report like E. coli waste. If you have animals crapping everywhere. I have a well and am 30 feet across the road. I'm sorry to be excited but I've been run through the ringers.

Mr. Tomsic- I think we understand your point of view.

Mr. Boyd- he is violating township and HOA laws. I will stop there.

Mr. Tomsic – that's why he is here. Thank you.

Bill Soplata- I was in the road when the dogs got loose. I support Brandon 100 percent. I was walking through there at 7:30 in the morning with my dog and I heard a dog whistle. One day my dog got something from his yard and my dog got sick. There is more barking from other neighbor dogs than the dogs in his yard, and he is not the only one that's doing dog care and in that neighborhood with occasional overnights. But they are not getting harassed like he is.

Diana Mekota- I have one of the dogs that is dropped off at Brandons home. I work for Cleveland Clinic. When there is an emergency and I need to go in I know I can call Brandon and say can you watch my dog. I got her as a puppy. He has helped train her. I hand her over on a leash and he takes her inside. I know when she is there, she is safe and runs and is fenced in and I get pictures throughout the day. I drive very respectfully through the area and have never seen a lot of traffic. I'm a resident myself. I've never had any issues. In our neighborhood dogs get loose all the time and the neighborly thing to do is get that dog back to where it belongs. I've never once complained to my neighbors if their dog is randomly in my yard. I have an old dog who wandered away once, and a neighbor brought her back. This is a rural area which is why I chose to live here because I know that right down the street I have good neighbors. I fully support Brandon and everything he does, he has been a real help to me. I chose to live in Newbury for the rural community.

Mr. Tomsic- Thank you. anyone else

Ms. Thompson- I have one other thing. On April 18th when the dogs got loose and surrounded Bill and his dog like a pack of wolf dogs, his poor dog, we have a video of it, his poor dog got upset and snapped at them. So for him to stand up for him and say he has no problem with it, if I got surrounded by a bunch of dogs that got loose that don't even belong in the neighborhood, I would have a problem with it. If you want to see the video I have it.

Mr. Boyd- about this whistling, I'm over it, it's just nonsense. They are trying to sell you guys on this. I live there and see it all day. The business shouldn't be there. Go buy some property and do it over there. This is a small community. It's annoying. I'm retired so I hear it all day.

Mr. Soplata- You get them barking with the dog whistle

Mr. Tomsic- how do you know it's a dog whistle. I thought you can't hear a dog whistle.
How do you know someone blew a dog whistle.

Mr. Croucher- You can't, the dogs can hear it and they go crazy. It only happens when he is outside. And the HOA has caught him doing it.

Mr. Tomsic- its ok, we don't have a noise ordinance anyway so we can't rule on that

Mr. Fabig- So, part of your business is providing overnight stays?

Mr. Croucher- if needed yes. It's not very often

Mr. Tomsic- We are going to make a motion and take a vote. No matter what happens with that vote, you can't have overnight. If your dogs are overnight guests that makes you a kennel and that puts you in violation of zoning. We dont have the power to grant you the ability to run a kennel as a conditional use.

Mr. Tomsic made a motion to approve the Class II home occupation for a dog daycare business at 14842 Overlook Drive Newbury Oh 44065

Mr. Fenstermaker seconded

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

The Board Secretary conducted a voice vote roll call.

Mr. Tomsic- no

Mr. Fenstermaker – no

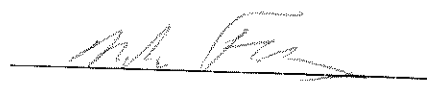
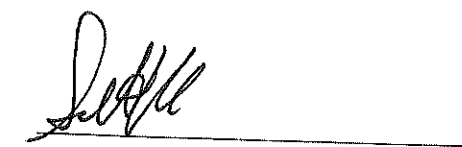
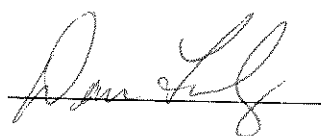
Mr. Fabig- yes

Mr. Kollar – no

Motion Failed

Mr. Tomsic- you cannot run a dog daycare business at that address. That concludes this hearing

Meeting adjourned by Mr. Tomsic at 8:30 pm


Lewis Tomsic, Jr., Chairman
Mike Fenstermaker
Scott Koller
Albert Hehr
Dave Fabig
Jay Jones (alternate)
As approved by: Amy Lydan, BZA Secretary