



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 8, 2022

Variance Application VA-22-004

Applicant:	Josh Wise
Owner:	Josh Wise
Location:	21 Depot Street, Pataskala, OH 43062 (PID: 064-307824-00.000)
Acreage:	+/- 0.03-acres
Zoning:	DB – Downtown Business
Request:	Requesting approval of a Variance from Section 1221.07(B)(2)(ii) of the Pataskala Code to allow for a reduced rear yard patio setback 7.5-feet to 1.5-feet.

Description of the Request:

The applicant is seeking approval of a Variance from Section 1221.05(B)(2)(ii) of the Pataskala Code to allow for a reduced rear yard setback, from 7.5-feet to 1.5-feet, for a patio.

Staff Summary:

The 0.03-acre property located at 21 Depot Street is currently occupied by a 480-square foot commercial building. The lot has frontage only onto Depot Street and is bordered to the west by a parking lot, on a separate parcel, also owned by the Applicant which was constructed in 2021 (subject to VA-21-001, VA-21-002, VA-21-003, VA-21-004). The lot itself is compliant, as the DB – Downtown Business district has not specific minimum lot size, or lot width.

The Applicant had submitted plans to Staff for review that proposed an Addition as well as a smaller patio, which Staff reviewed and provided feedback to the Applicant for changes that needed to be made to the plan for the Addition Permit to be approved. It was later found the Applicant has constructed a larger 15-foot by 21-foot (315-square foot) concrete patio to the rear (south) of the existing commercial building and addition that was built. As indicated by the Site Plan that Applicant included in their Application, the patio is five (5) feet from the east side property line, and one-and-a-half (1.5) feet from the south side property line.

Section 1221.07(b)(2)(ii) of the Pataskala Code states that Decks and Patios, when located within commercial zoning districts, shall not extend more than 50% into the required rear yard setback of the zoning district in which they are located. This lot is located within the DB – Downtown Business zoning district, in which the rear yard setback is 15-feet (Section 1245.05(C)(3)). Half of this distance would be seven-and-a-half feet (7.5).

According to the Application submitted by the Applicant, during excavation work it was discovered that there was an old septic tank behind the existing commercial structure, which was built some time during the 1970s. The septic tank had failed and was leaking. As such, it was removed, and the area needed to be capped off to prevent any further contamination, which is why the concrete patio was extended towards the rear property line.

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

During excavation discovered an Old septic from 1970. Eventually septic tied into sanitary, poorly. Never emptied. Soil contamination. Decided to cap the area with concrete, resulting in patio.

As mentioned above, Section 1221.07(b)(2)(ii) of the Pataskala Code states that Decks and Patios, when located within commercial zoning districts, shall not extend more than 50% into the required rear yard setback of the zoning district in which they are located. This lot is located within the DB – Downtown Business zoning district, in which the rear yard setback is 15-feet (Section 1245.05(C)(3)).

Half of the required setback would be 7.5-feet. The patio, which has already been constructed, is 1.5-feet from the south rear property line. A difference of 6-feet. As such, the Applicant is requesting a Variance from Section 1221.07(b)(2)(ii) of the Pataskala Code to allow for a patio to encroach beyond the maximum of 50% into the rear yard setback. This would be an increase from 50% allowable to 90% allowable.

Should this Variance be approved, the Applicant will still need to apply for, and have approved, a Patio Permit from the City of Pataskala.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	DB – Downtown Business	Commercial
East	DB – Downtown Business	Commercial
South	DB – Downtown Business	Single-Family Home
West	DB – Downtown Business	Parking Lot

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;*
- Whether the variance, if granted, will be detrimental to the public welfare;*
- 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-22-004:

- 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 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.

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(B)(2)(ii) of the Pataskala Code for variance application VA-22-004 ("with the following conditions" if conditions are to be placed on the approval)."



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: 21 Depot Street	
Parcel Number: 064-307824-00.000	
Zoning: DB	Acres: 0.03
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-22-004
Fee: \$300.00
Filing Date: 2-11-22
Hearing Date: 3-8-22
Receipt Number: 000446

Applicant Information		
Name: Josh Wise		
Address: 353a South Main Street		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 271 7516	Email: josh.wise@ymail.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: Josh Wise / Tom Low		
Address: 353a South Main Street		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 271 7516	Email: josh.wise@ymail.com	

Variance Information
Request (Include Section of Code): 122107 B2 II
Peto variance to reduce the patio setback from 7.5ft to 1.5ft
Describe the Project: We started digging for gravel back found old foundation to include old septic. We abandoned it and ran new sewer line. The current one was not safe. We did not want to use place didn't know where water was going. We fixed sewer for safety.

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:

2/11/22

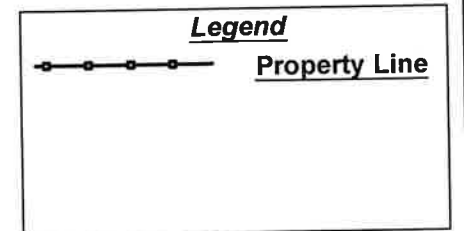
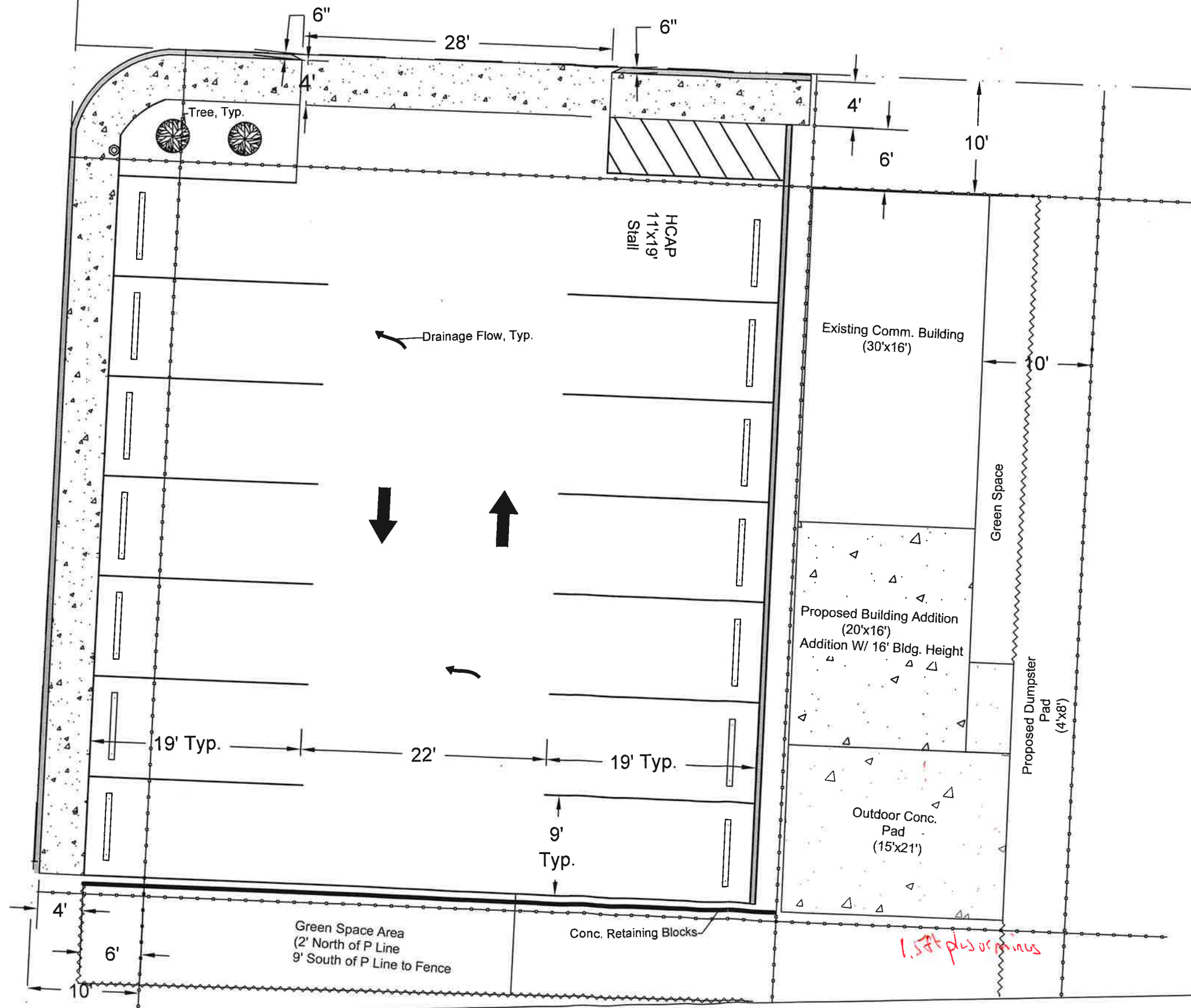
Property Owner (Required):

Date:

2/11/22

Wood St.

Depot St.



GENERAL SITE PLAN

25 Depot Street
Pataskala, OH 43062

DATE
11/30/2020

DRAWN
DESIGNED
SCALE
1:10

1
1

Taxes Due February 16th



in p
res
nsfers
es
ictures
et View
itch
ometry
cel
c
d
ments
JV
d

Address ▼

Search



JAMES WISE FAMILY
INVESTMENTS LLC &
VISION LLC
21 DEI POT ST W
PATASKALA, OH 43084

Address: _____

Land: 15,700
Improvement: 10
Total: 25,700

Transfer Date: 12/1/2001
Amount: \$1,000.00
Conveyance: 100%
Valid Sale: Yes

Homestead, Fla.
Owner Occupied:

Foreclosure: ☒
 Certified Delq: ☒
 On Contract: ☒
 Bankruptcy: ☒

200807160016301
Pg: 2 \$28.00 T20080015480
07/16/2008 9:22AM MEPBECKER & L
Bryan A. Long
Licking County Recorder

GENERAL WARRANTY DEED

Michael E. Greene and Connie S. Greene, husband and wife, for valuable consideration paid, grant, with general warranty covenants, to **Connie S. Greene, Trustee of the Connie S. Greene 2008 Revocable Trust, dated May 15, 2008**, whose tax mailing address is 19 Buckeye Boulevard, Pataskala, Ohio 43062, the following described real property:

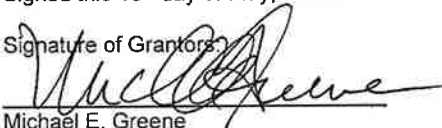
See Attached Exhibit A for Legal Description

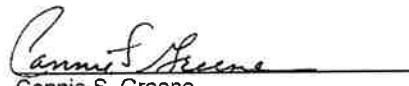
Prior Instrument Reference: Instrument Number 200211120042970
Permanent Parcel Number: 64-311736-00-000
Property Address (for informational purposes only): 19 Buckeye Boulevard, Pataskala, Ohio 43062

Subject to conditions, easements and restrictions of record and 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.

Signed this 15th day of May, 2008.

Signature of Grantors:


Michael E. Greene


Connie S. Greene

STATE OF OHIO)
)SS:
COUNTY OF FRANKLIN)

Subscribed and sworn to before me, a Notary Public in and for said County and State, the foregoing instrument was acknowledged before me this 15th day of May 2008, by Michael E. Greene and Connie S. Greene, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.



PHILLIP G. LILLY
Attorney at Law
Notary Public, State of Ohio
Commission Expires 12/31/2011
Section 147.03 R.C.


Notary Public

My Commission expires: _____

This instrument prepared by:

Phillip G. Lilly, Attorney at Law, Becker & Lilly, LLC, 100 East Broad Street, Suite 2320, Columbus, OH 43215, Telephone (614) 469-4778

Exhibit A

Situated in the State of Ohio, County of Licking, and in the City of Pataskala:

BEING Lot Number 5-A, THE OAKS ADDITION, as recorded in Plat Book 17, page 151,
Recorder's Office, Licking County, Ohio.

TRANSFERRED
Date July 16, 2008
J. Terry Evans
Licking County Auditor TH

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY TH EXT.

DESCRIPTION APPROVED
TIM LOLLO
LICKING COUNTY ENGINEER
APPROVED BY
P.M.N. 7/16/08



