

BOARD OF ZONING APPEALS MEETING
THURSDAY, APRIL 24, 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, April 24, 2025 Board of Zoning Appeals Meeting to order.

Present:

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

Absent: Eddie Hunt Member

2. APPROVAL OF MINUTES

Minutes of the March 27, 2025 meeting

Motion and second to approve minutes of March 27, 2025, motion passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-25-06

Applicant:	Sarah Arnold – Habitat
Owner:	Habitat for Humanity Mid Ohio
Location:	47 Webb St.
Project:	Twin Single Dwellings
Reference:	24.8

Mr. Carter - I don't see Sarah Arnold here with Habitat. With this one, do you guys want to have a larger discussion or table it? Unless you're absolutely fine with it as is. I think we need to table it. They're taking a lot, but at the end of the day, it's Habitat. They're putting in affordable houses, and they're putting things in the house that at some point the family might not have been able to afford.

Mr. Layman - Are you prepared to vote in favor of this? It's complicated enough. I don't mind voting on stuff when nobody's here to present if it's simple, cut and dry. I'm not

sure this qualifies as that, but I'm willing to vote if you guys want to. Or I'm also willing to just say we'll table it.

Mr. Wood - My biggest concern honestly is on Bolen. There's clearly no parking on that. There's only one space per unit for parking.

Mr. Claggett - I'm going to look at that one too myself.

Mr. Carter – I don't think Brian will be here next month (inaudible). With that being said, does the Board want to make a motion to do it the 5th Thursday next month?

Mr. Layman – You pick it. Tell us when we're meeting.

Mr. Carter - I like the 5th Thursday so Brian can come to the meeting.

APPLICATION BZA-25-07

Applicant:	Miles Poff
Owner:	1976 Granville Rd. LLC
Location:	GD LLC
Project:	Lot Split/Single Family Dwelling
Reference:	6.12

Miles Poff - I spoke with George at length in terms of filling out the application. I've not asked for any variances or done anything like this before, so forgive any ignorance on my end. On the left side of that folder, what that is, is the first top page is the current setback requirements if I were to split the lot, and the gray is the viable buildable space based on the current setback requirements. On the right-hand side, it's probably a better place to start. You'll see a screenshot from the auditor's website. 89, that duplex right there, is the property that I own. Immediately below that is the next-door property, and where that lot is split is what I'm attempting to move towards doing myself. Right behind that, the black and white screenshot will show you from that alleyway all the way up to West Church Street is where those houses facing the bottom of the page are. So, you can see on that alley to the left, you have one, two, three properties that are already split in that fashion in that area. And then, like I said, moving back to those pages on the left, that gray with the 31 by 11 space, that is with the current setback requirements as I understood them reading through the city code. The second page with the gray and blue drawing is if there were a 15-foot variance on the side of the alley, which I was not entirely sure whether or not that was considered a corner lot as is. So, that's not necessarily a variance. So then that second page would show the current viable building area. The third page is what I would consider to be ideal, where you have that 10 foot on the alley side and then 15 foot facing that rear alley where the other homes are facing on that on that street. I would say that I think there's probably three main reasons this would, could, or should be granted. I'd say the first is there's already precedent set in that area with those three properties that are already split in that area in that fashion. Second, I'd say it's good for the city in terms of once that lot is split, that's an entirely new taxable property for the city. Spent quite a bit of money renovating the home in front. So, when that gets reassessed, that's also good for the city. And I'm sure you're all aware, housing shortage, especially with Intel growing in the area, growing. And I'd say the third reason would be specifically for that area. I've lived on Locust Street a couple of years ago, and I've owned property in the

area and I've seen the area start to move into the right direction. Used to be a lot of foot traffic in that area. The area is slowly improving and want to continue that development of that area.

Mr. Carter – I want to remind the Board the main reason we're here tonight is that the proposed lot split would be non-compliant with the City of Newark zoning code, which requires board approval. And then it sounds like he's also maybe asking for a setback reduction on the new build here. So, two parts. The primary reason it is here is that the board needs to approve any lot split that would be non-conforming.

Mr. Layman - Is that a functional garage in the back?

Mr. Poff - It is.

Mr. Layman - Is that going to stay there?

Mr. Poff - Yes sir.

Mr. Layman - How close are you to it?

Mr. Poff - So with those gray drawings, the blue and gray, that was two foot off of the garage.

Mr. Layman - The lot split would be two foot off the garage?

Mr. Poff - That is what this drawing is showing, essentially. This one is that 86 feet, that is two foot off of the garage. Also, on here, we're talking about this area right here is where the garage is, so you have that 30 foot that's built in there.

