

**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

7:00pm

Zoning Hearing regarding: CASE NO. BZA 2026-08

Zoning Certificate Application No. BZA 2026-08

Property Address: 10166 Music St Novelty Oh 44072

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 an area variance filed by Kurt Pokopac who resides at in Newbury Township, and concerns this property: 10166 Music St Novelty, Oh 44072

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 all five members.

Mr. Pokopac- No thank you. This is a reasonable request. So, I bought my great grandmothers house and it has a garage from the 50s which is not equipped for the 2000s trucks of today's day and age so I'm not even fit my truck in the garage. The way the landscape is, the ground slopes drastically so I'm asking for a variance to build a garage off the existing house 66 feet from the setback.

Mr. Fenstermaker- Where is that measured from? From the survey pin or the edge of the road?

Mr. Pokopac- From the middle of the road 30 feet to get the setback, then from the edge. You can see on the plans there. The driveway is currently a foot from this lady's property line. If we do a new garage addition I will put in a driveway from the new garage which will help fix this. So she won't have to see me shirtless mowing the lawn. So that's our request. It will be a garage addition with a second floor loft area so I can have a home office. I work from home. The house has been neglected for a bit. I'm trying to make it nice again.

Mr. Koller- so moving the driveway to center on the garage.

Mr. Pokopac- yes, this will help with privacy, and we will plant more trees

Mr. Tomsic- will it still have a side entry?

Mr. Pokopac- yes, and moving the driveway will also help with visibility. The curve there (showed on screen) is an issue. I have submitted the driveway permit to the engineers office.

Mr. Tomsic- Do you know where your well and septic and everything is?

Mr. Pokopac- yes, that's actually why we need to place it there. (showed locations on screen)

Mr. Tomsic- are there any questions or comments from the audience?

Margo Hrabak- are you moving the driveway more to the middle of the property?

Mr. Pokopac- Yes

Mr. Koller made a motion to accept the variance of 66 feet

Mr. Fabig 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. Koller-yes

Mr. Fabig-yes

Mr. Fenstermaker –yes

Mr. Tomsic- yes

Motion Passed

All were in favor, and the Motion for the area variance and size variance were approved.

Mr. Tomsic- your variance is approved. Our decision could be challenged for 30 days.

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- In use currently, cannot fit in existing garage

BZA Review: agree

B. Whether the variance is substantial?

Applicant- no response

BZA Review: Yes, 34% 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

BZA Review: agree

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- no response

BZA Review: current garage made by grandmother

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

Applicant- No, the ground slopes to far to build to the back or sides

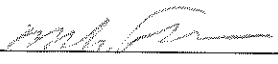
BZA Review: agree

G. 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: agree

Meeting adjourned by Mr. Tomsic at 8:30 pm

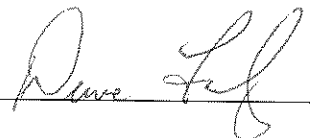
Lewis Tomsic, Jr., Chairman

Mike Fenstermaker



Scott Koller

Albert Hehr



Dave Fabig

Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary