

BOARD OF ZONING APPEALS MEETING
THURSDAY, MARCH 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, March 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
Phil Claggett	Member

2. APPROVAL OF MINUTES

Minutes of the February 27, 2025 meeting

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

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-25-01

Applicant:	George "Tony" Fox
Owner:	1976 Granville Rd LLC
Location:	1980 Granville Rd
Project:	Multi-Tenant Commercial Building
Reference:	150.7.3

Brian Wood, 88 W. Church St. - Mr. Fox intends to construct a multi-tenant building, approximately 12,000 square feet, on a property which has a foundation of the same size. The proposed building may or may not be in the exact location of the current foundation being removed.

(inaudible) - I'm the homeowner of the adjacent lot. It's been vacant since we bought it 5 years ago. When I got the notice and saw that there was a variance, I looked at it and said oh, 6,000 ft, they want to go to 12,000 sq. ft. that's more like an obliteration of zoning code rather than a variance. Then when I looked at the application, it looked like there had been a building there before that was demolished. The application says that he has a permit to rebuild 12,000 sq. ft. I guess I'm not sure what the issue is here. Is the

issue whether he can build 12,000 sq. ft. instead of 6,000 sq. ft? Or is it really a variance where he's already entitled to build 12,000 sq. ft, and we're just talking about maybe adjusting location a little bit or something like that? If that's the case, it's a whole different situation, obviously.

Mr. Layman - I think what we're having is a special exception, which is within the boards. We talked about this last month informally, because we haven't submitted an application, I don't think. So, we talked about it informally. Granting a variance to double the size of what's permitted is not within our power. However, what the special exception is about is to say he had a permit. There was a building there. He had a permit to build on that site, and that the time period has elapsed on what a permit normally would need to be executed by. So, the special exception is to extend the time period for a permit that he had to be able to build, to allow him to renew that permit to be able to build. The reason, if I understand correctly, why he's not going to go on the old footer, is there were some jogs in the building, and he wants to make it more a uniform front. Those footers have been there for 80 years, 60 years? 60 years anyway. I haven't been here long enough to know that that was TAC. And what TAC was was a plastic extrusion company. They manufactured stuff there. They extruded plastic. The building, they went out of business and the building became deteriorated and eventually the roof started to go so Tony tore it down. He had acquired it from TAC, Tony tore it down. That's not true either. Anyway, it's traded hands and then Tony Fox bought it and he had a permit to build, to rebuild the building. Tony tore it down. If he didn't tear it down, it was going to fall down because the roof was shot and it was starting to cave in.

(previous speaker) - How long ordinarily do you have when you have a permit to rebuild?

Mr. Layman - A couple years.

(unknown) - It's been at least five or six, I guess.

Mr. Layman - Yeah, it's been... it's outside of that window, and that's really what we're here to do is to say, can we expand that window? We were unsure if we had the authority to do that, so after the discussion last month, the zoning inspector approached the law director's office, explained the whole situation to them, and said, is that within the board's power? And the answer we got back is it is within the board's power.

Mr. Paul - George, this is not going to be manufacturing, correct?

Mr. Carter - No, it can't be manufacturing.

Mr. Paul - It will not be manufacturing, as it was. It was manufacturing. It will not be manufacturing. There will be quiet use of office space.

(previous speaker) - Well, that's really, you know, my main concern. First of all, I'd rather have it not be 12,000 sq. ft., but rather than six for obvious reasons. There's more traffic and more possibilities for problems, obviously, with a bigger building. But the real concern I have is really the use of the property. If it's the kind of property where there is a lot of traffic, Granville Road is already getting sort of crowded, and most of the traffic comes off of Route 16. So, when you come out of the Westwood neighborhood, everybody comes from the left. Virtually nobody comes from the right, because you can't get on 16 over there. One of my concerns would be if there's traffic. If this is

something that attracts traffic from the right side as well, then it's going to really be very difficult to have a particular intersection for people to get out, and also people to get around. So really, I guess I have a twofold objection. One, I don't like the size of it. I'm opposed to that. But second of all, the use is really important. If it turns out to be a 12,000 sq. ft. building, that's an office building where there's no cars at night, and it's not kind of a place like a retail place where there's all sorts of traffic and all that, you know, I'd probably look at it a little differently. But I don't really know, you know, what the use is going to be. I think it's zoned in such a way that it could be used for a liquor store, restaurant, those kinds of things. So, I'm not mistaken. So, I would be concerned about that, because that might have spliced the size. There is a possibility that it might splice the traffic. But that's really, you know, my point. So, I'd be opposed to it in principle because it's larger. But if it is going to be approved, I have concerns about the actual uses and the effect on the neighborhood and the traffic, especially at that intersection, and obviously on my house, too, because I overlook the property and all that. But that's a personal thing, but also in general for the neighborhood. Obviously, nobody else knows about it or they'd be here as well. It said 200 feet. So, I don't know if anybody in the neighborhood is within 200 feet.

Mr. Carter - There's about 12. I think there's 12 residents that I sent out letters to.

(previous speaker) - Well, then either they don't know or they don't care. I do know and I do care. But other than that, I really don't have anything to add to it. If there's anything else, I can tell you.

Mr. Paul - I can tell you on my end, I live right across from the old State Farm. I go down there to get a pizza or whatever. One thing I talked about personally, I live in that area. It doesn't look nice. It's always been a building that's been in some state of whatever it is, and they're going to clean all that up, put in some office, put in a nice— Tony will build a nice building. It's not going to have anything that's going to bother you. That's why I said I personally don't see a big problem because we're going to take something that is blemished, clean it up, make it nice, and move on. You're going to have quiet enjoyment. They're not going to bother you one bit. I don't see it personally. That's just my opinion. But that's why I'm looking the way I'm looking at this property, just so you understand that we do actually take a lot of things into consideration. So that's just my opinion, not anyone else's. That's just simply me. And I'm literally not 200, but I go up and down there quite often.

(previous speaker) - Well, I looked at the drawings. It's a nice building. There's no doubt about that. I'm perfectly satisfied with that. And if, in fact, it were office use, a lot of my objections would go away. Is there some way, though, that the zoning can be restricted on that property in conjunction with (inaudible)?

Mr. Carter - There is a possibility of retail in that zoning district. Large scale restaurants are not permitted. So, I think restaurant wise, there's a limit on the seating in the MB district. But carry out retail, something similar to that could be a possibility at this location. I will say that the board's decision tonight does not keep this property from having to go to planning commission and does not keep it from having to be developed and maintained through the city of Newark's thoroughfare plan. That is kind of a brand-new mechanism the city has now that takes into consideration of widening the right of

ways and the future planning of those right of ways. Utilities, things like those, those items will still have to conform with the city of Newark's regulations, which might address some of that traffic flow issues out there that you would be concerned with. So, this is truly, this is the first stage of this process and planning commission is the next large stage of that process. I think the board has probably the power to apply conditions to this. That's the whole purpose of the board. The board does have power to apply conditions to the special exception. Whether or not the board feels they should get into restricting the types of businesses, I think that's at the board's discretion there.

Mr. Wood - I do know just a few conversations with Tony on this. The type of user, this plan, I can't remember exactly the date which was originally approved. He had the VA lined up, which is now on West Main Street. So that tells you how long ago that plan has been approved. But as far as the proposed use, I don't know that he necessarily had anything set in stone, but it's not a place that, it's not a McDonald's where you're going to drive by and stop. Like you mentioned, the traffic, it's going to be a destination. There's going to have to be a reason to go there for the tenants. Like you mentioned, not saying this is it, but like a doctor's office or an office. It's not going to be a retail carry out. The traffic driving by doesn't support that.

Mr. Paul - I would call it a quiet user is what I would call it. I don't see any...I have a little bit of knowledge of commercial real estate, and I don't see any application that would affect you adversely. I would personally not let it happen. I'm telling you, I feel like...

Mr. Wood - It's likely going to be a nine to five office. It's not going to be a heavy night traffic.

Mr. Paul - It's going to be a nice-looking building, because they're going to need it to pull the tenants, and they're going to want it to look aesthetically pleasing. So, I think you're going to have a very nice-looking building, not that lot that's had that stuff on it forever. You're going to look down from your house at the nice-looking building that's well maintained with a nice tenant blend. This is going to give you quite a showing of your own property. That's what I envision

(previous speaker) - I appreciate what you're saying. If you're right, then that makes a lot of my objections go away. But people change, and you may not be sitting there, and none of you may be sitting there next year or whatever, and he may change his mind and do whatever. So, if there is a way to put some kind of restriction, not so to the point where he can't use his property, we have to be reasonable about that, but liquor stores and restaurants, and just anything where there's a lot of traffic, especially if there's anything that has a potential for a road sign on 16. That would be a real concern of mine, because they get people coming in from Granville from the other side, which would be ten times worse. But again, if you have a doctor's office or something during the day... I knew something was going to be there, so that's probably okay. But if there's some kind of restriction without unduly burden, where we don't have something late at night with a lot of traffic, that would really make my objection go away. And it may not be nine to five, even doctors work later and stuff (inaudible).

Motion to approve the 12,000 square feet on the approximate location of the existing footer, subject to no automotive uses, no vape shop, no drive-thru, no business after

10, and buffering against the adjoining houses, with the buffering on the hillside with permission, Second, Motion passed 4-0, with 1 abstention

Mr. Layman – Let the record show that Brian Wood abstained.

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, APRIL 24, 2025 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS APRIL 1, 2025, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals