



## CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

March 9, 2021

#### Variance Application VA-21-008

<b>Applicant:</b>	Santa Lanna
<b>Owner:</b>	Broad Street Investment Co. Ltd.
<b>Location:</b>	87 E Broad Street, Pataskala, OH 43062
<b>Acreage:</b>	2.37-acres
<b>Zoning:</b>	GB - General Business
<b>Request:</b>	Requesting approval of a Variance from Section 1285.07 of the Pataskala Code to allow for the re-construction of a gas pump canopy after the one (1) year re-construction time has expired.

#### Description of the Request:

Requesting approval of a Variance from Section 1285.07 of the Pataskala Code to allow for the re-construction of a gas pump canopy after the one (1) year re-construction time has expired.

#### Staff Summary:

The 2.37-acre property located at 87 E Broad Street is currently occupied by an approximately 11,000-square foot multi-tenant commercial building comprising the address: 87 (Buster's), 89 (No BS Liquidators), and 91 E Broad Street. There is a separate outbuilding, 24 Township Road, approximately 2,250-square feet and occupied by Capuano's Pizza. The majority of the property is paved in asphalt for parking, and there are three (3) accesses from the public right-of-way. E Broad Street to the north, Township Road to the west, and International Drive to the south. There are two fuel pumps on the north side of the main structure between it and E Broad Street. Previously, there was a canopy over the two (2) pumps that was constructed in 1987, however in May of 2018 it had to be removed because of damage.

The Applicant is proposing to erect a new canopy with the same dimensions of 24-feet by 42-feet (1008-square feet) as the original, in the same location. The proposed canopy will be a total height of 18-feet.

As stated in the Applicant's Narrative Statement, the purpose of this variance is to allow to the replacement of the old canopy with a new one, as the equipment and customers have not had any protection from the elements since the old one was damaged. The Applicant states that the old canopy was present for around 31 years before it had to be removed due to weather damage, and that the previous tenants of the gas station business were unable to reconstruct the canopy within the time frame required by code due to the financial crisis. Since then, a new occupant has taken over the space and wishes to install a new canopy. The Applicant also stated they believe that they requested variance will not substantially alter the character of the area as there was a canopy there previously, and would not be detrimental to the public welfare.

**Staff Review:**

*The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

The previous canopy that was destroyed in 2018 was an existing non-conforming structure, as when it was built in 1987 the current regulations the City has regarding gasoline service stations and the general requirements of the GB – General Business district were not in place. Notably, the setbacks of the structure were non-compliant with those required by the GB zoning district under 1249.05(C), as well as the setbacks required for the pumps under Section 1281.06 of the Pataskala Code.

Section 1285.07 of the Pataskala Code allows for an existing non-conforming structure that has been damaged by fire, explosion, act of god or the public enemy to be restored or rebuilt as long as the restoration or rebuilding does not expand the non-conforming structure, and that such restoration or rebuilding commences within 12 months of the time of damage. As the previous canopy had to be removed due to whether damage in 2018, it would have been eligible to be rebuilt, however this was not done within the 12-month time limit. The Applicant stated the reasoning behind this was the financial crisis, and the previous occupant closing their business.

The Applicant is requesting a variance from Section 1285.07 of the Pataskala Code to extend that 12-month time limit; and to allow them to construct a new canopy of the same size and location as the original.

The new canopy features two (2) new electronic price signs, however, there are existing non-electronic price signs on the existing “Buster’s” sign. Staff would like to know what the Applicant is planning to do with the existing sign, as they would be unable to have the price indicators on both signs.

City Engineer

The Applicant should ensure the existing drainage pattern from the canopy is not altered.

Other Departments and Agencies

No other comments received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	PRO – Professional Research-Office	Retirement Home Single-Family Home
East	GB – General Business R-15 – Medium-High Density Residential	Fast Food Commercial Commercial
South	GB – General Business R-15 – Medium-High Density Residential	Misc. Commercial Single-Family Homes
West	GB – General Business	Misc. Commercial Multi-Family Residential

**Variance Requirements:**

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a. *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b. *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c. *Whether the variance requested is substantial;*
- d. *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e. *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f. *Whether the variance, if granted, will be detrimental to the public welfare;*
- g. *Whether the variance, if granted, would adversely affect the delivery of government services;*
- h. *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i. *Whether the property owner's predicament can be obviated through some other method than variance;*
- j. *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-21-008:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking School District – No comments

**Conditions:**

Should the Board choose to approve the applicant's request, the following modifications may be considered:

- The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
- The Applicant shall address all comments from the City Engineer.

**Resolution:**

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a variance from Section 1285.07 of the Pataskala Code for Variance Application VA-21-008 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Scott Haines](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Lisa Paxton](#); [Jim Roberts](#)  
**Subject:** RE: BZA Review Memo for 03-09-2021  
**Date:** Sunday, February 28, 2021 7:17:59 PM

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**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Jack

Hull & Associates have review the BZA Review Memo and offer the following comments:

1. VA-21-006
  - a. We have no engineering related comments on this application
2. VA-21-007
  - a. We have no engineering related comments on this application
3. VA-21-008
  - a. The applicant should ensure the existing drainage pattern from the canopy is not altered should the variance be granted.
4. VA-21-009
  - a. We have no engineering related comments on this application
5. VA-21-010
  - a. We have no engineering related comments on this application
6. VA-21-012
  - a. We have no engineering related comments on this application

Please let us know if there are any questions regarding our comments. We appreciate the opportunity to provide these services for the city.

Thanks

**Scott R. Haines, P.E., CPESC**

Senior Project Manager

**HULL** | Newark, Ohio

Environment / Energy / Infrastructure

d: 740-224-0839 | o: 740-344-5451 | f: 614-360-0023

Follow Hull on [Facebook](#) & [LinkedIn](#)  
[web](#) | [directions to offices](#)

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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

**Sent:** Wednesday, February 17, 2021 1:42 PM

**To:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Steven Blake <sblake@ci.pataskala.oh.us>; Jim



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		
Address:	87 EAST BROAD STREET	
Parcel Number:	064-307812-00.000	
Zoning:	GB	
Acres:	2.37	
Water Supply:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site

Staff Use
Application Number:
VA-21-008
Fee:
\$300.00
Filing Date:
2/11/2021
Hearing Date:
3/9/2021
Receipt Number:
21699

Applicant Information		
Name:	Santa Loma	
Address:	87 E Broad St	
City:	Pataskala	State: OH
		Zip: 43062
Phone:	614-259-7723	Email: lomasanta_2013@yahoo.com

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name:	BROAD STREET INVESTMENT CO. LTD.	
Address:	4775 COLUMBUS RD	
City:	GRANVILLE	State: OH
		Zip: 43023
Phone:	740 321 3367	Email: ELLINGERCBEG.MX.COM

Variance Information	
Request (Include Section of Code):	1285.07
Describe the Project:	REPLACEMENT OF CANOPY OVER FUEL PUMPS AT 87 EAST BROAD STREET.

## Documents to Submit

**Variance Application:** Submit 1 copy of the variance application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
  - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
  - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
  - c) *Whether the variance requested is substantial;*
  - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
  - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
  - f) *Whether the variance, if granted, will be detrimental to the public welfare;*
  - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;*
  - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
  - i) *Whether the property owner's predicament can be obviated through some other method than variance;*
  - j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
  - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

**Site Plan:** Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**Area Map:** Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant (Required):



Date:

2-10-21

Property Owner (Required):

Carel Ellinger, Managing Member

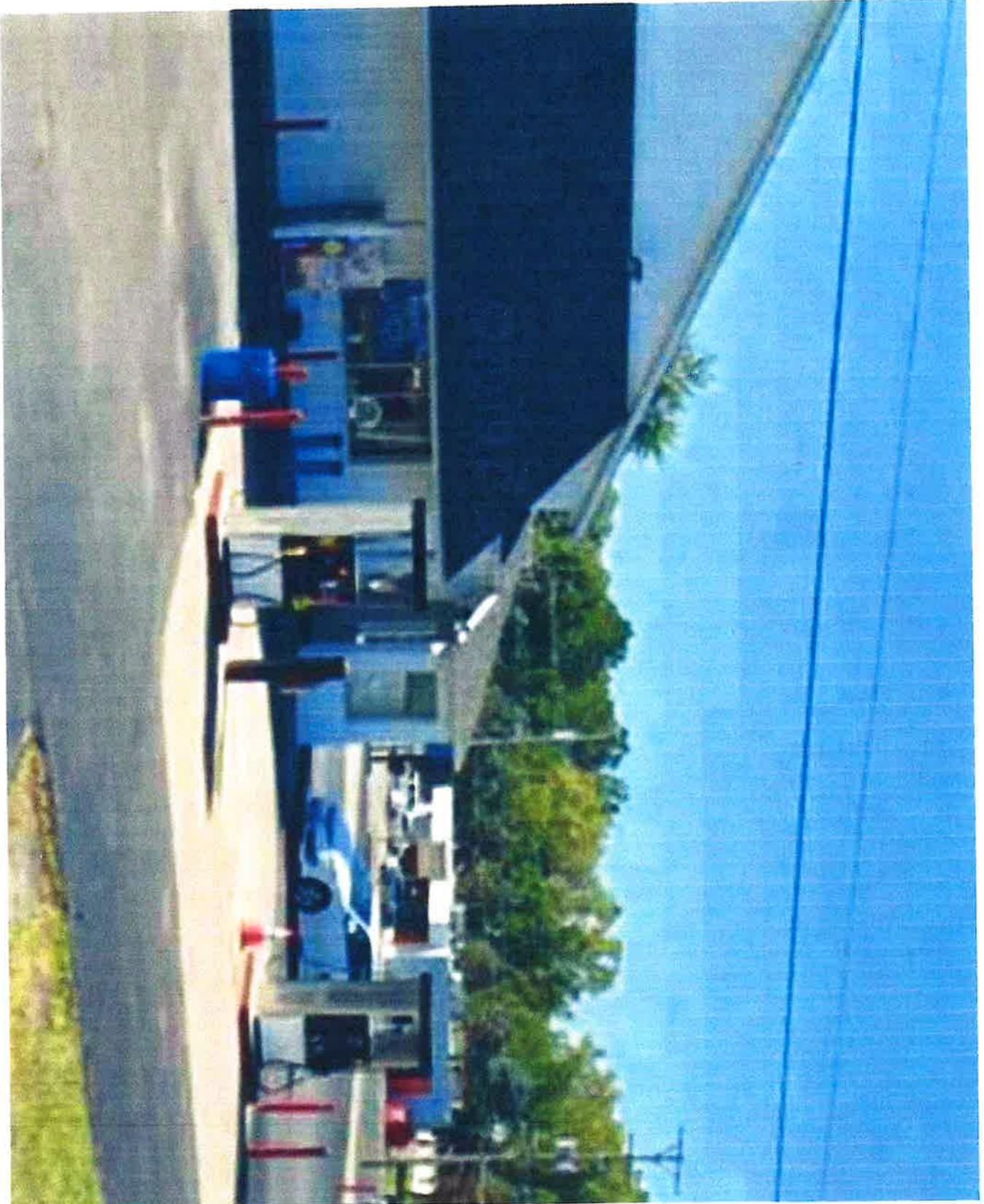
Date:

2-10-21

- A. The reason we need a variance is that we have been selling fuel without a canopy, and isn't function well. Having canopy is incredible useful for protecting the life span of the equipment as well shielding employees, pedestrian and visitors from the elements. It shelter from rain, snow, hail and other detrimental weather events, it also provide crucial protection for vehicles, people, any sensitive equipment that shouldn't exposed to the elements etc.
- B. We want to rebuild the canopy that was built in December 1987 which was outdated. Unfortunately the old canopy was taken down by tornado on May 2018. The previous tenants were not able to build the canopy within the due date because of financial crisis and crashed the business in 2019 Therefore; the new tenants take over the business on Aug 2019. Gorkha Enterprises, LLC. DBA: (South Asian Mart) bought the Business and planning to install the canopy but hit by the pandemic which delayed everything. Hopefully the pandemic is over now. So, the Present tenants and Branded gas company (SONOCO) are working together to install all new equipments' with Canopy.
- C. A company not only protects the customers, pedestrian and visitors but also helps to protect the New Gas pumps. (Equipments) installed.
- D. No there was a canopy in this location for last 31 years.
- E. Most of the company can only be seen by the people traveling on the roads and would not bother the neighboring properties.
- F. Public welfare will be helped by an attractive place to get fuel.
- G. No, we can see no problems with government services, as there were no any in the past when a canopy was the place.
- H. We are simply trying to replace the canopy that was previously there, the previous tenant didn't do it caused of business crashed and pandemic crises.
- I. This would be the only way we can have attractive and functional station.
- J. Yes, this is the only things missing from our having a great Gas Station form our community.
- K. Yes this would complete the stations.



Before





After



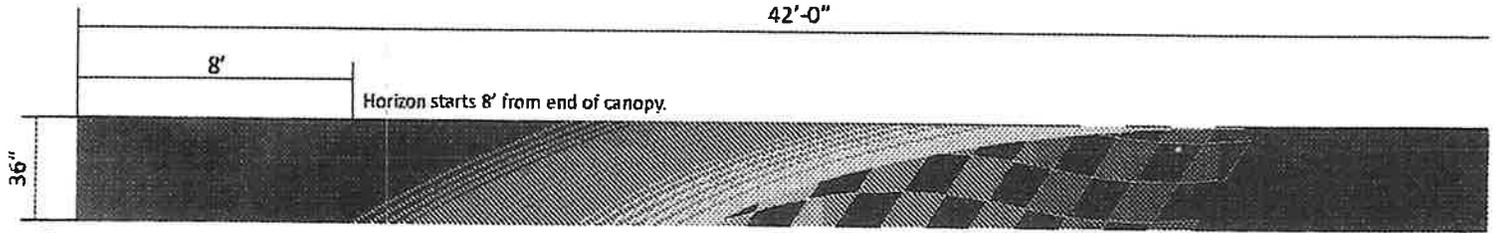


# Gas Canopy Fascia

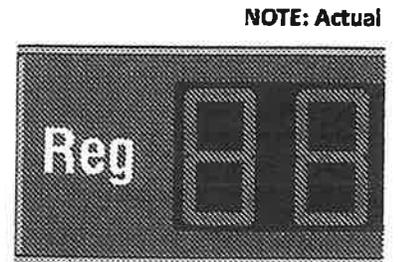
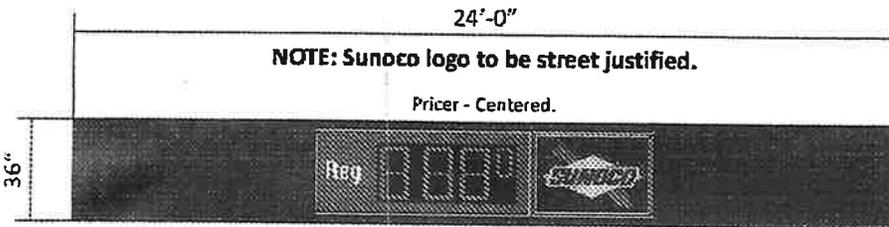
## 42' x 24' x 36"

**PROPOSED SUNOCO**

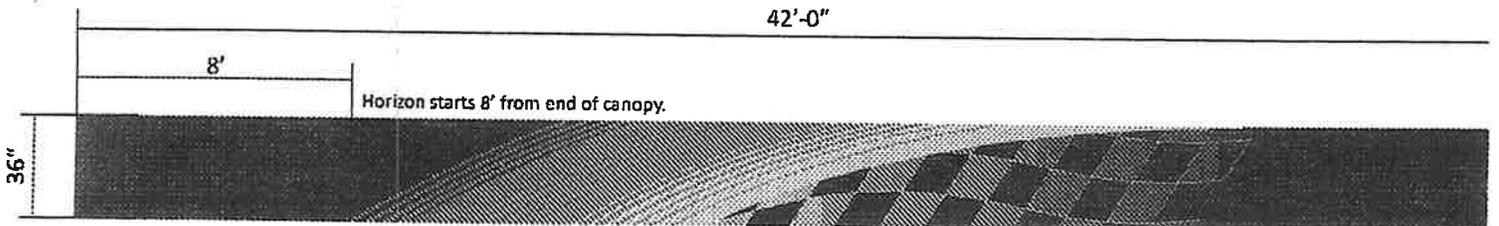
NOTE: White outlin



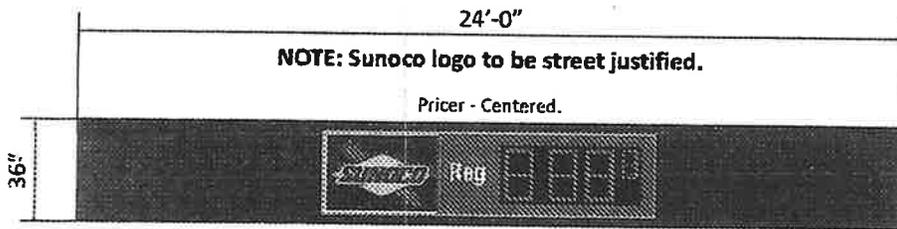
**1** Front Elevation      Horizon: SUN-C-37-3C26-R      Flag: SUN-N-36-16-CHK-R



**2** Left Elevation      Pricer: CUSTOM



**3** Rear Elevation      Horizon: SUN-C-37-3C26-R      Flag: SUN-N-36-16-CHK-R



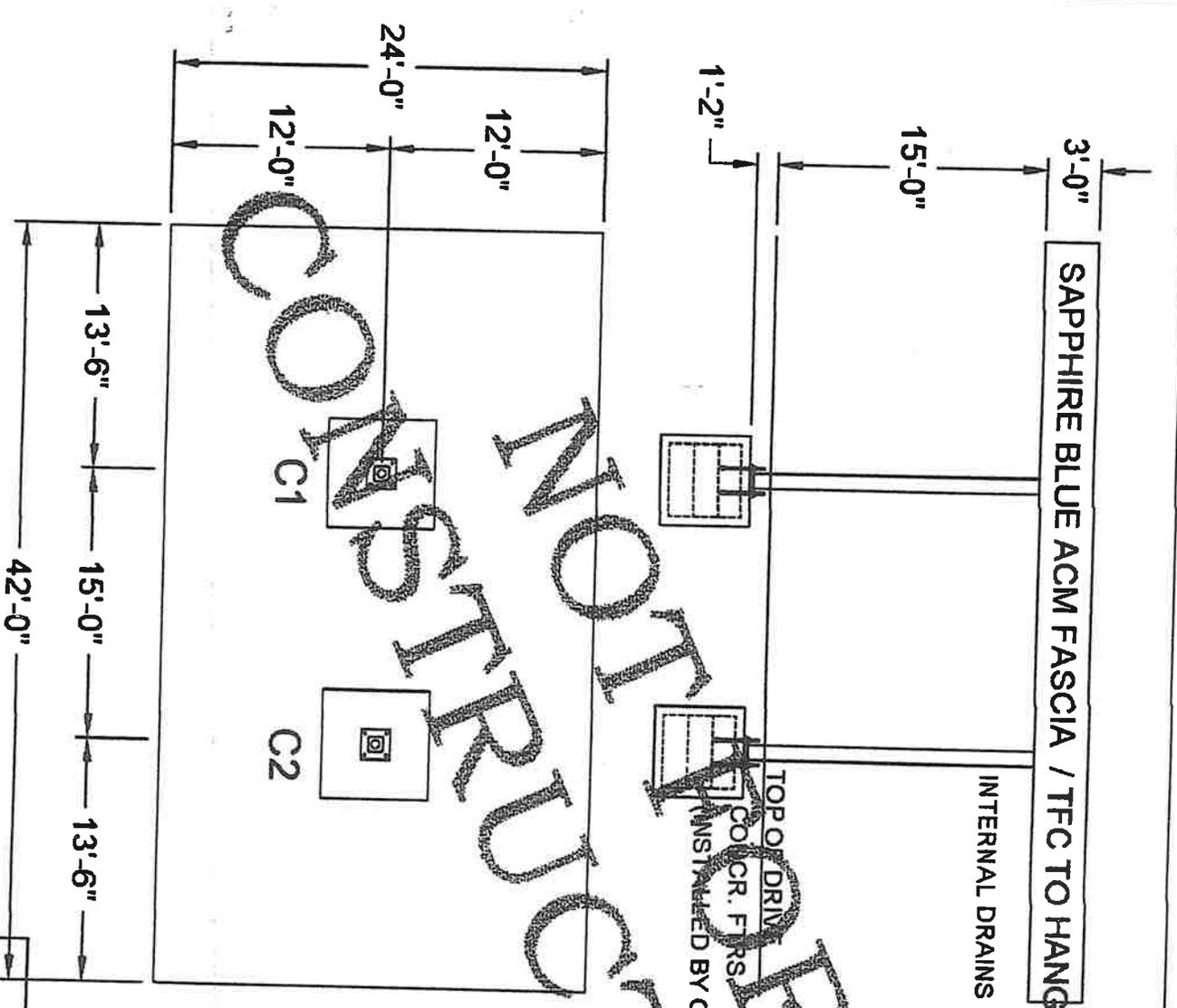
**4** Right Elevation      Pricer: CUSTOM



DESIGNING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS  
7330-246-1925

**Revisions:**

Rev. 0 - Original Drawing

SAPPHIRE BLUE ACM FASCIA / TFC TO HANG 6 LIGHTS

INTERNAL DRAINS

TOP OF DRN  
CO. CR. FR.  
(INSTALLED BY OTHERS)

C1

C2

13'-6"  
15'-0"  
13'-6"  
42'-0"

24'-0"  
12'-0"  
12'-0"

SHEET 1 OF 2

DATE: Dec-09-2020  
JOB: Pataskala, OH 24x42  
JOB REF: N/A  
CUST: Duncan Oil Co.  
JOB LO: Pataskala, OH

**Quote Drawing**  
NOT TO BE USED FOR CONSTRUCTION  
"SUBJECT TO CHANGE"



TFC CANOPY  
1107 NORTH TAYLOR RD.  
GARRETT, IN 46738  
FAX - (260) 357-6533  
PHONE - (260) 357-6665



2018  
old canopy



87 E. Broad Street  
Pataskala, OH 43062  
BL# TBD



IMAGING THE PETROLEUM  
INDUSTRY FOR OVER 30 YEARS  
1-206-246-1026

Revisions:

Rev. 0 - Original Drawing


QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that Broad Street Investment Co. Limited Partnership, an Ohio limited partnership, Grantor, in consideration of the sum of One Dollar and other good and valuable considerations to it paid by Broad Street Investment Co. Ltd., an Ohio limited liability company, Grantee, the receipt whereof is hereby acknowledged, does hereby REMISE, RELEASE AND FOREVER QUIT-CLAIM, to said Grantee, its successors and assigns forever, all of Grantor's right, title and interest in and to the REAL ESTATE described on attached Exhibit A.

This property is being transferred pursuant to a reorganization of the limited partnership into a limited liability company. Broad Street Investment Co. Limited Partnership will be terminated following the reorganization.

TO HAVE AND TO HOLD said premises, with all the privileges and appurtenances thereunto belonging, to the said Grantee, its successors and assigns forever.

IN WITNESS WHEREOF the said Grantor has caused this Deed to be executed and delivered on this 26<sup>th</sup> day of December, 1995.

Signed and Acknowledged in the presence of

BROAD STREET INVESTMENT CO. LIMITED PARTNERSHIP

Robert T. Pappas  
ROBERT T. PAPPAS  
(Print Name)

By: Carel W. Ellinger  
Carel W. Ellinger,  
General Partner

Ginger F. Early  
Ginger F. Early  
(Print Name)

By: Bonnie Lou Ellinger  
Bonnie Lou Ellinger,  
General Partner

THE STATE OF OHIO  
COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of December, 1995, by Carel W. Ellinger and Bonnie Lou Ellinger, who are the General Partners of Broad Street Investment Co. Limited Partnership, on behalf of Broad Street Investment Co. Limited Partnership.



GINGER F. EARLY  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES DEC. 24, 1999

Ginger F. Early  
Notary Public

This instrument was prepared by Robert T. Pappas, JONES, TROYAN, PAPPAS & PERKINS, A Legal Professional Association, 130 East Wilson Bridge Road, Worthington, Ohio 43085.

TRANSFERRED  
Date DECEMBER 29 1995  
George D. Buchanan  
Licking County Auditor

Certificate of Partnership Filed  
Partnership Record Vol. 12, Pg 779  
as required in Sec. 1777.02 O.R.C.  
ROBERT E. WISE  
Licking County  
Recorder

SEC. 319.202 COMPLIED WITH  
GEORGE D. BUCHANAN, AUDITOR  
BY HE

## EXHIBIT A

PARCEL ONETRACT ONE:

Situated in the State of Ohio, County of Licking, Village of Pataskala and bounded and described as follows:

Being part of the 4th Quarter, Township 1, Range 15 of the United States Military Lands and more particularly bounded and described as follows:

Commencing at a point in the intersection of State Route 16 and County Road 27 (Willow Street);

Thence South  $78^{\circ} 08' 39''$  West, along the said centerline of State Route 16, 213.23 feet to a point;

Thence South  $2^{\circ} 57' 21''$  West, 130.94 feet to an iron pin found; said iron pin being the true place of beginning for the following described parcel of land;

Thence continuing South  $2^{\circ} 57' 21''$  West, passing an iron pin set at 173.02 feet in the northwest corner of the George A. & Danusia Yakubecin property (as recorded in Volume 798, Page 562, in the Deed Records of Licking County, Ohio), a total distance of 282.88 feet to an iron pin found in the southwest corner of the said Yakubecin property;

Thence South  $88^{\circ} 09' 23''$  West, along the northerly line of the Vincent G. & Nancy L. Jungkunz property (as recorded in Volume 839, Page 555, in the Deed Records of Licking County, Ohio), 265.70 feet to an iron pin set;

Thence North  $2^{\circ} 28' 03''$  West, along the easterly line of the Pearl Beeson property (as recorded in Volume 367, Page 556, in the Deed Records of Licking County, Ohio), 294.91 feet to an iron pin set;

Thence North  $74^{\circ} 21' 52''$  East, along the southerly right-of-way line of State Route 16, 119.66 feet to an iron pin set;

Thence North  $77^{\circ} 19' 17''$  East, continuing along the said southerly right-of-way line, 123.81 feet to an iron pin set;

Thence South  $2^{\circ} 57' 21''$  West, 60.00 feet to an iron pin found;

Thence South  $87^{\circ} 02' 39''$  East, 60.00 feet to the true place of beginning.

Contains 2.027 acres, more or less.

This survey prepared by William B. Henderson, Registered Surveyor No. 5242, October 14, 1985.

Being a part of the same premises conveyed to Raymond H. Ellinger by 3 deeds of record: Carrie Hawley Hubbard, et al. to Raymond H. Ellinger et al. by deed dated December 14, 1960, recorded January 12, 1961, in Deed Book 538, Page 120; deed from James A. Lamp, et al. to Raymond H. Ellinger, et al. by deed dated June 20, 1963, recorded June 22, 1963 in Deed Book 567, page 537; Certificate of Transfer from the estate of Oza N. Ellinger to Raymond H. Ellinger, dated December 21, 1972, recorded March 24, 1975, in Volume 731, Page 774, Deed Records, Licking County, Ohio.

**TRACT TWO:**

Being a part of the 4th Quarter, Township 1, (Lima), Range 15, U.S.M.L., Licking County, Ohio, and further described and bounded as follows:

Beginning at a PK spike found at the intersection of the centerline of Township Road 27 and SR-16; thence South 3° 46' 48" West 341.58 feet to a PK spike in the centerline of Township Road 27, the true place of beginning of the herein described tract; thence South 88° 09' 23" West 20.10 feet to an iron pin in the existing West right-of-way line; thence over this pin on the same bearing 181.65 feet to an iron pin; thence North 2° 57' 21" East 249.83 feet to a point in the South right-of-way line of SR-16, said point also being 54.13 feet South 2° 57' 21" West of a PK spike in the centerline of Station 284+50 of SR-16; thence North 77° 18' 34" East along said SR-16 right-of-way line 163.60 feet to a point; thence South 29° 55' 38" East 31.57 feet along SR-16 right-of-way line to a point; thence South 3° 46' 48" West 33.63 feet along SR-16 right-of-way line; thence South 86° 22' 00" East 29.98 feet along SR-16 right-of-way line to a point in the centerline of Township Road 27; thence South 3° 46' 48" West 216.60 feet along the centerline of Township Road 27 to a PK spike, the place of beginning.

Containing 1.204 acres, by D.M.D. calculation, and subject to all highway rights-of-way, public utility easements, easements of record, if any, and the State of Ohio Department of Health regulations.

This survey prepared by J.W. Kincaid & Associates, 19 Porry Ave., Newark, Ohio 43055, on June 21, 1969.

Being a part of the same premises conveyed to Raymond H. Ellinger by 3 deeds of record: Carrie Hawley Hubbard, et al. to Raymond H. Ellinger et al. by deed dated December 14, 1960, recorded January 12, 1961, in Deed Book 538, Page 120; deed from James A. Lamp, et al. to Raymond H. Ellinger, et al. by deed dated June 20, 1963, recorded June 22, 1963 in Deed Book 567, page 537; Certificate of Transfer from the estate of Oza N. Ellinger to Raymond H. Ellinger, dated December 21, 1972, recorded March 24, 1975, in Volume 731, page 774, Deed Records, Licking County, Ohio.

**TRACT THREE:**

Situated in the State of Ohio, County of Licking, Village of Pataskala and bounded and described as follows:

Being part of the 4th Quarter, Township 1, Range 15 of the United States Military Lands and more particularly bounded and described as follows:

Commencing at a point in the intersection of State Route 16 and County Road 27 (Willow Street); thence South 78° 08' 39" West, along the centerline of State Route 16, 213.23 feet to a point; thence South 2° 57' 21" West, 54.13 feet to an iron pin found, being the true place of beginning for the following described parcel of land; thence continuing South 2° 57' 21" West, 76.81 feet to an iron pin found; thence North 87° 02' 39" West, 60.00 feet to an iron pin found; thence North 2° 57' 21" East, 60.00 feet to an iron pin set; thence North 77° 18' 36" East, along the southerly right-of-way line of State Route 16, 62.31 feet to the true place of beginning. Contains 0.094 Acre, more or less.

Subject to all valid and existing easements, conditions and restrictions of record.

This description is based on a survey by William B. Henderson, Registered Surveyor #5242, January 26, 1987.

Being a part of the same premises conveyed to Raymond H. Ellinger by 3 deeds of record: Carrie Hawley Hubbard, et al. to Raymond H. Ellinger et al. by deed dated December 14, 1960, recorded January 12, 1961, in Deed Book 538, Page 120; deed from James A. Lamp, et al. to Raymond H. Ellinger, et al by deed dated June 20, 1963, recorded June 22, 1963 in Deed Book 567, page 537; Certificate of Transfer from the estate of Oza N. Ellinger to Raymond H. Ellinger, dated December 21, 1972, recorded March 24, 1975, in Volume 731, Page 774, Deed Records, Licking County, Ohio.

PARCEL TWO

Situated in the State of Ohio, County of Licking, Village of Pataskala and bounded and described as follows:

Being Lot 35 & part of Lots 34, 36, 37 & 25 of the "Ellinger Subdivision" (as recorded in Plat Book 5, Page 154 in the Plat Records of Licking County, Ohio), in the 3rd Quarter of Township 1, Range 14 of the United States Military Lands and more particularly bounded and described as follows:

Commencing at a point in the intersection of the easterly right-of-way line of County Road 27 (Willow Street) and the northerly right-of-way line of International Road and the Southwest corner of the Joseph H. & Ona M. Orr property (as recorded in Volume 810, Page 636 in the Deed Records of Licking County, Ohio) and the southwest corner of said Lot 34 of said plat thereof;

Thence North 0° 13' 19" West, along the said easterly right-of-way line of County Road 27, 213.80 feet to an iron pin set;

Thence North 73° 52' 43" East, along the southerly right-of-way line of State Route 16, 740.19 feet to an iron pin set;

Thence North 73° 18' 00" East, continuing along the said southerly right-of-way line of State Route 16, 121.44 feet to an existing iron pin;

Thence South 8° 36' 41" East, along the westerly line of the Raymond H. Ellinger property, (as recorded in Volume 787, Page 3 in the Deed Records of Licking County, Ohio), 141.98 feet to an existing iron pin;

Thence North 81° 53' 38" East, along the southerly line of the aforesaid Ellinger property, 262.05 feet to an existing iron pin;

Thence South 0° 14' 52" East, along the westerly line of the Burl A. & Betty J. Whaley property, (as recorded in Volume 819, Page 497 in the Deed Records of Licking County, Ohio) and the westerly line of the Robert E. & Patricia I. Snider property, (as recorded in Volume 477, Page 135 in the Deed Records of Licking County, Ohio), 266.36 feet to an existing iron pin;

Thence South 89° 57' 17" West, along the northerly line of the 0.033 and 0.028 acre parcels of the Bruce J. & Judith Yvonne Baird property, (as recorded in Volume 617, Page 403 in the Deed Records of Licking County, Ohio), 100.00 feet to an iron pin set;

Thence South 0° 02' 45" West, along the westerly line of the said Baird property, 27.00 feet to an iron pin set;

Thence South 89° 57' 17" West, along the northerly line of Lots 31, 30, 29, 28, 27, 26 and 25 of the said plat thereof and the southerly line of the said Lots 36 and 35, 700.84 feet to an iron pin set;

Thence South 0° 02' 43" East, passing through Lot 25 and along the westerly line of the Patrick L. & Wilma J. Rose property, (as recorded in Volume 747, Page 547 in the Deed Records of Licking County, Ohio), 175.00 feet to an iron pin set;

Thence South 89° 56' 00" West, along the northerly right-of-way line of International Road, 25.19 feet to an existing iron pin;

Thence North 8° 34' 13" West, passing along the easterly line of the Linda D. Lahmon property, (as recorded in Book 55, Page 808 of the Official Records of Licking County, Ohio), 99.41 feet to an existing iron pin;

Thence North 89° 44' 41" West, along the northerly line of the said Linda D. Lahmon property, 111.95 feet to an existing iron pin;

Thence South 25° 34' 24" East, along the westerly line of the said Lahmon property, 109.42 feet to an existing iron pin;

Thence South 89° 56' 00" West, along the said northerly right-of-way line of International Road, 47.56 feet to an iron pin set;

Thence North 22° 08' 36" West, along the easterly line of the said Orr property, 164.72 feet to an iron pin set;

Thence South 69° 47' 55" West, along the northerly line of the said Orr property, 99.45 feet to the true place of beginning.

Contains 7.61 acres, more or less.

Subject to all valid and existing easements, conditions and restrictions of record.

DESCRIPTION APPROVED TIM LOLLO LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO. 58-46	APPROVED <i>[Signature]</i>

RECEIVED FOR RECORD AND RECORDED DATE 11/19/05 IN Official Record Vol 764 Page 3168 Licking County, Ohio K. Keith & P. J. ... Recording Fee \$16.00
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