

BOARD OF ZONING APPEALS MEETING
THURSDAY, July 27, 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 July 27, 2023 Board of Zoning Appeals Meeting to order.

Present:

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

2. APPROVAL OF MINUTES

Minutes of the June 22, 2023 meeting

Motion and second to approve minutes of June 22, 2023, motion passed by acclamation

3. OLD BUSINESS

APPLICATION BZA-23-22

Applicant: Jeanne Phillips
Owner: Jeanne Phillips
Location: 2127 Morgan Run
Project: Shed
Reference: 86.3.1

Jeanne Phillips, 2127 Morgan Run - I'm trying to get a shed approved on a corner lot, we did take measurements and it's 28 feet from the sidewalk, 10 feet from the rear line and 15 feet from our fence, the fence goes around the perimeter of the house. Basically the shed, we don't have a lot of options as far as moving it, on the one side of the house is 14 feet from the line, I don't know if you have a picture, but I have a small picture if I could approach to show this.

Mr. Layman - You're not going to get the three votes needed for a variance so, we need a plan B.

Steve Bero - When we were here the first time, one of the options was moving it back to level with the house, we can do that, okay because right now, we've measured and we've looked at it, how much do we need to

move it back? That's one of the options you gave us last time we were here, we won't know for sure until I get some measurements.

Mr. Carter - Basically back 30 feet after that 30 feet it would no longer be your front yard.

Ms. Phillips - I have a question about what's in the zoning code, what I've highlighted there. Having a corner lot is kind of hard. It's confusing because I sent some pictures to Mr. Carter and some people down on Heather they've got sheds that are probably 3 or 4 feet from the sidewalk and I guess I don't get that and then somebody up on the other corner of the street over by Ava they put a metal shed, which people question metal, but they've got it in their back yard, but it's close to the sidewalk than ours, that's why it's kind of hard to understand.

Mr. Bero - I understand, we can do that, can you give us 90 days?

Mr. Layman - The timing don't worry about, we understand contractors, but you have to do something, you can't leave it the way it is. If they rotate it 90 degrees how far will they be off the road?

Mr. Claggett - Right now it's 28, if they rotate it, it will be past 30.

Mr. Layman - You'll have to put some landscaping up against the blank wall.

Motion to approve the variance subject to the existing shed being rotated 90 degrees, with the garage door facing the same direction as the house garage door, the man door facing the fence in the back yard and it has to be at least 30 feet off the sidewalk and speak to the zoning inspector to find out what needs to be planted, something green to landscape that blank wall, with 90 days to comply, seconded, motion passed 5-0

Mr. Layman - If on day 70, you find out your contractor is not going to show up until day 120, talk to George. 90 days, talk to George if you run into problems.

APPLICATION BZA-23-24

Applicant: Steven & Connie Park

Owner: Steven & Connie Park

Location: 2267 Horns Hill Rd

Project: Shed

Reference: 86.3

Connie Park, 2267 Horns Hill Road - Last month we were requested to provide a drawing with setback requirements, so our contractor did provide that, I sent that to George. He says we're well within the setback requirements.

Mr. Carter - What we did last month is we approved a variance for the house contingent that she comes back and shows a drawing for the shed.

Mr. Layman - I have submit a drawing, I had placing shed on property for July BZA meeting, board moves that location for position of shed shall be changed or are we comfortable with it being where it is.

Motion to approve where the shed is, second, motion passed 5-0
Mr. Layman - It's not really a variance, just more of a confirmation.

4. NEW BUSINESS

APPLICATION BZA-23-28

Applicant: Crystal Byerly
Owner: Crystal Byerly
Location: 63 Monroe Ave
Project: Accessory Structure
Reference: 86.3.2

Crystal Byerly, 63 Monroe Ave. - I did everything I was supposed to to get the building up and I told the contractors where it needed to be to be in-line with 3p, but they put it crooked, just the back, 7 feet or so.

Motion by Mr. Hunt, second by Mr. Claggett to approve variance as where it sits, motion passed 5-0

APPLICATION BZA-23-29

Applicant: Meridi Bosley
Owner: Meridi Bosley
Location: 393 Pierson Blvd
Project: Fence
Reference: 88.1.2

Andrew Collins, 1137 Cranwood Dr. - Directly behind the house. I feel it's a bad choice, she has dogs that are constantly barking and to move them closer to the property line would become more of a nuisance. The property isn't maintained well enough now. I feel it would make the neighborhood look worse.

Michelle Athey, 365 Pierson Blvd. - I am the neighbor directly beside her and I concur with what Andrew has said, she does not maintain her property, the dogs bark at anything they see, it's non-stop, they bark at 12:30 at night. If she's able to move this up closer to Pierson Blvd. that means there's a lot of activity with people walking up and down which means more excessive barking from these dogs, it would be an eyesore, her property is an eyesore as it is. I'm against it.

Jennifer Morehead, 1130 Cranwood - I live catty cornered from the back of their house and I agree, it's a zoning issue it's 6 foot and they're only allowed to have 4 foot, they already have a six foot and they want to extend it all the way out it's just not esthetically pleasing.

Brittany Collins, 137 Cranwood - I have a question for you all, I read through the zoning ordinance that was listed on the paperwork that we received and also when I was reading through the zoning ordinances I went to 6.11, I believe it is and it talked about homes on a corner with two roads, correct me if I'm wrong, but it has to be at least 25 feet from the property line, no? This is saying she wants 10 feet. What we received says she wants to do 6 feet instead of 4 feet, but from 6.11 what I understand she has to be at least 25 feet from the road because she lives

on a corner lot. It's a safety concern, Pierson is extremely busy, they speed all the time and with a fence with there we can't ride our bikes as it is, we have to go down further from the road.

Mr. Carter - If you come up I'll show you a picture and I'll describe what this section means to you real quick.

Motion to deny by John Paul, second by Jack Gienger, motion passed 5-0 The variance is denied

APPLICATION BZA-23-30

Applicant: Dan Dobbelaer
Owner: Dan Dobbelaer
Location: 1558 Horns Hill Rd
Project: Accessory Structure
Reference: 7.2.3.4

Dan Dobbelaer, 1558 Horns Hill Road - We had a large tree completely smash our existing garage and we would like to grandfather in a new structure in the same place that the first one was destroyed. The variance that we would like to have is that we would like to increase the size from the old 24x24 to 24x36, which would bring the edge of the building 42 feet from the edge of Horns Hill Road. It would be in our side yard, I guess it's hard to determine what side of the yard it's actually in, it's where the old building was.

Mr. Layman - The garden on that end, is that yours?

Mr. Dobbelaer - Yes, on the other side, well there's two areas of gardens, one is behind and one is way to the south.

Mr. Layman - What is it going to be used for?

Mr. Dobbelaer - Well, it's going to be used for various things. Tractor equipment, a shop.

Mr. Layman - Would you accept a commercial use restriction?

Mr. Dobbelaer - Yes, I don't see any reason for commercial use.

Mr. Layman - Anytime we get big sheds, there's a temptation to use it for commercial purposes.

Mr. Dobbelaer - We don't have any type of commercial operation.

Mr. Layman - Maybe not you, but maybe the next owner.

Mr. Dobbelaer - Oh, I see.

Motion to approve by Mr. Paul with a commercial restriction, second by Mr. Claggett, motion passed 5-0

Mr. Layman - You're variance has been granted with the restriction of not being able to use it for commercial use.

160 South 21st Street

Mr. Carter - Gentlemen, this is what I was speaking about at the beginning of the meeting. Years ago we passed a variance regarding porch additions to a non-conforming building.

Mr. Layman - The addition is conforming, but the building itself is non-conforming.

Mr. Carter - It was determined we were going to have a discussion about it tonight and make sure everything was kosher that you do not need a variance does not need board approval, your zoning permit will be granted.

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, August 24, 2023, 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS August 1, 2023, 4:30PM.

5. ADJOURNMENT

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals