

BOARD OF ZONING APPEALS MEETING
THURSDAY, OCTOBER 20, 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 October 20th, 2022 Board of Zoning Appeals Meeting to order.

Present:	Steve Layman	Board Chair
	Eddie Hunt	Member
	George Carter	Zoning Inspector
	John Paul	Member
	Phil Claggett	Member

2. APPROVAL OF MINUTES

Minutes of the August 25, 2022 meeting

Motion and second to approve minutes of August 25, 2022, motion passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-22-30

Applicant: Beth Spangler
Owner: Beth Spangler
Location: 160 Pierson Blvd
Project: Storage Shed
Reference: 86.3.1

Beth Spangler, 160 Pierson Blvd. – I didn't know there was a rule or law against sheds on your property. I have two existing and I got another one. The first two are 25 square feet and Mr. Carter came out and said it looks pretty good, I'm here to be legal about it.

Motion to approve and second, Motion passed, variance approved.

APPLICATION BZA-22-31

Applicant: Scott & Miranda Sands
Owner: Scott & Miranda Sands
Location: 875 Howell Dr.
Project: Single Family Dwelling
Reference: 16.8

Scott Sands – Here to answer any questions you might have, it's very simple, we're trying to build a new home on a couple of lots in Morgan Woods and there's a kind of unique situation with that back lot line, it's angled so we'd like a little bit of relief on the rear setback from 50 to 35 feet and I would like to point out that this variance would not affect the 50 foot tree preservation zone at the rear of the lot. It would not be impacting that at all.

Patrick Murphy, 370 River Oaks Dr. Heath – I'm here in favor of the proposed variance.
Motion to approve, second, motion passed, variance approved

APPLICATION BZA-22-32

Applicant: Michael Whitehead
Owner: Mark Gerber
Location: 1900 Mt. Vernon Rd.
Project: Storage Building
Reference: 56.8

Michael Whitehead – Good evening, the variance we're asking for is just because our property abuts residential property, so it makes the setback little bit larger than we want. We want to maximize the space on the north side of the building so vehicles can turn in and out push the building a little further back so we need a 10 foot variance for the south side of the property. To the immediate south, we notified them, I called and left Doug a message.

Motion to approve, second, motion passed, variance granted

APPLICATION BZA-22-33

Applicant: James Hoekstra
Owner: Mid Ohio Property Mgt. LLC
Location: 417 Garfield Ave.
Project: Single Family Dwelling
Reference: 16.8/86.3.1

Barry Strickland, Architect, representing Jim – I graduated Newark High School, went through OSU Architecture, retired State Architects Office, I'm just the guy drawing up the plans for him. We have a building that has a 6x10 foot wide front porch for handicap accessible that is not in the setback, also the structure is 1 and a half foot higher than the zoning request.

George Carter – That's only for a stand- alone accessory structure, primary structure can go 30 feet at least. I did put one regarding the garage on the side technically being in your side yard, I put that with the variance request.

Mr. Strickland – I just was wondering and I saw it as a detached garage, the owner needs some storage space, I'm not sure why, but he's got a lot of junk that he stores along with a truck with a camper on it.

Motion to approve, second, Motion passed, variance granted

APPLICATION BZA-22-34

Applicant: Benjamin Garey
Owner: Benjamin Garey
Location: 499 Deerfield Dr.
Project: Storage Shed
Reference: 86.3.1

Benjamin Garey, 499 Deerfield Dr. – What I'm proposing here, I'm asking for a variance to put a shed in my side yard, zoning requires it be in the rear yard. My proposal would be 3 feet behind the front of my house and 3 feet off the property line of course and it wouldn't obstruct the view of any of my neighbors down the street.

Mr. Layman – How high is the privacy fence?

Mr. Garey – Six feet.

George Carter – The City of Newark would put in the record that a Mr. John Laurel called to the office and said that he has no bone in the matter, either way he did not care.

Mr. Garey – I don't know if it helps, I have a note from my neighbor across the street, they signed it, saying we have no objection to this project.

Motion to approve, second, Motion passed, variance granted

APPLICATION BZA-22-35

Applicant: Kessler Signs

Owner: Habitat N. 21st St. LLC
Location: 1660 N. 21st St.
Project: Wall Signs
Reference: 135.8B1b

Roger Kessler, 170 Pinehurst Dr. – What we're requesting is another sign on this property, we have two things going on in this building, one is the main entrance into the building for retail activity and the second and what we're asking for a variance for is for people who have drop off. The drop off is totally different than the retail and we don't want to mix the two. We want to make sure people dropping things off go to the right spot. It's a large parking lot, which most of you know, it's probably 200 feet away from the street, so we want people going in the right direction and not inter mixing with the retail side.

Motion to approve, second, Motion passed, variance granted

APPLICATION BZA-22-36

Applicant: Bryan Lewis
Owner: Laverne Heath Properties LLC
Location: 204-212 Laverne Dr.
Project: Apartment Buildings
Reference: 125.2

Bryan Lewis – I've got two handouts for you. The first page here is what we got approved last time with the seven units and after having a meeting with Brian Morehead, with water retention we couldn't figure a way to keep water from going back onto their properties, so we dropped three units off and moved everything back away from the lower properties and in doing so and changing the way the water is flowing, we're short two parking spaces. We need a variance for the three parking spaces so we can build 4 units and I also put the drawing of what the units are in there.

Clifford Simon, 248 W. National Dr. – I live downhill from there, the other neighbor at 246 could not make it this evening. I'm not for this, nothing against him, I'm just not for any more buildings.

Beth Bline, 33 Summit St. – I want to thank you sir for being willing to work through this. Where do your other parking spaces go, what are you asking for?

Mr. Layman – I just want to be sure we understand, you were here three months ago and we gave you a variance for 7 buildings.

Mr. Lewis – Yes and we could handle it, but we're crowding the other buildings and it's still kind of iffy if it would handle all the water, so we did away with the other three buildings, moved everything back up the hill because actually there is a storm sewer that runs through our property.

Mr. Paul – There is a storm water issue in that area now though, correct? Part of our discussion last time was in order to develop, they have to address the existing problem which may never get addressed if we don't develop this property. So your work would at the end of the day try to correct part of the problem that is already there.

Mr. Lewis – We're trying to alleviate the problem, yes.

Mr. Carter - The variance that was granted to them from 22-07 was regarding the road frontage off Laverne, not anything regarding density zoning wise he can still put the 4 buildings there, the question of the day is whether or not he can get a reduction in the parking spots.

Mr. Lewis - With the way the buildings are situated and trying to get the drainage away from them, we really don't have anywhere to put three more parking spaces.

Mr. Layman - I guess my thing would be in years from now if you have a problem with parking and your tenants don't have anywhere to park, you would figure out what to do about it, correct?

Mr. Lewis - I guess we would, as you can see we're not utilizing all the land anyway. We weren't going to try to get into it if we couldn't do the 7 units, but with all we would have to put into it to try to contain the water, it was going to be astronomical, so we cut it back to try to contain the water to a smaller scale. So, that's where we are at now.

Mr. Layman - Two years from now if it's built and you don't have room for all of your tenants, they are not going to go onto the neighbors property.

Mr. Paul - The three existing buildings, what's in those?

Mr. Lewis - Two bedrooms.

Motion to approve, subject to final blessing of the storm drainage by the City Engineer, second, motion passed, variance granted subject to condition of final approval by City Engineer

APPLICATION BZA-22-37

Applicant: Trace Johnson

Owner: Trace Johnson

Location: 91 S. 30th St.

Project: Stone Wall

Reference: 88.1

George Carter - I will let the Board know we did receive three letters of support.

Motion to approve, second, Motion passed, variance granted

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, NOVEMBER 17, 2022 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS NOVEMBER 1, 2022, 4:30PM.

5. ADJOURNMENT

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals