

BOARD OF ZONING APPEALS MEETING
THURSDAY, NOVEMBER 21, 2024 5:30 P.M.
COUNCIL CHAMBERS
40 W MAIN ST, NEWARK, OH 43055

MINUTES

1. CALL TO ORDER

CALL TO ORDER- Steve Layman, Board Chair, called the Thursday, November 21, 2024 Board of Zoning Appeals Meeting to order.

Present:

Steve Layman	Board Chair
George Carter	Zoning Inspector
Phil Claggett	Member
John Paul	Member
Eddie Hunt	Member
Brian Wood	Member

2. APPROVAL OF MINUTES

Minutes of the October 24, 2024 meeting

Motion and second to approve minutes of October 24, 2024, motion passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-24-44

Applicant: The Main Place
Owner: The Main Place
Location: 105 S. 3rd St.
Project: Office Building
Reference: 40.8

Tony Cunningham - We're asking for a variance on the Harrison Street side. We have a 10-foot setback that the architect has set up for us, and we're required a 30-foot setback on that side. We are in compliance with all the other avenues on it. It's just that one side that we were not in compliance with.

Beth Bline, 33 Summit - Residents near the Main Place have requested that no further expansion occur just because of community impact so far. There's been garbage left on prior property nearby, needles that have been in the streets. Clients of the Main Place

have been seen on the aging program property in multiple locations. Just the residents, they're fairly vocal, and they're just asking that no expansion be granted at this time.

Mr. Layman - It says office space. Is it strictly office?

Tony Cunningham - It'll be what we call a counseling building. It's where we'll do all of our case management and counseling instead of just peer support. We're expanding because our current center is just too small to handle all of our staff and the traffic that we're getting with people who need case management and counseling. So, we're expanding so that we can make our peer support section and drop-in center more congruent to that and then have our case management and counseling sessions across the street so that it just cleans up our office space. And also, about 10 years ago we had the same variance request on our Main Place expansion project but we added our admin building to the current location that we're at now. We actually have the same setback on that.

Mr. Layman - Do you have any way you can help us alleviate the residents' concern?

Tony Cunningham - Well the project's going to be fully cameraed, fully alarmed, so any instances around the community we're going to see the same with our current buildings. All of our locations are cameraed on the outside. We're going to have fencing between the residents property that is just to the south of our building which is required by code a privacy fence. And again, we're going to be fully cameraed and fully alarmed on all the properties that we have so we'll be able to see what's going on. On our direct properties, obviously we can't take on responsibility of surrounding properties but we can we can take care of what's on our property and have cameras to verify anything that's going on with us.

Mr. Carter - Tony, what's the square footage of the building?

Tony Cunningham - 1,700 I believe.

Mr. Carter - Do you know how many parking spots are provided?

Tony Cunningham - Four.

Mr. Carter - We require six parking spots based on the calculations. Is it possible to fit two more in on there or do you want a reduction down to four?

Tony Cunningham - I would say at this point if we could do the reduction down to four until I talk to my architect. But I know when him and I had the discussion where we're doing the parking at on the alley side that's about all we could fit in that area and still keep our green space. So, we either ask for the variance on green space or ask for the variance on parking.

Mr. Carter - I want to inform the board that we're adding a modification to the application for variance of parking spaces which is section 125 of the zoning code for the requirement of six to proposed four.

Ms. Bline - I would ask that this expansion again be considered because we have had numerous encounters with clients from the Main Place again on the Aging property. The Aging program property which is adjacent. It's at 123 S. 3rd. Property maintenance has been called. The police have been called. (inaudible) They had to have assistance because of the overflow from the Main Place onto their subsequent properties as well as residents having that complaint as well. And their present parking lot is not secured on the weekends, and people from within the neighborhood they'll have parties on that

parking lot. I get calls again saying do something about that parking lot. Well, it's not my property. And so, I'm unable to do so. But presently the thought of an expansion is not a positive thought to the residents.

Mr. Layman - Are you going to expand the number of clients that you have on this?

Tony Cunningham - No, right now our center is overrun. I've been there 21 years. We started out with 50 clients a day. We're up to close to 90 clients a day. Sometimes breaking 100. And our center is just overwhelmed with trying to do the counseling, the peer support, the case management, operate the drop-in center, provide their breakfast, provide their lunch. So, the expansion is to move one section over across the street and expand or re-modify our drop-in center to better handle the amount of clients that we are seeing. This has been a growth that I've seen personally in the 21 years that I've been at the Main Place that we continuously change and grow for the community. We've done and survived in there. I've helped manage at least three expansions and modifications to that building because of the growth we've seen.

Mr. Layman - So, Beth, if we turn this down, which I think is what you're asking us to do, it doesn't improve anything. It doesn't change anything. If your neighbors have a problem now they're going to have a problem tomorrow. Do you envision any way that, as a condition for this variance, they could do something that would alleviate some of your concern? Because if we say no, the stuff that you're doing now, you're going to be doing tomorrow. Right? They're not going away.

Ms. Bline - Well, I believe the solution is in policy. Instead of expanding, do what you have. Take what you have right now and secure it. Help people to understand that they're within a working neighborhood. Actually, where people live. And right now, the impression would seem to be, okay, we're going to do what we're going to do and everybody else just put up with it. And that is a very negative impact to the neighborhood.

Mr. Layman - If we tell them no, how does it change what's going on?

Ms. Bline - Well, for me, again, they would have to address the policy to say, how can we, as a service center, become welcomed by the neighborhood? What can we change that would cause our behavior modification, if anything else, within our clients, so that they would make better choices within the community? Because right now, they're within a living, working community. Senior citizens right across the street who are afraid to go into the backyard. The (inaudible), and I don't want to speak for them publicly, but they are concerned about going in their own private space on the back because the fences have been cut. There's been a collection of knives. Like I said, we've had to call the police and property maintenance is probably there once a month. You would have to check the records to be sure, just to collect the things that have migrated. I have photos of Main Place carts with bags of garbage. And again, it's a policy and a process problem that needs to be addressed before any expansion takes place, because it is a process that is created to attract that clientele. But if you live there, or if you work there, it's a problem. So, it is within the process and policies that we have to address.

Cary Loughman, Executive Director of The Main Place - I would submit that the expansion would actually improve the situations that Ms. Bline is talking about as we help more people recover from those who experience mental illness as a part of their

recovery. They also do change their behaviors. The reason we're getting more people there is because there's a great need in our community for the services we provide. So, people continue to more and more. It's not necessarily a recruiting that The Main Place is doing, but because we are there, we get people referred there so that they can get the help they need, so that they can become productive members of their community. The type of activities that they do after they leave The Main Place is certainly not something that we support and promote within our centers. We would be promoting the exact opposite, because we are in the neighborhood as well. We take good care of our properties in that neighborhood, and I think our properties that we do own and manage are a credit to the neighborhood and not a detraction of the neighborhood. This would be more help for more people that would help the neighborhood become more stable.

Unknown Speaker - Do you have a number of employees you would add into this addition?

Mr. Loughman - Primarily three to four employees, possibly. Most of it is just to fit what we're currently doing. We aren't proposing any new services. It's more room for what we're already doing. But it would be possible that we have two or three new employees to provide to provide other services, whether they be counseling, case management, or providing assessments.

Phil Claggett - You've got eight offices, conference room for eight, and a waiting room for six. Only four apartments, basically. That code requires six. I would like to see it may be reworked to try to get those six.

Tony Cunningham - Okay, now my question on that would be, because I spoke with George about the green space being where it's 1,700 square feet building, we need at least 1,700 square feet of green space. So, the variance would have to be one of the two. I mean, I would have to cut back on green space to possibly get the other two.

Phil Claggett - Cut back on the building, the green space, parking. I mean, there's got to be a compromise somewhere.

Tony Cunningham - Yeah, so I'm saying, so which would you rather see us compromise in? We could expand the parking out to the left, and it would go past the building. But we could go towards the Harrison Street side and add parking spots. But we would be taken away from the green space, which under my conversation with George, we were pretty much right on the money for the green space versus square footage of the building.

Mr. Carter - So there's two drawings, Tony, that you submitted to me. The A101A and A001, A001 shows six spots where A101A shows four.

Tony Cunningham - Well, the one that we chose with the four spots has the better layout on the interior with the door spacing. But again, I could speak with the architects, and we could see if we could get the other two put in there.

Mr. Layman - When were you planning on starting construction?

Tony Cunningham - I'm actually waiting on a couple bids to come in so we could address the bank with them.

Mr. Layman - So not tomorrow?

Tony Cunningham - Not tomorrow, no. I would like to try and get something started by the end of the year so we could get ready for at least an early spring groundbreaking. But again, that would be up to my contractors when they get my bids back.

Mr. Layman - Can we ask you to table your application and invite us for a tour so we can look and we can get a better feel? The drawings submitted, I'm sure they meet the requirement, but I don't get a good sense of what you're doing.

Tony Cunningham - Okay, and I'll actually try to get a larger print.

Mr. Layman - If we can meet down there, and call Beth Blaine, we can sort of hash this out and decide something next month with more knowledge, and maybe we come up with another way to do it that gets what you need and helps the neighborhood. Is that fair?

Tony Cunningham - That's fair. Yeah, I'll be more than willing to walk you through it and show you the properties.

Mr. Layman - We are generally property owner friendly. We want to see you be able to do what you want to do and provide the service you want to provide, but we've had some serious objections and we just need to listen, and I don't have a good enough feel just off of this on what's right and wrong. Okay?

Applicant requests to table for one month. The Board will tour the property and reconsider next month.

APPLICATION BZA-24-45

Applicant: Northpoint Ohio
Owner: Don & Sues Sports Bar
Location: 645 W. Church St.
Project: Building Addition
Reference: 40.8/4.5

Steve Antrit owner of Don and Sue's Pizza - I've got a patio outside, approximately 2,600 square foot. It hit me this summer when it was so hot and dry Nobody wanted to be out there when it's hot. Nobody wants to be out there when it's cold. My brother and I love golf, and they've got a nice golf center room down in Zanesville. I've got an architect. It's a variance, I guess. I'm not doing anything except enclosing three walls attached to the restaurant, putting in golf simulators, and that's about it, really.

Phil Claggett - So the development area of the exterior outdoor patio, it's got three silos and two dugouts, of course, shipping containers. We're proposing to remove that and place this building in its footprint, so it's approximately 2,467 square feet. It is in the floodplain, so we would have to put flood vents in and keep mechanicals above base flood elevation.

Mr. Carter - I did add a point of clarification for the Board. I did add the floodplain to it as several years ago, the board granted a variance to the existing building, the reduced amount of requirements that they needed to meet to bring the code up to a complete 100% new code. They made plenty of improvements to an existing old building in the floodplain. So, since we issued that variance as a Board standpoint and that the flood

ordinance should be very guarded when it comes to issuing variances, I felt the Board should review this and either A, amend the existing variance that they had there or create a new variance. The setback is a zoning issue on its own, separate thing. In your packet, there was an itemized list of 10 things that they did do to the building to improve the chances of it from being deteriorated or destroyed by a flood. They did put a lot of mechanisms in place, but they did not raise the entire floor up, which is usually what the requirement is.

Motion to approve, Second, Motion passed 4-0 with 1 abstention

APPLICATION BZA-24-46

Applicant: Gary Wood
Owner: Gary Wood
Location: 878 Jones Ave.
Project: Lot Split
Reference: 6.12

Gary Wood, 878 Jones Ave. - I have three lots here. I want to single this one off. Somebody could build a home. It's more than enough room. It's getting too much for me to maintain. It's a vacant lot right now.

Mr. Carter - I'll tell the Board a point of clarification. This is a fairly newer thing for the Board. In the zoning code it does state any time an applicant wishes to create a lot split that was created nonconformally to the existing lot that the Board of Zoning Appeals should approve before Planning Commission. We are just following procedure, making sure we're doing everything properly under the zoning code. It would reduce that setback to below the zoning code requirement of the existing home.

Mr. Layman - The existing code? Gary, how long have you lived there?

Mr. Wood - I don't live there now. I own it. It's a rental property. I used to live there for about 10 years. It's been in the family for 40 plus years.

Mr. Layman - Was that three lots at one time? Was it three distinct lots at one time that got combined?

Mr. Wood - When my grandmother purchased it, she had it all done. Then when I bought it, they surveyed it. There are three lots there. There's one on the west side. There's a vacant alley that runs through the back.

Mr. Layman - They just don't conform to the zoning ordinance, but the zoning ordinance came into effect long after these lots were platted.

Jessica Gauthier with Coldwell Banker Realty - Gary is a client of mine. And I am for the approval.

Motion to approve, Second, Motion passed 5-0

APPLICATION BZA-24-47

Applicant: Delbert Messer
Owner: Delbert Messer
Location: 836 Idlewilde Ave.

Project: Accessory Structure
Reference: 86.3

Unknown Speaker - I got this thing in the mail and I'm literally like 200 feet from him. I know who he is. His dog likes to play Houdini and she shows up at my house so I always take her back. From what I understand, he's just trying to put something in his side yard. I'm fine with that. He's been cleaning up his yard and stuff like that.

Mr. Layman - You're not here to object?

Unknown Speaker - No, I am not. I've just never been to a city council meeting.

Mr. Layman - Did anybody go look at this?

Mr. Carter - The Division of Property Maintenance would like to speak on behalf of this property. This one I will take off the zoning hat and I will put the property maintenance hat on. The Property Maintenance Division is in favor of this. Is in favor. We've had past battles with Mr. Messer regarding cleaning up his property. The picture is worse than I think it is now. We did get him to a point of compliance a couple years back, and we feel that having a garage will increase the chances that his yard will stay cleaner. It's not a garage that Mr. Messer is building. I have seen architectural blueprints in my office from a legitimate company. So as far as the Property Maintenance Division for the City of Newark goes, under the discretion of Joe Paul, Code Enforcement Officer for the City of Newark, we would like to approve this.

Motion to approve, Second, Motion passed 5-0

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY DECEMBER 19, 2024 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS DECEMBER 2, 2024, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals