BOARD OF ZONING APPEALS MEETING
THURSDAY, SEPTEMBER 25, 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, September 25, 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

Absent:

Phil Claggett	Member

Mr. Layman - The way our bylaws work, it takes three affirmative votes for any variance to be granted. We have a fifth member, Phil Claggett, who we expect, but we're going to start.

2. APPROVAL OF MINUTES

Minutes of the August 28, 2025 meeting

Motion and second to approve minutes of August 28, 2025, passed by acclamation

3. OLD BUSINESS

4. NEW BUSINESS

APPLICATION BZA-25-34

Applicant:	Advanced Civil Design
Owner:	Rocky Point Partners
Location:	2236 River Rd.
Project:	Condominium Complex
Reference:	28.5/28.8/125.2

Mr. Carter - Mr. Miller called me at about five o'clock. He said he expected to be here at 5.30. He's stuck in a little bit of traffic.

Sue Grindrod, 2109 Valentina Lane – I live in the Reddington Village condominiums. I am currently the president of their HOA, and I'm here representing the 116-voting people that live in that condominium complex. We believe that this is a very bad idea to build in this area anyway, and then to add 12 more units than what it already calls for, we just can't even imagine a clubhouse that seems to be right on the road, and a turn lane from this roundabout, which is already a very interesting roundabout to

navigate. We are very concerned about the traffic. We are very concerned about police, fire, and ambulance protection in our area. We are concerned about the infrastructure damage, and we are concerned about adding 500, maybe more cars to an already very interesting situation as we try to get in and out of our property. We encourage this panel to vote no.

Mr. Layman - Thank you, Sue. I think the panel's going to speak right now, or one member of the panel's going to speak. The way the zoning ordinance is structured, the Board of Zoning Appeals has the right to grant variances on any number, which would include density. After a couple years, this code was enacted in 2008. After a couple years, it became obvious that people were trying to rezone property through variances. The Board is not in favor of rezoning property through variances. What I mean by that is the Newark City Zoning Ordinance is structured by density. All the way through, it starts at the lowest density, and at each new classification, it works up to a higher density. The density for MFC, which is what this is currently zoned, is six units per acre. The next density up is MFR, which would take you up to somewhere between 10 and 12 units per acre. You're here in time to get the bad news. I don't think there's five, or there's three votes here to grant more density than six units to an acre on this 18.3 or 18.5, whatever it is, acres. It's 112 units. They can do that legally by zoning code, and that's, I think, I could be wrong, but I think that's going to be the decision of the Board, that it's going to leave it at 112 units. They have two other variance requests. One is for setback, which I think we're probably inclined to grant, and the other is for accessory building setback, and we're probably also inclined to grant that. I think that's a sense of where we are.

Joe Miller, Rocky Point Partners - Mr. Chairman, Joe Miller on behalf of Rocky Point Partners, the developer, I'm joined by Ashley Hochstock, the project engineer. I appreciate your candor. However, you mentioned 112 units. I believe that the 18.6 has to be considered with the 1.3.

Mr. Layman - No, it does not. It will not be at this hearing.

Mr. Miller - And could I ask for a code-based reason for that?

Mr. Layman - You submitted an application with one parcel number. The 1.7 acres island has a separate parcel number. It's not part of the property, it was not part of the submission.

Mr. Miller - We can amend that and would do so. I want to say that that's an important factor. I've been involved with this project long enough to know that the neighbors have been actively involved. They're engaged stakeholders. We've tried to engage with several of them, and certainly one concession we're willing to make for, I believe 120 is permitted. I understand your position as it relates to the parcel number. So, I'm certainly not going to get into a debate with the chair of the BZA cause I'm going to lose that. But thinking of it as 20 acres, we certainly as a comprehensive whole understand that maintaining that open space on the 1.3 is important to the neighbors. We want to do that and we want to be a good neighbor, but only if it relates to the greater density amount on the remainder, which by the way, has over 13 acres of open space. I guess what I would suggest Mr. Chair, if the Board is amenable. And again, I hope I did not keep you waiting. Your time is valuable. I tried to let Mr. Carter know the problems I encountered in getting to this meeting. I guess what I would do is we applied for these variances at the encouragement of staff because of some of the benefits that we see that open space for the neighbors. I understand how you feel about the setback and that's good cause I do think this is a smart, cohesive layout and a good project. I guess what I could ask if the board would indulge it is to go forward with the parking and the setback variances so that we know what we have. I would ask to table the variance request, work with staff potentially to amend the application and ensure our ability to conform to code. And frankly, work with your staff to discuss what if any variance on density would be acceptable. I felt that we were coming to you with a modest number, certainly as compared

to prior proposals when 230 units were proposed or 190 units were proposed before the Planning Commission in a multifamily rezoning. We have understood, heard and listened to that body. That's why we're coming to you under straight zoning with what I thought was a modest variance on density. But I'd love the Board's feedback both on that proposal and then concerns as it relates to the density because I can tell you that we've had a traffic study done for those larger developments, those great many units and it can accommodate that. The infrastructure can accommodate it and we're still going to build the turn lane into the development even though it's really not necessary based on this much smaller density. We've shrunk the density, sir, by many, many units obviously. I mean, as many as close to 50% from what we previously proposed. So, I guess what I would ask for is would the Board entertain what I suggest to move forward on the two variances I'm prepared to present. We would table as to density, but then I'd love to hear what specific concerns, if any, exist as it relates to the density of the project because we've scaled it way back and I feel like cut to the bone.
Mr. Layman - You have the right as the applicant to request this to table. We are already on record, I think, of being in favor of your setback, and we don't care about your parking because you have enough land. You can probably ask for less parking because if you need it, you'll need it and you'll have room for it. I don't know if you're going to get anywhere with the variance on density. I think you're stuck at six units per acre. It's an issue for the City and Planning Commission on that acre island, that 1.7 acre island if they want to include it. If you combine the lots, then you don't need a variance to get six units to an acre. That's not our ballgame. If you want to table, you can table.
Mr. Miller - Then I would ask to table that variance and just so we know what we have...
Mr. Layman - Just table the whole thing.
Mr. Miller - Really? Because they are three separate variances and if you're fine with the two.
Mr. Layman – Let's look at it (inaudible).
Mr. Miller - Okay, okay, well we will. Just so I understand the Board's position, there was only one parcel identified in the application and it would only consider density based upon the 18.7 acres tonight.
Mr. Layman - That's what you're asking for, yes.
Mr. Miller - Then we're going to table and amend that application. And that may inform our judgment of what we need to move forward on next month.
Mr. Layman - If you come back to us, this is me, and I can't, there's four others. If you come back and include both parcels, and include that as your density, I'm still going to say six units to an acre. So, you can pick up another seven units or whatever from that one parcel, but no more.
Mr. Miller - I know you're not here for a poll or to tell me what to do, but I'd be interested in hearing if there are similar concerns and what they are of the other members, so we can be sure to try to address them.
Mr. Wood - I fully concur with Mr. Layman, just based on the concerns of the neighbors, the neighboring developments, they've been able to maintain densities without variances. So, I just fully concur with Mr. Layman.
Mr. Paul - I'm on the same page. I honestly am. They're spot on with my thinking as well.
Mr. Miller - Okay. I appreciate the Board's candor. I would ask then, if you don't care to take them kind of up piecemeal, that we table this until next month. We'll amend our application and reconfigure what it is exactly that we're seeking. But again, I appreciate your candor in this regard. Let me ask you this, and again, I'm not trying to make this, I'm really just trying to have give and take to make sure we can put forth our best application for the city and for the neighbors and the residents. If we amend and

include the 20 acres, six units to the acre gets you to 120 units. This body certainly is empowered to enhance that to 126. Would that be an acceptable increase in density there? We're talking 5%.
Mr. Layman – Not today.
Mr. Wood - No, I mean, I'm pretty set on a zero-density increase.
Mr. Miller - All right, let's table. I'll come back to you with what we have and hope to move it forward from there. Thank you, gentlemen. And again, I apologize if I at all kept you waiting.
Mr. Layman – The motion has been made by the applicant to table. It is tabled until next month.
Mr. Miller – Thank you.
Mr. Carter - Just FYI, the next month's hearing is October 16th.

APPLICATION BZA-25-35

Applicant:	Timothy Dills
Owner:	Timothy Dills
Location:	1975 Freehold St.
Project:	Home Based Online Business
Reference:	22.4

Timothy Dills, 1975 Freehold St. - I am requesting to be able to run an e-commerce website out of my home.
Mr. Layman - I have one question for you, Mr. Dills.
Mr. Dills - Sure.
Mr. Layman – Are you going to have inventory on site?
Mr. Dills - Will not. All inventory will be handled through a distributor or through what's called a 3PL.
Mr. Layman - Here's what we typically do on home occupations, there're conditions. No customers, no signs, limited amount of trucks, no inventory.
Mr. Dills - Nope, none of that.
Mr. Layman - I mean, you could do this. I mean, you're to be commended for coming because you could have done this and nobody would have known.
Mr. Carter - The reason why these are frequently coming in front of the Board is because the Bureau ATF requires the City of Newark zoning approval.
Unknown speaker, 1991 Freehold St. - Yeah, I don't know much about the business. I have some questions about that. I live at 1991 Freehold Street, and our neighborhood is a walking neighborhood, and his house is directly across a small street from the playground equipment that the kids play at, and I don't know if he's having people come, how many trucks are going to be coming and going.
Mr. Layman - That would be a condition. Typically, when we get asked for a home occupation, we put conditions on them. It's a standard condition. There're no customers, no inventory, no signage, no employees. You won't even know he's doing it. Our concern was, does he have inventory on site?
Unknown speaker - Right, mine too.
Mr. Layman - And the answer is no. And that'll be one of the conditions on the variance.
Unknown speaker - All right. Thank you.
Motion to approve with the standard conditions to home occupations: No inventory, no visitors, no employees, Second, Motion passed 4-0

Mr. Carter - I'll address the Board. Luke called me at 4:29 this afternoon and asked if he could be on the agenda. In reality, we did make contact a couple days ago. He asked to come talk to the Board tonight. It is my opinion that he can talk to the Board, present information to the Board, and, you know, if the Board feels like his plan is acceptable, then we should officially have the paperwork for the 16th meeting because it's not on the agenda. Mr. Schlosser and Luke over there would like to present their changes to the Board and get the Board's feelings on whether or not they like that.
Mr. Schlosser - First I'd like to apologize for not being able to be here for the last three meetings. We revised this drawing. I guess we're down to parking now. What we have now is a total of 36 parking spots with a required amount of 41, and 36 of these spots are on our own private property. We also have across the street in mid-Ohio, right at that gate there, we can park five cars there, and then we have street parking. We're talking about a business that's busy during lunch and dinner crowds. You know, I know things change. Over the years I've been going in this building since I was seven or eight years old. Back in the day when this town was booming. Busy, busy, busy. Parking's never been a problem. My wife and I, Jackie, have never had a problem with our neighbors. We'll accommodate whatever they need. We help out. I'm just asking. I think we're so close that we're not going to have any problems with parking. We're just trying to come up with a good thing here. We have a really nice restaurant. I'll put my daughter up against any chef in this town. She's putting out good food. Keeping busy. People are liking it. We're getting a good crowd, good quality of people. I think it's a great service to the community. Some of you guys have been in there. David Rhodes, you know, a lot of the guys have been in there. They love it. It's a great atmosphere. Brings back some of that old Newark history we have.
Mr. Hunt - I have a question for you. So currently the parking lot is gravel, correct?
Mr. Schlosser - Part of it. Part of it is paved and part of it is millings.
Mr. Hunt - But in the plan you have, are you paving everything and identifying clear parking spots?
Mr. Schlosser - So we have already done that. We haven't paved everything but we have identified clear parking spots. Yeah, what you see there is identified by lines. Luke was with me this morning and this afternoon. I was there at 5, and all of the street parking to the west, all of those houses have garages and there's never hardly anything there. Like I said, we're busy lunch and dinner and I'll be honest with you, I see there's 36 spots available. Really Luke, there's 39 because we have three right in front of our building. Right? So now we're only shy two parking spots. Then we have mid-Ohio right across the street, which I am acquainted with, and they have no problem with that.
Mr. Layman – Can you get something in writing?
Mr. Schlosser - Probably not for three parking spots and I'll tell you why, Mr. Layman, it's a liability thing for them. I mean, you know, we've talked about you know, maybe even renting some stuff over there, you know, and they don't want to do that. But yep, they tell me it's no problem. You can park there. So, I've been parking there and my lead staff has been parking there.
Mr. Layman - Okay, can you get a letter, just a license for staff and owner parking over there?
Mr. Schlosser - I can try but I don't know that for sure, you know, I could try. I don't know why what little bit of street parking we would take there… If I could say something about that. Like I said, I haven't been able to be here, but I know who was here and the neighbors that were here, if I showed up here tomorrow and said I was going to gold line the sidewalks, they would be here in opposition of that. The neighbors that were here are here because they are going to give me a hard time because there was a dispute between neighbors years ago, and I wouldn't get involved. Since I didn't take sides,

those neighbors are still alive, the other neighbors are dead, and these people are going to keep…and we're talking about a couple of people here.
Mr. Layman – If you can get something just saying you and your staff can park over there, I think we can interpret that as you meet code.
Mr. Schlosser - Okay, I'll call first of the week.
(question from the audience)
Mr. Carter - As part of your calculation for your parking requirement, it is not added into that equation. However, there is a point in there where you can have a separate private parcel designated for parking to count towards that. So, in this case, Mr. Layman is correct in that he had some parking agreement with mid-Ohio. You can utilize that for your calculation.
Mr. Schlosser - So let me ask you this, Mr. Layman. I'm not under contract yet, but I've been, we're going to sign a contract on the house right behind me, right on the alley. So, if I can't get Ronnie to do that, like I said, it's a liability thing for these guys. You know what I mean? So maybe, maybe not. But the house behind me would be the same thing, right? I buy the home…
Mr. Layman – Give yourself a license for 3 or 4 parking places.
Mr. Schlosser - Absolutely. And it's a done deal. Yeah, that's what we think. So, I've been told that they're going to sell me that home. She just died. There's a 30 by 30 garage, which is why I…
Mr. Layman – That would make this easier. Is that what the variance is up against? That property?
Mr. Schlosser - Yeah, yeah, the variance is right up against the building, right on that property.

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, OCTOBER 16, 2025 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS OCTOBER 1, 2025, 4:30PM.

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

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Chairman, Board of Zoning Appeals Secretary, Board of Zoning Appeals