

BOARD OF ZONING APPEALS MEETING  
THURSDAY, DECEMBER 22, 2022, 5:30 P.M.  
COUNCIL CHAMBERS  
40 W MAIN ST, NEWARK, OH 43055

## AGENDA PUBLIC HEARING

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
3. **OLD BUSINESS**
4. **NEW BUSINESS**

### **APPLICATION BZA-22-39**

Applicant: Kevin Crawford  
Owner: Crawford Rentals LLC  
Location: 26 Vine St  
Project: New Storage Building  
Reference: 48.8/48.6.2

### **APPLICATION BZA-22-40**

Applicant: Amber Burns  
Owner: Stephen Burns  
Location: 168 E Main St  
Project: Detached Garage  
Reference: 46.8

### **APPLICATION BZA-22-41**

Applicant: Stephen Amicucci  
Owner: Tectum Inc  
Location: 105 S 6<sup>th</sup> St  
Project: Prefab Office Building  
Reference: 64.8

**THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, JANUARY 26, 2023, 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS JANUARY 3, 2023, 4:30PM.**

5. **ADJOURNMENT**

**BZA CASE NO. 22-39**

Date of Review: 12/8/22

**Address of Project:** 26 Vine St

**Current Zoning:** RH (Proposed HB)

**Project Description:** Building Addition

- B.Z.A. Approval Required?----- Yes
- Planning Commission Approval Required?----- Yes
- Engineer’s Approval Required?----- No
- Law Director’s Approval Required?----- No
- City Council Approval Required?----- No

<b>Ordinance / Article / Section</b>	<b>Requirement / Proposal / Conclusion</b>
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**\*\*This proposal is based on a Zoning District Change to High Intensity Business\*\***

08-33                      48                      48.8

**Requirement:** In the HB District, the required side yard setbacks are 25’ on the North Side, and 15’ on the South Side.

**Proposal:**                      The applicant proposes to build a 36’x95’ (20 Unit) Storage building. The applicant requests a reduction in the side yard setbacks to 7’ on each side.

**Conclusion:**                      The proposal does not meet the requirements of the code.

08-33                      48                      48.6.2

**Requirement:** In the HB District, the combined square footage of the footprint of all buildings on a given lot shall not be more than 35% of that lot area.

**Proposal:**                      The applicant proposes to build a 36’x95’ (20 Unit) Storage building. The applicant requests a variance to exceed the density limitation by 10.6 % (2,652 sq ft is the max permitted, applicant is proposing 3,420 sq ft)

**Conclusion:**                      The proposal does not meet the requirements of the code.

PC-22-36

BZA-22-39



CITY OF NEWARK  
ENGINEERING & ZONING

Zoning Application #

BZA Appeal #

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

BOARD OF ZONING APPEALS APPLICATION

Rev 2/10

Owner

Name: Kevin Crawford (Crawfords Rentals) LLC Telephone: 740-808-4921  
Address: 26 Vine Street E-mail: K88Crawford@hotmail.com

Applicant

Name: Kevin Crawford Telephone:  
Address: 1738 Fallsburg Rd NE E-mail:

Lessee

Name: Telephone:  
Address: E-mail:

Parcel

Address of Parcel: (Number & Street, City, State, Zip) Auditor's Parcel #:  
26 Vine St Newark OH, 43055 054-192246-00.000

On the  North  South  East  West side of the street, between the following intersections:  
and

Subdivision Name: Lot Number: 968

Zoning Classification: RH Proposed Use:  
If filling out electronically, click box to display dropdown If filling out electronically, click box to display dropdown  
(Specify Use):

Notes: (Optional)

Flood: X

Appeal

The Application is a request to permit the following:

Erection  Alteration  Maintenance  Conversion  Conditional Use

In accordance with the plans filed herewith, describe the building or use:

New Storage building 36' x 95' (20 units)  
(3,420 sq Ft)

### Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

Does Not meet code requirements, encroaches into required side yard setbacks & exceeds density standard.  
not Branbagan

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

This Variance will help maximize the usage of this Land. The neighbors are all OK with this business being here. I feel if we have the land to use we should utilize all we can. making the building bigger only helps more people. Thanks.

Has there been any previous application or appeal on these premises?  Yes  No When?

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List)

48.8                      48.6.2

### Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. **Number the parcel list. This will correspond with the Tax Map in C below.**
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. **Number each parcel on the map to match its corresponding name, location and mailing address in list B above.**
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

**Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.**

Zoning Application #

BZA-22-39  
BZA Appeal #

*Kevin Crawford*

(Owner/Applicant Signature)

Before me, a Notary Public in and for Licking County in the State of Ohio, personally

appeared Kevin W. Crawford who, by me being duly sworn, says that he is the

(Applicant's name)

owner of the parcel of land with reference to which the within appeal is made; and

(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 29th day of November, 2022.



POLLY A. KEMP  
NOTARY PUBLIC  
STATE OF OHIO  
MY COMMISSION EXPIRES  
5/11/2024

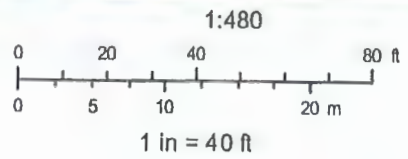
*Polly A. Kemp*  
(Notary Public signature)

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcv. Date: <u>11/29/22</u> Paid Date: <u>11/29/22</u> Check <u>Cash</u> (circle one) Check # <u>    </u> Amount \$ <u>50.00</u>
<input checked="" type="checkbox"/> Forward to BZA	<u>12/9/2022</u>	<u>BAM</u>		
<input type="checkbox"/> Hold		Reason:		



December 2, 2021





740-670-7727

BMorehead@newarkohio.net

www.NewarkOhio.net

**BRIAN MOREHEAD**  
CITY ENGINEER

November 9, 2022

RE: APPLICATION NO. PC-22-36 for Zoning District Change

Location: 26 Vine Street

Current Zoning Classification: RH Single Family Residence, High Density District

Requested Zoning Classification: HB – High Intensity Business District

Owner: Crawford Rentals LLC

Applicant: Kevin Crawford

Ladies and Gentlemen:

In accordance with Zoning Code Ordinance 08-33 Article 155.2.9, please accept this recommendation for a zoning change relative to Application No. PC-22-36:

A Public Hearing was held by the City of Newark Planning Commission on Tuesday, October 11, 2022. There were no comments from citizens either for or against this application. Mr. Crawford, the current owner, spoke on his own behalf.

**Kevin Crawford, 1738 Fallsburg Rd., NE, Newark** – purchased the property and would like to turn it into a business and build storage units there. He spoke to the adjacent properties, Blake Brothers Glass and the Senior Facility, and there were no negative issues from them. He would like to clean up the property and start a business there.

Last week I spoke to Mr. Crawford and asked if he had a specific site plan in mind, because the existing parcel is only 50 feet wide by 150 feet long, and the proposed HB zoning has setback requirements that would only allow a building a maximum of 10 feet wide. I explained to him my concern that if the HB zoning is approved, he would have a very limited building size, and that may not be commercially feasible for his business plan.

Mr. Crawford said he wished to build a storage building 20 feet wide, which would require a Zoning Variance from the Board of Zoning Appeals, and he thought he would seek that approval if the HB zoning were approved.

Upon consideration of the information presented, the following actions are recommended for approval:

1. Many of the surrounding parcels in this neighborhood are also in the HB district, and are abutted by the MFR district to the north. Given the location, the zoning classification for 26 Vine Street shall be changed as requested to the HB – High Intensity Business District, contingent upon the following:
  - a. Mr. Crawford shall submit a Variance request to Board of Zoning Appeals at the next scheduled meeting, to consider variances for the reduction of frontage and setback requirements in order to construct a commercially viable structure. Upon approval of the



needed zoning variances for the project to be successful, the City will then proceed with gaining the approval of the zoning district change by City Council.

If the needed zoning variances are not granted by BZA, our opinion is that the parcel would have more value to remain in the current RH district, which would at least allow the construction of a single-family home structure on the site, without the greater setbacks that are part of the HB district requirements. If this is the case, the recommendation to City Council will be to NOT approve the requested change to the HB District.

Respectfully,

A handwritten signature in blue ink that reads "Brian R. Morehead". The signature is written in a cursive style.

Brian Morehead  
Newark City Engineer

CC: Service Director  
Zoning Inspector  
PC 22-36 file



*Engineering*

ORDINANCE NO: 10-27

BY

*Andre Newark*

*Loyal Wife Anne Kennedy MIC RST*

**AN ORDINANCE AMENDING ARTICLE 150: BOARD OF ZONING APPEALS OF THE ZONING CODE OF THE CITY OF NEWARK, OHIO ADOPTED MAY 5, 2009 BY ORDINANCE 08-33A**

**WHEREAS**, the City of Newark by and through action of Newark City Council adopting a new Zoning Code on May 5, 2009 with the passage of Ordinance 08-33A; and,

**WHEREAS**, no amendments have yet been made to said Code since its passage in May, 2009 by Newark City Council and implementation thereof by the Administration; and,

**WHEREAS**, clarification is required as to the authority of the Board of Zoning Appeals to consider certain variance applications; and,

**WHEREAS**, this matter was considered by the Economic Development Committee of Council at a regularly scheduled meeting thereof and was passed on to Planning Commission for public hearing and recommendation and then to full Council pursuant to Charter Article 4.12.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NEWARK, COUNTY OF LICKING AND STATE OF OHIO THAT THE ZONING CODE OF THE CITY OF NEWARK, OHIO IS HEREBY AMENDED TO READ AS SET FORTH HEREIN**

**SECTION 1:** Article 150: Board of Zoning Appeals of the Zoning Code of the City of Newark, Ohio is hereby amended to read as follows:

**150.8.1 VARIANCE – LITERAL ENFORCEMENT WOULD CREATE UNDUE HARDSHIP**

The Board shall have the power to authorize upon appeal variances from the terms, provisions or requirements of this Code that are not contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, the literal enforcement of the provisions or requirements of this Code would result in practical difficulty, undue hardship, or the unnecessary deprivation of a valuable property right, **except as provided in Article 150.8.4 hereof.**

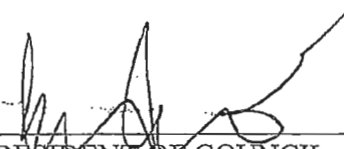
**150.8.4 VARIANCE – LIMITATIONS**

The Board shall have the authority to authorize upon appeal variances regarding district standards as they relate to maximum allowable density but only to the

extent that said appeal for variance does not request an allowable density of greater than 5% in excess of the existing density limitations permitted by the applicable district standard as set forth herein. Under no circumstances shall a zoning permit be issued or an appeal for variance be granted which would provide for an increase in density of greater than 5% in excess of the existing density limitations permitted by the applicable district standard as set forth herein.

**SECTION 2:** That this Ordinance shall take effect upon full compliance with the procedures set forth at Article 4.12 and then on the earliest date allowed by Article 4.07 of the Charter of the City of Newark and remain in full force and effect thereafter.


Passed this 15th day of November, 2010.

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:   
\_\_\_\_\_  
CLERK OF COUNCIL

DATE FILED WITH MAYOR: November 16, 2010

DATE APPROVED BY MAYOR: November 16, 2010

  
\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:   
\_\_\_\_\_  
DOUGLAS E. SASSEN  
DIRECTOR OF LAW

**BZA CASE NO. 22-40**

Date of Review: 12/8/22

**Address of Project:** 168 E Main St

**Current Zoning:** MB

**Project Description:** Detached Garage

- B.Z.A. Approval Required?----- Yes
- Planning Commission Approval Required?----- No
- Engineer's Approval Required?----- No
- Law Director's Approval Required?----- No
- City Council Approval Required?----- No

**Ordinance / Article / Section**

**Requirement / Proposal / Conclusion**

**\*This proposal is based on an approved lot split (20x135 1440 sq. ft.) from 160 E Main St\***

08-33                      46                      46.8

**Requirement:** In the MB District, an accessory structure is required to have a side yard setback of 15' off the property line, a rear yard setback of 25' off the property line, and there should be a minimum of 25' between and two buildings

**Proposal:** The applicant proposes to build detached garage in the rear yard, that will be 15' off the East property line (requirement is 15), 5' off the West property line (requirement is 15), 15' off the North Property Line (requirement is 25), and have a distance of 19' from the rear of the house (requirement is 25).

**Conclusion:** The proposal does not meet the requirements of the code.



CITY OF NEWARK  
ENGINEERING & ZONING

Zoning Application #

BZA-22-40  
BZA Appeal #

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

3  
BOARD OF ZONING APPEALS APPLICATION

Rev 2/10

Owner

Name: Amber Buens Telephone: 740.334.3593

Address: 1108 E Main St E-mail: ambersellsforu@aol.com

Applicant

Name: SAME Telephone:

Address: E-mail:

Lessee

Name: Telephone:

Address: E-mail:

Parcel

Address of Parcel: (Number & Street, City, State, Zip) Auditor's Parcel #: 168 E Main St 054-197496-00-000

On the North South East West side of the street, between the following intersections:  
and

Subdivision Name: Lot Number: 3074

Zoning Classification: MB Proposed Use: If filling out electronically, click box to display dropdown (Specify Use):

Notes: (Optional) 40x40' Detached Garage. 36x40 Flood: X

Appeal

The Application is a request to permit the following:  
Erection  Alteration  Maintenance  Conversion  Conditional Use   
In accordance with the plans filed herewith, describe the building or use:

### Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

W Side reduced by 10', Rear Setback reduced by 10',  
DBTB reduced by 6'

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

We use the property as a primary residence  
+ need garage for our possessions

Has there been any previous application or appeal on these premises?  Yes  No When?

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List) 46.8

### Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. Number the parcel list. This will correspond with the Tax Map in C below.
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. Number each parcel on the map to match its corresponding name, location and mailing address in list B above.
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

**Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.**

Zoning Application #

BZA-22-40  
BZA Appeal #

[Signature]  
(Owner/Applicant Signature)

Before me, a Notary Public in and for Licking County in the State of Ohio, personally

appeared Amber Lee Burns who, by me being duly sworn, says that he is the  
(Applicant's name)

owner of the parcel of land with reference to which the within appeal is made; and  
(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 5th day of December 2022,



POLLY A. KEMP  
NOTARY PUBLIC  
STATE OF OHIO

MY COMMISSION EXPIRES

(Notary Public signature)

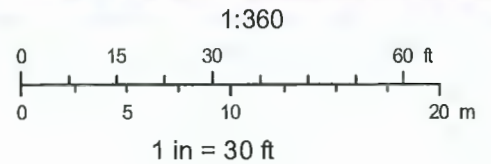
[Signature]  
5/11/2024

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>12/5/22</u> Paid Date: <u>12/5/22</u> Check <u>Cash</u> (circle one) Check # <u>—</u> Amount \$ <u>50.00</u>
<input checked="" type="checkbox"/> Forward to BZA	<u>12/9/2022</u>	<u>BAM</u>		
<input type="checkbox"/> Hold		Reason:		



December 8, 2022



**BZA CASE NO. 22-41**

Date of Review: 12/8/22

**Address of Project:** 105 S 6<sup>th</sup> St

**Current Zoning:** LI

**Project Description:** Prefabricated Office Unit

- B.Z.A. Approval Required?----- Yes
- Planning Commission Approval Required?----- No
- Engineer's Approval Required?----- No
- Law Director's Approval Required?----- No
- City Council Approval Required?----- No

**Ordinance / Article / Section**

**Requirement / Proposal / Conclusion**

08-33            64            64.8

**Requirement:** In the LI District there should be a minimum of 25' between any two buildings

**Proposal:** The applicant proposes to install a 233 sq. ft. prefabricated office building with a distance of 10' from the main building (requirement is 25).

**Conclusion:** The proposal does not meet the requirements of the code.





Z-22-170  
Zoning Application #

BZA-22-41  
BZA Appeal #

**CITY OF NEWARK  
ENGINEERING & ZONING**

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

**BOARD OF ZONING APPEALS APPLICATION**

Rev 2/10

Owner	
<b>Name:</b> Tectum, Inc. f/k/a TI Acquisition Inc.	<b>Telephone:</b> (740) 345-9691
<b>Address:</b> 105 S 6th Street, Newark, OH 43055	<b>E-mail:</b> sjamicucci@armstrongceilings.com
Applicant	
<b>Name:</b> Stephen Amicucci	<b>Telephone:</b> (740) 345-9691
<b>Address:</b> 105 South 6th Street, Newark, OH 43055	<b>E-mail:</b> sjamicucci@armstrongceilings.com
Lessee	
<b>Name:</b>	<b>Telephone:</b>
<b>Address:</b>	<b>E-mail:</b>

Parcel	
<b>Address of Parcel:</b> (Number & Street, City, State, Zip) 105 S 6TH ST, NEWARK, OH 43055	<b>Auditor's Parcel #:</b> 5421113400001
On the <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input checked="" type="checkbox"/> West side of the street, between the following intersections: Wilson St and Poplar Ave.	
<b>Subdivision Name:</b> NA	<b>Lot Number:</b> NA
<b>Zoning Classification:</b> If filling out electronically, click box to display dropdown L1	<b>Proposed Use:</b> If filling out electronically, click box to display dropdown (Specify Use): Business/office
<b>Notes:</b> (Optional)	

Appeal	
<b>The Application is a request to permit the following:</b> Erection <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Maintenance <input type="checkbox"/> Conversion <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/>	
<b>In accordance with the plans filed herewith, describe the building or use:</b>	
The plans propose the installation of an industrialized, prefabricated unit as an accessory structure to the main facility building.	
The proposed structure will serve as an office space for the coordination and accommodation of truck drivers delivering and picking up shipments from the facility.	

### Appeal Continued

**This project is not permitted by the Zoning Code for the following reason(s):**

The proposed accessory industrialized unit is located closer to the main building than the required distance of 25' between any buildings on site.

**Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:**

If the proposed accessory industrialized unit were situated 25' away from the main structure, the unit would sit within the site drives and/or parking areas.

We will comply with all Ohio Building Code fire separation set back requirements.

**Has there been any previous application or appeal on these premises?**  Yes  No **When?**

**This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code:** (List)

Section 54.8 Lot Area & Setbacks - Distance between any two buildings - 25'

### Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. **Number the parcel list. This will correspond with the Tax Map in C below.**
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. **Number each parcel on the map to match its corresponding name, location and mailing address in list B above.**
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- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

**Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.**

Z-22-170  
Zoning Application #

BZA-22-41  
BZA Appeal #

\_\_\_\_\_  
(Owner/Applicant Signature)

Before me, a Notary Public in and for \_\_\_\_\_ County in the State of \_\_\_\_\_, personally

appeared \_\_\_\_\_ who, by me being duly sworn, says that he is the  
(Applicant's name)

\_\_\_\_\_ of the parcel of land with reference to which the within appeal is made; and  
(Applicant, owner, lessee)

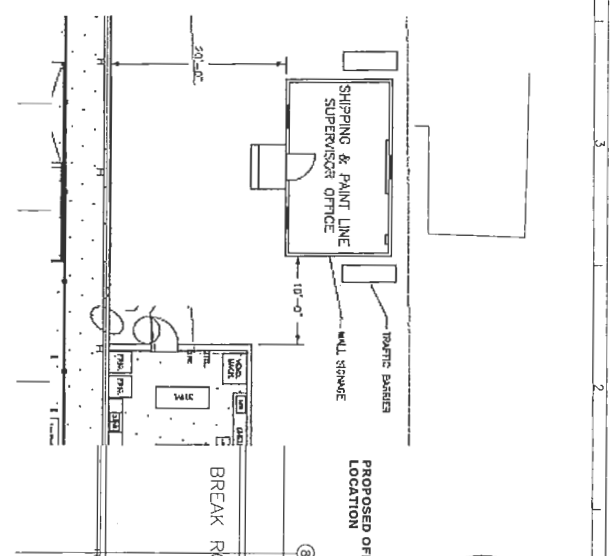
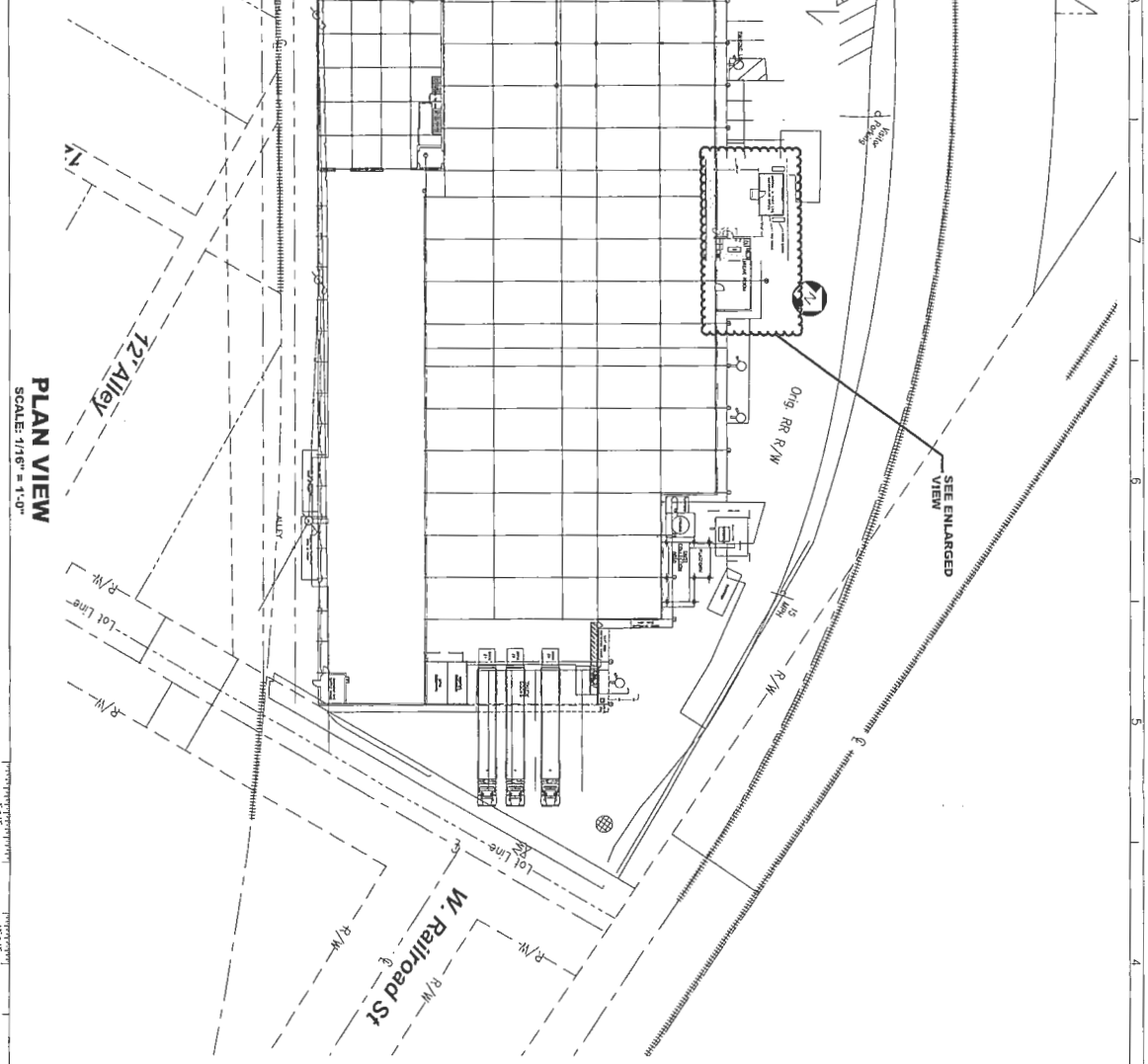
that the statement of facts contained herein above is true.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
(Notary Public signature)

**DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY**

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>12-5-22</u>
<input checked="" type="checkbox"/> Forward to BZA	<u>12/9/2022</u>	<u>BAM</u>		Paid Date: <u>12-6-22</u>
<input type="checkbox"/> Hold		Reason:		Check <del>Cash</del> (circle one)
				Check # <u>Credit Card</u>
				Amount \$ <u>50.00</u>





TI ACQUISITION INC  
5421113400001

TI ACQUISITION INC  
5421113400000

CRAIG BOWMAN  
54203680000

JACK E SHINN II  
54203680000

JONNIE J MINTON  
5420563500000

EQUIN TRUST 760-CUST  
5421142200000

ALBERT TAHMILL C  
5421607200000

DONNIE S SMITH  
5420082500000

JOANNE FOX  
5420070700000

MATTHEW J GREENS  
5420085800000

ANNA ELANK  
54236300000

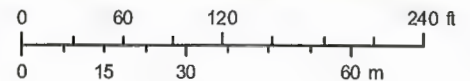
CHARLES R FOX  
54201070000

GREGORY A BEEK  
5421120500000

MICHAEL AMETZLER  
5420600200000

December 6, 2022

1:1,320



1 in = 110 ft