

# Licking Township Board of Zoning Appeals

*c/o Andrea M. Lynch, Zoning Clerk*

*Phillip Jones, Chair ~ Rex Adkins, Vice Chair*

*Robert Hansberger, Anton Kissell, Huber Loewendick*

*Doug Howell – Alternate; Josh Arnett - Alternate*

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Minutes from the Licking Township Board of Zoning Appeals meeting, February 26, 2026, at Licking Township Fire Station #600 9384 Jacksontown Road, Jacksontown, OH 43030.

**Members present:** Rex Adkins, Robert Hansberger, Phil Jones, Anton Kissell; Huber Loewendick

**Members absent:** None

**Others in attendance:** Andrea Lynch; Dave Moraine; Eric Schoen; Bart Overly; Bradley Annett; Michael Cunningham; Kim Cunningham; Yolanda Huffman; Jay Huffman

The Meeting was called to order at 7:00 p.m.

The Pledge of Allegiance was recited.

All in attendance were sworn in.

Roll call was called. The meeting was recorded.

Mr. Jones explained the hearing procedure to all in attendance and stated there are a total of 2 variances to be heard as follows:

1) Iamar LLC (Richard & Anita Marple) request a variance to section: 10.00.F.1 Front Yard Setback and 10.00.F.4 Rear Yard Setback. The property owners wish to reduce the setback at their property known as parcel #041-121716-00.000 (Mt Vernon Ave) as follows: Front yard from 30' to 12'8"(17'4" variance) and Rear Yard from 15' to 10' (5' variance) to construct a home.

2) Michael & Kim Cunningham request a variance to section: 10.00.F.3 Corner Lot Yard Setback and 10.00.F.4 Rear Yard Setback . The property owners wish to reduce the setback at their property known as 4085 Ridgely Tract Rd, Newark, OH as follows: Corner Lot Yard from 20' to 12' (8' variance) and Rear Yard from 15' to 6' (9' variance) for a residential garage/accessory structure.

Mr. Jones opened the 1<sup>st</sup> hearing : Iamar LLC.

Mrs. Lynch read the legal notice advertising both variances.

Mrs. Lynch reported receiving the following correspondence:

- 1) Telephone call from the daughter of Harold & Gladys Duff (both deceased) parcel ID# 041-124128-00.0000 – Lexington Avenue. She said her niece received the certified letter and was concerned the Marple's were going to build on the Duff's parcel on Lexington Avenue without consent.

Bart Overly, BLOV Architect and POA, provided testimony. Stated that client is combining 6 total parcels to construct family home with a large footprint to meet the client's personal needs; lot is shallow; and front and rear setbacks make it difficult to construct the home. Mr. Overly said they tried to minimize the variance requested and there are surrounding properties with similar circumstances.

Zoning Inspector Dave Moraine said the request is not unusual and there was discussion about advancing into an additional lot.

Public Comment: None

Board Members asked the following:

1) Were the lots purchased this way or were they split?

Mr. Schoen's response: Unsure how they were configured when applicant purchased them (Board Members confirmed the property owners were not present to ask).

2) Are there homes in the area with similar set back?

Mr. Adkins said he drove the neighborhood and most of the new builds are set well within the front yard setback and not up against the road.

3) If the plans would meet the front yard setback requirement, would a house be able to be constructed?

Mr. Overly's response: It would be a 25' buildable foot print area

4) Is a 25' buildable foot print area large enough for the house being proposed.

Mr. Overly's response: No.

The Board Members reviewed the house plans.

A discussion took place regarding 2-story home vs single story; programming (i.e. # of rooms; size of kitchen; etc). Mr. Overly said the property owners purchased a house plan and asked the BLOV Architects to assist.

A discussion took place regarding unique hardship; clarifying porch size and distance from the road; right-of-way; similar parcel sizes and homes.

Mr. Adkins made a motion to close the 1<sup>st</sup> hearing at 7:30 p.m.

Mr. Kissell seconded the motion.

Roll Call: Hansberger, yes; Loewendick, yes; Jones, yes; Kissell, yes; Adkins, yes.

The Board deliberated the matter. A discussion took place including the "Duncan Factors"; setbacks already established at time of purchase; hardship of applicant's making; proposed construction and front yard setback; not in keeping with character of other properties. Mr. Hansberger stated the new construction could be seen as a welcome improvement bringing taxes to the township and school and could be the future look of this area. The Board

discussed that without the Applicant present, they are unable to ask if they'd consider alternate plans/conditions to the variance.

Mr. Adkins made a motion to deny the variance request as presented.

Mr. Kissell seconded the motion.

Mr. Jones clarified roll call vote of yes = deny the application as presented; vote of no = deny the motion

Roll Call: Kissell, yes; Adkins, yes; Loewendick, yes; Hansberger, no; Jones, yes.

The variance request was denied as presented 4-1. Notice of Final Order will be mailed to the Applicant. .

Mr. Jones excused IAMAR LLC representatives at 7:44 p.m.

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Mr. Jones opened the 2<sup>nd</sup> hearing @ 7:45 p.m. with the following members present at roll call: Rex Adkins, Robert Hansberger, Phil Jones, Anton Kissell; Huber Loewendick. Mr. Moraine and Mrs. Lynch were also present.

Mrs. Lynch reported receiving the following correspondence:

- 1) Email from Mrs. Cunningham of 2/17/26 requesting reschedule date for 2/26/26 hearing due to attorney schedule conflict. Mrs. Lynch emailed response to applicant indicating due to ORC 519.12 notice requirements and timing, the hearing could not be rescheduled.
- 2) Voicemail message from Mrs. Cunningham of 2/17/26 requesting reschedule date for 2/26/26 hearing due to Attorney schedule conflict.
- 3) Telephone call from Attorney Jonathan Velely Administrative Assistant 2/19/26 advising of a schedule conflict for 2/26/26. Mrs. Lynch explained due to ORC 519.12 notice requirements and timing, the hearing could not be rescheduled.
- 4) Telephone call from Sherry Fischer Ridgley Tract Rd parcel ID#41-118686.00.000 inquiring about variance and indicated would have to talk with Tenant Evan Barton if the building posed any EPA filing requirements on his behalf due to the manure spreading on her property. Said she had no concerns with the building but could not speak about whether or not her Tenant did.

Zoning Inspector: Mr. Moraine said the Cunningham's installed the accessory building without requesting a permit 1<sup>st</sup>. Upon his inspection, he explained a variance was needed before a permit could be issued and the Applicant has been great to work with.

Mr. Cunningham provided testimony as to the reason for the variance request. He explained the existing shed was 35 years old, was on a concrete slab, and always wet. Stated that he ran a string from property line to property line and placed a 36'x16'x14' shed on the property, demolished the old shed, could not come closer to the house due to leech bed; concreted his driveway, and did not realize he needed a permit.

Mr. Jones read the definition of Accessory Structure from the LTWP Zoning Resolution. Mr. Jones identified the accessory structure as being larger than a shed and Mr. Moraine said any accessory building over 200 square feet requires anchoring.

Mr. Cunningham inquired if the building is anchored is it classified as permanent. Mr. Adkins responded that size alone determines that classification.

Mrs. Cunningham expressed concern that anchoring the structure would increase their taxes.

Public Comment:

- 1) Yvonna Huffman – Ridgely Tract Road – no objection. Said the building is an improvement including the concrete driveway.
- 2) Jay Huffman – Ridgely Tract Road – no objection. Said it was an improvement.
- 3) Brad Annett – Marianna Drive – no objection. Great neighbors, did a nice job matching the house; took care of their water issue; makes neighborhood look nicer.

Mr. Jones made a motion to close the hearing @8:06 p.m.  
Mr. Adkins seconded the motion.  
Roll Call: 5 ayes

The Board deliberated the matter. Mr. Jones reviewed the Duncan Factors. Mr. Adkins said there would not have been a setback issue if the property was not a corner lot plus after looking at the structure and the lot in person, there is no line of sight issue from Ridgely Tract nor Marianna.

Mr. Moraine reiterated that the Cunningham's testimony shows they attempted to do the right thing. The structure can not be moved closer to the house due to the septic; it mitigated flooding; setbacks from the road is not beyond the setback of the house; recommends approval of the request with the condition that it must be anchored.

Mr. Jones made a motion to approve the variance request as presented only for the accessory structure with appropriate anchoring.

Mr. Loewendick seconded the motion.

Mr. Jones clarified the vote yes = approve w/ conditions; no= deny motion to approve w/condition

Roll Call: Adkins, yes; Kissell, yes; Jones, yes; Hansberger, yes;  
Loewendick, yes.

Notice of Final Order will be mailed to applicant

Mr. Jones excused Cunningham attendees at 8:14p.m.

Mr. Jones opened the regular business portion of the meeting at 8:15 p.m. with the following members present at roll call: Rex Adkins, Robert Hansberger, Phil Jones, Anton Kissell; Huber Loewendick. Mr. Moraine and Mrs. Lynch were also present.

Mr. Jones made a motion to approve the 1/29/26 minutes as read.  
Mr. Adkins seconded the motion.  
Roll Call: 5 ayes

**Correspondence:** None

**Old Business:**

- 1) Mr. Moraine gave an update on the variance for Corey & Sara Enders – South Fork Road. A discussion took place regarding need to re-hear the case. Mr. Jones not available to preside on 3/26/26. Mr. Adkins will notify Zoning Clerk asap if he can preside.

**New Business:**

- 1) Mr. Moraine will be unavailable on 4/23/26 if a variance hearing is needed.
- 2) Discussion took place regarding how zoning violations are handled

Mr. Loewendick made a motion to adjourn the meeting at 8:41p.m.

Mr. Jones seconded the motion.

Roll Call: 5 yes

Minutes approved by:

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Meeting Minutes recorded by Andrea M. Lynch, Zoning Clerk – February 26, 2026