

**Newbury Township**

14899 Auburn Road

Newbury, OH 44065

Phone: 440 564 5997

Fax: 440 564 7512

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

June 30, 2026

Zoning Hearing regarding: CASE NO. BZA 2026-10

Zoning Certificate Application No. BZA 2026-10

Property Address: 14362 View 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 Soplat

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 Bill Bice who resides in Newbury Township, and concerns this property : 14362 View Dr Newbury Oh 44065

Mr. Tomsic- Nick, can you give us a history on this real quick.

Nick Bellas- At least once a week I drive through the township to see what is happening. As was driving through the lake community I saw a shed being built. I didn't recognize it and didn't have any permits recently. His contractor came in and we talked about the situation and he decided to apply for a variance.

Mr. Tomsic- He is asking for a variance to be able to build a building five feet from the back of lot. Are there any other issues to contend with?

Mr. Bellas- That was the only issue on that property. He has two sheds. The square footage is ok on the other shed. So he is asking for a variance for this one.

Mr. Fenstermaker- is there a variance for the one thats there?

Mr. Bellas- I couldnt find anything.

Mr. Bice- I just want to build a shed for more storage and the other shed was there when I bought the house.

Mr. Tomsic- whats the storage for

Mr. Bice- just a lawn tractor and some other stuff

Mr Koller- who owns that lot there (pointing to screen)

Mr. Bice- Thats mine also

Mr. Koller- then is that building yours to?

Mr. Bice- No thats not

Mr. Fenstermaker- How large does a building need to be to require a permit

Mr. Bellas- under 200 square feet does not require a permit

Mr. Tomsic- this is over 200 square feet, its going to require a building permit. The building department is going to require it to have footers. Your going to have to move the building to add footers then put the building back. Its going to have to get moved.

Mr. Koller- why do you have it so far back. Can you move it forward?

Mr. Bice- I could

Mr. Fabig- How many square feet is it?

Mr. Tomsic- 240 square feet

Mr. Koller- there is a chain link fence, is that someone else's property? Did you get a survey or anything?

Mr. Bice- its someone else

Mr. Koller- that fence belongs to someone else. Is five feet a guess?

Mr. Bice- Yes

Mr. Tomsic- Does anyone in the audience have anything to say?

Shelly Girox- (neighbor) I don't have a problem with it.

Mr. Bice- that's her fence, its her property

Mr. Tomsic made a motion to approve the area variance for 14362 view drive as proposed

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- yes

Mr. Koller- no

Mr. Fabig- yes

Votes were tied

the board entered executive session at 7:15 pm

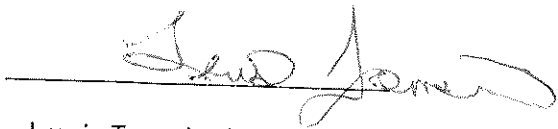
Returned from executive session at 7: 19 pm

Mr. Tomsic- The four of us have voted and we have denied the variance. we are normally a board of five, there are only four members here tonight. We should have made you aware of this before beginning. Therefore, if you wish to ask for a continuance, until we have a full board of five then you may do so. When that happens you would need three out of five votes. Or we can let this go the way it went and the variance would be denied.

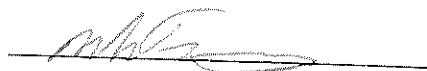
Mr. Bice- I would like a continuance

Mr. Tomsic- ok we will have a continuance. Go ahead and work with the zoning inspector to schedule another hearing

Meeting adjourned by Mr. Tomsic at 8:30pm



Lewis Tomsic, Jr., Chairman



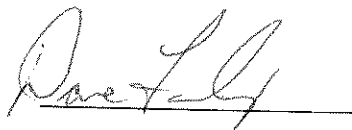
Mike Fenstermaker



Scott Koller



Albert Hehr



Dave Fabig



Jay Jones (alternate)



As approved by: Amy Lydan, BZA Secretary

