

BOARD OF ZONING APPEALS MEETING  
THURSDAY, MARCH 24, 2022 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 March 24, 2022 Board of Zoning Appeals Meeting to order.**

<b>Present:</b>	Steve Layman	Board Chair
	Jack Gienger	Member
	George Carter	Zoning Inspector
	John Paul	Member
	Tony Fox	Member
	Phil Claggett	Member

**2. APPROVAL OF MINUTES**

Minutes of the January 27, 2022 meeting

**Motion and second to approve minutes of January 27, 2022, motion passed by acclamation**

**3. OLD BUSINESS**

**4. NEW BUSINESS**

**APPLICATION BZA-22-03**

Applicant: Ryan Badger  
Owner: HM/King Rd LLC  
Location: King Rd (096-286524-01.004)  
Project: Multi-Family Apartments  
Reference: 125

-Request for the variance is just for the parking requirements, the requirements were not met based on the code, however, we did multiple communities around Licking County and we have used a formula of 1.4 spaces per unit, we have designed based on that, although it doesn't meet the city requirements, that's what it is designed based on. SO, the variance request is for less parking per unit.

**Mr. Layman** – What's the code say you need?

-185. We have 158 that does not count the garage spaces, in counting the garage spaces we are substantially over the requirements. We have 120 garage spaces, so counting those we have 270, but in talking with Ryan, the garage spaces were not counted as parking spaces.

**Mr. Layman** – So each unit has a garage.

-Each unit has a 2 car garage. We are counting the space in front of the garage as a parking space, but not the 2 in the garage.

**Mr. Layman** – So you can hold 270 cars on site if everyone parks in their garages?

-Yes, if they park in the garage and in back of the garage.

**Mr. Layman** – Do you have room if you run out of spaces?

Yes, we have the community across the street and we also have site parking there in the common area spaces. We use the 1.4 in communities where we have a clubhouse as well and that 1.4 is actually heavy in this case because we don't have a clubhouse.

**Motion to grant the variance by Mr. Fox, second by Mr. Geinger. Motion passed 5-0**

#### **APPLICATION BZA-22-04**

Applicant: Nicky Jackson  
Owner: JBDAVCO LLC  
Location: 236 Green Meadow Dr  
Project: Home Business  
Reference: 16

**Nicky Jackson** – I want to do a small care detailing business, nothing big. It's not something I want to do full time, just 1 or 2 cars a week, if that. I don't think it will impact the neighbors at all because any car I have will be in the garage, it's not going to be sitting out. No customers will be waiting, just drop off an pick up , that will be it. I've done it for friends and family for years, I'm just trying to be legit about it because I would like to advertise and get some more customers. Just trying to do the right thing so I can get a license and get insurance. I can't justify getting a shop to do it on my own because I'm not going to do it that much, I don't want to do this every night, just as a part time deal is all I'm looking for.

**Rochelle Vole-Smith, 237 Violet Ct** – I sort of want to know what is meant by detailing and what chemicals are going to be used and how it's going to impact the neighborhood.

**Mr. Jackson** – Basically, it's just cleaning cars. Waxing and detailing. Just what your typical car wash does. What I typically do if the car is not real dirty, I use a rinseless wash, it only requires 2 gallons of water, biodegradable, no impact on the environment at all.

**Ms. Volen – Smith** – So what sort of chemicals are used.

**Mr. Jackson** – I use ceramic coatings, nothing touches the ground it just wipes on the vehicle like a wax and wipes off. Everything I use that touches the ground, when you see soap, is biodegradable.

**Ms. Volen-Smith** – Will you have a system in place if you should decide to paint a vehicle?

**Mr. Jackson** – Oh I won't be doing any painting, it's just cleaning vehicles. Steam cleaning the inside which has no chemicals at all, just a very expensive steam it does an amazing job. There will be no paint, nothing like that. Strictly what you see me do now, washing my cars, that will be the extent of it. When I get into polishing it's inside the garage and it's just polishing compound, it doesn't hurt anything.

**Mr. Layman** – When we have done home occupations in the past, there are a couple of things. One is, typically no delivery trucks, no advertising or signs on the site, no customers, now someone is going to drop off and pick up a car.

**Mr. Jackson** – That would be the extent of it. I will offer delivery and pick up, so it won't always be someone else dropping off.

**Mr. Layman** – The other thing we've done, is to put a time limit on it. To grant you a sort of conditional approval, so that you have 3 months. That's not a motion, its just an example. My guess is you could've done that and nobody would've known. If the board sees fit, we can say like this is April, May and June, you have to come back at the end of June and if it is as you say and the neighbors don't know what you're doing, we can extend it. You're okay with that?

**Mr. Jackson** – Yes, and like I said they are more than welcome to come over and I'll show you what I've got going on.

**Mr. Layman** – I will tell you that this is not something that we want to encourage, but the way you describe it as being within your garage and only one at a time, so you don't have three cars waiting, now that would be a problem.

**Mr. Jackson** – When you see my yard right now, my wife and I have 3 vehicles together, so nine times out of ten they're both in the garage. Well, my Mom got ill, so she is living with us right now, so there is a total of 4 vehicles and actually the one I'm working on will be in the garage.

– The only question I have about that, is as you drive around Newark you see small businesses all over whether legal or not legal and I've never seen any of them that's been controlled, they get out of hand and then you see 10 cars out there in the yard, I've never seen anybody from the board come out and say you can't do this or put a stop to it. That's the only thing I'm saying, once you get this started, you can drive all around Newark and look at it and I don't know, it's not my job, I don't know what your job is, but I know you can't stop it once it starts. So now you got one car, we're doing good and now you got 10 cars and when I call you up and tell you there are 10 cars down there for the last 10 years, that's all I'm saying. I don't want another eyesore in Newark, Ohio. They did good cleaned up the square and I don't want to see it getting in the residential areas, nothing against anybody.

**Mr. Layman** – We take your point. We are not enforcement. Now if he was working on cars and didn't tell anybody and there were 10 cars in his yard, then your recourse would be to call Property Maintenance and the Zoning Department, they would come out to determine if he's operating a business that's not permitted and they would tell him to stop. The penalty for not stopping, once it goes to court is like \$500 a day. So he would stop, okay. He's not taking that approach of just doing it. He has come and asked permission. By asking permission, what can happen is, now he's on notice that he's got to follow the rule and if he doesn't, he'll lose permission and if he continues to do it, then Property Maintenance can take him to court. So, he's provided you with what you are seeking, which is how do I stop him. It's actually a lot easier because he's applied than if he hadn't. Since he has, now he's got the attention of the Zoning Inspector who's got to out and look and there is back and forth. This will actually be faster, if he violates what he is talking about.

–The only thing I am saying and I'm going to repeat myself, I've seen a lot of them around Newark like that, a lot of people try to stop it and it does not get stopped. I'm just saying, once it gets started, you've opened the door.

**Mr. Paul** – I would like to interject for just a minute. Someone who has the mindset to ask for permission rather than forgiveness does not strike me as a person that would not do what they say they are going to do. They simply wouldn't. Then if Steve set it up where we have a 90 day window for instance, we have multiple abilities to stop this if it gets there. I think your concern is valid, but I don't think it's going to apply in this case. I simply don't see it. Someone who would take the time to do this properly, I don't see bringing 10 cars and letting them sit around. That's just my thoughts.

**Mr. Layman** – The other thing, because he's come and asked permission, we can be very specific on what is and is not permitted. For instance, no sign in the yard, no more than one customer at a time and violations of those things, if it's approved would render his approval invalid. I understand you don't want it.

–I'm just saying it's gotten out of hand all over Newark and I think you all know that.

**Mr. Layman** – I'm not trying to be argumentative with you. I would just say that this is probably, we've had two dozen of these cases that have come to us. And normally, it's not working on a car, normally it's somebody who has an office and you truly don't know. We're giving them a time period, where they have to come back and in every case, they've come back and the neighbors say it's fine. It just seems to work that way. The people who come and apply are not the ones you're thinking about.

–My other question is 200 feet. What about the rest of the neighborhood, do they have a say in this or not. 200 feet is not very far.

**Mr. Layman** – It's what the code says for notification.

**Mr. Paul** – Is your intent, just to get this business off the ground?

**Mr. Jackson** – I would say, more of a retirement gig. I've got ten years until I can retire and it's just something just a little bit of supplemental, just something to keep me busy.

**Mr. Paul** – I'm just trying to see if this is like an incubator and if it takes off then I'm going to find a place that I can go to every day.

**Mr. Jackson** – No, it's not that. It's just a hobby part time and trying to do the right thing so I can get insurance in case I mess someone's car up or something happens, you know.

**Mr. Gienger** – You say you've already got 4 cars there now?

**Mr. Jackson** – Personal vehicles. My Mom's just staying there because she's sick.

**Mr. Layman** – Home occupation is a conditional use and it's for him personally. If they move, it's not for the new person. So, it doesn't go to the property, it goes to him. Then we can set whatever conditions are appropriate.

**Mr. Jackson** – I failed to mention too there will be no employees, just me.

**Mr. Layman** – That's one of the conditions.

**Mr. Paul** – So if we have no signage, limited hours, no employees and three months we'll see you again and if the neighbors are upset, we can pull the plug.

**Mr. Jackson** – Yes, and I'm inviting you guys to come down and check it out, I really am, I've lived there 5 or 6 years and haven't done anything you could complain about, I would hope not anyway.

**Motion to approve based on the following items: no sign, current property owner only, no survivorship, no employees, no outside work after 5pm or before 9am, one non-owned vehicle at a time and it must be in the driveway or garage, no noise, conditional approval for 3 months then must come back. Seconded and passed 4-1**

**Mr. Layman** – It's been approved, but you will have to come back at the end of June and revisit.

**Mr. Jackson** – Question. Should I hold off on getting my LLC and all that stuff? I hate to do this for 3 months and then you guys shut me down.

**Mr. Carter** – My advice is to show your neighbors what your business is. Siting still for three months is kind of like playing hookie.

**Mr. Gienger** – I can't speak for everybody. The whole idea of this is prove to us that in three months there aren't any complaints.

**Mr. Carter** – You will get a letter and the neighbors will as well.

**THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, APRIL 28, 2022 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS APRIL 1, 2022, 4:30PM.**

## 5. ADJOURNMENT

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Chairman, Board of Zoning Appeals

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Secretary, Board of Zoning Appeals