

BOARD OF ZONING APPEALS MEETING
THURSDAY, FEBRUARY 22, 2023 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 February 22, 2024 Board of Zoning Appeals Meeting to order.

Present:

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

2. APPROVAL OF MINUTES

Minutes of the January 25, 2024 meeting

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

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-24-03

Applicant: Rita Jackson
Owner: Rita Jackson
Location: 120 S. 32nd St.
Project: Single Family Dwelling
Reference: 7.2.3

Rita Jackson, 120 S. 32nd Street - I have a very small cottage, it's 4 rooms and about 600 square feet and I need to accommodate 5 adults and 1 teenager and so what I notice is that there is a huge space in front of this house, when I

bought it, it looks like there had been a house there before and so I wanted to build something else in front of it.

Mr. Layman - So, the cottage is still there?

Ms. Jackson - Yes.

Mr. Layman - So, we'd have two buildings on one lot.

Ms. Jackson - Yes, that's true, but I think there had been a dwelling there before, this little house was built in 1940 and it sits in the back near an alley. The address is 120, but there's nothing there, when people come to visit me they don't even notice there is something there, they just pass right past, so the dwelling I am asking permission to build would then take the place of the property that used to be there.

Mr. Carter - It's my understanding there was a dwelling there and there was a fire and I think the garage was converted to a living unit.

Mr. Layman - The concern is with two houses on one lot, if you have two different families, a different family in the front and a different family in the back, now we put multi-family use in a single family neighborhood, which we really can't do, so the approval would come with a condition of one family. So, if you're in the new house and family members in the back, that works, if you rent it to somebody else, you're in violation.

Ms. Jackson - Okay.

Motion to approve with the condition of one family occupying the residence, Second

Mr. Carter - What we'll do, is there will only be one address for you Rita, at no point in time will there be a separate address.

Ms. Jackson - That's fine.

Motion passed

APPLICATION BZA-24-04

Applicant: Phil Coblentz
Owner: Epic Housing LLC
Location: 830 Jones Ave.
Project: Single Family Dwelling
Reference: 16.8

Phil Coblentz, 830 Jones Ave. - I would like to build a single-family house for one of my sons, we had a plan drawn up, we weren't sure where we were going to go with this house, we realized the house is two feet too long for that piece of property, so I am asking for a two foot variance in the back, so we can build the house.

Motion to approve, Second, Motion passed 5-0

APPLICATION BZA-24-05

Applicant: Greg Schultz/Linden Ave LLC
Owner: James G. Van Winkle Trustee
Location: 0 North 21st St.

Project: Retail Store

Reference: 125.2

Greg Schultz, 317 Weatherburn Dr., Pataskala, Oh. - We're here tonight to request a parking variance from 54 spots for our proposed 10,640 square foot retail store to 35 spots. This will allow us to shrink the impervious area and have more greenspace on the lot.

Linda Swainford - I just want to know what the lot is going to be used for.

Mr. Schultz - It's for a retail store.

Ms. Swainford - What retail store?

Mr. Schultz - It will be a new construction Dollar General building.

Ms. Swainford - I'm not happy about that, none of us are.

Linda Wise, 101 Belmont Ave. - My condo is facing that lot, along with hers and a couple others and we want to know what's going on because we don't know anything about it. We want to know, are they going to put a fence, what kind of fence, are they going to put trees and a fence, because are they going to take up the whole lot or just one spot.

Mr. Layman - I think there's 3 lots there.

Ms. Wise - Are you building on all three?

Mr. Carter - If you want to come up here, I'll show you.

Mr. Layman - Anyone else who wants to see this, come up.

Brandon Bernard, 1686 Scioto Ln. - I'm the President of the Derby Downs Condo Association. I guess our main question is how far from the Condo Association is this parking lot going to be? This is the first letter we've received, we're all in shock here, so we're all here to see what's going on. We're just 3 people here out of I don't know how many letters you sent out. This is the first time we've seen this.

(Multiple discussions all going on at the same time)

Motion to conditionally approves subject to a natural mound built along the property line with an evergreen barrier on the mound, Second, Motion passed 5-0

APPLICATION BZA-24-06

Applicant: Andrew Guanciale

Owner: PAG Properties IV LLC

Location: 100/900 Londondale Pkwy

Project: Multi-Family Complex

Reference: 26.8

Andrew Guanciale, 15 N. 3rd Street - We're asking for a 15 foot variance on the north side of our property to build 6 condominiums on that lot.

Mr. Layman - Is there something else you're building on there?

Mr. Guanciale - Possibly a garage.

Steve Linon - I'm an attorney here on behalf of the neighboring condo association that would be losing that setback that's in the zoning code and the association has some concerns, I don't think it would be impossible to address

them, which is why I took a few minutes to go meet the petitioners. Mainly, the 75 foot rear setback is there for a reason, it's to keep things from getting too bunched up and having too much undo density. We're a little bit concerned with the site plan, we're not sure what the big box at the north end of the property was going to be, assured me it's going to be a garage, not a dumpster pad. So, anyway, I just took a few minutes to talk to them, we'd like to see some screening, maybe some evergreens or something, that sort of thing, here also are the Board President and the Property Manager, do you have something you want to add?

Resident - I think that's our concern, currently there's a vacant tennis court, it's in disrepair, it is a little bit of a liability hazard as well, so, of course our condos decks and patios all face this tennis court, even though we do have some current bushes that hide that, it is going to be a little different to look out and see (inaudible) so I would like some kind of screening up as much as possible and would like to be assured that it is not a dumpster because currently there is a mattress and typically there is a mattress or piece of furniture that's at the dumpster of the current apartments that are part of this property. So, again, I appreciate we can't stop them from using their property as they so choose, but I would like to have as much screening as possible just to protect it because we do have apartments around us, but it is kind of nice to have that open space that we are going to lose.

Mr. Linon - There are a couple of parking spaces that the condo community uses that are bisected, aren't completely on one property or the other they are kind of sliced in half or two thirds, we would like to work out some kind of arrangement some kind of easement just so that those parking spaces continue to be used. The property line does bisect it.

(Multiple discussions)

Mr. Carter - Andrew you mentioned a garage. An accessory structure in the MFR District is supposed be 100 feet from any property line. If you want to do a garage I think you need to address it tonight. We need specs on the garage distance from property line.

Motion to approve as submitted conditionally with the north setback set 30 feet and west setback at least 20 feet, that there be screening on the east side, at least 3 pine trees on the north side by the unit and the parking on Tall Oaks Court that encroaches your property line can remain as long as Tall Oaks Court wants it to. Motion approved

APPLICATION BZA-24-07

Applicant: Andy Wesney
Owner: Kalen & Courtney Dees
Location: 141 Day Ave.
Project: Room Addition
Reference: 7.2.3

Andy Wesney - We're not changing the footprint, we're just adding another

story to it.

Motion to approve, second, motion passed 5-0

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, MARCH 28, 2024 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS MARCH 1, 2024, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals