



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

April 12, 2022

Variance Application VA-22-008

Applicant:	Helesha Marbury
Owner:	Helesha Marbury
Location:	61 East Avenue, Pataskala, OH 43062 (PID: 063-151932-00.000)
Acreage:	+/- 0.21-acres
Zoning:	R-20 – Medium Density Residential
Request:	Requesting approval of two (2) Variances in order to construct a wrap-around porch as part of a remodel of an existing structure. The First, from Section 1231.05(C)(1) to reduce the front yard setback, and the Second, from Section 1231.05(C)(2) to reduce the side yard setback.

Description of the Request:

The applicant is seeking approval of two (2) Variances. The first, from Section 1231.05(C)(1) to reduce the required front yard setback for a principal structure and the second, from Section 1231.05(C)(2) to reduce the required side yard setback for a principal structure.

Staff Summary:

The 0.21-acre property located at 61 East Avenue SW is part of the Blanche's East Broad Street Addition originally platted in 1929. Some time later, Lots 239 and 240 were combined to form the lot as it is configured today. The property is currently occupied by a 866-square foot single-family home built in 1948, as well as a 140-square foot shed. Access to the property is via a deteriorated gravel driveway from the lot's only frontage on East Avenue SW.

The lot is existing non-conforming, as it does not meet the required minimum lot size of 20,000-square feet and minimum width of 100-feet in the R-20 – Medium Density Residential zoning district. The existing structure is non-conforming as well, on the front (east) and side (south) yards. The required front yard setback in the R-20 zoning district is 50-feet, and it is currently at approximately 25-feet. The required side yard setback is 20-feet, and it is currently at only 12-feet.

It is Applicant's intention to re-construct the existing structure and add a second floor addition as well as a wrap-around porch. The proposed porch will extend 6-feet in all directions from the existing exterior walls of the home. As proposed, the new setbacks from the principal structure will be 19-feet from the front (east) property line, 6-feet from the side (south), 26-feet 6-inches from the side (north), and 84-feet 6-inches from the rear (west). As mentioned above, in the R-20 zoning district the front and side yard setbacks are 50-feet and 20-feet, respectively. A new driveway will be constructed on the north side of the home onto East Avenue SW, and the existing shed will be retained.

According to the Narrative Statement submitted by the Applicant, the Applicant believes the requested Variance(s), although substantial, will not be a detriment to any surrounding properties or the neighborhood and would improve the neighborhood by restoring an old existing home. Further stated, although the request is substantial from the requirement of the code, it is not substantially larger than what is already existing on the lot, as the existing structure itself is existing non-conforming. They also believe the requested Variance(s) will not affect the delivery of government services, and that the spirit and intent of the Zoning Code would be observed should the Variance(s) be approved. The Applicant also stated they were unaware of the requirements when the property was purchased.

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

Pursuant to Section 1221.09(b) of the Pataskala Code all porches and balconies shall meet the required setbacks of the principal structure in the zoning district in which they are located. As mentioned above, Section 1231.05(C)(1) of the Pataskala Code states that the required front yard setback for principal structures is 50-feet. As proposed, the new porch will be set back from the front property line a distance of 19-feet, therefore; the Variance request is for a reduction of the front yard setback a distance of 31-feet, or a 62% decrease. Currently, the existing structure is set back from the front yard property line 24.8-feet, or 50.4% of the front yard setback.

The second Variance, from Section 1231.05(C)(2), is for the side yard setback. In the R-20 zoning district the required side yard setback is 20-feet. As proposed the new porch will be set back from the south side property line 6-feet, therefore; the Variance request is for a reduction of the side yard setback by an amount of 14-feet, or a 70% decrease. Currently, the existing home is set back from this property line 12-feet, or 40% of the required setback.

As this property is within a Platted Subdivision, pursuant to Section 1291.02(A)(4) of the Pataskala Code, all driveways shall be paved in concrete, asphalt, or pavers. Gravel is not permitted. No details on the proposed driveway were included on the provided site plan, but if the proposed driveway will not be gravel, there is no issue. If the Applicant would like to use gravel, an additional Variance would be required.

Should this Variance be approved, the Applicant will need to apply for an Addition Permit for the second-story addition and porch, and a Driveway Permit for the new driveway. Staff has no further comments.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family Home
East	R-20 – Medium Density Residential	Vacant
South	R-20 – Medium Density Residential	Single-Family Home
West	R-20 – Medium Density Residential	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:

- 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-22-008:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD – No comments
- 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.

Resolution:

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

"I move to approve two Variances; one from Section 1231.05(C)(1) and one Section 1231.05(C)(2) of the Pataskala Code for variance application VA-22-008 ("with the following conditions" if conditions are to be placed on the approval)."



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: <u>61 East Ave.</u>		Application Number: <u>VA-22-008</u>
Parcel Number: <u>13-151932-00.000</u>		Fee: <u>\$300.00</u>
Zoning: <u>R-20</u>	Acres: <u>0.21</u>	Filing Date: <u>3/11/2022</u>
Water Supply: <input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: <u>4/12/2022</u>
Wastewater Treatment: <input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Receipt Number: <u>000499</u>
Applicant Information		
Name: <u>Hilashia Marbury</u>		
Address: <u>61 East Ave.</u>		
City: <u>Pataskala</u>	State: <u>OH</u>	Zip: <u>43062</u>
Phone: <u>6143642287</u>	Email: <u>hmarbury9@gmail.com</u>	
Owner Information		
Name: <u>Hilashia Marbury</u>		
Address: <u>61 East Ave.</u>		
City: <u>Pataskala</u>	State: <u>OH</u>	Zip: <u>43062</u>
Phone: <u>6143642287</u>	Email: <u>hmarbury9@gmail.com</u>	
Variance Information		
Request (Include Section of Code): <u>1231.05(c)(1) reduce front yard setback from 50' to 19' and 1231.05(c)(2) reduce south side yard setback from 20' to 6' for wrap-around porch.</u>		
Describe the Project: <u>Remodel with Porch.</u>		

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.*

Site Plan: Submit 1 copy of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- 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


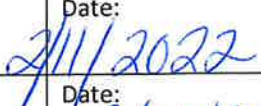
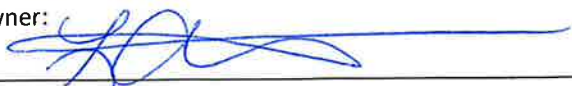

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

Address List: Submit 1 copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

Area Map: Submit 1 copy of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at www.lcounty.com/taxparcelviewer/default.

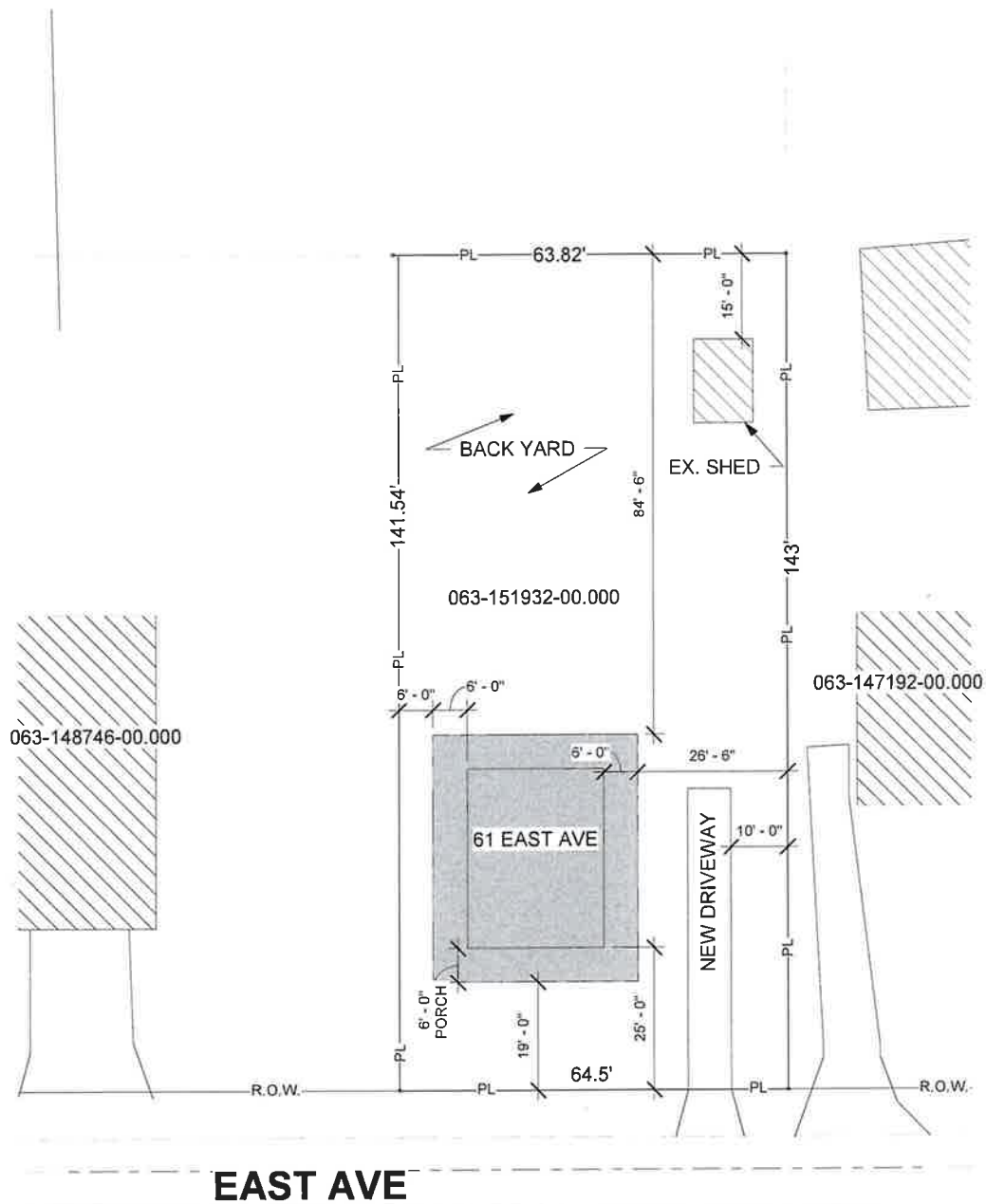
Signatures

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: 	Date: 
Owner: 	Date: 

Narrative Statement:

- A. With this porch, it will both yield a reasonable return and be a beneficial/ functional use of the property. The property will need this to blend and look aesthetically pleasing with the other homes in the neighborhood by mimicking the porch up the street at 16 east Ave. Also, this porch is needed to make the home itself look geometrically pleasing with the added height from the addition and since raising the floor level up it will help with easy entry into remodeled home (especially for the elderly and disabled).
- B. Since this Structure that we are adding on to was constructed prior to the new conformity zoning regulations, the Physical footprint of this existing structure is already outside of the new zoning laws which prohibits the property from constructing the proposed porch, which is the reason a variance is needed.
- C. Yes, the variance is substantial to the function and the aesthetics of the home and future development and return.
- D. This would improve the neighborhood, and this porch is based off an existing home up the street so it should blend into the fabric of the landscape and homes around.
- E. This Variance will not impair the appropriate use or development of any of the adjacent properties. This will not affect or change any of the existing usages of the existing property.
- F. This Variance will not be detrimental to the public welfare.
- G. This variance will not affect the delivery of governmental services.
- H. The Owner did not purchase this property knowing of the zoning restriction.
- I. With the grandfathered restrictions, and the way the home must be built to add square footage this variance is needed to make this home look proportionate and would in turn benefit the egress of the elderly and even disabled individuals.
- J. This variance is the minimum needed, that will afford us relief and represents the least modification possible of the issue at hand. The adjoining neighbor has also agreed to grant approval if needed.
- K. If granted, the spirit and the intent behind the zoning requirement would be observed and believed that substantial justice would be done by the improvement to the home and the neighborhood as a whole, in the effort to restore and rebuilding the neighborhood by keeping the integrity of the community.



① NEW SITE PLAN
1" = 20'-0"



www.http://www.sdmmanagement
properties.com

Heleshia Marbury
61 E. Ave
Pataskala. OH

NEW SITE PLAN

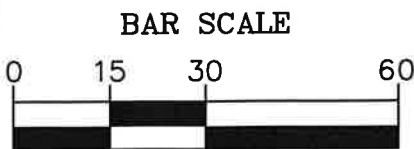
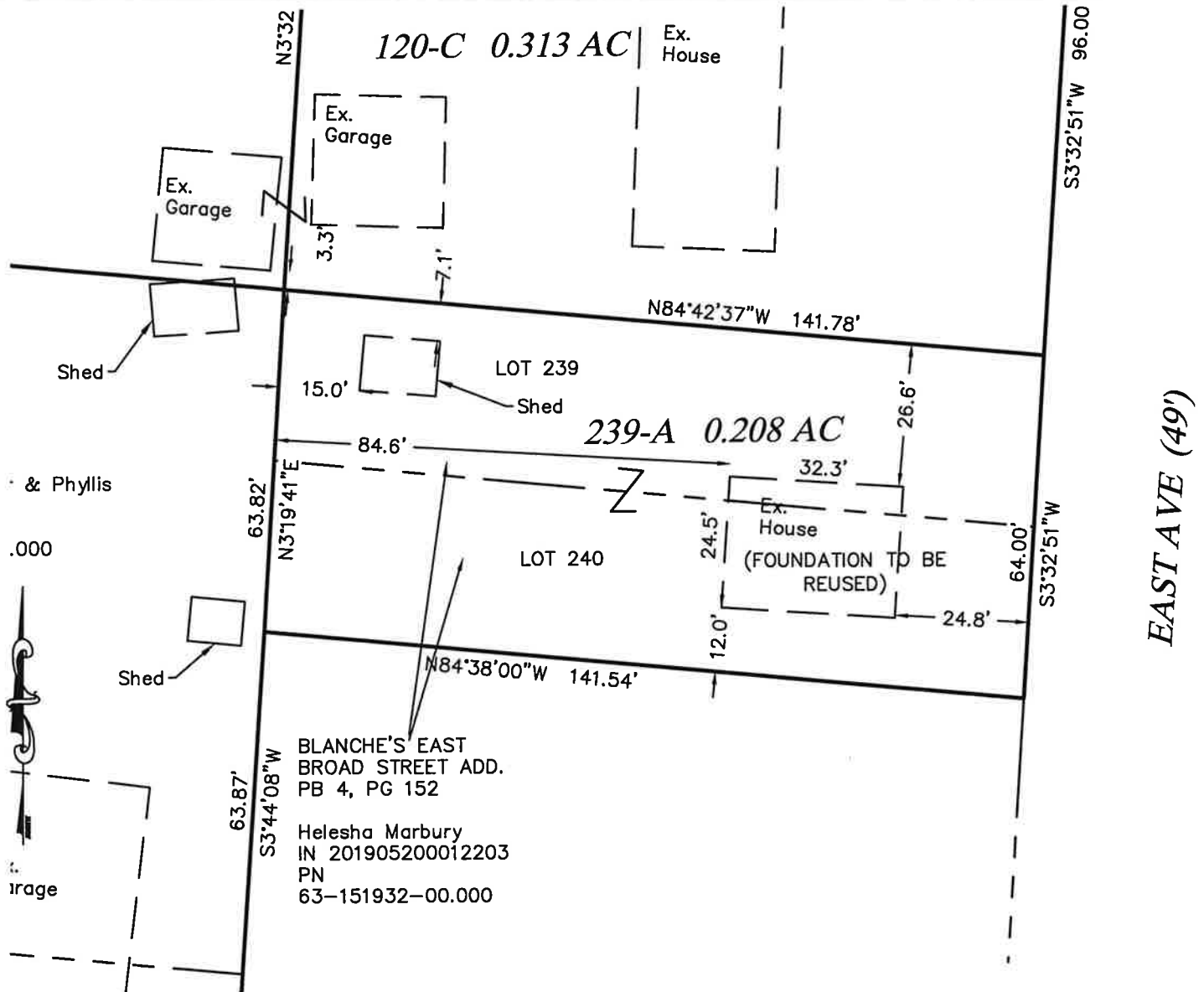
Project number	Project Number	SP100
Date	Issue Date	
Drawn by	Author	
Checked by	Checker	
Scale		1" = 20'-0"

2/23/2022 11:55:31 AM

PLOT PLAN

FOR: STEVE MARBURY
 LOT/SUBDIVISION: Lot 239-A, REPLAT-BLANCHES EAST
 ADDRESS: 61 East Ave
 SCALE 1" = 30'

CITY OF: Pataskala
 CO. OF: Licking
 DRN: TDW CK: DMW



(IN FEET)

1 inch = 30 ft.

