

BOARD OF ZONING APPEALS MEETING
THURSDAY, MAY 23, 2024 5:30 P.M.
COUNCIL CHAMBERS
40 W MAIN ST, NEWARK, OH 43055

MINUTES
PUBLIC HEARING

1. CALL TO ORDER

CALL TO ORDER- Steve Layman Board Chair called the Thursday May 23, 2024 Board of Zoning Appeals Meeting to order.

Present:

George Carter	Zoning Inspector
Eddie Hunt	Member (absent)
John Paul	Member
Jack Gienger	Member
Phil Claggett	Member (absent)
Steve Layman	Board Chair

2. APPROVAL OF MINUTES

Minutes of the April 25, 2024 meeting

Motion and second to approve minutes of April 25, 2024, motion passed by acclamation

3. OLD BUSINESS

APPLICATION BZA-24-14

Applicant: Kevin Scott
Owner: Kscott Properties LLC
Location: 529 Ballard Ave
Project: RV Campground
Reference: 150.7.3

Mr. Layman – This was tabled from last month’s meeting. There’s a couple ways we can do this. We could let everybody talk, or we could ask for a spokesperson from the neighborhood. Kevin, you’re free to talk first if you want, or if you want to hear from the neighbors first. We were hoping the neighbors would talk and come to some consideration, some conclusion of what you want to see in terms of improvements and conditions to the variance. The ball was left in your court. I don’t know if you met.

Angela Hall, 604 Garfield Ave. – The residents and I got together on Sunday. We discussed what our feelings are. First of all, there is a blue trailer next door to 495 Ballard that we think should be removed, and I guess there are some violations there that need to be addressed. We think that should be moved into the trailer park itself rather than sitting on top of their property. Second, we don't want any campers or RVs in the manufactured park. We think it should be for manufactured homes, not tiny homes, actual manufactured homes. We were wondering about the water issues as well. They're up here, and we're down here. Now all of the properties are getting wet. That didn't happen until about a year or two ago. On our property, the soil is black. We've had people come out and look at it. Did he get permits to tap into all these water lines for the campers that are up there now?

Mr. Layman - They should have been installed. Maybe they're antiquated and obsolete. All that sewer and water should have been installed when the park was developed. I'm not hearing you say no. What I hear you say is we'd like some things to happen.

Ms. Hall – We don't want campers up there. We want permanent residents.

Mr. Layman – I don't have a dog in the fight. I'm just trying to solve a problem. We could say no and deny his application, and then you're done. You have what you have now. We hoped that you would have talked and they might have had a solution for the water problem. That's the only reason we're still here.

Resident – Our problem with the water is from the trailers that he already put up there. The trailers go away, our problem goes away.

Ms. Hall – Where there permits for the electrical?

Mr. Carter – The county handles electrical permits.

Ms. Hall – If he wants to help our community, then put people here who are going to be here awhile. Residents who have homes here. Not campers that can be pulled in and out. If this was a legit thing, he would have gotten everything that he was supposed to like permits to put these campers in there. We probably would have been notified wouldn't we, if he was trying to change it into an RV campground?

Mr. Carter – If he filed for a zoning district change, you would have been notified just like you were notified for the BZA hearing.

Mark Campbell – I'm one of the residents in the campers, and I'd like to defend myself. I'm from Pennsylvania. 24-year member of Plumbers and Pipefitters local 354. Men and women who commit to the purchase of a \$50,000-\$100,000 RV and decide to travel like I do to feed my family, we're amazing neighbors. I think over the last 9 months since I've lived on Kevin's property, become somewhat friends with him, I know through conversations that the man's plan is to use us and the revenue he generates from us, to after we're gone, put quality trailer homes in there and make it something that you guys would be proud of. I'd like to get the chance to help him do it. Hopefully, you do as well. Thank you.

Resident – How did you find out about that property?

Mr. Campbell – Yellow Pages. Google search.

Resident – How was it listed?

Mr. Campbell – How was it listed? I know where you're going with this. Trailer Park. I think the listing I saw said trailers and RVs welcome.

Kevin Scott – I tried to organize the thoughts from the last meeting and what my plans are, and what I've done, so you guys can see it and this wouldn't take forever. I can walk you through it when the time is appropriate. I was not able to personally meet with representatives from the neighborhood. That didn't come together. The only thing I knew to do was to address your questions that I took notes on from the previous meeting. That's what you're looking at there. An itemized thing that I'm either actively putting together now, have plans to do, or is already done to address their concerns. Water, sewer, trash. Everything that was brought up last week.

Sydney – I own the blue trailer that was referenced. My husband and I and our baby purchased our home at a mobile home park in Thornville. Three days after I got home from the hospital after having my daughter, we got an email saying no rhyme or reason, everyone in the mobile home park had to either sell your trailer and they had to move it, or we had to move it ourselves. Kevin's mobile home park was the only one in town that had spots available to take our trailer. At the time we had dogs, we don't have dogs anymore, but that was one of the reasons he put us there. We had to find a company to move us, wait for the spot to be ready. It's been great living there. It's super quiet. I've noticed him constantly changing things. Changing the trash, keeping our water good, always checking in on us. Helping in anyway that he can. To add on to the camper situation, my mom is a travel nurse, and her primary residence is a camper. I just wanted to put that out there. She actually called Kevin and Ruth to get a spot. So, they are primary residence.

Resident – George, with that property, are there any violations?

Mr. Carter – There is a trailer there that did not meet setback requirements for the zoning district.

Mr. Campbell – I figured it out today. Since 2010, I've stayed in, I believe, 17 different RV parks. Not one time have I've been background checked when I moved into that RV park. He background checked me when I moved in. I trying to ease peoples' minds that there are quality human beings staying in those.

(multiple people talking) I'm from rural Pennsylvania. We've all grown up near trailer parks. Some can be very good, others can be very bad. I would argue, if we get tossed out by our ears, and Mr. Scott has to move trailers in there... I would take it a step further. A few of us when we found out that our futures were in jeopardy, we might have to find another place to live, we did a Google search and a Megan's Law search, and within a mile and a half of that residence, there are 22 sexual predators and felons. I promise you, not one of them is us.
(conversation in the crowd).

Resident – Sorry I'm late. I work long hours. Me and my brother since I graduated high school in 2010, started doing this for a living in 2011. All over the country. I spent my life in a camper. I grew up in a trailer park. **(argument in**

the crowd) I'm going to spend my money here. I grocery shop here. My family comes up. I do things in your community with my family. I assure you if there was someone in the neighborhood that was doing stuff like that, I would also raise a complaint myself to him, and I'm pretty sure he would not tolerate that. I get your concern, and I understand that. I drive a very big truck. It's a one-ton diesel truck, but I drive the speed limit through your roads. I've actually stopped because kids do walk out. You'd be just as likely to have a local make the wrong turn and drive down there way too fast and something happen also. That is all. Thanks for your time.

Ulysses Collins, 640 Garfield Ave. – Wouldn't you say that if this gentleman of the trailer park would just take care of the water problems, and make sure he gets all the permits needed to put things in properly, that would take care of the whole solution?

Mr. Layman – Are you asking me if that could be part of the deal?

Mr. Collins – I'm telling you that should be part of the deal.

Mr. Scott – I can address that. Water problems, I cover that in one of the pages in there. Even before all of this came down, I had all of the sewer systems checked, cameras. Everything is operating fine. We have a 50-year-old sewer system that's made out of clay. You occasionally get roots and blockages. There are no water leaks. There are no sewer backups. Everything is flowing fine. I cannot specifically address water problems. The ground has been very wet, especially this year. It's not my water, and it's not my sewer. **(conversation in the crowd about wet ground)**

Robert Peck, Ridge Ave. – I've been here since 2011. When I moved in, that place was terrible. Since Kevin has moved in there, it has been completely different. We used to have people come and collect cans and go to that junkyard that's in the back, they would go over the fence at night. That's stopped since all those people have their campers back there. I've met a few of them. Good people. Water comes from the woods. It's not coming from the campground completely. It's been there since I've been there. The school kids used to go up there and smoke. Now that people are living there, they don't go up there to smoke anymore. Kevin has done a great job. He didn't ask me to come. I told him I was coming. That's my home up there. I'm a Marine Corp veteran. I love it up there. Kevin has done a great job making it livable. He's doing everything he can. He can only do so much. They are friendly people up there. We've got to change with the times, because change is coming. They are going to be working at that place in New Albany in Licking County. I think we should at least give them a place to stay.

Mr. Layman – How much traffic is generated with campers moving as opposed to a pickup truck? Once those campers are there, are they there?

Residents – They are there.

Mr. Layman – My question is, do you have campers going up and down your road every day?

Residents – No.

Mr. Campbell – When I was hired for the Intel project, I was told there would be 15 years' worth of work there. I've driven my truck in and out of there twice. My camper was brought in one time. It's a long-term event.

Mr. Layman – I'll tell the audience that we are in possession of, and you're welcome to look at this, a letter from Kyle Walters, who is the principal at Heritage Middle School. He supports what the last testimony was, that the trailer park has done a 360 in the last year. It's been improved. The homeless are gone.

Tim Stateon – I love a small town, too. I live in a small town. I support my family with a job here. Several of the people that are in this project actually work for my group. It's kind of a necessary evil. The project that we're building is really important to the national security of this company. We can't have small town America without America. Right now, the electronics that are used in our military are being made by our enemy. China. We're trying to change that. I didn't want to see the corn fields go away either. In order to do this, we need a group of professional craftsmen that can come in and build to the specifications that we need. These are some of the best craftsmen in the world. They feed their families, and they need affordable places to live while they are here temporarily. I'm in one of the RVs myself, and I'm sending the money back home to provide for my family. I have two mortgages. I need affordable housing. This is what we've chosen to do. We do try to be good neighbors. I want you to look down the road. What we're building is going to help support this community. There will be many young families that come in and take these high paying jobs that want to find a place to support their family. Places they can worship, places they can spend their food, time and money. That's what they need, and that's what this community is going to get if we just hold out until we get through the construction process. The people that we're bringing up here all get background checked. I've got clearance to be on a military base with chemical weapons we were destroying. I just left a nuclear facility down in Georgia which requires high level security clearance. I still had to pay Mr. Scott \$35 to do a background check on me. He is checking people. We're not bringing in riff raff. By the way, our company is here and we're here to help with community projects. We do this all the time. We go out into communities. We help with clean up projects. We have resources available to help you with planning for these communities that are going to come when these high paying jobs come to fruition. I see an opportunity here, and that's what I want you to remember. This is just temporary. I appreciate what you're doing. My wife is Vice President of a Lyons Club in Greenville, TN. We're both notaries. We understand the small-town concept. This is a necessary evil. We really need what we're building out there. **(conversations in the crowd)**

Mr. Layman – We could be here all night listening to pros and cons, but the board is going to do what it's supposed to do which is make a decision, sort of.

Motion by Mr. to approve with conditions. The conditions being 120 days continuous improvements all around. The city engineer to propose solutions to

water problems or any problems we might have. I want them brought up and addressed.

Mr. Layman – Will you change it to 90 days?

Motion to approve with conditions. The conditions being 90 days of continuous improvements to the trailer court, and the city engineer is going to survey and provide a remedy to the stormwater, we assume it's a stormwater issue, a nonconforming trailer needs to be moved, and any setback issue has to be resolved. We'll revisit this in 90 days. Passed by acclamation.

Mr. Layman – Do you have a nonconforming trailer?

Mr. Scott – I can't imagine why.

(conversations about setbacks)

4. NEW BUSINESS

APPLICATION BZA-24-15

Applicant: Troy Frenton
Owner: Troy Frenton
Location: 501 Woods Ave
Project: Porch
Reference: 16.8

Motion to approve, passed by acclamation.

APPLICATION BZA-24-16

Applicant: James Edwards
Owner: James Edwards
Location: 650 Ridgefield Ave
Project: Building Addition
Reference: 16.8

Michelle Edwards, 650 Ridgefield Ave. – I'm going to let my son speak because there is someone who doesn't want us to have a second story.

James Phillips – I recently had to move in with my parents. I'm in the middle of a divorce. I am not allowed to live alone anymore. I can't live by myself. I need help constantly due to my handicap. Pretty much my only option in going back to my parents. Our plans are for me and my kids as well. My kids want to live with me, and in order to do that, I need to have bedrooms for them. That is why there are four bedrooms on that plan. The existing bedroom needs to be torn down in order for this plan to go up. We need a handicap bathroom, because the bathroom that I'm using right now is extremely hard to get in and out of. I have to have my mother set everything up. In order to use the bathroom, I need to leave the door open. I have no privacy in the bathroom whatsoever. As of right now, I am in a bed in the living room. The house right now is only three bedrooms and one bath. There are eight of us there at any given time. My parents, my two brothers, my nephew, and my two kids. The reason I had to come is because I almost died last year. I was already separated from my wife

and I had a medical emergency. After I got out of the hospital, I tried to find housing that I would possibly be able to afford, there's a five year wait list for that housing. Also, the fact that I need someone with me 24 hours a day. My insurance is Medicare. I cannot afford to have a nurse come in everyday to help me. The plans that I drew up are pretty much what we can afford to do. They're the cheapest version of what we can get. The eleven-foot variance is the bare minimum of what we need.

(discussion of plan dimensions with neighbor)

Frank Schwenning – My biggest problem is getting too close to the street on Seneca. Any neighborhood where the houses encroach on the street, the neighborhood goes down.

Mr. Layman – My only concern is that it is a corner lot, and if you get out too far, you're blocking visibility.

Mr. Phillips – It's on a curve. I understand that, but there would be no visibility issues.

Mr. Carter – You told me you spoke with Director Mauter. I encourage you to speak with him regarding any kind of grant program that can help you with some assistance. I know they had some minor rehab money.

Ms. Edwards – I already asked him. There are no grants that can help him. I'm just considering selling because we can't afford it.

Mr. Layman – The board is sympathetic to what you're trying to do, but you don't have the votes for an eleven-foot setback right now. When were you going to start construction?

Mr. Phillips – We would like to start construction as soon as possible.

Mr. Layman – We would like you to table this and try to figure out a way to get more than eleven feet of setback off of Seneca.

Mr. Phillips – There will be 14 feet off of Seneca. We only want 11 feet of that 25 feet to use for the house.

Mr. Carter – What I have on my notes is that after you build, you'll be 11 feet from the property line.

Mr. Phillips – No, we would be 14 feet from the property line.

Mr. Carter – That's this side of the sidewalk?

Mr. Phillips – Yes.

Mr. Layman – You don't have three votes today. We don't think we have enough information. If you could stake where the end of the house would be, both corners, and ask us to table this until next month.

Mr. Carter – If you have another plan where you're still meeting the 25-foot setback out there, you can pull this off the table. There would be no need to come back. Now, if you go with the plan proposed tonight and have that encroachment to the setback, you can request to have your motion tabled tonight. You could come back in June with a set of plans that stake the corners out so we can do a field visit.

Mr. Phillips – I can do both plans and stake the corners.

Mr. Layman – Perfect. Trust us. We want you to have something that works for you, but we also have other concerns.

APPLICATION BZA-24-17

Applicant: Ramirez Rentals LLC
Owner: Ramirez Rentals LLC
Location: 60 Mohawk St
Project: Lot Split
Reference: 6.12

Mr. Carter – This is simply from a procedural stand point. An undersized lot is being altered. It needs board approval before being approved by Planning Commission. The city does not oppose this.

Motion to approve, passed by acclamation.

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, JUNE 27, 2024 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS JUNE 3, 2024, 4:30PM.

5. ADJOURNMENT - Motion to adjourn, second, passed by acclamation

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals