



## 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-22-007

<b>Applicant:</b>	Stephen Buhrts
<b>Owner:</b>	Timothy Wilson
<b>Location:</b>	14767 Morse Road SW (PID: 063-141696-06.000)
<b>Acreage:</b>	+/- 1.29-acres
<b>Zoning:</b>	RR – Rural Residential
<b>Request:</b>	Requesting approval of a Use Variance from Section 1267.03(B)(1) of the Pataskala Code, to allow for an automobile related use to be considered a permitted Home Occupation for the property listed.

#### Description of the Request:

The applicant is seeking approval of a Use Variance from Section 1267.03(B)(1) of the Pataskala Code to remove the prohibition on any type of repair or assembly of vehicles or equipment with internal combustion engines or any other work related to automobiles as a Home Occupation.

#### Staff Summary:

The 1.29-acre property located at 14767 Morse Road SW is currently occupied by a 1,669-square foot single-story home built in 1977, as well as a 528-square foot Accessory Building built in 1984, and a 1,920-square foot Accessory Building built in 2008. There are two (2) accesses to the property, a concrete driveway off Morse Road SW extending to the Primary Structure (existing single-family home) and the second being a gravel driveway also off Morse Road SW running past the existing home, past the first Accessory Building and widening out to a graveled area around the rear Accessory Building. The lot is an existing non-conforming lot, as it does not meet the minimum requirements within the RR – Rural Residential zoning district, those being a minimum lot size of five (5) acres and a minimum lot width of 250-feet.

On September 28, 2021, Planning and Zoning Staff received a complaint regarding the property at 14767 Morse Road SW. The complainant advised there was an automotive repair business being operated at the location. Upon investigation, the Zoning Inspector found there was in fact an automotive repair business being set-up and operated at the subject property and notified the resident, in this case, The Applicant. They were notified of the violation of Pataskala Code, who then contacted Staff for potential next steps.

In most residential zoning districts, including RR – Rural Residential, allow for Home Occupations with certain additional considerations. 'Type A' Home Occupations, where only a resident of the property uses their property as a place of work, and no customers come to the site (e.g., a home office, author, etc.), or a 'Type B' Home Occupation, where either customers come to the site, or the business has one or more non-resident employee(s) (e.g., daycare, hair cutting, counseling). The Applicant's business, Automotive Repair, would be considered a 'Type B' Home Occupation, as customers as well as a nonresident employee come to the site. In the RR – Rural Residential Zoning District, a 'Type B' Home Occupation is a Conditional Use.

Beyond this, however, under Section 1267.03(B)(1) of the Pataskala Code; any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as either a Type A or Type B Home Occupation.

Staff has informed the Applicant of these restrictions, and the Applicant has submitted this Variance Application in order to remove the prohibition on any type of Automobile related uses from Home Occupations for the subject property. Should this Variance be approved, they would then be able to pursue a Conditional Use approval for a Type B Home Occupation, which has also been submitted for the March 8, 2022, Board of Zoning Appeals hearing (CU-22-004).

According to the Narrative Statement submitted by the Applicant, the business, Straightaway Performance, LLC., is a small general automotive repair facility that employs one non-resident employee as well as the owner (the Applicant). Further stated, the Applicant believes the requested Variance is not significant, will not significantly alter the character or the surrounding neighborhood, and will not substantially alter or impair the use or development of adjacent properties.

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

As mentioned above, under Section 1267.03(B)(1) of the Pataskala Code; any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as either a Type A or Type B Home Occupation.

The Applicant is requesting a Variance from the above section of Code in order to remove the prohibition on Automobile related uses as a Home Occupation for the subject property, so that they may request approval of a Conditional Use, which has also been submitted for the March 8, 2022, Board of Zoning Appeals hearing. As such, for the purposes of this Variance, the Board is strictly looking at whether or not the proposed use shall be permitted. Details on the actual business, and compliance with the restrictions of Chapter 1267 – Home Occupations will be determined with Conditional Use Application CU-22-004, should this Variance be approved.

As the requested Variance is to allow for the use of the property in a manner which would otherwise be prohibited under Pataskala Code, the Variance request is for a Use Variance, as opposed to an Area Variance. Pursuant to Section 1211.07(B) of the Pataskala Code, Use Variances shall be allowed only in the most extreme of circumstances and only upon a showing of unnecessary hardship. In determining whether there exists an unnecessary hardship, the Board shall consider each factor set forth in Section 1211.07(A), listed below as “Variance Requirements”. In addition, pursuant to Section 1211.07(B), no unnecessary hardship shall exist where (cont. on Page 3)

- 1211.07(B)(a): The applicant/owner created the alleged hardship
- 1211.07(B)(b): The Board finds that the application is primarily made for purposes of convenience or profit; or...
- 1211.07(B)(c): A substantial ground offered in support of an application for use variance is the existence of other non-conforming use of neighboring lands, structures, or buildings, in the same zoning district or in other zoning districts.

Further stated in Section 1211.07(B), it is the intention of the requirements to prevent a property owner from attempting to request a Use Variance rather than engage in the rezoning process.

Zoning Inspector (Full comments attached)

- Violation reported September 28, 2021. Operating a business from a residentially zoned district without permitting.
- Applicant has been forthcoming, responsive, and in communication with Zoning Inspector the entire duration of the process. They have indicated they are in the process of purchasing the property from the current owner, and currently resides at the property.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	RR – Rural Residential	Single-Family Home
East	RR – Rural Residential	Single-Family Home
South	RR – Rural Residential	Single-Family Home
West	RR – Rural Residential	Single-Family Home

**Variance Requirements:**

According to Section 1211.07(A)(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-22-007:

- None

#### **Use Variance Requirements:**

According to Section 1211.07(B) of the Pataskala Code, Use Variances shall be allowed only in the most extreme of circumstances and only upon a showing of unnecessary hardship. No unnecessary hardship shall exist where:

- a) *The applicant/owner created the alleged hardship*
- b) *The Board finds that the application is primarily made for the purposes of convenience or profit; or...*
- c) *A substantial ground offered in support of an application for use variance is the existence of other non-conforming use of neighboring lands, structures, or buildings, in the same zoning district or in other zoning districts.*

#### **Department and Agency Review**

- Zoning Inspector – See attached
- 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. Conditional Use Application CU-22-004 must be approved by the Board of Zoning Appeals before the approval shall take effect.
2. The Use Variance approved by this Application shall only apply to the Applicant, and only to the subject property (PID: 063-141696-06.000).

#### **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 1267.03(B)(1) of the Pataskala Code for Variance Application VA-22-007 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Felix Dellibovi](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 03-08-2022  
**Date:** Tuesday, February 22, 2022 11:50:45 AM  
**Attachments:** [image001.png](#)

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Please see the below information regarding **CU-22-004** and **VA-22-007**:

Stephen Buhrts: 14767 Morse Road Southwest Pataskala, Ohio 43062 (parcel # 063-141696-06.000)  
Property/parcel is owned by Timothy L. Wilson (unknown address).

<b><u>Violation Number</u></b>	<b><u>Complaint Date</u></b>	<b><u>Violation</u></b>	<b><u>Date</u></b>
<b><u>Corrected/Status</u></b>			
<b><u>2021</u></b>			
VIO-21-194	September 28, 2021	Business in Residential District	Pending BZA Hearing
VIO-21-224	October 14, 2021	Inoperable Vehicle	Some Vehicles removed-
Pending			

The above violations were reported to the Planning and Zoning Department on September 28, 2021. The complainant advised there was a potential automotive repair business being operated at the above stated address. Upon investigation of the complaints there was sufficient evidence observed, obtained, and by speaking with Stephen Buhrts, that there was proof of a home occupation currently in progress and/or being prepared to be in used as a business.

Mr. Buhrts has been forthcoming, responsive, and in communication with me the entire duration of his process to receive a Conditional Use, and a Variance, for "Straightaway Performance, LLC". Mr. Buhrts advised that he is in the process of purchasing the property/parcel from Timothy Wilson, and he currently resides on the property.

If you have any questions, comments, or concerns, please feel free to reach out to me.

Thank you,

**FELIX DELLIBOVI**

**Zoning Inspector**

City of Pataskala

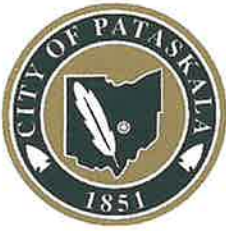
621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-3885

Cell: 614-774-4446

Email: [fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us)



# 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: 14767 morse rd SW	
Parcel Number: 14767 (lot 6)	
Zoning: R.R.	Acres:
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site

Staff Use
Application Number: VA-22-007
Fee: \$300.00
Filing Date: 2/15/2020
Hearing Date: 3/8/2020
Receipt Number:

Applicant Information		
Name: Stephen Bahets		
Address: 14767 morse rd SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-499-8099	Email: Bahets56@yahoo.com	

Property Owner Information		
Name: Timothy Wilson		
Address: 95 Hayden Church rd		
City: Saxe	State: VA	Zip: 23967
Phone: 614-266-7627	Email: Wilson.T.timothy1967@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

Variance Information
Request (Include Section of Code): 1267.03 (B)(1)
Describe the Project: General Automotive repair Shop

## 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:



02/15/2022

Property Owner (Required):

Date:



11-20-2021

# Straightaway Performance, LLC

## Variance Use Narrative Statement

### Introduction

This narrative is to serve as supplementary information related to the variance permits application for a general automotive repair facility defined by the code 811111 under the NAICS classification. The applicant is Straightaway Performance, LLC. I, Stephen Buhrts, Owner of Straightaway Performance, LLC am applying for the variance use permit for operating an automotive business from the owner-occupied parcel located at 14767 Morse Rd SW, Pataskala Ohio 43062.

### Variance Use Business Description

Straightaway Performance, LLC is proposing to operate a small (owner, and one non-resident employee) general automotive repair facility in accordance with any and all city ordinances. Operating in a harmonious capacity with the surrounding area using an existing accessory building within the property lines. Maximizing all previous constructed driveways, parking stalls, and structures to minimize additional hazards to throughfare traffic, wildlife, vegetation, and the economic standing of the surrounding properties. Special care will be taken to maintain neighboring property values, through the use of fencing and sound insulation.

### Pataskala City Code Compliance

Straightaway performance intends to meet and exceed all applicable Pataskala city codes. These city codes include all restrictions on home occupations, as well as conditional use of property with the only exceptions listed in the Variance section. Extreme care will be taken to exceed the codes that concern valuation of and disturbance to neighboring properties, including limiting noise pollution, excess traffic, eyesores (non-running vehicles), dust (smells), and disturbances to the environment. Employment will be strictly limited to the owner of the parcel, and one non-resident employee. Additionally, hours of operation will be strictly limited to help limit traffic, disturbance, and neighboring property valuation. The Property is zoned RR, Rural Residential District. Pursuant Section 1267.01-02 Listed below are specific sections that are understood, and will be explicitly complied with:

- Section 1215 Conditional Uses (Except 1215.05 A1, 1215.05 A2)
- Section 1267 Home Occupations (Except 1267.03 B1)

Narrative details for how this variance request conforms to **Section 1211.07 Section A** of Pataskala City Code:

- A) This property will yield an excellent return and should be capable of supporting a family with two children. I will be able to apply my education and practical experience of 6+ years working as an automotive mechanic.
- B) There are no unique physical circumstances that prevent the property from being developed in conformity with zoning regulation. All physical requirements are already satiated by existing structures on the property. All variances requested are for use of the existing structures.
- C) The variance requested is small, and does not require any major reconfiguration of property, nor any significant disturbance to surrounding properties.
- D) The character of the surrounding neighborhood will be left intact and not altered in a significant way. No new building construction is required. There are also large industrial facilities right across the street (Datacenters, Google, Amazon, Facebook).



- E) If granted the variance will not substantially impair or impact the use or development of neighboring properties. There will not be a substantial increase in foot traffic, noise, or other undesirable effects.
- F) If granted, this variance will have no impact on public welfare.
- G) If granted, this variance will have no impact on the delivery of government services
- H) The property was not purchased with the intent of conducting business, nor getting a variance. This was a later development.
- I) The property owner's predicament is unable to be solved through any other means.
- J) If granted, this variance represents the absolute minimum variance that will afford relief. No unnecessary latitude has been requested.
- K) If granted, this variance would be a great justice for a small home-based business that will cause very little disturbance to its neighbors.

### **Conditional Use Variances Needed**

A small number of variances are required for this conditional use application. Including a variance to the definition of home occupation, as well as specific conditions inside of the conditional use code. The specific variances are listed below:

1. **1267.03 B1 (NAICS 811111)** - Definition of Home Occupations

2. **1210.00 A1** - Distance from property to nearest residential property

The only habitable structure less than 200 feet from property is the owner's house.

### **Concessions**

Straightaway Performance LLC is wanting and willing to make this venture painless for all surrounding properties as to not disturb their daily lives. The First step will be a 6ft property fence along the properties east line back to the easement shown on the site plan. Care will be taken to use sound insulation where necessary to keep noise at or below ambient at nearby residences (as tested in the sound survey document). Straightaway Performance, LLC welcomes any city official oversight, and is willing to continuously make improvements to limit working hours or make additional modifications to the business or property as deemed necessary by the city.

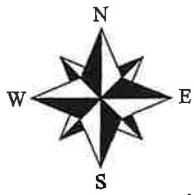
### **Conclusion**

In conclusion, I, Stephen Buhrts and Straightaway Performance are requesting a variance use permit to use this property for a small work-from-home automotive repair business. Extreme care will be taken to observe all city codes that could cause devaluation or disturbance to neighbor properties. Thank you for your consideration.

### **Additional Comments for Consideration**

On behalf of Straightaway Performance, LLC and I, Stephen Buhrts, greatly appreciate your time and consideration in this manner. Over the last few years, I have witnessed my life and the world around myself flipped on its head. Years of work stripped from myself and left wondering how to pick up the pieces. With your approval of the Variance permit, you would be allowing me to lay the foundation for myself to maintain and support my family and community through my business. Straightaway Performance, LLC will strive to maintain all codes within the city ordinances and to help promote community in the neighborhood as a whole.

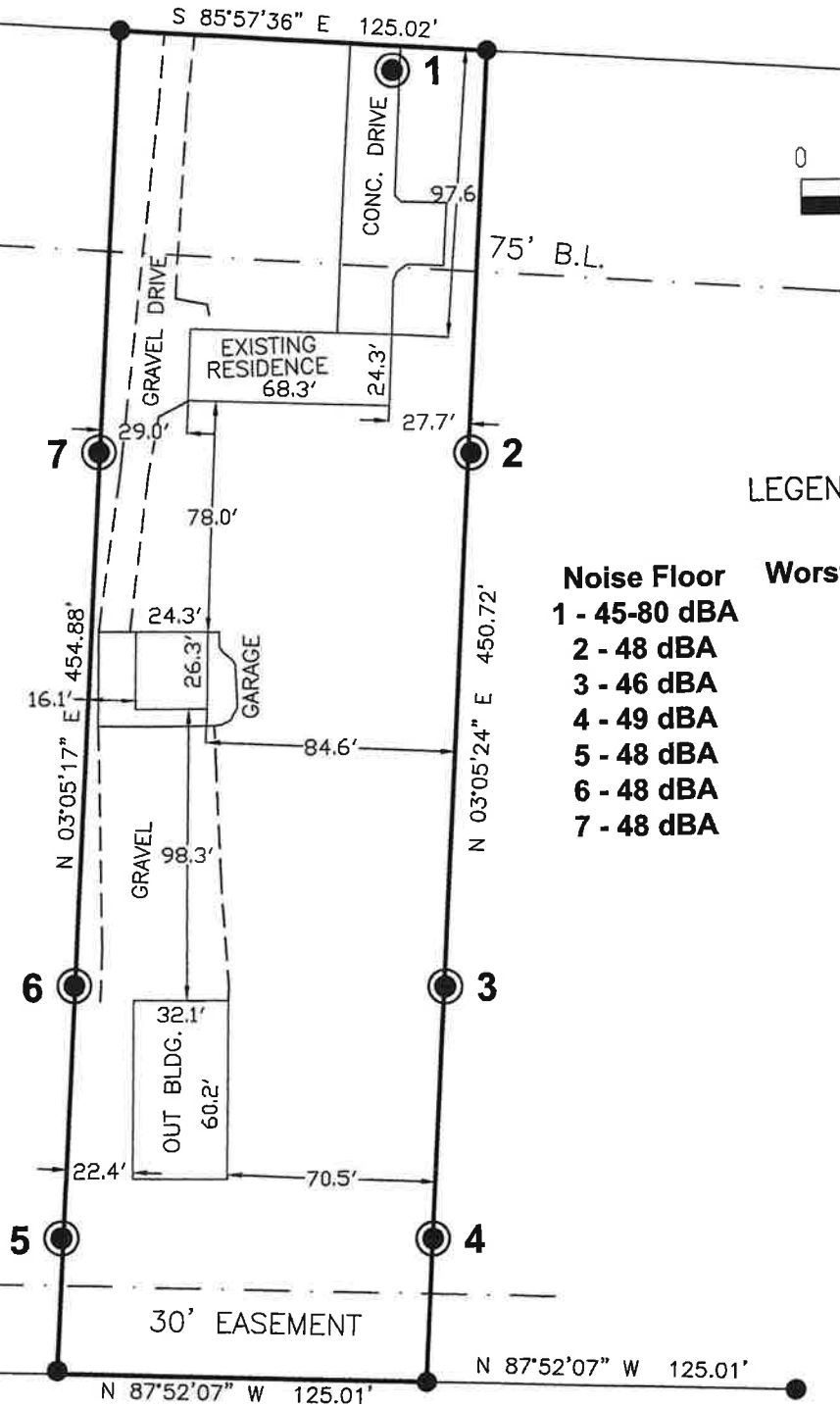
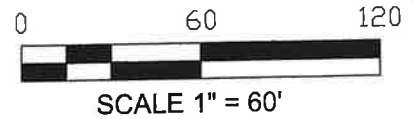




# Sound Survey

Lot 6 in MORSE VIEW, a subdivision of record in Plat Book 13, Page 45, located in the City of Pataskala, Licking County, Ohio

14767 MORSE RD. (CR 111, R/W VARIES)



## LEGEND:

Noise Floor	Worst Case Generated Noise
1 - 45-80 dBA	1 - No Change
2 - 48 dBA	2 - 49 dBA
3 - 46 dBA	3 - 56 dBA
4 - 49 dBA	4 - No Change
5 - 48 dBA	5 - 51 dBA
6 - 48 dBA	6 - 66 dBA
7 - 48 dBA	7 - 49 dBA





