

BOARD OF ZONING APPEALS MEETING
THURSDAY, FEBRUARY 27, 2025 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, February 27, 2025 Board of Zoning Appeals Meeting to order.

Present:

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

Absent: Phil Claggett Member

2. APPROVAL OF MINUTES

Minutes of the January 23, 2025 meeting

Motion and second to approve minutes of January 23, 2025, motion passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-25-01

Applicant:	Adam Milhem
Owner:	Samer Aburayyan
Location:	20 S 29 th St
Project:	Wall Sign
Reference:	135.8

Samer Aburayyan - We would like to have the sign. We already made the sign for the store and it was a little bit oversized. We already made it before we applied for a permit. It's going to cost us another, like, \$3,000, \$4,000 if we do it again. If you like, we ask if we get a permission to get the sign. We have the size, I think, 16 by 4 as of right now. And we already extended the front of the building another two feet higher by 40, so which is an extra 80 foot in front of the building. We're already doing construction. We have a permit for it and everything.

Mr. Layman - Anyone here to speak for or against this application? Questions from the board? Just the one sign?

Mr. Aburayyan - Yeah, just the front sign, yes, sir.

Mr. Layman - Is it illuminated?

Mr. Aburayyan - Yes.

Motion to approve subject to the wings of the building façade be painted a gray similar to the side of the building, Second, Motion passed 4-0

APPLICATION BZA-25-02

Applicant: David Spivey
Owner: David Spivey
Location: 45 S Morris St
Project: Shed
Reference: 86.2

David Spivey, 45 S. Morris – First of all, I want to apologize. I bought this shed. I didn't know that it was so close to the sidewalk, and Mr. Carter let me know. Whatever to get it straightened out, I don't mind. We sit out in the yard in the summer, have a barbecue. I didn't know that it was a problem. (inaudible) So, I'm here today to try to get this worked out.

Mr. Layman - Anyone here to speak for or against this application?

Emmanuel, 192 Monroe - I am. He doesn't bother anybody. The shed's not unsightly. He spends a lot of his free time taking care of his yard. It's probably one of the better looking yards on the street because, obviously, it makes sure other people's yards are mowed. He has people over. Don't bother anybody. The music's never loud. I think there's other things to focus the city's attention on down there instead of people hanging out.

Mr. Layman - So you're in favor?

Emmanuel - I am in favor.

Mr. Layman - Okay. Thank you. Anyone else to speak for or against the application?

Mr. Spivey – (inaudible)

Mr. Carter - There was a lady who called, she didn't really have any problem with it. Just wanted to make sure that no one would live in it. I told her I didn't think anybody would. So, just no living in it.

Mr. Spivey - The only reason that it's there where you see, I bought the land (inaudible), there were a lot of trees when I bought it. I was cutting the trees down and I couldn't take it back (inaudible) because I had to get the trees cut down. When the guy brought it out and dropped it, he dropped it right there and I was cutting the trees down (inaudible).

Mr. Wood – Do you have any ability to just slide it back to basically the front of your house, so it isn't sticking out and being the side yard still?

Mr. Spivey - I mean, it could still be there, but you want me to take it back farther?

Mr. Carter - What he's asking is if you slid it back this way to where it would be flush with your house. So, if you could, that's what he's asking, if you could move it.

Mr. Spivey - Whatever I have to do to be right, I gotta do it, you know.

Mr. Wood - Are there trees or anything in the way over there?

Mr. Spivey - No, I cut all that down. (inaudible)

Mr. Layman - Is there a foundation under that shed?

Mr. Carter – Do you have a foundation underneath your shed? Concrete pad or anything? Do you have a concrete pad underneath it, or gravel? On some blocks?

Mr. Spivey - Yeah. (inaudible)

Mr. Wood - But you can move it back ten feet without any trouble?

Mr. Spivey – If I had known when the guy brought it there, it would have been ten feet, but I had no idea that it was bothering anything.

Motion to approve, Second, Motion passed 4-0

APPLICATION BZA-25-03

Applicant:	Joseph Havens
Owner:	Joseph Havens
Location:	71 Sandalwood Dr
Project:	Storage Units
Reference:	64.8

Joseph Havens, 71 Sandalwood Dr. - So basically, what I'm trying to do is build units 19 through 29 on the south side of the property. The code says that I have to be 25 feet away from the existing two buildings there. I have this drainage easement that's going through the property, and if I bump it out, get your 15 feet to make it 25, I'll be interfering with that ponding easement. Then also the existing buildings there are 10 feet apart with the old owner. The old owner had also put plans together to add these additional 19 through 29 units. I'm basically just trying to follow his plans.

Mr. Layman - Thank you. Anyone here to speak for or against this application?

Mr. Carter - The engineer doesn't have too much of an issue. We disclosed with Mr. Havens about their building code standards for when you get closer together. He's informed that he's going to abide by all building code standards. I don't know what really there's going to be more with metal building.

Mr. Havens - Yeah, they're all metal. I think the code is in place because of fire hazard, but they're all metal. And these ones are going to have metal roofs even, so there isn't much that's flammable there.

Mr. Wood - Have you taken these through Licking County Building Code Department? Pulled a permit yet?

Mr. Havens - I have not pulled the permit. The builder was going to pull the permit once I went through.

Mr. Wood - Have you submitted for a permit?

Mr. Havens - I haven't yet.

Mr. Wood - I think you're going to find you're required to have 20 feet off the property line and 20 feet between buildings for building code. Zoning's 25 or 20. I think you want to check that first. I know this is just zoning, but just be aware. Just for building code, I've ran into it before. You'd be required to have a UL assembly to build that close to the property line. So, a metal building, although it's non-combustible, you would need a UL rated wall where it's parallel to that property line or another building. Just in case you get a correction letter with that item on it, just be aware it may be cheaper to move them than build a graded wall.

Mr. Layman - Do you have any ability to slide a (inaudible)?

Mr. Havens - I don't know. It's right on that drainage easement. I could potentially take a unit out, take 19 out and have one less.

Mr. Wood - If you touch it, then it goes back to area. You're permitted with that type of construction... You can only build so big. Depending on what you're storing in there, if it's for vehicles, you're limited to 5,000 square feet per building. I know we're just talking about one variance for zoning and that's this rear yard setback. So, if you were granted a zoning variance, you'd still have to make sure that you can build it, and you could build it, it just needs to have a UL rated assembly to do it. Do you know how many square feet you have with 19 through 29? It might be easier if you're under 5,000 square feet to connect them. Connect 29 and 30?

Mr. Havens - I think it's under 5. I have to look here. I'm trying to find the square footage of what the new build is going to be. I know I have it in here somewhere.

Mr. Wood - At the very least, without a graded wall, you'll be at 20 feet.

Mr. Havens - I don't know what... So, I looked really hard for the actual drainage easement. I think it was added when it was platted, and there isn't an actual document of easement, because I was going to look to see if I could just slide it down 25 feet.

Mr. Wood - So could you do 20 feet?

Mr. Havens - I mean, it would encroach on the drainage easement. I don't know how big of a deal that would be. Do you know what the square foot is, George?

Mr. Carter - I've got about 6,120 sq. ft. for all your units there.

Mr. Havens - Ok.

Motion to approve 10 foot variance on condition applicant obtains a building permit, Second, Motion passed 4-0

APPLICATION BZA-25-04

Applicant:	Michael Snider
Owner:	Michael Snider
Location:	1005 Shaw Dr
Project:	Pole Barn
Reference:	86.3.2

Michael Snider, 1005 Shaw Dr. - I'm asking for a variance. I'm building a pole barn, over 20 ft. in height. I'd like to go to 23 ft. so I can have a taller garage door, so I can fit an RV in, and so I can eventually put one of those parking... Where you can fit two cars on top of each other. This is all just for personal use because we have six kids and with all the cars out front, I want to try to get some of them off the road.

Mr. Layman - Anyone here to speak for or against the application?

Jerry Starkey, 9700 Kimmerer Circle in Plain City - Speaking on behalf of my mother-in-law who is (inaudible) at 1021 Shaw Drive. We just have a question. How are you going to access back to the building? Back behind her property and towards 30th Street there's kind of a somewhat alleyway. We didn't know if you're coming that way, or if you're going to come between your house and your neighbor's house?

Mr. Snider - I'm going to plan on going between my house and my neighbor's house.

Mr. Starkey - Okay. I just know the houses in there, it's tight.

Mr. Snider – Yeah, it is. I've got about 10 ft or so. 12 ft to go back there.

Mr. Starkey - If you're coming right off of Shaw Drive, on the side of your house, I have no issues. Just wanted to verify how they're getting to the building.

Mr. Wood - Are you planning on this side, looking at your house on the left side of it? That tree has either been removed or going to have to be removed?

Mr. Snider - Yes.

Ronda Saunders, 3400 Lancaster Rd, Granville - I own the house at 1020 West Church Street. That was also my concern is whether he was coming in the side of his house or coming through... It used to be an alley all the way from 30th to 26th Street back when he built.

Mr. Layman - Is that an alley right next to your house?

Ms. Saunders - It is and it isn't, according to the city of (inaudible). But there are driveways and gravel back there on it. If he wants to go through my property, I'm okay if he puts gravel through there. Because I would love the alley to be back.

Mr. Layman - Do you have no objection to what he's proposing?

Ms. Saunders - No.

Mr. Layman - Do you have no objection to what he's proposing?

Mr. Starkey - Yeah, if he's going to go beside his house from Shaw Drive back beside his house to the building, I have no issues. It was just if they were going to use that alleyway. It's the only issue that I'm up for.

Mr. Layman - When we have been handed things like this in the past where it could be considered to have commercial application, we very clearly label it personal use only. No business use at all. You've already said that here, right?

Mr. Snider - Yes, sir.

Motion's been made to conditionally approve the application subject to personal use only, no commercial use, and access from Shaw Drive on the left-hand side of the house, Second, Motion passed 4-0

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, MARCH 27, 2025 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MARCH 3, 2025, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals