

BOARD OF ZONING APPEALS MEETING
THURSDAY, NOVEMBER 20, 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, November 20, 2025 Board of Zoning Appeals Meeting to order.

Present:

Steve Layman	Board Chair
George Carter	Zoning Inspector
John Paul	Member
Brian Wood	Member
Phil Claggett	Member
Eddie Hunt	Member

2. APPROVAL OF MINUTES

Minutes of the October 16, 2025 meeting

Motion and second to approve minutes of October 16, 2025, passed by acclamation

3. OLD BUSINESS

APPLICATION BZA-25-31

Applicant:	Luke Baus
Owner:	A/O Party House Rental LLC
Location:	495 Wehrle Ave
Project:	Building Addition
Reference:	46.8

Luke Baus, 149 East Main Street, Hebron, Ohio - So, Knotty Pine Cafe, if you remember, we went through the potential for an addition. Then at one point, we had a meeting where we had tabled all of it because of the parking. I think maybe prior to that, I had briefly spoken to George about the fact that they wanted to, at that point, the reduction was to go to a 15-foot-7 rear yard setback. They wanted to reduce that to 10-foot-7. We kind of talked about that in general, and then I think as the meeting went into all the parking, never circled back on my end with it. So, when we got the approval the other day in the mail, I read through it, and it said the 15-7. I kind of dropped my head going, okay, that got lost somewhere in translation when we went through these originally. So, I brought it back up to him and said, and I've got a couple copies here I'll share with you. The parking still matches essentially what we had done initially. I think the remainder of the parking was solved with the owner.

Mr. Layman - We gave you a variance three meetings ago, four meetings ago. You weren't here.

Mr. Baus - Correct.

Mr. Layman – For a covered refreshment area.

Mr. Baus - It's an addition, a fully enclosed addition.

Mr. Layman - Which was the second pass because the first one was an open addition. A patio.

Mr. Baus - Correct.

Mr. Layman - Didn't we approve that?

Mr. Baus - The patio was approved with conditions.

Mr. Layman - No, we approved the cover.

Mr. Baus - Correct, you did. It was approved. My comment was what was on record for the variance setback was incorrect. George and I had had a conversation, and it didn't get carried through, and that may have been my fault. Didn't get carried through in the meeting because we kind of got sidetracked with the parking issue.

Mr. Layman - That was what was in the initial, the very, very, very first request was 10 foot something?

Mr. Baus - The very first request was 15, and we wanted to reduce it instead of 15-7 to 10-foot-7.

Mr. Layman - And which meeting was that?

Mr. Baus - It was the one where we had all the discussion about the parking and the lights from the neighbors, and Ron was in Africa, and we tabled that one. I asked to table it because he needed to solve the parking issue. So, he got you, I believe, a letter that solved the parking issue. He came to the last meeting, and you approved it at the last meeting.

Mr. Layman - What was on the application that we approved? What was the drawing that was attached?

Mr. Baus - I believe that was the initial 15-7.

Mr. Layman - So we have inverted on 10-7?

Mr. Baus - Correct. Correct. I don't believe so. I just asked George how we wanted to solve it, and he said start with the old business and we'll go from there. So that's where I'm starting.

Mr. Layman - Refresh my memory. He bought the property that this abuts?

Mr. Baus - On the other side of the alley.

Mr. Layman - So you're asking for 10-7 off the alley? He bought the property on the opposite side of the alley?

Mr. Baus - That is correct, yes.

Mr. Layman - So it's a variance against himself.

Mr. Baus - That is correct.

Mr. Paul - Has he made any headway on our lighting? This seems to be upsetting the neighborhood. Fixed the parking?

Mr. Baus - Yeah, he fixed the parking. We actually, the other day, were out there walking it, figuring out what he needed to do with the lighting. So yes, he understands that, and he's fine taking care of that.

Mr. Paul - Big progress on the parking over there.

Mr. Carter - In my opinion, since it pertains to the same project, and we already have a BZA case on it, the Board could bring that back up off the variance (inaudible). So, I do believe the Board has the power to review this specific zoning case.

Mr. Layman - Was 10-7 ever mentioned in any of the applications?

Mr. Baus - Not in the application, no.

Motion to take from the table by Mr. Hunt, Second, Motion passed 5-0

Mr. Layman – So, your formal request is to ask for a 10-foot 7-inch rear setback for an enclosed building.

Mr. Baus - That is correct.

Motion by Mr. Paul to approve 10-foot 7 setbacks with all other promises of the deal; down lighting, dustless surface, Second, Motion passed 5-0

4. NEW BUSINESS

APPLICATION BZA-25-41

Applicant: Bryan Lewis
Owner: EM Millcreek Partners
Location: 714-718 Olde Creek Dr
Project: Two Family Condominium
Reference: 28.8

Bryan Lewis, Stone Works Partners, 1239 Cherry Valley Rd. - We are planning to put another condo, duplex condo on the lot that matches all the other condos in the community and it doesn't quite fit. We need to change the 30-foot rear setback to 20-foot.

Robert Stephen Hawk, Constance Hawk, 711 Woods Edge Ln. - Just down the hill from the proposed site, seeking the variance for the setback. While we have no opinion as of yet on whether to approve or not approve the setback, we do have some issues I think the Board needs to be aware of that involve the site. Up that hill on Old Creek Road Drive in particular, I have photos showing that there is significant subsidence in the roadway. There appear to have been drain sewers who are in the process of collapsing and we have concerns of concrete mixers, cranes, etc., driving on that. And with construction traffic, what could ultimately lead to a collapse. We also have provided photos for the Board of the site and also some photos of property management from Stone Works with existing dumpsters still on site from a previously completed construction process. So that is our concern. We respectfully ask that you table the request for the application until city engineering, someone from the City can come out and look at that roadway before we allow construction traffic on it.

Mr. Layman - I understand, but it's not a city street, is it?

Mr. Hawk - It's not.

Cheri Boyer, 734 Olde Creek Dr. - I'm actually, I guess, concerned about the 20-yard variance because I didn't even think about what you just brought up, the roadway. But I do know that that drive, Turner Road, is a what you would call a, I guess, a collector road. It connects two major streets, King Road and Price. And I'm asking the Board to actually maintain the standards that you created originally for Turner Road. Because in doing that, it makes sure that it protects the site distance, the future right-of-way and emergency access. Reducing the setback would increase stormwater runoff toward the roadway and neighboring lots, which already experience drainage challenges. Additionally, the existing homes that are along Turner Road are following the ordinance that's already in place with the deeper setbacks.

Mr. Layman - Have you seen the drawing of what we're talking about?

Ms. Boyer - I have not seen the drawing.

Mr. Layman - Why don't you come look at what we're talking about?

Ms. Boyer - I appreciate that. Additionally, what I've noticed, and I might mention that as a homeowner, I just had significant water damage in my home because there are natural springs that are up higher than where I am. And I spent, thankfully I have insurance, but I spent a significant amount of money and time, and my house is still not completely done yet. It's going to be a year for water drainage because of natural springs. So, as I share this, I realize it may not seem like a big deal for a footprint, but when you start talking about safety, the fact that people speed along Turner Road, that the fence has been plowed into numerous times and had to have repairs, to me, it's a safety issue if you're walking along. You should never use, I used to do research, and you never should use a sample size of one, but I know of a woman who lived off of a drive where the car did go over and she ended up having eye problems because it landed on her back porch. I realize that it's not, it might not be right in that area, but I guess that knowing that all the other homes are in a good place, they're following the protocol, and then the next thing that comes up is there will be more building after that. What I've noticed is that it can easily happen that if you approve this, then is the next one going to need less distance? That's going to require another approval. I guess between public safety, roadway function, the right-of-way protection, stormwater drainage impacts, neighborhood character and consistency, property values being impacted, and then also if there is ever damage, then is it the associations that have to pay for it after the home is built? So, there's not just short-term consequence, but there's long-term consequence. And then even, I don't know, like, you all are the experts. Will Turner Road ever, I know they did drainage with the health department at one point. Will Turner Road ever be widened? So those are some things that I don't know, but I guess I would just like to say that my opinion is that I feel the City did a great job of figuring out that 30 feet was crucial at some point in time, and I'd like to say that I think it's consistent to go along with that and keep our values and keep safety and all of those things in check. Thank you.

Mr. Layman - It seems to me that this is outside of the condominiums that Mr. Hawk is talking about. It's a different condo association, is that correct?

Mr. Lewis - It's in Hawk's Association.

Mr. Layman - So is Cheri's condo in that?

Mr. Lewis - No.

Ms. Boyer - But we have an overriding condo...

Mr. Lewis - They're separate. They're not in the condo association. They were built by Kraner.

Mr. Lewis - Is it part of all one condo?

Mr. Lewis - They're separated out. The two that he built are their own association.

Mr. Layman - So any problems with their side of Olde Creek Road the two condos have to fix?

Mr. Lewis - They're up against. They're not on.

Mr. Layman - The four other units, they're stuck.

Mr. Lewis - Yeah.

Mr. Layman - If there's a problem with Wood's Edge at their end or their side of Old Creek, they're stuck with fixing it, correct?

Mr. Lewis - I don't know. How much is our part of the road? I don't know what part of the road is ours, what part is theirs. I think they have the upper part. That's their loop.

Mr. Layman - Do you have pictures of where it's falling apart? Do you see where I'm going with this?

Mr. Lewis - I've been out there for eight years and that sunken area he's talking about has been there since day one. It looks to me like when they put the storm sewer in, they didn't compact or fill, and the fill settled out from underneath the asphalt.

Mr. Layman - Well, I guess where I'm going is simple equity. Those original people who bought the Kraner thought they were in a big condo where they would have lots of help paying for road problems. That's not what happened. When you guys took over, you cut them out.

Mr. Lewis - They were offered to come in.

Mr. Layman - That's not the way I heard the story.

Mr. Lewis - I don't know. That's the way I heard it.

Mr. Layman – Cheri, did you opt to stay out of their condo?

Ms. Boyer - Yes. Eric Horvath asked us to basically...They would be the association. We were already an association. At the time, we found out from our insurance company and other variables that said if we joined their association, we would lose our coverage and we were taking on the risk. At that moment, we said we do not want to join. We were the first association and the master association. Then they were creating their own. We did say no, but because we did not want to lose our coverage and we did not know about the quality of the condos that were going to be built. There was a lot of risk involved with that.

Mr. Layman - You picked up the risk on the roadway.

Ms. Boyer - Correct.

Mr. Layman - Do you have any intention of doing anything on Olde Creek Drive?

Mr. Lewis - We have one more lot right there.

Mr. Layman - I'm talking about on the road. Fixing the road.

Mr. Lewis - I can't speak for Eric on that. I mean, we have videoed it and taken pictures for years of that road. It would be totally up to him. We put all concrete drives in, so we don't have asphalt out there.

Unknown speaker - I think the question you brought up, it's not a publicly dedicated road, Olde Creek or Woods Edge Lane. When I ask questions about who owns what, I was informed and told basically that when the property was purchased from Kraner, then Eric and Stone Works then owned basically the streets and the roads because he was in the process of building additional units. Then I was told that the upper part of Woods Edge Lane into Olde Creek, which is the west end of that loop, really belonged to Mill Creek 1, which is the smaller association of Cheri and the four units that are in that, and that they owned down to Mill Creek where it comes in off of Turner. Then the second portion, which is lower, the east end, was then turned over to Mill Creek 2 at the completion of all the units down there by Stone Works. That is Mill Creek 2's responsibility. The portion in between is still owned by Stone Works because they have not completed the build out of that particular unit. So, I think the question here is legal of who owns what.

Mr. Wood – Just simply looking at the auditor's website, and I know that's not gospel by any means, but this shows your property stopping at the edge of the street. So, I guess I would question you as what sort of legal access/easements do they have, and is there any sort of agreement to maintenance of that street?

Unknown speaker - None that I know of. That's part of the issue. Because if that collapses, Bryan says it's not going to, but if it does... If it goes, that's a big one. We have two very small condo associations that do not have the deep pockets to dig that up and replace that should it collapse.

Mr. Wood - I mean, at a minimum, you should make sure that they can even connect to that street.

Unknown speaker - Could you explain, please?

Mr. Wood - There has to be some sort of easement in place for that property to access the private street.

Unknown speaker - Good question. I don't know. We can look into that.

Mr. Wood - Probably my biggest concern is not so much with the setback. The setback doesn't negatively impact Turner Road or what is considered the frontage, in my opinion. But the thing that I like the least is the driveway links are 15 feet. That's not enough to park a car in it. We know people don't always park in their garages and you have neighbors. Then people are inherently going to want to park on the street, and that's going to totally mess up your fire access around there. So, at a minimum, there needs to be no parking signage on the streets, be it public or private.

Unknown speaker - We have had ongoing situations with construction of the other units with workers parking on Woods Edge Lane and on Olde Creek, at times even blocking the mailboxes, and we've had to take some action against that.

Mr. Wood - In my opinion, you have a buildable lot, but the footprint proposed is excessive, A, (inaudible) back setbacks, and B, it doesn't set back far enough off of the curb.

Mr. Layman - You've got an architect and an engineer who think it's too big of a building for the lot. You've got a real estate broker in the middle who thinks that this would be an opportunity to fix the mess with whatever it is, Olde Creek Drive, and figure out who's going to take care of it going forward. Because clearly, two two-unit buildings don't have the resources to fix that road. Somebody's got to take care of the road eventually. I just look at this as a good opportunity as a way to solve the problem is to put it on you in exchange for the approval, but I don't think we've got the votes to get that done. So maybe we should go back to Mr. Hawk's original suggestion and we take a look at it. Let's look at the whole thing. And if you want to have a meeting with them and Eric and the city engineer and somebody from our Board, just talk it out. We can do that. I don't think we have the votes to approve your request right now. I'm not saying we couldn't get there. Right at this 5 minutes until 6 on the 20th day of November, we don't have the votes. So, we'd like you to ask to table it.

Mr. Lewis - Table it, please.

Mr. Carter - I know both parties have been talking to Brian Morehead, and so I will bring this up with Brian, and I'm going to ask this Bryan to remind me on Monday.

Motion to table, Second, Motion passed 5-0

APPLICATION BZA-25-42

Applicant: Chris Thomas
Owner: R & T Unlimited LLC
Location: 1871 Cherry Valley Rd
Project: Building Addition
Reference: 56.8

Chris Thomas, 1710 Oak Ct. - Hopefully we can get the last meeting that we had talked about, the frontage to 19 feet, and then hopefully this is the last time you see me and we can get this building built.

Mr. Wood - I mean, I can't scale off the map to come up with an exact dimension, but I would propose that no building is constructed any closer to the road than either of the neighbors facing the buildings.

Motion to approve provided would not construct any portion of the new building closer to the street than the face of either neighboring building structure, Second, Motion passed 5-0

APPLICATION BZA-25-43

Applicant: Tony Fox

Owner: 1976 Granville Rd LTD
Location: 1980 Granville Rd
Project: Commercial Building
Reference: 125.2

Tony Fox 1474 Highpoint Dr. - We're asking for the variance for the number of parking spaces. We hope to get more, but this is the minimum based on... We're struggling with the pond size and the water retention until the engineer gets done with this final calcs. If we don't need to make the pond as big, then we'll add parking spaces back in, but we're looking at this as a minimum.

Mr. Wood – I would support the reduction of parking for a couple reasons. It inherently reduces the amount of traffic on site and then also reduces the amount of stormwater increase.

Mr. Layman - Same curb cuts?

Mr. Fox - The City is discussing whether I can keep the current curb cut or whether I have to move it down to the middle of the property because it's too close to Westwood.

Mr. Layman - That would put you right in the middle of your pond.

Mr. Fox - That would be a problem.

Mr. Layman - Two ponds.

Mr. Fox - I'd rather not comment on the record.

Mr. Layman – At some point you've got to go to Planning Commission.

Mr. Fox – We were at Planning Commission last week.

Mr. Layman – Did you get approval?

Mr. Fox – It's contingent upon some things that we need to get back. It was approved subject to some of this stuff and the traffic and the road. If you get on the Planning Commission website, our submittal is public record on that. You can click on that link.

Motion to approve, Second, Motion passed 5-0

Unknown speaker – What is it?

Mr. Layman – It's an office building. 12,000 square foot office building.

Mr. Fox - So the major tenant as of right now will be the Wellness Way, which is down on Dugway. They're a health chiropractor. So, it's like a doctor's office a little bit.

Zoning Code Interpretation: Corner Lots

Mr. Carter - I'm going to ask the Board to make an interpretation regarding John Palmer. Regarding historically platted lots of 40 feet that are on the corner of two roads in a neighborhood where none of the other corners match the front yard setback. Right now, the current code reads that if you're on a corner lot, you have two front yards and they must both meet the 20-foot setback for our age of 25 (inaudible). However, neighborhoods such as Channel Street were platted years and years ago at 40 foot wide. So, they don't even meet the minimal qualifications for an existing lot. None of the other corner lots in the neighborhood meet double front yard standards. So, we're starting to get more and more of these lots that are kind of open. Houses have been torn down and people are wanting to rebuild on. So, I'm bringing it to the Board. Should that standard of 20 feet be held to those, and that every singular one should be brought in front of the zoning board to try to get a variance? The time you add 20 and six, you're at 14 foot of build space. We've rendered those lots unbuildable.

Mr. Layman - What we've always done in the past is, well a long time ago, is we passed a blanket variance on the old neighborhoods. Specifically, Fairfield, Jefferson, and Mound. Where people wanted to add something on to their backyard. The side yards don't need it. So, our blanket variance was, and this was like about a third of our cases, every time somebody wanted to add on a bathroom or whatever onto those, they needed a variance. So, we came up with a blanket variance that said, even though the setback is like eight feet and they're only three feet, as long as the addition doesn't get any closer to the setback or to the property line than the rest of the house, they can do it. It's sort of the same thing. I mean, these lots pre-exist the zoning ordinance by 50 years. I think what we're saying is, as long as you conform with what the neighbors have done 80 years ago...

Mr. Carter - You know, my thought is, even the neighbors are not conforming with six. So, you're looking at three foot, you're looking at two foot, you're looking at ones, you're looking at zeros. My suggestion would be, you know, it's just a 40-foot wide lot. Don't treat it like the road's there, six foot. You know, they still have to maintain six for a single story, eight for a two story. They're still meeting the 20 foot off the primary road. So, I don't think there's a corner lot traffic visibility issue. It should be, whatever the side yard setback is, if the lot was the original planted lot at 40 feet, then the requirement for double frontage is null.

Mr. Layman - The property owner could pick which is the front yard and which is the side yard.

Mr. Carter - No. They could pick what's their rear yard or side yard. It makes more sense. In a brand-new neighborhood on a corner lot, yes. But, you know, my main concern is we've rendered the lot useless by legislation.

Mr. Paul - George, my philosophy, any area of this town that people want to spend money on that's not the most desirable, and we can give them some latitude to give them the latitude to spend the money to create that energy in that area...

Mr. Layman - If it conforms with that neighborhood as it developed, and you go down the next corner, next intersection, if the house meets the 20 feet front and six or whatever on the side, then it's fine.

Mr. Wood - I think we all agree on how you put that into text.

Mr. Carter - So the Board agrees on the interpretation?

Mr. Layman - Yes.

THE NEXT SCHEDULED BOARD OF ZONING APPEALS MEETING WILL BE HELD ON THURSDAY, DECEMBER 18, 2025 AT 5:30 P.M. THE DEADLINE FOR AGENDA ITEM SUBMITTAL IS DECEMBER 1, 2025, 4:30PM.

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

Chairman, Board of Zoning Appeals

Secretary, Board of Zoning Appeals