Mr. Paul - So in reality, if we give you this, it's not what you're doing on your lot, but in reality, we would be making that garage, correct, Phil? It would not be really rated for the distance from the lot line.

Mr. Layman - So what you're talking about is an 84-foot deep lot instead of 86 feet.

Mr. Poff - Okay, right.

Mr. Wood - Right, Phil? I don't know if that would be an issue, but I think it's a consideration. I'm not saying that...You know what I'm saying, guys? I don't know. But I know that that would make it a non-conforming garage for sure.

Mr. Poff - I don't know if this is relevant to the address piece, but it is that front home was a duplex and it's been converted back to a single family. So there already is an 89 and a half there that will no longer be used at that home.

Mr. Layman – Miles, is this the garage here?

Mr. Poff - The garage is right here.

Mr. Layman - Okay. So, the 30 feet is between you and the existing lawn?

Mr. Poff - Correct.

Motion to approve option 2, which shows the 806 square foot dwelling, reducing the lot to 84 feet so that there is a 4-foot separation between the garage and the lot line, assuming you were correct when you said there was 2 feet at 86, and that the separation between the house and the new lot line is 28 feet, Second, Motion passed 4-0

APPLICATION BZA-25-08

Applicant:	Bryan & Jennifer Long
Owner:	Bryan & Jennifer Long
Location:	1842 Cardiff Rd.
Project:	Swimming Pool

Reference: 115.1.1.2

Jennifer Long, 1842 Cardiff - Good evening. I don't have copies for all of you. I do have the copy for what we submitted. We're just asking for a variance because the road line runs along what we consider our backyard versus our front yard. There are seven houses, I think. It ends in a cul-de-sac. I think there are five houses that actually drive past us on a neighbor's property that we use as our main road into our driveway. Like I said, it's just that the backyard and the front yard are a little reversed. There's no room in the front yard to do a pool, so we're asking for that variance.

Mr. Wood - Do you have any plans to screen the pool?

Ms. Long - There will be fencing around it. Yes. We just did the fence at the four-foot level based on the requirements.

Motion to approve subject to appropriate fencing per the code, Second, Motion passed 4-0

APPLICATION BZA-25-09

Applicant: Brandy Kellett
Owner: Brandy Kellett
Location: 19 Gilbert St.
Project: Shed
Reference: 86.3.1

Brandy Kellett - I'm asking for a variance on the property. I would like to get a storage shed put onto the property. I want to put it to be partially in my driveway and partially in the backyard to have it flush with the front of the house so it still sets back as far as what the houses do, but my backyard is very small down there on Gilbert Street. I don't really have room to be able to put something like that in there. I do need the extra storage on the property. I've been paying for a storage unit for quite a while and that I could be just putting that into that little modular storage building to have right there at my house. It'd be a lot more convenient there. I do have a neighbor on the other side of me. Our property lines are right together, and he actually suggested to me that if you guys would be okay with it, if I put the building right on my property line, like I'd have to take out part of my privacy fence, but right on my property line, instead of having it three feet away that way, I will have room on the other side and there will still be room down in between both of our properties. And I have a letter from him as well with his information if you need to contact him. My privacy fence is already right there on the property line. It would just kind of continue straight up from where I would take down part of that fence because it would go back into the yard some.

Mr. Wood - My bigger concern is that it doesn't leave much room for a driveway. There's no street parking.

Ms. Kellett - There's street parking.

Mr. Wood - Is there not a sign on the pole right in front of the house?

Ms. Kellett - That says on that side of the street, you have to park on the right side of the street.

Mr. Layman - I'm a little bit slow. What are you doing?

Ms. Kellett - A shed.

Mr. Layman – Does it have a foundation?

Ms. Kellett - I'm looking at the modular ones where they just bring it in. I was originally looking at a 10 by 20 building. I was wanting to see if I could do a 12 by 20 building just because when I'm looking at trying to find one, there's a for some reason, this seems to be a significant price difference and it's cheaper to get the 12 by 20 than what it would be the 10 by 20. I don't understand quite the difference, but...

Mr. Layman – The application is for a 10 by 20.

Ms. Kellett – Correct.

Mr. Layman - So it's flush with the leading edge of your house?

Ms. Kellett – Yes.

Mr. Carter - You have another shed back there don't you?

Ms. Kellett - I do. There isn't much yard down there. I do have dogs and grandchildren. Since there's been construction on a lot of the streets, there's a lot more traffic down that small little one-way street than what there has been. So, I'd like to try to let my grandkids and my animals stay in what little yard I do have, but I would need to put the shed back into the yard some.

Mr. Wood - You're basically putting it on an off-street parking slot. Is that paved now? Is that a concrete pad where you're setting it?

Ms. Kellett - Well, the initial part of it is and then the rest of it is gravel.

Mr. Wood - Could you at least give enough for off street parking 18 feet from the sidewalk back? Looks like you're right about 9 to 10 feet.

Ms. Kellett - No, not really. I'm going to hit my air conditioner. There's another building back there.

Mr. Layman – I thought I heard you say that you're not going to have a foundation under this.

Ms. Kellett – Correct.

Mr. Wood - Secondly, you need three feet. Can you get three feet off of his property line?

Ms. Kellett - I can, but it would be closer to my side. He thought that it would be better for... He thought because it's just a standing building, that in case if there was any kind of fire, needing to be able to get around it at all, not to kind of put it right up against where my privacy fence already is, because there's a spot like in between his fence there, his garage and his carport, and between mine there's like an area where you can walk down through, but we wanted to try to put it right there on the same line as that fence and take part of that front fence off and just have it kind of go right there so it continues like the fence would have.

Mr. Layman – What we would really like to do is to ask you to table this, and have you mark it. Put in some stakes...

Ms. Kellett - I've already kind of marked it out with some spray paint.

Mr. Layman - Maybe we should have done a better job looking at it before the meeting. so that we could come out and look at it.

Ms. Kellett - I mean, it's not a big deal for me if it's not right on the property line. We were just trying to keep it kind of uniform and universal. If I can't have it at three feet

away, I can move it over. I'm just going to, where my fence is going to be, I'm basically going to be kind of having the fence here and have to cut the front of the fence off, push the building back in, so there's going to be a section where it's just going to be a little awkward spot. I may have with the parking, I'm not for sure quite yet, but I may have enough room when I'm parking there between where it's set out, if it's flush with the house, that I could be able to kind of pull a little bit right up there and not be on the street. Like, I would still be in my driveway and in front of where that building is.

Mr. Layman - We're going to ask you, if you want to get an approval from us, we're going to ask you to table it so that we can come down and look.

Ms. Kellett – Okay.

Mr. Layman - And if you could stake, just go get some flower stakes or something, put a little ribbon on it, where you think the four corners should be.

Ms. Kellett - Do you want it with it on the property line or off of it?

Mr. Layman - Where you want to put it. We'll say, well, if you push it back or you push it this way maybe. It's a tough sell, but we're willing to try.

Ms. Kellett - I'm just trying to be able to not have to pay for storage units, you know, off of there, because I've been doing it for quite a while.

Mr. Layman - Did I hear you request a table?

Ms. Kellett – Yes.

Mr. Layman - We'll table it until next month. But in the meantime, if you could stake it, call George when it's staked. We'll come down and look at it, and we'll be more smart next time.

Ms. Kellett – Okay. All right. Thank you.

APPLICATION BZA-25-10

Applicant:	Diana Lane
Owner:	Sarah & Ben Williams
Location:	540 Pinehurst Ct.
Project:	Porch
Reference:	16.8

Sarah Williams - Hi. I'm Sarah Williams, and this is my mom and contractor, Diana Lane. We purchased this house about a year and a half ago, and it already has an existing porch on it, which is 35 feet from the property line, and we really want to put a roof over the existing porch. On the entire property, there's no place to put something where it's not getting rained on, like packages or anything like that. So, we just want to put a roof over that and extend it about a foot beyond where the...

Diana Lane – Actually, the 35 feet is to the front of the house. So, the front porch, which is 4 feet deep, is already too far out. What we'd like to do is extend out four feet on each side, which would make it 16 feet wide, and then put a roof over the top.

Ms. Williams - Still keeping the same four feet that it is currently. We're not looking to extend it out any further there, but it goes width-wise in front of the house, and then put a roof on it.

Ms. Lane - I kind of sketched up a little, will it help you?

Mr. Layman – I'm confused.

Ms. Williams - So this is the existing porch, those are the steps. That's the porch, and so we want to extend it. You can't really tell from here, but the front of the house bumps out a little bit, and we just want the porch to go the length of that bump out there.

Mr. Layman - To meet this gable?

Ms. Williams – Yes.

Motion to approve, Second, Motion passed 4-0

APPLICATION BZA-25-11

Applicant:	Timothy Staggers
Owner:	Timothy Staggers
Location:	90 N 24 th St.
Project:	Single Family Dwelling
Reference:	16.8

Mr. Carter - I want to speak to the Board on 90 North 24th Street, and if the Board thinks they should table it, then that's their decision, but I could have sworn Mr. Staggers was sitting in that back row before the meeting started.

Mr. Paul – He was and he got up and left.

Mr. Carter - So I'm not sure what's going on. I also received his returned letter in the mail today, so I'm not sure why it didn't go to his forwarding address. I'll kind of speak on behalf of it. Mr. Staggers' house burned down. It was a total loss. He had it demolished. This item here in everybody's packet, is what the old house used to look like. So, this portion, and I'll turn around and show Phil here in a minute, this was a carport with the attached roofline, and this square here was a shed. So that was a detachable shed. So, with the roofline being down here, you pretty much had a zero to two to three-foot setback as it sits currently. So, the code would allow him to put this right back in the same spot without any Board decisions. He wants to take the opportunity to try to build, enlarge the building, and give himself a full garage. So, I think at the end of the day, his goal is to give himself a garage as he rebuilds this. I've talked to John and I've talked to Brian a little bit about this. I don't like the zero-foot lot line, I never like a zero-foot lot line. He does have some room to shift it towards 24th Street. I would be more in favor of shifting it down to 24th Street, say five foot and make that front foot set back to 12 or something. It's just my idea. So, this is kind of where I drew it in. The new lines on here would show where the house footprint would be. So, he certainly got some room to shift it. It's bumping out towards the front some more, and then he's filling in this area back here. It's the only situations where you have two lots and they cut them in half and they started building houses on them. You know, kind of what we were doing with Miles' lot. So, we see what happens to Miles' lot here 50 years down the road when it catches on fire. Again, I would just like the Board to be able to see him kind of grant him some relief, give him something, you know, that's his home.

Mr. Wood - In my opinion, now's the time to correct some of the issues. I would support a three foot on that rear, take that zero to three, take the site on Davis from 13 to 15 to give more room for off street parking, which would reduce the other two. By that number, you'd have the same buildable area.

Mr. Carter - Like I said, I'm pretty good with that. So just a non-conforming lot, a non-conforming structure.

Motion to approve with conditions, Second, Motion passed 4-0

APPLICATION BZA-25-12

Applicant: Gary Babcock
Owner: Sheryl L. Willmann Trustee
Location: 0 Emerson St.
Project: Garage
Reference: 86.3.1

Gary Babcock, 67 Philmont Ave. - I'm Gary Babcock. I actually live at 67 Philmont Avenue, which on what you're looking at will be lot, oh, who knows? 17 is where my house is located. But I also own the house that sets on lot 19 and 20. Lot 18 is a vacant lot. I think I gave you the updated survey. The one that actually says Babcock Trust. So, lot 18, I'd like to build the three-car garage that you're looking at. It will not be exactly like this, but it'll be real close. The only thing I'm doing away with there will not be any windows. So that's it. If I do not center it up on the lot, you guys tell me how far off of the property line of lot number 17 I need to be. If I don't center it up, I want to favor that lot.

Mr. Wood – Currently you show it at 3 foot, and the code is 6 foot.

Mr. Babcock - Well, I think even that wouldn't be a problem.

Mr. Layman – Will you combine the lots?

Mr. Babcock - I wish you wouldn't have said that. I really don't want to. If I combine it, I got to combine it with the house that sets on 19 and 20, and that's a rental. The reason I'm looking at a three-car garage is I'm going to let the garage closest to that rental, let them have that as part of the rental. The other two will be me and my daughter, but whatever you tell me I have to do, I'll do it. The reason I want to favor the lot with the house where I live, which would be lot 17, is so there'd be more yard for the rental. Like right now, the guy's got two little girls. When I went in and remodeled that house after I bought it in September, I set it up for senior citizens because I got two other rentals with seniors in. It worked out real well, but this guy, I knew him the day he was born, and he needed a place. He's divorced, has two children, but that's the only reason in the world I don't want to center that garage up, but if you guys say I have to, I'll do it. I'd like to build this garage in September.

Mr. Layman – You're dead set against a lot combination?

Mr. Babcock - I'd rather not because if, for instance, I'm 75 years old, if I ended up in a nursing home and my wife had to sell a piece of property, it's going to be that rental property, and that would keep that in our trust's name with our daughter. Our house we live in is handicapped accessible, and my wife's got rheumatoid and such. I'd rather not, but you say I have to, I will.

Motion to approve, Second, Motion passed 3-1

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, MAY 29, 2025 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MAY 1, 2025, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals