



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 8, 2022

Variance Application VA-22-001

Applicant:	Andrew Kolp
Owner:	Andrew Kolp
Location:	12418 Cable Road SW, Pataskala, OH 43062 (PID: 063-141138-01.001)
Acreage:	+/- 5.00-acres
Zoning:	AG – Agricultural
Request:	Requesting approval of a Variance from Section 1221.05(C)(2) to allow for the construction of an accessory building that will exceed the maximum permitted height of 25-feet by 6-feet.

Description of the Request:

The applicant is seeking approval of a variance from Section 1221.05(C)(2) to allow for the construction of an Accessory Building that will exceed the maximum permitted height on a lot larger than two (2) acres of 25-feet.

Staff Summary:

The 5.00-acre property located at 12418 Cable Road SW is currently occupied by 2,352-square foot single-family home built in 1870 set back from the front property line approximately 125-feet. There is also a 1,600-square foot (40x40) detached garage built in 1984, a 960-square foot barn built in 1929, an approximately 192.5-square foot shed, and an agricultural silo. Access to the property is via a gravel driveway from the lot's only frontage on Cable Road SW.

The Applicant's intention is to construct a large addition to the rear (north) of the existing detached garage, with the proposed dimensions of 40-feet by 50-feet (2,000-square feet). The existing garage has a roof pitch of 6/12 and is approximately 19-feet 8-inches in height overall. The proposed addition will include a second floor and use the same roof pitch of 6/12 which would put the overall height of the additional structure at approximately 31-feet. Section 1221.05(C)(2) of the Pataskala Code states, that on lots larger than two (2) acres, the maximum height of accessory structures shall be 25-feet.

According to the Narrative Statement submitted by the Applicant, they would like to keep the pitch of the roof on the additional structure the same as the existing for uniformity. The stated purpose of the second story is for storage. Further stated, they believe the proposed variance will not negatively impact the essential character of the neighborhood and will not be detrimental to the use or development of adjacent properties. The Applicant has also included photographs of the existing conditions on the property as part of their application, which includes the existing Silo which is approximately 30-feet above grade. The existing barn, to the rear of the existing detached garage, will be removed upon completion of the new addition.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

As mentioned above, Section 1221.05(C)(2) of the Pataskala Code states that the maximum height of an accessory building for lots two (2) acres or greater shall be 25-feet. As proposed, the Applicant intends to construct a structure with an overall height of 31-feet. Therefore, the Variance request is for an increase of the allowable height from 25-feet to 31-feet, which is six (6) feet, or a 24% increase.

Section 1221.05(A)(2) of the Pataskala Code states that the maximum number of accessory buildings on a single lot shall not exceed two (2). Currently, there are three (3) existing structures on the property. The detached garage, the barn, and the shed. The agricultural silo is not counted as an Accessory Building. The three (3) structures on site are considered existing non-conforming, or “grandfathered”, however, by adding additional square footage, the Applicant must bring the property into compliance with current Pataskala Code. The Applicant has stated that they will remove the exiting barn once construction has been completed on the addition and the items from the barn moved to the new structure. A possible condition has been included to ensure this is done.

Licking County Health Department (Full comments attached)

Any building/structure must be 10-feet from any component of the septic system and well head. If these distances cannot be maintained, there is a Variance process through the Health Department available.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG - Agricultural	Agricultural
East	AG - Agricultural	Single-Family Home
South	AG - Agricultural	Single-Family Home
West	AG - Agricultural	Single-Family Home

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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- 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;*
- Whether the variance requested is substantial;*
- 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;*
- 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-22-001:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – See attached
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Conditions:

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

1. 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.
2. The Applicant shall remove the existing structure labeled "metal bldg." within the Application Within one (1) year of the completion of the new structural addition.

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 1221.05(C)(2) of the Pataskala Code for variance application VA-22-001 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Scott Morris](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review Memo for 02-08-2022
Date: Wednesday, January 19, 2022 2:57:23 PM
Attachments: [image003.png](#)

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,

Here are the comments to the items we reviewed.

CU-22-001: This appears to be a combination of 2 lots and as long as a new smaller parcel is not being created this appears to be exempt from our lot split process.

VA-22-001: Any building/structure must be 10 ft from any component of the septic system and well head. If those distances can not be maintained then a variance request must be applied for through our office.

Let me know if you have any additional questions or concerns.

Thank you,
Scott Morris, REHS
Environmental Health Director
Licking County Health Department
675 Price Rd. | Newark, OH | 43055
Office: (740) 349-6475
www.lickingcohealth.org



Find LCHD on Social Media:



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Wednesday, January 19, 2022 2:07 PM
To: Scott Morris <smorris@lickingcohealth.org>
Cc: Chad Brown <cbrown@lickingcohealth.org>
Subject: FW: Pataskala BZA Review Memo for 02-08-2022
Importance: High

Chad, my apologies I must have copied an old memo with your name on it and forgot these are to be



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Staff Use

Application Number:

VA-22-001

Fee:

\$300.00

Filing Date:

1/14/2022

Hearing Date:

2/8/2022

Receipt Number:

Property Information

Address: 12418 CABLE RD SW

Parcel Number: 063-141138-01.001

Zoning: RES AG

Acres: 5.00

Water Supply:

☐ City of Pataskala

☐ South West Licking

☒ On Site

Wastewater Treatment:

☐ City of Pataskala

☐ South West Licking

☒ On Site

Applicant Information

Name: ANDREW KOLP

Address: 12418 CABLE RD SW

City: PATASKALA

State: OH

Zip: 43062

Phone: 614-774-6869

Email: ANDY@EPICBUILDINGCOMPANY.COM

Property Owner Information

Name: ANDREW KOLP

Address: 12418 CABLE RD SW

City: PATASKALA

State: OH

Zip: 43062

Phone: 614-774-6869

Email: ANDY@EPICBUILDINGCOMPANY.COM

Documents

☒ Application

☒ Fee

☒ Narrative

☒ Site Plan

☒ Deed

☒ Area Map

Variance Information

Request (Include Section of Code): 1221.05(C2)

HOMEOWNER REQUESTS TO EXCEED THE 25' HEIGHT LIMIT FOR ACCESSORY STRUCTURES. THE PROPOSED ACCESSORY STRUCTURE WOULD BE APPROXIMATELY 31'.

Describe the Project:

HOMEOWNER REQUESTS TO ADD ON TO AN EXISTING ACCESSORY STRUCTURE. THE PROPOSED ADDITION WOULD HAVE A PLATE HEIGHT OF APPROX 19'-6". TO KEEP THE ROOF PITCH THE SAME AS THE EXISTING STRUCTURE, THAT WOULD PUT THE PEAK AT APPROXIMATELY 30'.

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.

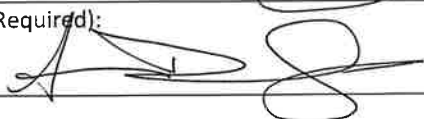
Applicant (Required):



Date:

1-11-22

Property Owner (Required):



Date:

1-11-22

**12418 CABLE ROAD
PATASKALA, OHIO 43062
PHONE: 614-774-6869**



**WWW.EPICBUILDINGCOMPANY.COM
ANDY@EPICBUILDINGCOMPANY.COM**

January 11, 2021

RE: 12418 Cable Rd SW
Pataskala, OH 43062

Project Description:

The homeowner would like to request a height variance for accessory structures from the current 25' to 31'. They are looking to add to an existing accessory structure. The current structure is 40'x40'. The proposed addition would be 40'x50' and extend to the North of the property. The current structure is a block building with 9' plate heights and a 6/12 pitched roof putting the peak of the gable at approximately 19'8". The proposed structure would have 10' plate heights on the first floor, a 12" floor system, 8' plates on the second floor and a 6/12 pitched roof system to match the existing building. This proposal would put the peak of the upper gable at approximately 30'.

The first floor of the proposed addition will be used for shop space therefore a higher ceiling height has been specified (10'). The second floor space is currently intended for storage so the ceiling height has been lowered to a more standard 8'. Keeping the proposed design in alignment with the existing structure, the roof pitch has been specified to match the existing (6/12). We believe this will provide the most architectural appeal, keeping in alignment with the other structures on the property. Alternative design options have been reviewed in an effort to keep the proposed addition within the current zoning requirements. However, given the intended use for the space and design of existing structures on the property, alternate designs did not achieve the desired aesthetics.

There is currently some precedence on the property in an existing silo currently sits approximately 20' from the proposed addition. This silo sits roughly 30' above grade. However, the grade is a few feet lower at this point than where the proposed addition will end up. See reference picture.

After reviewing the details of the zoning code, we believe that the proposed variance will have no impact on the essential character of the neighborhood, nor will it have significant impact to neighboring properties. This is in a rural area within the Pataskala city limits and the nearest residential structure is well over 250' from the proposed addition.

We appreciate your consideration of this requested variance.

From: andy@epicbuildingcompany.com
To: [Jack Kuntzman](#)
Subject: Re: Pataskala Variance Application
Date: Friday, January 28, 2022 1:36:33 PM

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.

Good Afternoon Jack,

Just for clarification, we are planning to remove the existing 24x40 pole barn upon completion of the proposed addition at 12418 Cable Rd SW.

If you have any questions or concerns with this, please let me know.
Have a great weekend.

Thank you,

Andy Kolp
Epic Building Company, LLC
614-774-6869

On 2022-01-03 15:26, Jack Kuntzman wrote:

> Andy,
>
> Attached to this email is the Variance application. Feel free to
> contact me if you have any questions.
>
> Jack R. Kuntzman
>
> City Planner
>
> City of Pataskala
>
> 621 West Broad Street, Suite 2-A
>
> Pataskala, Ohio 43062
>
> Phone: 740-964-1316

A Mortgage Location Survey prepared for and certified to:
Chicago Title Insurance Company, Inc. and/or Real Living Mortgage