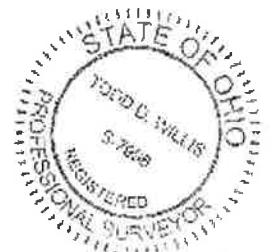
XXXX EXISTING GRADE
 X XXXX.X PROPOSED GRADE

NOTE: BUILDER TO
 PROVIDE AND MAINTAIN
 EROSION AND SEDIMENT
 CONTROL DURING ALL
 PHASES OF CONSTRUCTION
 FIELD MODIFICATION TO THE
 EROSION AND SEDIMENT
 CONTROL MAY BE
 NECESSARY

PLOT PLAN

I hereby certify that the foregoing
 PLOT PLAN was prepared from
 information provided by the Client
 and data obtained from Engineered
 Subdivision Plan. This Plot Plan is
 to be used by the Client for the
 sole purpose of obtaining a
 Building Permit. The use of the
 Plot Plan for any other purpose is
 strictly prohibited.

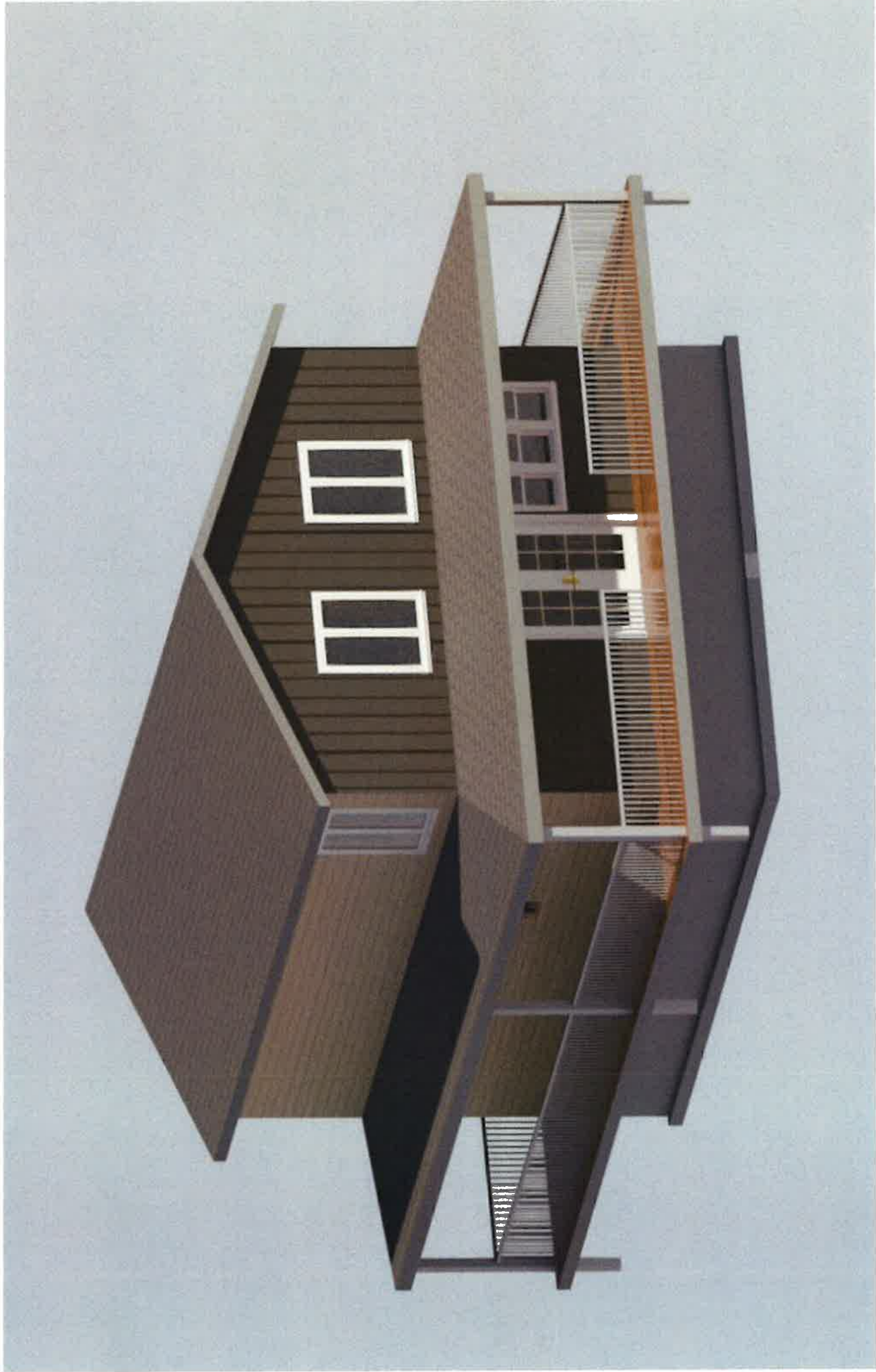
Willis Engineering & Surveying



Todd D. Willis

Todd D. Willis, PS
 Reg. No. S-7996
 740-739-4030

Date: 1-23-2022



Taxes Due February 16th



FIND YOUR PARCE

Address ▼

Module Searching?

601 101 132 00 00
MARBURY HELESHA
61 EAST AVE
PAVASKALA, OH 430

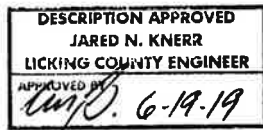
Acres: 0.71
FCR 248 36 240
H ASC 07 5 EAST 100
SUBLE 1 A1B1

Land: 1 10 300
Improv: 147 300
Total: 358 100

Transfer Date: 06 20
Amount: 513 500
Conveyance: 17 3
Valid Sale: 04

Homestead: 350
Owner: Ocr 250

Enclosure: 350
Certified Delg: 350
On Contract: 350
Bankruptcy: 350
Tax Lien: 350



General Warranty Deed

Richard F. Miller, Sr. and Virginia C. Miller, married to each other, convey(s), with general warranty covenants to Helesha Marbury, whose tax mailing address is

61 East St., the following **REAL PROPERTY**:
Pataskala, OH 43062

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A

Parcel No. 063-151932-00.000

Property Address: 61 East Street, Pataskala, Ohio 43062
Prior Instrument Reference: Official Records Instrument No. 201710130022134,
Deed Records of Licking County, Ohio.

EXCEPTIONS TO WARRANTIES: Except as hereinbefore provided, except all easements, leases, conditions and restrictions of record; and real estate taxes hereafter due and payable.



IN WITNESS WHEREOF, grantor(s) has/have caused their name(s) to be subscribed
hereto this 3rd day of June, 2019.

Richard F. Miller, Sr.
Richard F. Miller, Sr.

Virginia C. Miller
Virginia C. Miller

STATE of OHIO

COUNTY of Stark, ss:

BE IT REMEMBERED, that on this 3rd of June, 2019 before me, the
subscriber, a notary public in and for said state, personally came Richard F. Miller, Sr. and Virginia
C. Miller, grantor(s) in the foregoing deed, and acknowledged the signing thereof to be
his/her/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.



CHRISTINA A MALLEO, NOTARY PUBLIC
Residence - Stark County
State Wide Jurisdiction, Ohio
Expiration Date March 6, 2022

Christina A. Malleo
Notary Public Christina A. Malleo

This instrument was prepared by Colin R. Beach, Attorney at Law, Walker Novack Legal Group, LLC, 5013 Pine
Creek Drive, Westerville, Ohio 43081

EXHIBIT "A"
Property Description

PROPERTY DESCRIPTION:

The following described parcel of land, and improvements and appurtenances thereto in the County of Licking, State of Ohio: *City of Pataskala*

Being Lots Numbers Two Hundred Thirty-Nine and Two Hundred Forty in Blanches East Broad Street Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Volume 4, at Page 152 of the Plat Records of Licking County, Ohio, City of Pataskala.

Parcel ID: 063-151932-00.000

Commonly Known As: **61 East Avenue, Pataskala, OH 43062**



FIND YOUR PARCE
Address
Taxable Searching?

1621 154.00-000.000
MARBURY HELESHA
61 EAST AVE
PATASKALA, OH 43061

Acres: 0.11
Last: 09/25/2020
H: 0.11/0.11/0.11/0.11
L: 0.11/0.11/0.11/0.11

Land: 110.000
Improv: 347.280
Total: 457.280

Transfer Date: 06/20/20
Amount: 0.17 5000
Conveyance: 9.93
Valid Sale: No

Homestead: No
Owner: Over: No

Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No