Tree Care Ohio

Estimate SteBu1

+1 6149819317

angelettianthony@gmail.com

ADDRESS

Stephen Buhrts  
14767 Morse Rd  
Pataskala, Ohio 43062 Licking

DATE  
12/01/2021

TOTAL  
\$3,297.94

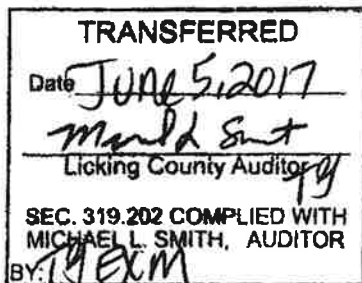
EXPIRATION  
DATE  
12/01/2022

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Services	(Removal) Remove 8 Norway Spruce trees located left side of home. Also remove 1 dead Black Cherry tree located in the rear of home behind garage.	1	1,850.00	1,850.00T
	Services	(ALL MATERIAL LEFT ON SITE) (Class 1 Prune) Prune the large Pin Oak tree closest to home. Prune to clear service wires 6-8 ft, lightly prune/remove interior, and trunk sprouts, and remove all deadwood 1in dia and larger.	1	700.00	700.00T
	Services	(ALL MATERIAL LEFT ON SITE) (Stump Grinding) Removal of the 8 Spruce stumps. Also remove several stumps located to the right of the driveway close to the garage.	1	525.00	525.00T
		(ALL MATERIAL LEFT ON SITE)			
		SUBTOTAL			3,075.00
		TAX			222.94
		TOTAL			\$3,297.94

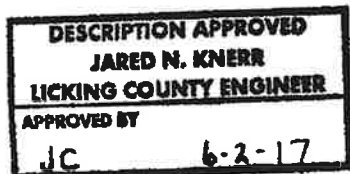
THANK YOU.

Accepted By

Accepted Date



201706050011606  
Pgs: 2 \$28.00 T20170013295  
06/05/2017 11:17AM MEPVENARD SOS  
Bryan A. Long  
Licking County Recorder



Q U I T - C L A I M D E E D

(Section 5302.11 Ohio Revised Code)

Deborah A. Wilson, divorced and unremarried, of the State of Ohio, for valuable consideration paid, grants to Timothy L. Wilson, the following **REAL PROPERTY**:

See Attached Exhibit A

This instrument is executed and delivered by the grantor and accepted by the grantee subject to the same conditions and restrictions contained in former instruments of record concerning said premises and subject to all easements, leases, rights of way of record and legal highways.

Deborah A. Wilson, the Grantor, has hereunto set her hand this 10<sup>th</sup> day of May, 2017.

Deborah A. Wilson  
Deborah A. Wilson

STATE OF OHIO  
COUNTY OF LICKING: ss

**BE IT REMEMBERED**, That on this 10<sup>th</sup> day of May, 2017, before me, the subscriber, a Notary Public in and for said state, personally came Deborah A. Wilson, the Grantor in the foregoing deed, and acknowledged the signing thereof to be her 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.

Steph Clark  
Notary Public

EXHIBIT A

Situated in the County of Licking in the State of Ohio and in the former Township of Lima, now the City of Pataskala, and bounded and described as follows:

Being Lot Number Six (6), of MORSE-VIEW SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, Page 46, Recorder's Office, Licking County, Ohio.

Parcel No.: 63-141696-06.000  
Last Transfer: Instrument #199905180020787  
Tax Mailing Address: Corelogic Tax Services, Escrow Reporting  
3001 Hackberry Road, Irving, TX 75063  
Address of Property: 14767 Morse Road, Pataskala, OH 43062



01150913313046002000

# OnTrac Property Map



December 1, 2021

- Street Number Only
- Sales - 2021
- Owner Name & Acres

**Centerline Labels**

- Interstate/US/State Route
- County Road

0 188 Feet

Township Road

Other Road Type

Driveway

- Interstates
- Municipal Corporations
- Jurisdictional Townships

LICKING COUNTY TAX MAP

Licking County Auditor GIS