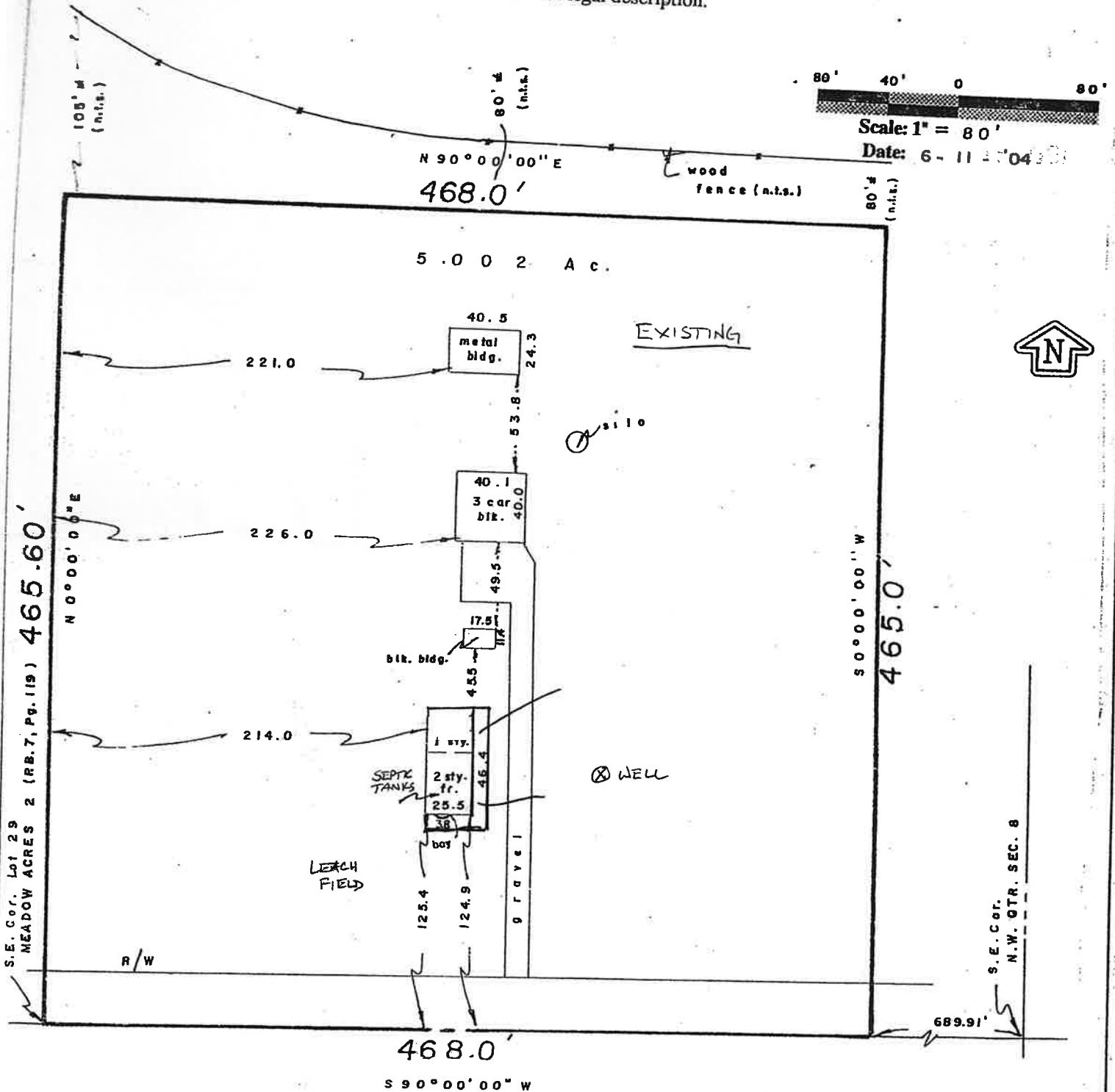
Legal Description: Situated in Ohio, County of Licking, City of Pataskala, Being 5.002 in the Northwest Qtr., Sec. 8, Twp. 1, Rg 18, U.S.M.L.

Applicant: Kolp 24050647HIL

Posted Address: 12418 Cable Road, Pataskala, Ohio

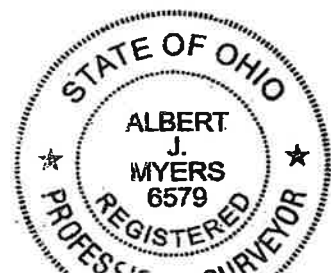
F.E.M.A. Flood Zone Designation: Flood Zone "C" as per F.I.R.M. 390328 0175B

Apparent Encroachments: 1) Fences not in conformance with legal description.



CABLE ROAD

(TWP. RD. #156)
 (CABLE LINE ROAD - Deed)



We hereby certify that the foregoing Mortgage Location survey was prepared for and certified to:

Chicago Title Insurance Company, Inc. and/or Real Living Mortgage

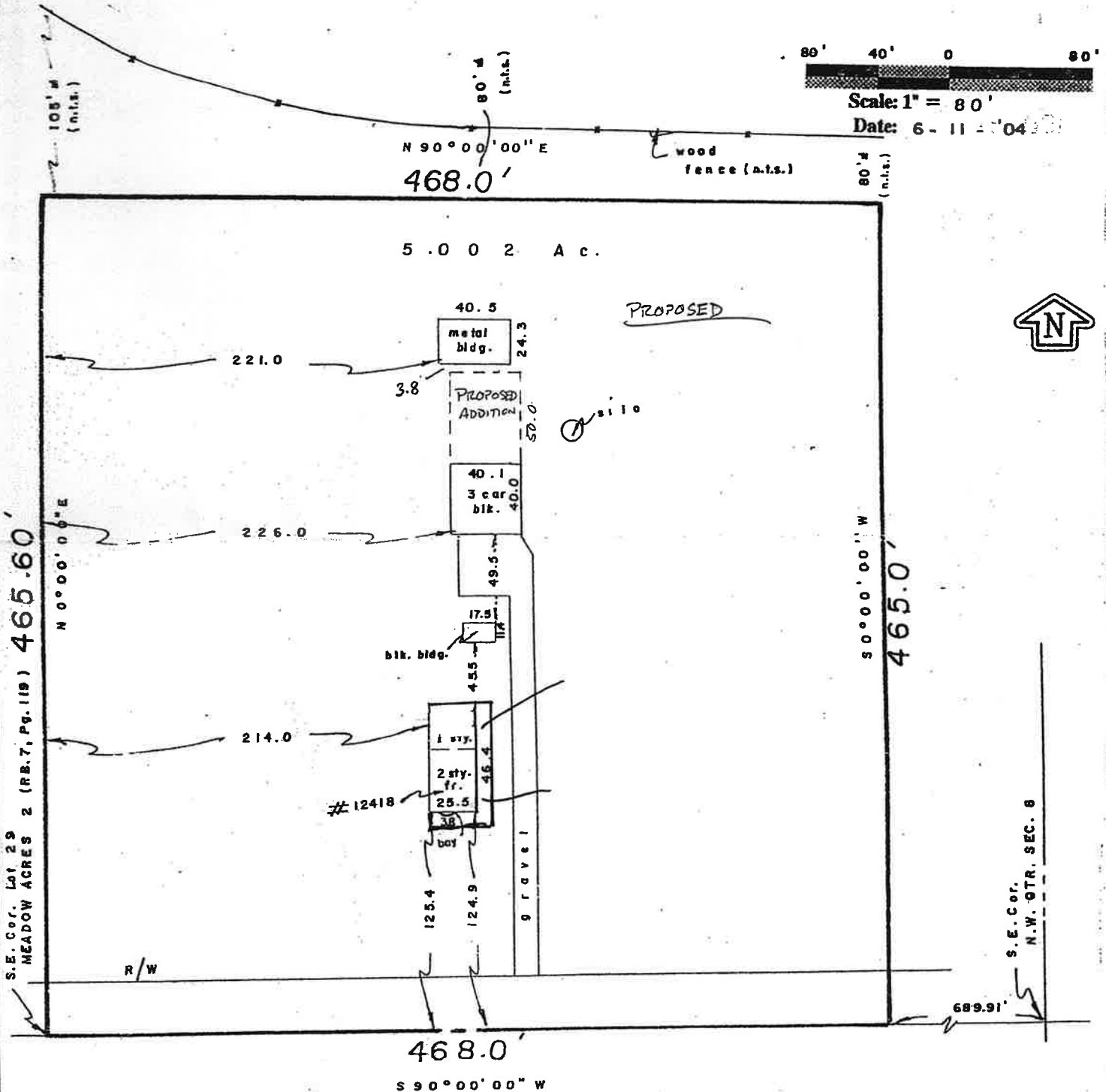
Legal Description: Situated in Ohio, County of Licking, City of Pataskala, Being 5.002 in the Northwest Qtr., Sec. 8, Twp. 1, Rg 18, U.S.M.L.

Applicant: Kolp 24050647HIL

Posted Address: 12418 Cable Road, Pataskala, Ohio

F.E.M.A. Flood Zone Designation: Flood Zone "C" as per F.I.R.M. 390328 0175B

Apparent Encroachments: 1) Fences not in conformance with legal description.



CABLE ROAD

(TWP. RD. #156)
(CABLE LINE ROAD - Deed)



We hereby certify that the foregoing Mortgage Location survey was prepared from

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due February 18th

Dog License

Downloads

Forms

GIS

Homestead

Taxes Other

KOLP ANDREW D &

ELIZABETH A

12418 CABLE RD

PATASKALA, OH 43062

Acres: 5.00

15 -1 -2 SEC 7-8 5.00A

Land: \$96,100

Improv: \$159,300

Total: \$255,400

Transfer Date: 06/24/2004

Amount: \$180,000

Conveyance: 02452

Valid Sale: Yes

Homestead: No

Owner Occ: Yes

Foreclosure: No

Certified Delq: No

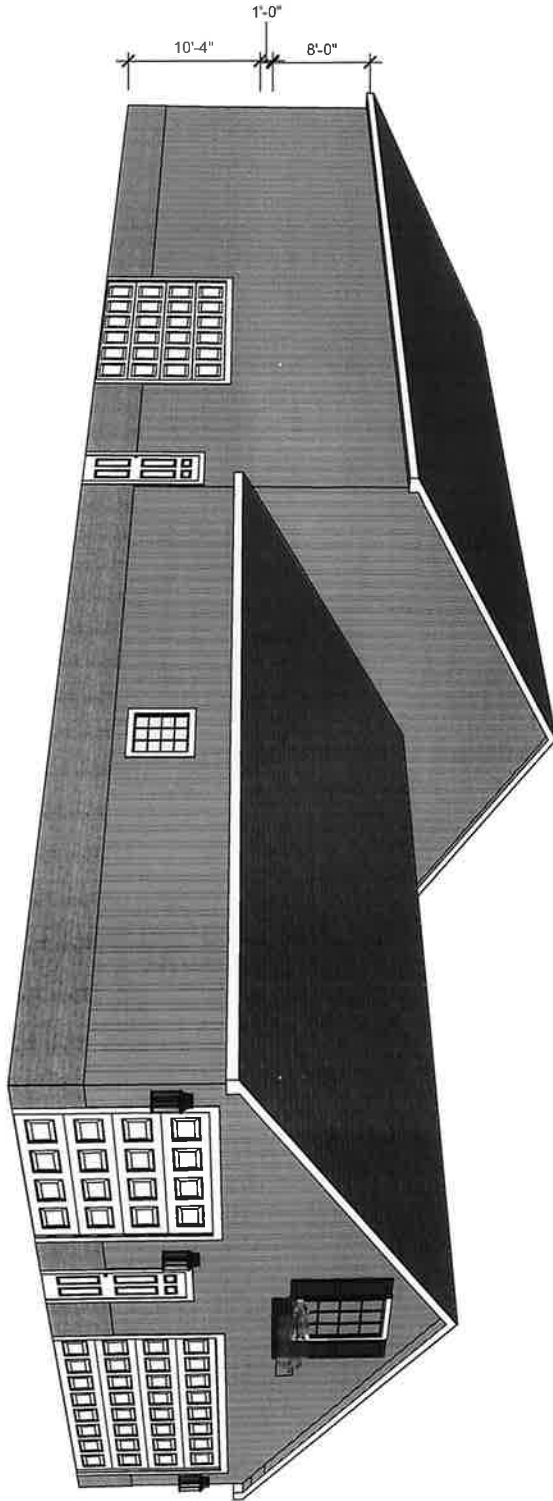
On Contract: No

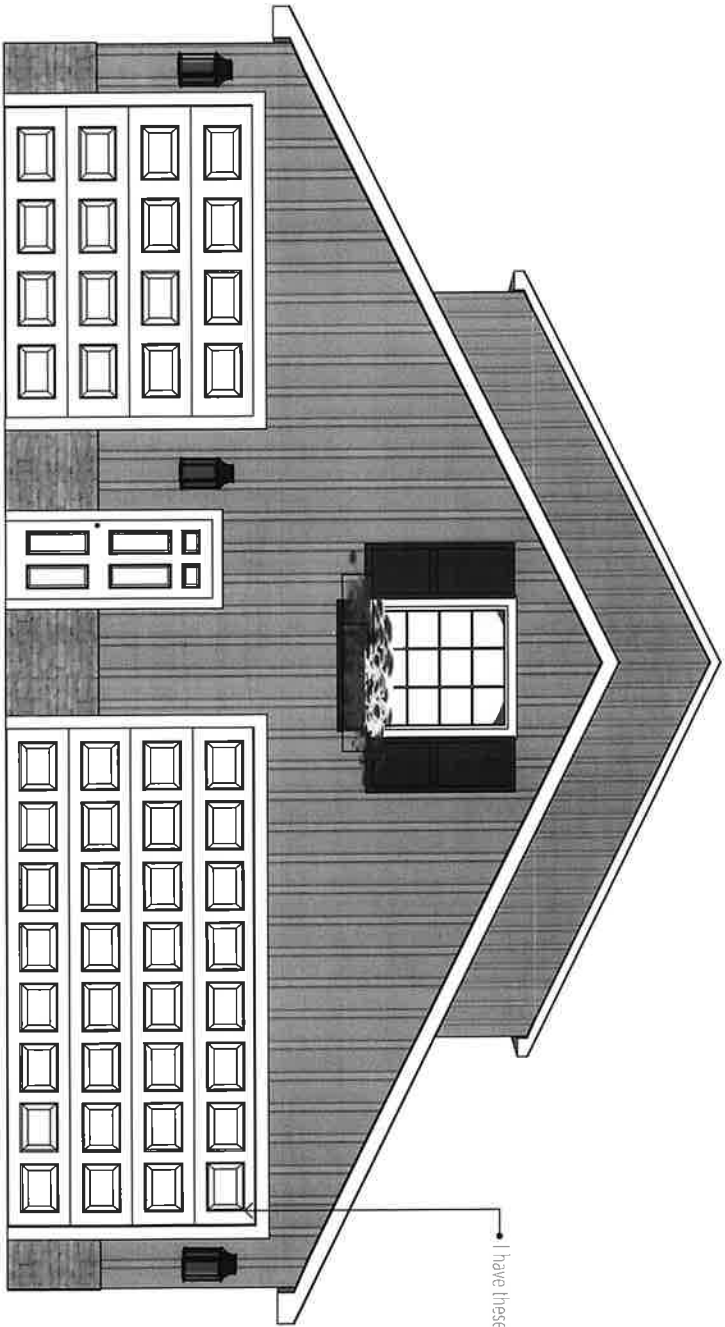
Bankruptcy: No

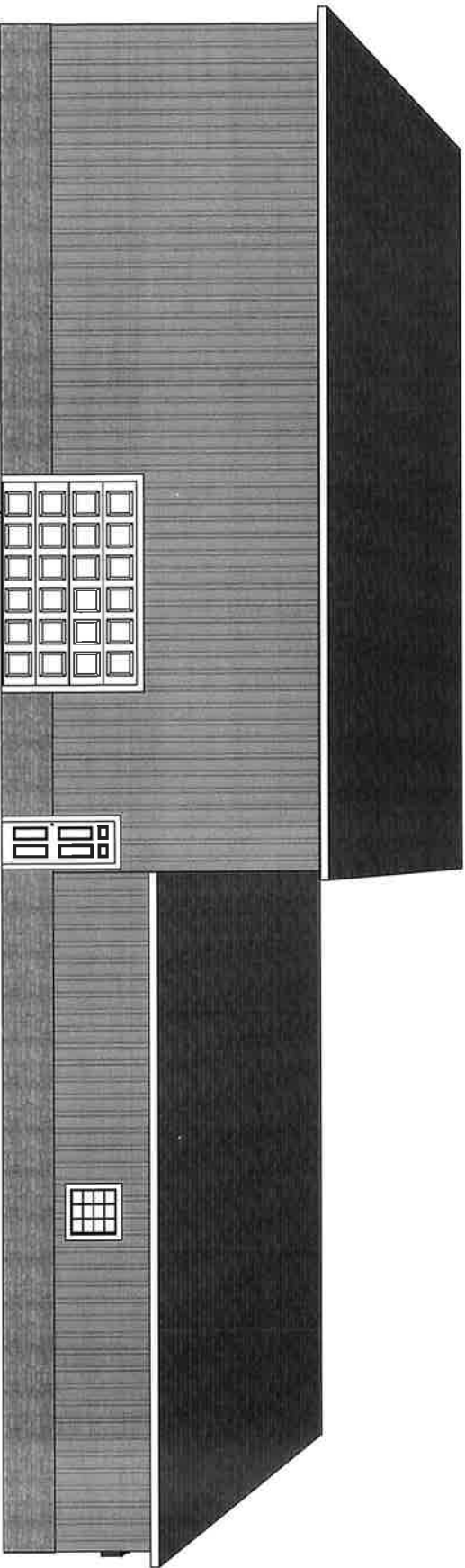
Tax Lien: No

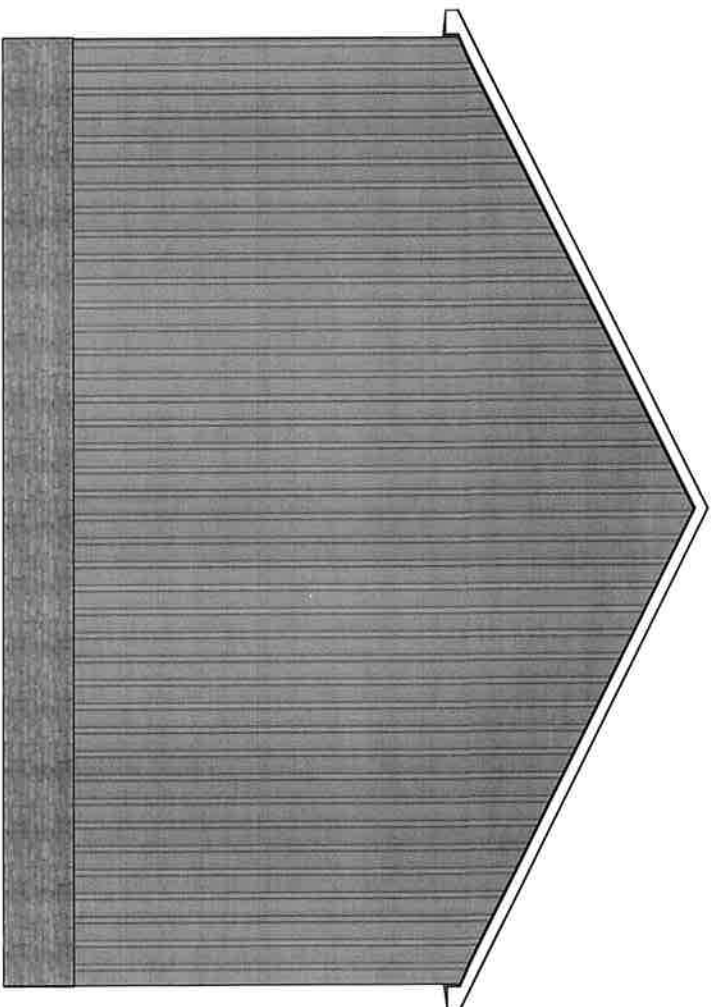


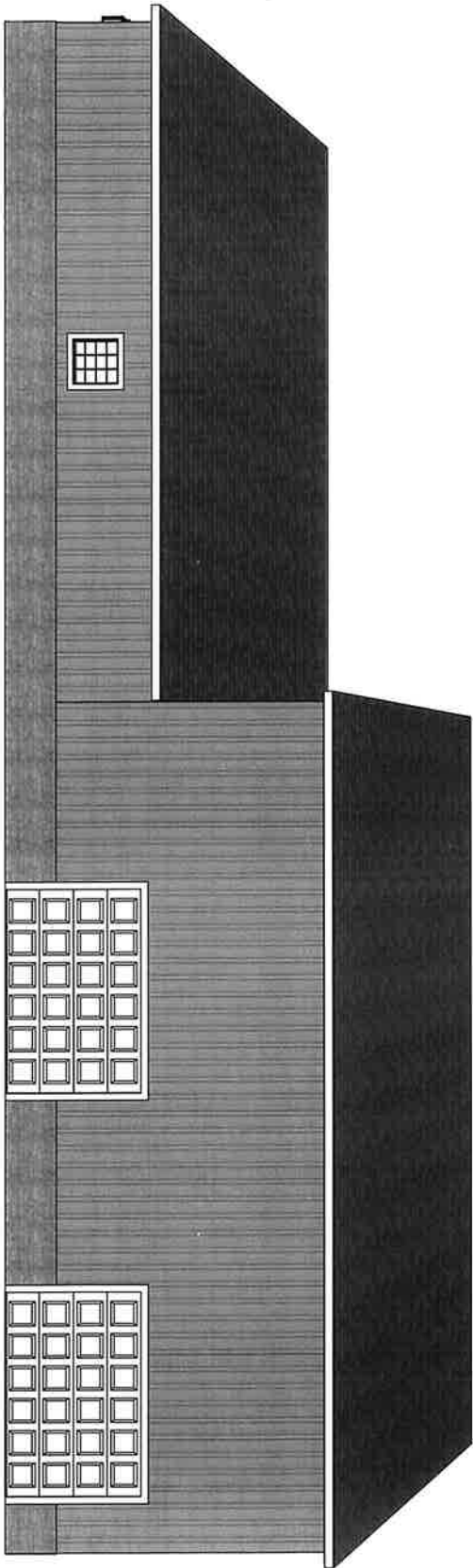
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- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login

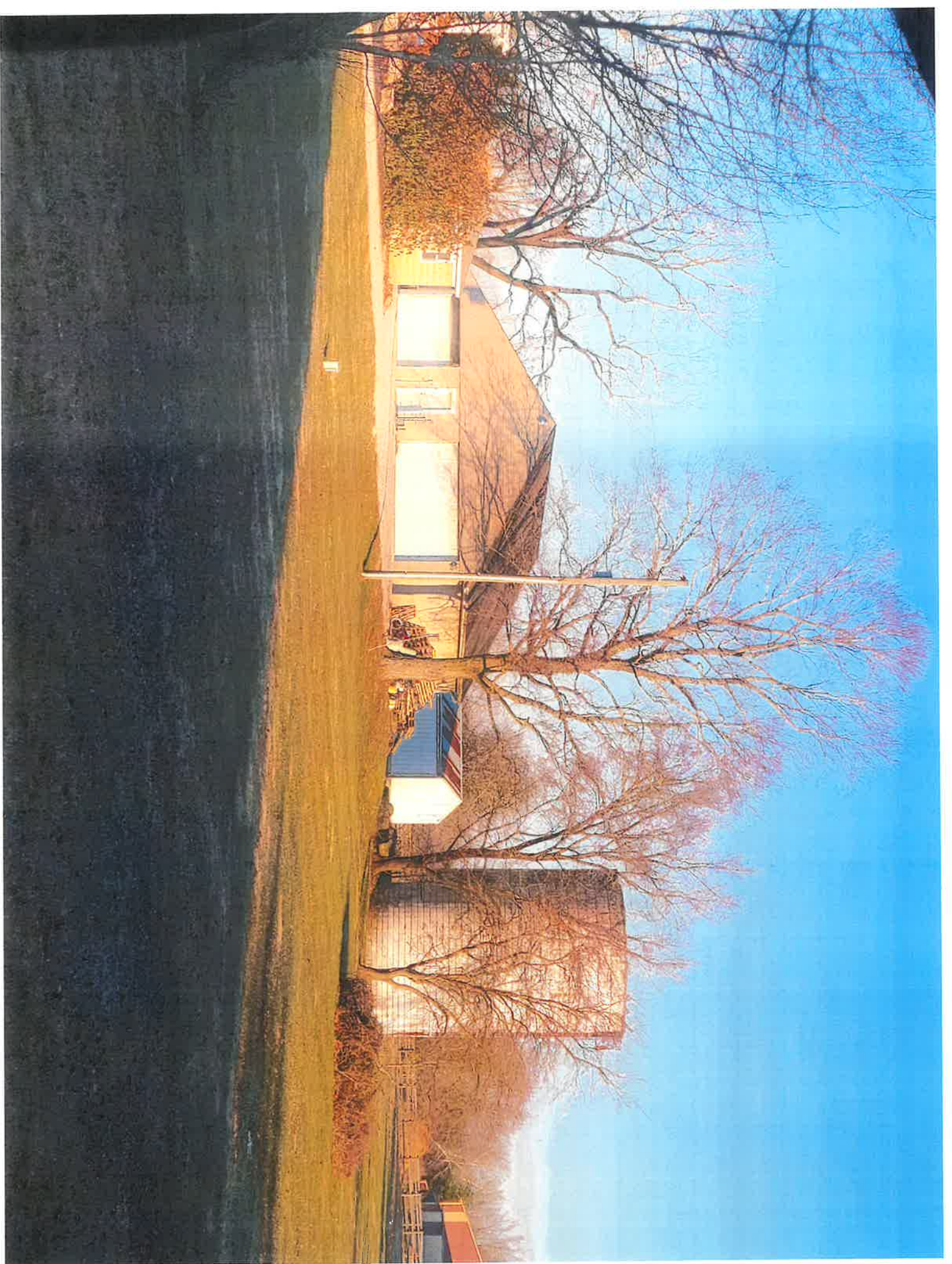














General Warranty Deed

Instr: 200406240023018 06/24/2004
 Pages: 2 F: \$28.00 3: 20PM
 Bryan A. Long T20040317648
 Licking County Recorder BXCHICAGO

CHRISTOPHER FOLTZ AKA CHRISTOPHER CHRISTOPHER A. FOLTZ, MARRIED

of LICKING County, Ohio, for valuable consideration paid, grant(s), with general warranty covenants, to
 ANDREW D. KOLP AND ELIZABETH A. KOLP

whose tax-mailing address is
 WELLS FARGO HOME MORTGAGE, P.O. BOX 10304, DES MOINES, IA 50306-0304

the following **REAL PROPERTY**:

SEE ATTACHED EXHIBIT "A"

PARCEL No. 63-141138-01-001

PROPERTY ADDRESS: 12418 CABLE ROAD, PATASKALA, OHIO 43062

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, contained in former deeds of record for said premises, subject to all of which this conveyance is made.



0115PA00400000003000

Prior Instrument Reference: INST 3200207020024614 AND OR VOLUME 516, PAGE 257
 of the Deed Records of LICKING

County, Ohio.

Grantor releases all rights of dower therein.

LYNN A. BAUR WIFE OF THE GRANTOR, RELEASES ALL RIGHTS OF DOWER THEREIN.

Witness OUR hand(s) this 18TH day of JUNE 2004
 Signed and acknowledged in presence of:

Witness 

CHRISTOPHER A. FOLTZ

Witness

LYNN A. BAUR

Witness

Witness

State of OHIO }
 County of FRANKLIN } ss.

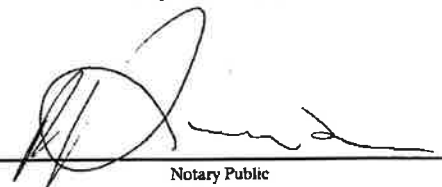
BE IT REMEMBERED, That on this 18TH day of JUNE 2004, before me, the subscriber, a Notary Public in and for said state, personally came CHRISTOPHER A. FOLTZ AND LYNN A. BAUR, HUSBAND AND WIFE

the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be THEIR voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



ROBERT D. SWANSON
 NOTARY PUBLIC, STATE OF OHIO
 COMMISSION EXPIRES
 05-06-2006


 Notary Public

This Instrument was prepared by THOMAS J. OLIX CO. LPA

Auditor's and Recorder's Stamps

EXHIBIT A

City of Pataskala

Situated in the State of Ohio, County of Licking, and in the ~~Township of Lima~~ and more fully described as follows:

Being situated in the Northwest quarter of Section eight (8), Township one (1), Range fifteen (15) of the United States Military Lands, Lima Township, Licking County, State of Ohio and being part of that land of record in Deed Volume 824, Page 654 in the Licking County Recorder's Office and being more particularly described as follows:

Beginning at a spike in the centerline of Cable Line Road (Township Road 156) bearing South 90° 00' 00" West a distance of 689.91 feet from an iron pin at the Southeast corner of the Northwest quarter of Section 8;

Thence South 90° 00' 00" West along the centerline of Cable Line Road a distance of 468.00 feet to a point at the Southeast corner of Lot 29 of Meadow Acres No. 2 of record in Plat Book 7, Page 119 in the Licking County Recorder's Office;

Thence North 0° 00' 00" East along the East line of Lot 29 a distance of 465.60 feet (passing over an iron pin at 30.00 feet) to an iron pin at the Northeast corner of Lot 29;

Thence North 90° 00' 00" East a distance of 468.00 feet to an iron pin;

Thence South 0° 00' 00" West a distance of 465.60 feet (passing over an iron pin at 435.60 feet) to the place of beginning-containing 5.002 acres, more or less.

DESCRIPTION APPROVED	
TIM LOLLO	
LICKING COUNTY ENGINEER	
TAU MAP DRAWING NO # 4	APPROVED BY P.M.N.

TRANSFERRED

Date

June 24, 2004

[Signature]
Licking County Auditor

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY *ds* *3604*

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due February 18th

Dog License

Downloads

Forms

GIS

Homestead

Taxes Other

KOLP ANDREW D &

ELIZABETH A

12418 CABLE RD

PATASKALA, OH 43062

Acres: 5.00

15 -1 -2 SEC 7-8 5.00A

Land: \$96,100

Improv: \$159,300

Total: \$255,400

Transfer Date: 06/24/2004

Amount: \$180,000

Conveyance: 02452

Valid Sale: Yes

Homestead: No
Owner Occ: Yes

Foreclosure: No
Certified Delq: No

On Contract: No

Bankruptcy: No

Tax Lien: No

- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
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