

BOARD OF ZONING APPEALS MEETING  
THURSDAY, AUGUST 22, 2024 5:30 P.M.  
COUNCIL CHAMBERS  
40 W MAIN ST, NEWARK, OH 43055

**MINUTES**  
**PUBLIC HEARING**

**1. CALL TO ORDER**

**CALL TO ORDER- Steve Layman Board Chair called the Thursday August 22, 2024 Board of Zoning Appeals Meeting to order.**

**Present:**

George Carter	Zoning Inspector
Phil Claggett	Member
Steve Layman	Board Chair
Jack Gienger	Member
Eddie Hunt	Member

**Absent:**

John Paul	Member
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**2. APPROVAL OF MINUTES**

Minutes of the July 25, 2024 meeting

**Motion and second to approve minutes of July 25, 2024, motion passed by acclamation**

**3. OLD BUSINESS**

**APPLICATION BZA-24-14**

Applicant: Kevin Scott  
Owner: KScott Properties LLC  
Location: 529 Ballard Ave  
Project: Mobile Home Park/RV Campground  
Reference: 150

**Mr. Layman** - I think I have bad news for most of you. We are in receipt of a letter from legal counsel or general counsel to the Ohio Manufactured Homes Association. It has just arrived in the last day or so. We are going to ask the applicant to table BZA 24-14, which involves the Ballard Avenue property, until the city's Law Director reviews the letter and what it all means. Once they get attorneys involved or legal counsel that's above our pay grade. We're not going to take an action that's going to get the city sued. So, we need the Law Director to review it. So, this hearing is going to get tabled at your request. I apologize for that. We had no knowledge this letter was coming. But here it is.

I apologize. My suggestion to you would be to check with George first of the week. He's going to talk to the Law Director. You guys can talk to the Law Director and figure out what your best avenue would be.

**Mr. Carter** - If you want to seek your own legal counsel, at any point in time I'm going to tell you to act on your own legal counsel. Never will I say don't seek your own legal counsel.

**Mr. Layman** - You're free to do that, but you ought to wait until you hear what the Law Director says.

**Unknown Speaker 1** - We really have got the run around on this. This has been going on for almost a year. We gave him 90 days to make improvements. I stopped to talk to him last night. I said, Kevin, I just came up to see your improvements. I trimmed a tree.

**Unknown Speaker 2** - He still hasn't moved the trailer. This is still just the zoning violation, which I've been talking to George since December, where his trailer should have to be 50 feet from my property line, and it's 15 feet.

**Mr. Carter** - I will tell you that's being legally challenged right now as well from this letter. I'll be glad to speak with you guys after I have more legal counsel.

**Unknown Speaker 2** - Okay, so when should we call next week?

**Mr. Carter** - I'd call Tuesday or Wednesday next week.

**Unknown Speaker 3** - My biggest thing is how can we let somebody do something on their property that takes value away from ours?

**Mr. Carter** – Good legal question, sir.

(Multiple people talking in the crowd.)

**Motion to table BZA-24-14 by Mr. Hunt, Second, Motion passed.**

**Mr. Layman** - Table BZA-24-14, pending review by the Law Director of the letter from Elizabeth Birch.

#### 4. NEW BUSINESS

##### APPLICATION BZA-24-30

Applicant: Bryce Thomson  
Owner: Bryce Thomson  
Location: 686 Maple Ave  
Project: Fence  
Reference: 88.1.1

**Bryce Thomson** – A six-foot privacy fence on a corner lot, five feet from the sidewalk on the side part of the yard. Stay in line with the distance from the road the front of the house is on, on the other corner.

**Mr. Layman** - Why do you need six foot?

**Mr. Thomson** - It's a high pedestrian traffic area, and my wife and kids like to play out there. There're young kids and there's a lot of people that stop and look. I don't have anywhere where they can play without being looked at by the whole neighborhood.

**Mr. Layman** - I will tell you, traditionally we've had problems with six-foot fences in front yards. We can argue about what a front yard is, but along with frontage and postal, I think that would count as a front yard. You don't have three votes to do what you ask for. So, you've got to come up with a plan B.

**Mr. Thomson** - When I spoke with zoning on the phone, I was told that this is a pretty normal thing. Not that it for sure would pass, but I'm curious how could we work to get, because my concern is I'm losing almost, no, I'd be losing...

**Mr. Layman** - We don't think that you should drive through the city of Newark looking at 6'5 fences as you drive down the street in the front yard. We don't like it.

**Mr. Thomson** - But if I put it here, you'd still be looking at it.

**Mr. Layman** - We can't. If you put it there, you're not getting a variance.

**Unknown Speaker** - The code doesn't allow it to be built.

**Mr. Thomson** - Yes sir, I understand that. Okay, I guess I'll build it there. Thank you, gentlemen, for your time.

**Motion to deny, Second, motion passed.**

#### **APPLICATION BZA-24-31**

Applicant: Ohio Natural Treatment Solutions LLC  
Owner: 1246 Newark LLC  
Location: 1250 N 21<sup>st</sup> St  
Project: Conditional Use  
Reference: 50.4.1

**Robert Hart** - My name is Robert Hart, attorney for the company that owns. We're just seeking a variance in line with what was granted at last month's BZA hearing for a similar situated property on the same piece of, or same commercial thoroughfare.

**Mr. Carter** - To address the board, specifically, 1250 N 21st St is looking to remove the medical only condition from the previous variance conditional use issued in 2018. At the same time, requesting a conditional use to operate an adult use dispensary at this location.

**Mr. Layman** - Reminding the Board that this was City Council's wish, administration's wish to handle it this way. They're the ones that passed the enabling legislation. Anyone here to speak for or against this application?

**Motion to approve, Second, Motion passed**

#### **APPLICATION BZA-24-32**

Applicant: Verdant Creations Newark LLC  
Owner: Strategic Property Concepts  
Location: 1546 W Church St  
Project: Conditional Use  
Reference: 56.4.1

**Motion to approve, Second, Motion passed**

#### **APPLICATION BZA-24-33**

Applicant: Judson Kreager  
Owner: Judson Kreager  
Location: 2095 Bracken Moor Dr  
Project: Pole Barn  
Reference: 86.3.1

**Judson Kreager** - Yeah, I'd just like to build a building basically across the street from my house right next to my son's driveway going up to his property at 2150. This is going to be a cold storage just to keep equipment in. Tractors, mowers...

**Motion to approve subject to it being personal use only, Second, Motion passed**

**APPLICATION BZA-24-34**

Applicant: Verdant Creations Newark LLC

Owner: Diane Gordon

Location: Revere Place

Project: Screened Porch

Reference: 16.8

**Motion to approve, Second, Motion passed**

**THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 2024 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS SEPTEMBER 3, 2024, 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