

BOARD OF ZONING APPEALS MEETING  
THURSDAY, JUNE 26, 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, June 26, 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
Eddie Hunt	Member

### **2. APPROVAL OF MINUTES**

Minutes of the May 29, 2025 meeting

**Motion and second to approve minutes of May 29, 2025, motion passed by acclamation**

### **3. OLD 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

**Motion to leave on the table, Second, motion passed 5-0**

### **4. NEW BUSINESS**

#### **APPLICATION BZA-25-18**

Applicant: David Rhodes  
Owner: City of Newark  
Location: 1250 Horns Hill Rd  
Project: 1 Bed Room Apartment  
Reference: 10.4.4

**Mr. Carter** - George Carter here to speak for Service Director David Rhodes. What he and the Parks Department is looking at doing is converting an existing building up at the Horns Hill Park

into a single bedroom apartment where a caretaker would be employed by the City of Newark to stay and conduct maintenance and stuff like that at the park.

**Motion to approve by Mr. Paul, Second by Mr. Claggett, Motion passed 5-0**

#### **APPLICATION BZA-25-19**

Applicant: Stephanie Hayward  
Owner: Licking Metropolitan Housing Authority  
Location: 85 W Church St  
Project: Building Sign  
Reference: 135.8

**Stephanie Hayward** - Hi, I'm Stephanie Hayward. I'm an architect at Moody Nolan. We're working on the renovation for Terrace Gardens and we're asking for a variance on the size of the signage that we want to put on the building.

**Mr. Wood** - I'd like to note that this is probably one of the ugliest buildings in downtown, so anything to cover that up would be greatly appreciated.

**Ms. Hayward** - We've tried to paint it. We weren't allowed because of historic reasons, so we have to keep the block as is, so a larger sign is a little helpful. I also noted on there that we want to have a look into having an artist do a mural that would be mounted on. We don't have a design for that yet, but that would also require a larger scale sign on the building. We don't need to officially approve it today, but is that something you guys would be supportive of if we move forward with that process as well?

**Mr. Wood** - I mean, personally, yes, not to speak for the whole board. It depends on the art.

**Ms. Hayward** - Right. So, we would have, maybe looking for like a local artist or something of that sort to put on the building as well.

**Motion to approve, Second, Motion passed 5-0**

#### **APPLICATION BZA-25-20**

Applicant: Kessler Signs  
Owner: Historic Arcade LLC  
Location: 31 N 3<sup>rd</sup> St  
Project: Building Sign  
Reference: 54.8/125.2

**Mr. Layman** - The Chair will abstain.

**Roger Kessler** - Hello, I'm Roger Kessler and Pat Sullivan is here from the Arcade. We're looking at a historic sign that's similar to what used to be up there years and years ago. Here's another look at it from nighttime and daytime going northbound, and another one going southbound. So, we're just asking, it doesn't meet the code, it's slightly bigger than the code allows, but certainly meets the mass of the building and makes the sign more visible for travelers from all over the world coming to look at mounds and what have you.

**Mr. Layman** - And it's a replacement of a pre-existing sign.

**Mr. Kessler** - Yes, that's my understanding. Way before my time.

**Motion to approve, Second, Motion passed 4-0 with 1 abstention (Layman)**

## APPLICATION BZA-25-21

Applicant: Luke Baus  
Owner: AO Party House Rental LLC  
Location: 495 Wehrle Ave  
Project: Porch Beer Garden  
Reference: 46.8

**Opal Kramer, 529 Wehrle Ave.** - I've lived there about 15 years. I'm practically four houses down from the new 99 Pine Pizza where he is electing to have an outdoor beer garden. I drew a little map. So, this is Wehrle Avenue. This is my house. And so on. Roseanne, she's lived here 19 years. She's right beside him. All of these are homeowners. All of these are homeowners. Then you have storage and Hope Timber. So, he's wanting a beer garden in a residential area where it's just, now that building has been there way before I have. And there have been many businesses there. But they have kept everything on the interior inside. He has no room to put this beer garden out here. There's no room. The alley is right here. Pat lives right here. She's lived there for 30 years. You only have the alley from him. He already has lights on outside the building that shine directly into my home back window that is bright as can be. I've had to put a towel up. They have lights that shine into her house in her bedroom. I just think that allowing it to have the outside and go against the current code for the 25-foot area and making it 19 feet, that's already a tight area. He's on the corner. I just, I'm not for it. And will he be able to put a, have live music out there at night as well? If he puts a beer garden out, does that allow him to have live music and have a band out there? We already have Hope Timber across the street that works Monday through Saturday working on their trucks and working on that that we have to listen to all day. Now they're open until 10 o'clock every night, 11 on Friday and Saturday. It's fine inside, but if you allow them outside in the parking lot, we're going to hear everything. We're going to have no peace and enjoyment in our own yard, in our own house. That we live there, and I put my blood, sweat, and tears into my house, and I know everybody else on that street has too.

**Unknown speaker** - I just have concerns. I'm actually on Seroco. It lights up my house too with the light. Parking right now, if he puts that beer garden in, you're taking away eight parking spots that he has. And they're already parking crazy on the sides of the street, in the alley, and taking up parking spaces for a residential area. That's just my concern.

**Ms. Kramer** - The police have already been there, like on the second night you opened up, in the parking lot with an accident. We already have people that fly down that road, and hit cars. You know, it's not like towns, or The Hub, or Jugs. You know, they're not in a residential, there's homes all around this building. It needs to be contained inside, not outside.

**Unknown speaker** - I just have a comment. Do you guys have street lights outside your homes?

**Unknown speaker** - The light I can work with. It's the traffic.

**Unknown speaker** - So I just want to speak up. I'm a neighbor on Seroco. We went over there, and it's wonderful food, by the way. We loved it. My only concern about the beer garden, honestly, and I'm 100% supportive of the restaurant, but we have a lot of homeless that come down through there, not speaking that that's what you're trying to draw the business to, but if you guys close at 10, and everybody goes home, I don't have a problem with it. We just don't want it to be something that would get out of control, because I've lived in my home for 16 years as well.

**Mr. Layman** - Just so we're clear, we're not talking about whether or not they can have a beer garden. What we're talking about is it can be bigger by 5 feet and 5 inches. That's all we're talking about.

**Ms. Kramer** - Where exactly is the location?

**Mr. Layman** - Anybody want to look at this? So, here's Wehrle. Parking lot on both sides. Building. Beer garden. And there's room for four cars per home.

**Ms. Kramer** - So you're saying that 25 feet is from here to here?

**Mr. Layman** - No, this is 25 feet wide. It's 19 feet 7 inches off the alley. It's supposed to be 25 feet. If they made this 5 feet 5 inches shorter, they can still do it. I just want to be clear.

**Ms. Kramer** - So it's just about footage. He already has the permits to build that?

**Mr. Layman** - We don't have control of it. That's not what we're here about. We're here about a setback. If we vote it down, I don't know how we vote. If we vote it down, I don't want you to be mad when it shows up anyway. The only thing we're here about is an additional 5 foot 5 inches of less setback. That's all we're talking about.

**Unknown speaker** - Where this is, it used to be the Old Pine Cafe. And like she said, the food is excellent. There's not a problem with that at all. But his door, where you go in, is right straight across from my bedroom window. So, if there's a beer garden back there, I'd like to know, wonder what his hours will be. Because now they're 4 to 10. If he has a group of people back there...

**Mr. Layman** - One of the things that the board can do is we can put conditions on them. For instance, we could say no outdoor sales after 10 o'clock.

**Unknown speaker** - I wouldn't object to that because he doesn't open until 4 o'clock in the evening. So, I mean, if there's no other way and he gets to do whatever he wants to do, I still think the hour shouldn't be after 10 because I don't want people coming in and out and we can't sleep very well because there's these people. So, if they put whatever back there, I'm going to hear all that.

**Mr. Layman** - So consider this, if we deny it, okay? He's free to come in and put one that's five feet, five inches less. He can do that. And that is whatever else the city makes him do. If we grant him the variance, we can put a condition on a time limit and say it cannot be operated after 10 o'clock.

**Unknown speaker** - What about no live music, outside music?

**Mr. Layman** - And we can say no live music, yeah. We can do that.

**Unknown speaker** - He can have music inside, just not outside.

**Mr. Layman** - Would you accept the variance to allow him to build a beer garden provided it was closed after 10 and no live music outside? And if he violates the conditions, you file a complaint with the city, okay? And if the city finds out that he is violating the zoning code...

**Unknown speaker** - Which department in the city?

**Mr. Carter** - Zoning.

**Mr. Layman** - And if he's convicted of violating the zoning ordinance, the punishment is like \$500 a day that he does it.

**Unknown speaker** - You know, he just purchased a big old white house on the corner. And it's all torn down. And they went in there and smoothed that all out and put all kinds of lines for parking. There's all kinds of parking on that side. So why wouldn't he have put that on the back of where he wants it?

**Mr. Layman** - All we can do with the application that's in front of us. What do you guys want us to do? Do you want us to deny it or do you want us to put conditions on it?

*(conversations in the audience)*

**Mr. Layman** – Okay, what's on the table, see if you agree with this. We would approve the variance where you can build a beer garden out on the back. Provided it closes at 10. No live music outside. The screening, there's a screening requirement by the city. They'll have to meet that. The lighting will be down lit lighting.

**Mr. Carter** - The screening is to provide a buffer between the commercial business and the residential home. So mainly, I know the lady lives on the south side. So, a fence down there and then across the back too. That's a standard city requirement for any commercial with residential.

**Mr. Layman** - Okay, what's on the table, make sure we all agree, no operation of beer garden after 10 p.m., no live music outside, screening per city code, and lighting for beer garden to be down lit. You guys all right?

**Motion to approve with conditions, Second, Motion passed 5-0**

#### **APPLICATION BZA-25-22**

Applicant: James Dalzell  
Owner: Martinsburg Cattle Series 3  
Location: 100 S 5<sup>th</sup> St  
Project: Storage Shed  
Reference: 86.3

**James Dalzell** - Yeah, I just wanted to see if it was all right to keep the shed where it was at. I misunderstood the labeling when I read it. I didn't realize I was not reading the spot for the corner lot, and I got the backyard reference and the side yard reference swapped. So, I thought I would be okay to have it in the side yard, not the backyard, and it's supposed to be the other way. But I have my boss, the business owner next door, and my neighbor who are fine with the building where it is.

**Douglas Howard, 68 W. Harrison St.** - The shed is well-maintained, presents no safety issue, does not negatively impact my property or the surrounding neighborhood. In fact, I believe it's better and more practical in the spot it's at, rather than being moved to the rear of the property. From my perspective, the shed is not an eyesore, and it has not blocked the building.

**Mr. Dalzell** - There was an issue of, say, I might be running a business out of it, or somebody might be living out of it. I have pictures of the inside to show that it's just storage. I lived in Frazeysburg for the last 15 years, and I'm moving into town for health reasons. I'm planning on getting a house. I don't want to get rid of all the tools and everything I've accumulated in the last decade.

**Mr. Layman** - You'll take a condition, non-residential use, and non-commercial use?

**Mr. Dalzell** – Absolutely.

**Motion to conditionally approve subject to no commercial use and no residential use by Mr. Claggett, Second by Mr. Paul, Motion passed 5-0**

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

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

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Chairman, Board of Zoning Appeals

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Secretary, Board of Zoning Appeals