

BOARD OF ZONING APPEALS MEETING
THURSDAY, APRIL 27, 2023 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 April 27, 2023 Board of Zoning Appeals Meeting to order.

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

2. APPROVAL OF MINUTES

Minutes of the March 23, 2023 meeting

Motion and second to approve minutes of March 23, 2023, motion passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-23-12

Applicant: Trey Read
Owner: Local Properties Group LLC
Location: 466 Henderson Ave
Project: Single Family Dwelling
Reference: 16.8

Trey Reed - We're asking for a variance on the side yard setback, the house farther to the east. The property to the west of that are all shoved over to the east property lines, which kind of creates a driveway on the west side of each of those properties allowing access for off street parking and that's kind of what we were wanting to do.

Motion and a second, motion passed 4-0 variance granted

APPLICATION BZA-23-13

Applicant: A4 Ragtime Band Newark I LLC
Owner: A4 Ragtime Band Newark I LLC
Location: 325 W Main St

Project: Signs

Reference: 135.8

Representative - I'm here appealing the exterior signage review that we provided last meeting. We have, as you guys have seen before, come up with in my opinion a great taste and effective signage review that reflects the large extent of what we're trying to achieve on this property and while I'm aware that we have exceeded the percentage of signage frontage I think that there's a couple factors that are very important that need to be considered, such as that these signs are extremely removed from the street compared to the majority of Downtown Commercial streets and like I said, the overall large number of businesses that we are trying to communicate appropriately and effectively that are involved in the signage review.

Ms. Bline - Sire, you had said that there are pictures available?

Representative - Yes, would you like one?

Mr. Layman - I would encourage the Board to consider a couple factors. One is, the sign that they have for the lofts, which is a fairly sizable sign is 300 feet off West Main Street and for it to have any visibility at all it needs to be larger than normal. It's view from Jefferson is obstructed by trees so I don't believe it's going to adversely impact Jefferson. I'm going to confess to you that I encourage him to do the sign that they have over that little walkway causeway that's up in the air. They are going to spend somewhere between 5 and 10 million dollars on this project trying to create an Arts Corridor and that Newark Station sign hanging up in the air, while it's a big sign, I think it's important for what they are trying to accomplish with this transformative project and I would hope that the Board would consider what they're trying to do and grant them some leeway on the total sign package.

Representative - Additionally, regarding that specific sign, the land where the building was demolished now sits will be donated to the community and it will anchor what we hope to become Renaissance Park that will be the anchor of the Renaissance Arts District that will extend down the western corridor of the City and it is our belief that sign could become an iconic image, it's very rooted in the culture of what we are trying to achieve here and I just think that it is, like I said earlier very tastefully done, I believe some of you saw the original, not very tastefully done proposal that we had. We've worked very hard, we've worked with the City to try and meet certain expectations and guidelines, I just think, and it's our belief not just mine that sign would be a very important and necessary piece to the overall Newark Station equation.

Ms. Bline - I'm wondering about the length this will be on, will this be a 24/7, will it have an impact.

Representative - No. It will not be a 24/7 sign. We do not have the power set in stone yet, but the plan is that it would not be a 24/7 sign.

Ms. Bline - So when will this light be off, that would be the main question.

Representative - Unfortunately I do not have a specific answer for you right now, but we are very willing to have these communications.

Mr. Layman - Are you talking about the neon sign?

Ms. Bline - Yes, just the neon sign because it is a residential area.

Mr. Layman - We own those four units right across the street and I'm a big fan of the sign.

Ms. Bline - I don't mind the sign, but I'm just saying will it be 1 or 2 o'clock in the morning.

Representative - Like I said, we don't have that time set in stone yet.

Mr. Layman - What do you think about midnight?

Ms. Bline - That's better than what I was thinking, because most of ours are like 2am, midnight, I don't mind that and I like it, I don't have anything against it, not at all, I think it's very nice. Do you know the extent of that light, how many lumens it would be?

Representative - If you look at the next page it does not have that information on it I could try and get that for you from Kessler, I'm not certain that they have that immediately on hand.

