

BOARD OF ZONING APPEALS MEETING
THURSDAY, NOVEMBER 16, 2023, 5:30 P.M.
COUNCIL CHAMBERS
40 W MAIN ST, NEWARK, OH 43055

AGENDA **PUBLIC HEARING**

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
3. **OLD BUSINESS**

APPLICATION BZA-23-37

Applicant: Kathleen Miceli
Owner: Kathleen Miceli
Location: 589 Kenwell Dr
Project: Conditional Use – Short Term Rental
Reference: 16.4

4. **NEW BUSINESS**

APPLICATION BZA-23-40

Applicant: Kessier Sign Co
Owner: City of Newark
Location: 15 N 3rd St
Project: Freestanding Sign
Reference: 135.7/135.8

APPLICATION BZA-23-41

Applicant: Clark Custom Builders
Owner: Joshua Wayne
Location: 28 Gilbert St
Project: New Single Family Dwelling
Reference: 16.8

APPLICATION BZA-23-42

Applicant: Riccardo Rigoli
Owner: Elwin & Linda Russell
Location: 1422 Morgan Bryan Dr
Project: Porch
Reference: 16.8

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, DECEMBER 28, 2023, 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS DECEMBER 1, 2023, 4:30PM.

5. **ADJOURNMENT**



CITY OF NEWARK
ENGINEERING & ZONING

Zoning Application #

23-37

BZA Appeal #

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

BOARD OF ZONING APPEALS APPLICATION

Rev 2/10

Owner

Name: Kathleen J Miceli
Address: 6063 Pleasant Chapel Rd
newark oh 43056

Telephone: 740 973 3586
E-mail: chefkathy2004@yahoo.com

Applicant

Name:
Address:

Telephone:
E-mail:

Lessee

Name:
Address:

Telephone:
E-mail:

Parcel

Address of Parcel: (Number & Street, City, State, Zip)
589 Kenwell Dr Newark Oh 43055

Auditor's Parcel #:

On the North South East West side of the street, between the following intersections:
and

Subdivision Name: R

Lot Number: 8

Zoning Classification: FM
If filling out electronically, click box to display dropdown

Proposed Use: Short term Rental
If filling out electronically, click box to display dropdown
(Specify Use):

Notes: (Optional)

Appeal

The Application is a request to permit the following:
Erection Alteration Maintenance Conversion Conditional Use
In accordance with the plans filed herewith, describe the building or use:

Short Term Rental

Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

Short term Rentals are a conditional use

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

The home is now in perfect condition. All upgrades have been done. I find Long term Rentals are a bad decision - Long term Rentals do not take care of the home or property

Has there been any previous application or appeal on these premises? Yes No When?

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List)

16.4

Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. **Number the parcel list. This will correspond with the Tax Map in C below.**
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. **Number each parcel on the map to match its corresponding name, location and mailing address in list B above.**
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.

[Signature]
(Owner/Applicant Signature)

Before me, a Notary Public in and for Licking County in the State of Ohio, personally

appeared Kathleen J. Miceli who, by me being duly sworn, says that he is the
(Applicant's name)

owner of the parcel of land with reference to which the within appeal is made; and
(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 12th day of September 2023.



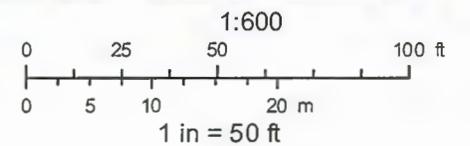
POLLY A. KEMP
NOTARY PUBLIC
STATE OF OHIO
[Signature]
(Notary Public signature)
MY COMMISSION EXPIRES 5/11/2024

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>9-12-23</u>
<input checked="" type="checkbox"/> Forward to BZA	<u>9/15/23</u>	<u>BAN</u>		Paid Date: <u>9-12-23</u>
<input type="checkbox"/> Hold		Reason:		Check <u>Cash</u> (circle one)
				Check # <u>—</u>
				Amount \$ <u>50.00</u>



September 12, 2023





Zoning Application #

BZA-23-40
BZA Appeal #

**CITY OF NEWARK
ENGINEERING & ZONING**

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

BOARD OF ZONING APPEALS APPLICATION

Owner

Name: City of Newark	Telephone: N/A
Address: 15th N. 3rd St. Newark OH	E-mail: N/A

Applicant

Name: Kessler Sign Company	Telephone: 740-453-0668
Address: 2669 National Rd. Zanesville OH	E-mail: April@kesslersignco.com

Lessee

Name: City of Newark	Telephone: N/A
Address: 15th N. 3rd St. Newark OH	E-mail: N/A

Parcel

Address of Parcel: (Number & Street, City, State, Zip) 15 N. 3rd Street Newark OH	Auditor's Parcel #: 054-202674-00.007
On the <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West side of the street, between the following intersections: and	
Subdivision Name: N/A	Lot Number: N/A
Zoning Classification: If filling out electronically, click box to display dropdown DC	Proposed Use: If filling out electronically, click box to display dropdown (Specify Use): Government Building
Notes: (Optional) Update & add (1) sign for the multi-tenant building.	

Appeal

The Application is a request to permit the following:
Erection **Alteration** **Maintenance** **Conversion** **Conditional Use**
In accordance with the plans filed herewith, describe the building or use:
 multi-tenant building (government)

Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

1294.07 states only (1) freehanding sign is allowed per lot. We are asking for (2) total.
1294.08 (table) allows 16 sf for (1) sign. We have a 14 sf sign being moved & (1) additional 19.75 sf sign. We are asking for 17.75 additional sf.

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

The setup and signs needed are tenant signs. This will help traffic see where they need to go, helping locate the building entrance they need to take.

Has there been any previous application or appeal on these premises? Yes No When?

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List)

1294.07 - Sign allowance
1294.08 - Sign area

Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. Number the parcel list. This will correspond with the Tax Map in C below.
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. Number each parcel on the map to match its corresponding name, location and mailing address in list B above.
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.

Zoning Application #

BZA-23-40
BZA Appeal #

[Signature]
(Owner/Applicant Signature)

Before me, a Notary Public in and for Muskingum County in the State of Ohio, personally

appeared Rodger Kessler who, by me being duly sworn, says that he is the
(Applicant's name)

Applicant of the parcel of land with reference to which the within appeal is made; and
(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 19th day of October

[Signature] Koening
(Notary Public signature)



APRIL KOENIG
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
12-22-2023

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>10/25/23</u>
<input type="checkbox"/> Forward to BZA				Paid Date: <u>10/25/23</u>
<input type="checkbox"/> Hold		Reason:		Check Cash (circle one)
				Check # <u>56360</u>
				Amount \$ <u>50.00</u>

BZA CASE NO. 23-40

Date of Review: 11/2/23

Address of Project: 15 N 3rd St

Current Zoning: DC

Project Description: Freestanding Sign

B.Z.A. Approval Required?----- Yes
 Planning Commission Approval Required?----- No
 Engineer's Approval Required?----- No
 Law Director's Approval Required?----- No
 City Council Approval Required?----- No

Ordinance / Article / Section Requirement / Proposal / Conclusion

08-16 135 135.7A2b

Requirement: In the DC District, lots are limited to one freestanding sign.

Proposal: The applicant proposes to erect a second freestanding sign.

Conclusion: The proposal requires board approval

08-16 135 135.8C1b

Requirement: In the DC District, freestanding signs are restricted to a sign face area of 16 sq. ft.

Proposal: The applicant proposes to erect two freestanding signs with a combined sign face area of 34 sq. ft.

Conclusion: The proposal requires board approval

08-16 135 135.8C3a

Requirement: In the DC District, freestanding signs are required to have a 20 ft. setback

Proposal: The applicant proposes to erect two freestanding signs with a minimum setback of 12 ft.

Conclusion: The proposal requires board approval



1 1/2" RETAINER

WHITE LEXAN PANELS
W/ DARK BRONZE VINYL

1" DIVIDER BARS

DISCONNECT SWITCH IN REAR
ALUM. POLE COVER

19"



2.375" OD x 0.203" WALL
STEEL PIPE

24" x 3.5" D AUGURED CONCRETE
FOUNDATION



MOVE & RE-PAINT SIGN

PANELS FOR EXISTING ILLUMINATED SIGN (PAINT & MOVE SIGN)

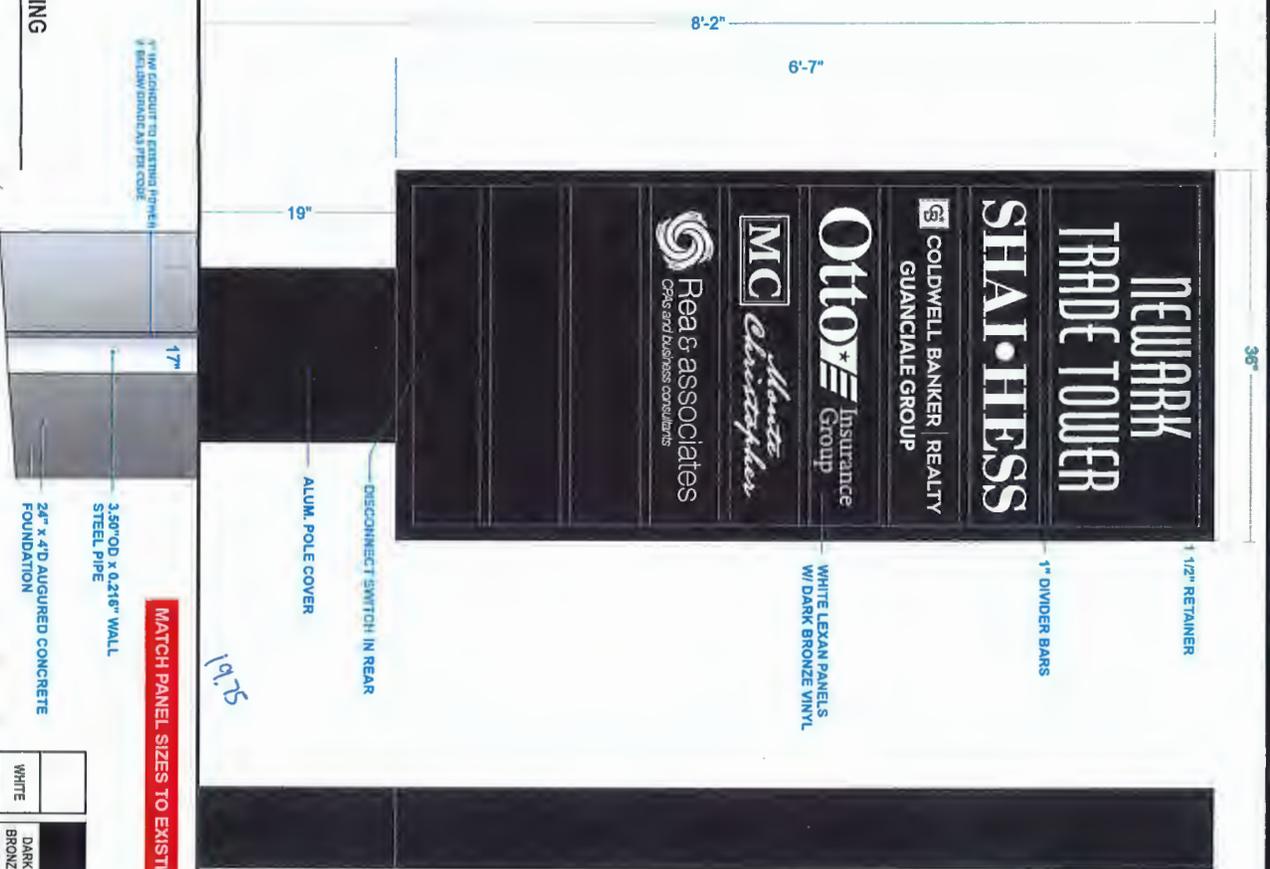
CHECK PANEL SIZES IN SHOP



AL
MI
360-



ILLUMINATED SIGN W/ LEXAN PANELS & POLE COVER TO MATCH EXISTING



WHITE	DARK BRONZE
-------	-------------

ALUM. POLE COVER TO MATCH EXISTING

DISCONNECT SWITCH IN REAR

ALUM. POLE COVER

17"

3.50" OD x 0.216" WALL
STEEL PIPE

24" x 41D AUGURED CONCRETE FOUNDATION

MATCH PANEL SIZES TO EXISTING

ZAN 240-41



REF#
2-2230198
Zoning Application #

BZA-23-41
BZA Appeal #

**CITY OF NEWARK
ENGINEERING & ZONING**

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

BOARD OF ZONING APPEALS APPLICATION

Rev 2/10

Owner

Name: Joshua Wyrne	Telephone: (710) 258-2805
Address: 5760 Coltermen RD Heath OH 43034	E-mail: joshuawyrne@yahoo.com

Applicant

Name: Clark Custom Builders (Brent)	Telephone: 614-599-4034
Address: 845 Metro Place South Suite 100 Dublin, OH 43017	E-mail: info@clarkcustombuilders.net

Lessee

Name:	Telephone:
Address:	E-mail:

Parcel

Address of Parcel: (Number & Street, City, State, Zip) 28 Gilbert Street	Auditor's Parcel #: 054-216216-00.000
On the <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West side of the street, between the following intersections: and	
Subdivision Name:	Lot Number: 682
Zoning Classification: If filling out electronically, click box to display dropdown RH	Proposed Use: If filling out electronically, click box to display dropdown (Specify Use):
Notes: (Optional) Flood: A/AE	

Appeal

The Application is a request to permit the following:
 Erection Alteration Maintenance Conversion Conditional Use

In accordance with the plans filed herewith, describe the building or use:
 Single story ranch style. Family Residence. 3 bed 1 bath with a attached garage. Matching the existing street scape

Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

Section 16.8 of the Zoning Code states setback for an RH district (front and rear are 20 (front) & 30 (rear))

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

Due to an attached garage were asking for a 10ft variance in the front of lot and for foot space in home were asking for 18ft variance in the rear

Has there been any previous application or appeal on these premises? Yes No When? N/A

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List)

Article 16 - Section 16.8

Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. **Number the parcel list. This will correspond with the Tax Map in C below.**
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. **Number each parcel on the map to match its corresponding name, location and mailing address in list B above.**
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of ~~\$50.00~~ Cash or Check made payable to the City of Newark **175**
- G. Application Fee of ~~\$25.00~~ for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.

Zoning Application #

BZA-23-41
BZA Appeal #

Randell Clark

(Owner/Applicant Signature)

Before me, a Notary Public in and for Licking County in the State of Ohio, personally

appeared Randell K. Clark who, by me being duly sworn, says that he is the

(Applicant's name)

Applicant of the parcel of land with reference to which the within appeal is made; and

(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 1st day of November, 2023



POLLY A. KEMP
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES
9/11/2024
[Signature]
(Notary Public signature)

DO NOT WRITE BELOW THIS LINE - FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>11-1-23</u>
<input type="checkbox"/> Forward to BZA				Paid Date: <u>11-1-23</u>
<input type="checkbox"/> Hold		Reason:		Check Cash (circle one)
				Check # <u>66and</u>
				Amount \$ <u>75.00</u>

BZA CASE NO. 23-41

Date of Review: 11/2/23

Address of Project: 28 Gilbert St

Current Zoning: RH

Project Description: New Single Family Dwelling

B.Z.A. Approval Required?----- Yes
Planning Commission Approval Required?----- No
Engineer's Approval Required?----- No
Law Director's Approval Required?----- No
City Council Approval Required?----- No

Ordinance / Article / Section	Requirement / Proposal / Conclusion
08-16 16 16.8	
Requirement:	In the RH District, the required rear yard setback is 30 ft. and the required front yard setback is 20 ft.
Proposal:	The applicant proposes to build a new single family dwelling with a proposed rear setback of 12 ft. and a proposed front yard setback of 10 ft.
Conclusion:	The proposal requires board approval



RF# Z-2023-0178
Zoning Application #

BZA-23-42
BZA Appeal #

**CITY OF NEWARK
ENGINEERING & ZONING**

c/o Engineering Department

40 West Main Street | Newark, Ohio 43055 | Tel 740.670.7727 | Fax 740.349.5911 | www.newarkohio.net

BOARD OF ZONING APPEALS APPLICATION

Rev 2/10

Owner

Name: RUSSELL, Elwin & Linda	Telephone:
Address: 1422 MORGAN BRYAN	E-mail:

Applicant

Name: RICCARDO RIGOLI	Telephone: 740-403-4577
Address: 2180 NORTH ST.	E-mail: RIC1956@YAHOO.COM

Lessee

Name:	Telephone:
Address:	E-mail:

Parcel

Address of Parcel: (Number & Street, City, State, Zip) 1422 MORGAN BRYAN DRIVE	Auditor's Parcel #: 054-286350-00.133
--	---

On the North South East West side of the street, between the following intersections:
and

Subdivision Name:	Lot Number: 11792
--------------------------	-----------------------------

Zoning Classification: If filling out electronically, click box to display dropdown RL	Proposed Use: If filling out electronically, click box to display dropdown (Specify Use):
---	--

Notes: (Optional)

Appeal

The Application is a request to permit the following:
 Erection Alteration Maintenance Conversion Conditional Use

In accordance with the plans filed herewith, describe the building or use:
 CONSTRUCTION OF A ROOF 16'X13' OVER AN EXISTING 12'X12' DECK

Appeal Continued

This project is not permitted by the Zoning Code for the following reason(s):

PROPERTY IS ZONED RL WITH A REQUIRED BACK YARD SET BACK FROM PRIMARY STRUCTURE OF 40' AND PROPOSED ROOF CONSTRUCTION WOULD BE 34' REQUIRING A VARIANCE OF 6'

Please outline the circumstances, which you feel would warrant a variance to the requirements of the Zoning Code:

AT PRESENT DECK USE IS LIMITED BY NOT HAVING A ROOF OVER IT

Has there been any previous application or appeal on these premises? Yes No When?

This application is a request for modification of the requirements of the following Article(s)/Section(s) of the Zoning Code: (List)

ART 16 , SECTION 16.8

Required Documents

(Must be signed and returned to the Engineering Department.)

- A. Original Application
- B. List of owner names, street addresses and tax mailing addresses for all properties lying within 200 feet radius of the entire property in question. **Number the parcel list. This will correspond with the Tax Map in C below.**
- C. Tax Map from the County Engineer indicating boundaries of this property in question and properties described in B above. **Number each parcel on the map to match its corresponding name, location and mailing address in list B above.**
- D. Site Plan showing location of existing and proposed structures, property lines, setbacks and dimensions.
- E. Elevation drawings of the front, side and rear of the proposed building or structure. Identify all major exterior finish materials on the elevation drawing.
- F. Application Fee of \$50.00 Cash or Check made payable to the City of Newark
- G. Application Fee of \$25.00 for Off-Premise Variable Message Sign
- H. Additional documentation at the discretion of the applicant for support of the Appeal

Upon receipt of this application and the required documents listed above, you will be notified of the date and time of the hearing at which time you or a representative must appear.

[Signature]

(Owner/Applicant Signature)

Before me, a Notary Public in and for Licking County in the State of Ohio, personally

appeared Riccardo R Rigoli who, by me being duly sworn, says that he is the

(Applicant's name)

Applicant of the parcel of land with reference to which the within appeal is made; and

(Applicant, owner, lessee)

that the statement of facts contained herein above is true.

Subscribed and sworn to before me this 12th day of October 2023.



POLLY A. KEMP
 NOTARY PUBLIC
 STATE OF OHIO
 MY COMMISSION EXPIRES
5/11/24

[Signature]
 (Notary Public signature)

DO NOT WRITE BELOW THIS LINE – FOR OFFICE USE ONLY

Status:	Date:	Zoning Reviewer:	Date Notified:	Date:
<input type="checkbox"/> Incomplete				Rcvd. Date: <u>10-17-23</u>
<input type="checkbox"/> Forward to BZA				Paid Date: <u>10-17-23</u>
<input type="checkbox"/> Hold				Check Cash (circle one) Check # <u>13293</u> Amount \$ <u>50.00</u>
Reason:				

BZA CASE NO. 23-42

Date of Review: 11/2/23

Address of Project: 1422 Morgan Bryan Dr

Current Zoning: RL

Project Description: Porch

- B.Z.A. Approval Required?----- Yes
- Planning Commission Approval Required?----- No
- Engineer’s Approval Required?----- No
- Law Director’s Approval Required?----- No
- City Council Approval Required?----- No

Ordinance / Article / Section	Requirement / Proposal / Conclusion
--------------------------------------	--

08-16 16 16.8

Requirement: In the RL district, the required rear yard setback is 40 ft.

Proposal: The applicant proposes construct a roof over an existing deck. This will leave the porch with a 33 ft. setback from the rear property line.

Conclusion: The proposal requires board approval

RUSSEL RESIDENCE
1422 MORGAN BRYAN DR.

PROPOSED ROOF OVER EXISTING DECK