Mr. Carter - Article 140 of the zoning code in regards to light.

Mr. Layman - Lights can't be shining off the premises.

Ms. Bline - The reason why I asked is so many electronic billboards that have gone up and certainly have a high lumen effect and this doesn't seem to.

Representative - We'd just like to reiterate, and we have so far, we are continuously willing to come to any sort of agreement. As I said we've worked very hard on this and think we've come up with a very appropriate review and like I said we're more than willing to communicate and try to get this across the finish line.

Motion to approve subject to the midnight time limit, second, motion passed 4-0, Variance granted subject to midnight condition on neon light

APPLICATION BZA-23-14

Applicant: Branham Sign Company
Owner: Skipper Westfall Properties LLC
Location: 1303 Log Pond Dr
Project: Building Signs
Reference: 135.7

Bruce Westfall, Partner in Skipper Westfall Properties - We're the ones putting a new laundry facility on North 21st Street. What we're asking for tonight is for a variance for three lines of copy just above our windows. The reason we're asking for that is because our facility is just so different than the facilities that have been available in Newark forever and we don't want someone to see such a different building and not really understand that we are a self service full service store and we want passers by especially with all the shopping down there to understand what we are, they know who we are with our sign, but what are we. Considering the fact

that we are pretty dissimilar from the other facilities that are around, we think it's important. The PVC copy we are asking for is about 10 inches high, they are not illuminated and are just centered on our front windows, so people can see what we are as well as who we are.

Mr. Layman - You won't be able to see that from the road.

Mr. Westfall - Not from 21st Street, no the copy is too small, just once you've turned in.

Mr. Layman - You won't be able to see it it's under a canopy, you won't be able to see it until you're in the parking lot.

Mr. Westfall - The image you have there is not accurate that canopy is not that deep, the image was wrong. It does have that shape, looks just like that, but only protrudes off the building that far.

Motion to approve, second, motion passed 4-0 Variance is granted

APPLICATION BZA-23-15

Applicant: Mary Whitt

Owner: Mary Whitt

Location: 18 W Harrison St

Project: Fence

Reference: 88.1

Joshua and Mary Whitt - We're first time home buyers, new to Newark. We would like to put in a privacy fence to gentrify the plot that we have. It's 3 different plots., but the plot that our house is on is facing the alley, the front door and the garage door. Ultimately, we would love to have a six foot privacy fence around to protect our family and our dogs. The problem with what's considered the front yard is a retaining wall on the first plot that's basically cracked and decrepit and needs torn out and redone and the other 2 plots have no retaining wall, so it kind of has a downhill slope to it. Ultimately I would like to put a six foot privacy fence on that main road facing the Druids club and eventually re-do the retaining wall because I'm a mason by trade, but our first step is to try to get a privacy fence in because we have three dogs and to prevent them from getting out obviously, but to prevent other dogs from getting in. I feel like a 4 foot fence might not stop a Rottweiler or Pit Bull or any of the other dogs we've seen in the neighborhood from invading our property and potentially hurting our dogs. Plus, we're up on a rise, so our door looks directly into the front of the Druids Club, so if we don't have our curtains drawn people are just looking right into the house.

Mr. Carter - I would tell the Board that the Druids Club is planning to replace the fence as well and it is a fairly large tall fence. As Mrs. Whitt has mentioned there are several similar fences in the neighborhood.

Mr. Layman - Can I talk you into backing the fence off of Harrison somewhat, rather than taking it all the way out to Harrison.

Mrs. Whitt - From the street itself it is off like 10 feet, is what our plan is.

Mr. Layman - It looks like it's only a foot or two off the sidewalk.

Mrs. Whitt - It's definitely more than two feet in.

Mr. Layman - Would you go ten or fifteen feet inside that sidewalk off of Harrison?

Mr. Whitt - It's about 15 feet from the road past the sidewalk.

Motion to approve provided it is no closer than 10 feet inside the sidewalk on Harrison, second, motion passed 4-0

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, MAY 25, 2023, 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MAY 1, 2023, 4:30PM.

5. ADJOURNMENT

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals