



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-22-011

Applicant:	Bob Kessler
Owner:	North Valley Bank
Location:	66 East Broad Street, Pataskala, OH 43062 (PID: 064-308064-00.000)
Acreage:	+/- 1.00-acres
Zoning:	GB – General Business
Request:	Requesting approval of four (4) Variances from Sections 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), and 1295.10(b)(7)(B)(6) for a freestanding ground sign with an Electronic Message center.

Description of the Request:

The applicant is seeking approval of four (4) Variances from Sections 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(5) and 1295.10(b)(7)(B)(6) for a freestanding ground sign with an electronic message center.

Staff Summary:

The 1.00-acre property located at 66 East Broad Street is currently occupied by a 1,770-square foot commercial building and approximately 16,500-square feet of paved asphalt parking. Previously, the structure was used as an automotive oil change location, however, it has been vacant for some time. The property is a corner lot, with East Broad Street to the south, and Hazelton-Etna Road SW to the east. Under the current GB – General Business zoning the lot is also existing non-conforming, as it does not meet the required minimum lot size of two (2) acres, or minimum lot width requirement of 250-feet.

Access property is handled by two (2) access points onto both road frontages. A full two-way access is present at the east onto Hazelton-Etna Road SW, and a right-in-right-out is present at the south at East Broad Street. The parking lot is currently configured to provide eight (8) parking spaces plus one (1) ADA accessible space. A dumpster enclosure is located at the rear northwest area of the parking surface. Existing landscaping is present that includes a three (3) foot high mound around the perimeter of the lot, trees spaced every 30-feet, and shrubs along the north and west property lines.

The current property owner, North Valley Bank, has purchased the property with the intent to re-construct the building as a financial services office including a new front façade and a small addition at the rear. The proposed use and structural changes meet the minimum requirements of the Pataskala Code, however, as part of their sign package, a new ground sign will be installed, replacing the existing ground sign and approximately 16-feet from the existing right-of-way. The proposed ground sign will be 10-feet in height, with two pylons supporting a 6-foot, 5-inch tall by 6-foot, 3-inch wide sign (40.1-square feet total) with two (2) faces. The uppermost face will be a 3-foot tall by 6-foot, 3-inch wide internally illuminated sign with the Property Owner's Logo, and the lower face is proposed to be a 3-foot, 5-inch tall by 6-foot, 3-inch wide full-color LED Electronic Message Center.

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

This Application was tabled at the April 12, 2022, Board of Zoning Appeals hearing. At that time the Board voiced concerns with two (2) of the requested Variances, those being:

- 1) The requested Variance from Section 1295.10(b)(2)(B)(4) to allow it to change more than once in a three (3) minute period did not provide a suitable time period for when the signage would be permitted to change.
- 2) The Board has concerns with the Variance request from Section 1295.10(b)(2)(B)(5) which would have allowed for the implementation of flash, roll, scroll, or other motion or animation techniques.

In response to the Board's concerns, the Applicant has amended this Variance Application to address the Board of Zoning Appeals' concerns. As such, the Variance Request from Section 1295.10(b)(2)(B)(5) has been removed, and the Variance request from Section 1295.10(b)(2)(B)(4) has been amended to allow the sign to change once every 20 seconds. In total, there are now four (4) Variance requests which are as follows:

- 1) The overall size of the proposed ground sign is 6-foot, 5-inches tall by 6-foot, 3-inches wide, or 40.1-square feet. Pursuant to Section 1295.09(b)(2)(C) of the Pataskala Code, freestanding ground signs shall be no greater than 32-square feet in size. As such, the first Variance is a request to increase the allowable ground sign square footage from 32 to 40.1, an 8.1-square foot increase, or 25.3%.
- 2) Pursuant to Section 1295.09(b)(7)(A)(3) of the Pataskala Code, changeable copy sign faces are limited to 30% of the sign face, or 24-square feet, whichever is less. The maximum permitted square footage for ground signs is 32-square feet, so 30% of that would be 9.6-square feet. As proposed the electronic message center is 21.35-square feet in size. As such the Variance request is to increase the allowable square footage for changeable copy signage from 9.6-square feet to 21.35-square feet, an 11.75-square foot increase, or 122.4%
- 3) Pursuant to Section 1295.09(b)(7)(B)(4) of the Pataskala Code, electronic message center signs may not change more than once in a three (3) minute period, except for time and temperature only displays which are limited to one (1) change in a 20 second period. The Applicant is requesting a Variance from this section to allow for the sign to change once every 20 seconds.
- 4) Pursuant to Section 1259.09(b)(7)(B)(6) of the Pataskala Code, electronic message center signs are limited to dark backgrounds with a single color employed at any one time for any message or image. The Applicant is requesting a Variance from this section of code to allow for the use of a full-color LED display.

Should this Variance be approved, the Applicant will need to apply for a Sign Permit for their proposed signage package. 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	AG – Agricultural	Golf Course
East	PRO – Professional Research/Office	Single-Family Home Assisted Living Facility
South	GB – General Business	Misc. Commercial
West	AG – Agricultural	Golf Course

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-22-011:

- 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.
2. The Electronic Message Center Sign shall only be permitted to change once within a 20 second time period.

Resolution:

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

"I move to approve four (4) Variances from Sections: 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), and 1295.10(b)(7)(B)(6) for variance application VA-22-011 ("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>46 East Broad St.</u>		Application Number: <u>VA-22-011</u>
Parcel Number: <u>064-308064-00.000</u>		Fee: <u>300</u>
Zoning: <u>Commercial GB</u>	Acres: <u>.994</u>	Filing Date: <u>3-11-22</u>
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: <u>4-12-22</u>
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Receipt Number: <u>000501</u>
Applicant Information		Documents
Name: <u>NVB agent Bob Kessler</u>		<input checked="" type="checkbox"/> Application
Address: <u>P.O. box 785</u>		<input checked="" type="checkbox"/> Fee
City: <u>Zanesville</u>	State: <u>OH</u>	<input checked="" type="checkbox"/> Narrative
Zip: <u>43702</u>		<input checked="" type="checkbox"/> Site Plan
Phone: <u>740 819 5485</u>	Email: <u>Bob@KesslerSignCo.com</u>	<input checked="" type="checkbox"/> Deed
		<input checked="" type="checkbox"/> Address List
		<input checked="" type="checkbox"/> Area Map
Owner Information		
Name: <u>North Valley Bank</u>		
Address: <u>2775 Maysville Pike</u>		
City: <u>Zanesville</u>	State: <u>OH</u>	
Zip: <u>43701</u>		
Phone:	Email:	
Variance Information		
Request (Include Section of Code):		
Describe the Project: <u>New double face 3' x 6' 10go Sign with 3' 5" x 6' 3" electronic message center full color installed where existing sign is presently. Overall Height is 10' per code.</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.

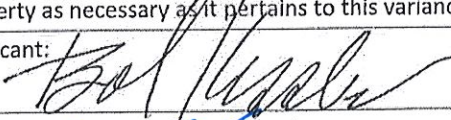
Address List: Submit 1 copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and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

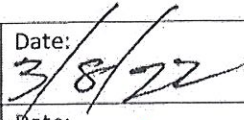
Signatures

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:



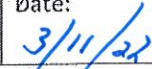
Date:



Owner:



Date:



North Valley Bank

66 East Broad St.

Pataskala Ohio

To whom it may concern,

The new message center board will not have animation or video and will only change every 20 seconds.

Thank you.

Kessler Sign Company

Bob Kessler



CLIENT | North Valley Bank

LOCATION | Pataskala, OH

SAVED AS |

NVB_Pataskala

DATE | November 24, 2021

REVISIONS |

SALESMAN | Bob Kessler

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X

- | | |
|-------------------------------------|--------------------------------|
| <input type="checkbox"/> GLOSS | <input type="checkbox"/> SATIN |
| <input type="checkbox"/> SEMI-GLOSS | <input type="checkbox"/> FLAT |

CIRCUITS | 1

VOLTAGE | 120V



1.5

NEW D/F LED ILLUMINATED ROAD SIGN W/ EMC, PAN FACES & EMBOSSD LOGO GRAPHICS

SCALE: 3/4" = 1'



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2669 NATIONAL ROAD
P.O. BOX 0785
ZANESVILLE, OHIO 43701-0785
740-453-0668 | 1-800-686-1870
THE KESSLER DESIGN GROUP



CLIENT | North Valley Bank

LOCATION | Pataskala, OH

SAVED AS |

NVB_Pataskala

DATE | November 12, 2021

REVISIONS | 3/10/22

SALESMAN | Bob Kessler

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X _____

- ☐ GLOSS
- ☐ SATIN
- ☐ SEMI-GLOSS
- ☐ FLAT

CIRCUITS | 1

VOLTAGE | 120V

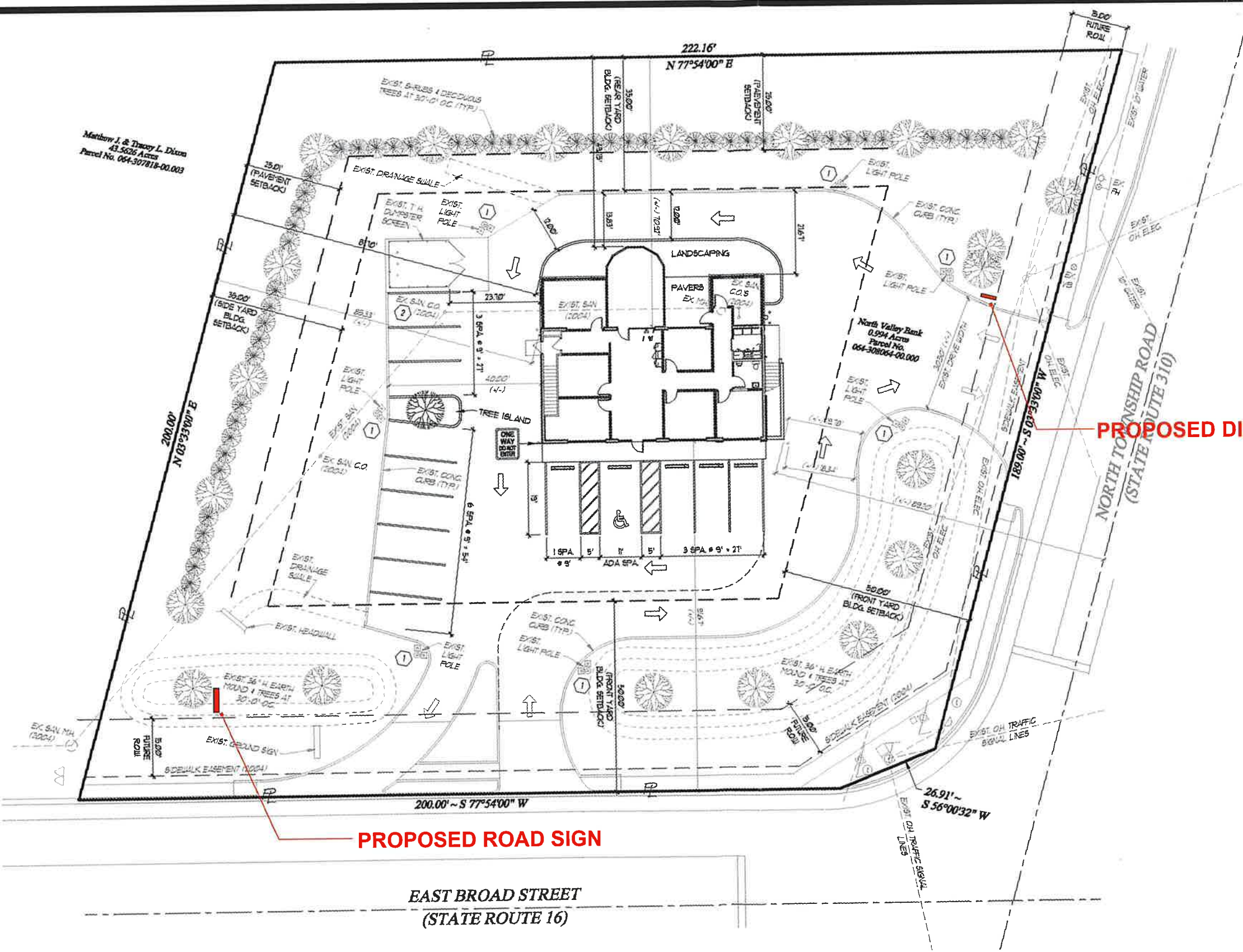


- 1.5
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2669 NATIONAL ROAD
P.O. BOX 0785
ZANESVILLE, OHIO 43701-0785
740-453-0668 | 1-800-686-1870



PROPOSED ROAD SIGN

PROPOSED DIRECTIONAL SIGN

ELEVATION SITMAP FOR PROPOSED SIGNAGE

SCALE:



SITE CODE INFORMATION

Address 66 East Broad Street, Pataskala, Ohio 43062
Auditor's Parcel Number 064-308064-00-000
City of Pataskala
Zoning Jurisdiction General Business District (GB)
Existing Zoning Classification Motor Vehicle Service
Proposed Use Banking Center
Existing/Proposed Site Area 0.994 Acres
Existing Building Area 1,760 square feet
Proposed Building Area 2,479 square feet
FEMA Flood Zone X

Building Height (Section 1249.05 A)
Maximum 35.00 feet
Actual 15.67 feet

Building Setbacks (Section 1249.05 C)
Front (East, S.R. 110) 50 feet
Front (South, S.R. 16) 50 feet
Side (West) 35 feet
Rear (North) 35 feet

Pavement Setbacks (Section 1249.05 C)
Side (West) 25 feet
Rear (North) 25 feet

Maximum Lot Occupancy (Section 1249.05 D)
Maximum 85.0%
Actual 5.9%

Interior Screening and/or Landscaping (Section 1291.13)
One tree island is provided for every four parking spaces

Off-Street Parking Spaces (Section 1291.16)
Business, Commercial, Bank
Required One space for each 200 square feet of gross area
12,479 ÷ 200 = 62.395
Standard = 12, Accessible = 1 (ADAAG Table 208.2)
Provided Standard = 13, Accessible = 1 (ADAAG Table 208.2)

CODED NOTES

- EXIST. CONC. LIGHT POLE BASE TO REMAIN. PATCH AS REQ'D. & PAINT. EXIST. POLE & LIGHTING FIXTURES TO BE REMOVED & REPLACED. SEE ELEC. DUGS.
- REPLACE CLEANOUT AS REQ'D. COORD. W/ INSTALLATION OF NEW PAVING.

GENERAL NOTES

- THE EXIST. MAIN LEVEL FINISH FLOOR REFERENCE EL. 100'-0" = USGS EL. 1016.50' (BASED ON SURVEY DATED 12/30/2010 BY ROGER P. ARNOLD, DRAWING 1996).
- ALL EXIST. ASPHALT IS TO BE REMOVED & REPLACED W/ NEW ASPHALT OR CONCRETE PAVING. ALL EXIST. CURBS ARE TO REMAIN OR TO BE REPLACED IN SAME LOCATIONS.
- ALL ADA ACCESSIBLE SPACES SHALL BE DESIGNATED & MARKED PURSUANT TO SECTION 1291.01 OF THE PATASKALA CODE.
- ACCESS DRIVES SHALL BE IDENTIFIED W/ PAINTED MARKINGS INDICATING DIRECTION OF TRAFFIC FLOW PURSUANT TO SECTION 1291.05 OF THE PATASKALA CODE.



NO.	REVISION DESCRIPTION	DATE	BY
1	ELECTRICAL PLAN	1/10/22	TLB

NOTE: THE CONTRACTOR IS TO FIELD VERIFY ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL MAINTAIN ALL UTILITIES AT ALL TIMES AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

NEW BANKING CENTER
NORTH VALLEY BANK OHIO
66 EAST BROAD STREET, PATASKALA, OHIO 43062

PROJECT
ARCHITECTURE LTD.
Programming, Planning, Architectural Solutions

3/4/2022
PRELIMINARY
NOT FOR
CONSTRUCTION

ARCHITECTURAL SITE PLAN

1/16" = 1'-0"

0 4' 8' 16' 24' 32' 48'

A1.1



202112070037281

Pgs:3 \$42.00 T20210036781
12/7/2021 3:52 PM BXSTIMSON HO
Bryan A. Long Licking County Recorder

DESCRIPTION APPROVED JARED N. KNERR LICKING COUNTY ENGINEER APPROVED BY <i>[Signature]</i> 12-7-21

TRANSFERRED Date <u>Dec 7 2021</u> <i>[Signature]</i> Licking County Auditor SEC. 319.202 COMPLIED WITH MICHAEL L SMITH, AUDITOR BY: <i>[Signature]</i> 2020.00

(space above this line reserved for county engineer, county auditor and county recorder)

GENERAL WARRANTY DEED

Pataskala Express Care, LLC, an Ohio Limited Liability Company, the Grantor(s) for valuable consideration paid, grant, with general warranty covenants to **North Valley Bank, an Ohio Corporation**, the Grantee(s) the following **REAL PROPERTY**:

See Exhibit "A" attached hereto and made a part hereof

Prior Reference:	Instrument No. 201601140000741
Parcel Number:	064-308064-00.000
Property Address:	66 East Broad Street, Pataskala, OH 43062

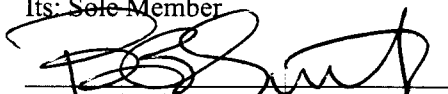
SUBJECT to any and all easements, rights of way, conditions and restrictions of record; all legal highways and public roadways; zoning ordinances, rules and regulations.

EXCEPTED from the general warranty covenants are the real estate taxes and assessments which shall be prorated between the Grantor(s) and Grantee(s) to the time of closing and those taxes and assessments due and payable thereafter.



Executed this 3 day of Dec, 2021.

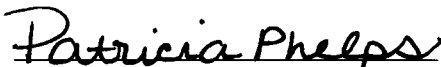
Pataskala Express Care, LLC
By: B and B Realty Holdings LLC
Its: Sole Member


By: Benjamin B. Englefield
Its: Member

This is an acknowledgement certificate; no oath or affirmation was administered to the signer with regard to this notarial act.

STATE OF OHIO
COUNTY OF LICKING

The foregoing instrument was acknowledged before me this 3 day of October, 2021 by Benjamin B. Englefield, Member of B and B Realty Holdings LLC, sole Member of Pataskala Express Care, LLC, on behalf of the Limited Liability Company.


Signature of person taking acknowledgment
Title or Rank
Serial number

This instrument prepared by:

Reese Pyle Meyer PLL
36 N. Second St., P.O. Box 919
Newark, Ohio 43058-0919.
(740) 345-3431



PATRICIA PHELPS
Notary Public, State of Ohio
My Commission Expires
03-19-2023

EXHIBIT "A"
Legal Description

Situated in the City of Pataskala, County of Licking, State of Ohio, and being part of Lot 13 in the 4th Quarter of Township 1, Range 15, U.S.M. Lands, and more fully described as follows:

Beginning for a point of reference at a point in the North line of said Quarter and in the North line of said Lot 13 extended east into Harrison Township, said point being South 86° 27' East, 40 feet from an iron pin on said Quarter section line, in the West line of S.R. #310;

Thence on a survey line parallel to the East line of said quarter and the East line of said Lot 13, and parallel to the center line of said highway, as determined by the aforesaid iron pin and Ohio Department of Highways Mon. set 120.4 feet left of center of S.R. #16 at Sta. 286 + 93.5 (as per 1953 center line Survey of S.R. #16) and measuring along the west edge of said Harrison Township, South 3° 33' West, 1778.25 feet to a point;

Thence across S.R. #310, South 77° 54' West, 41.52 feet to an iron pin at the true place of beginning;

Thence along the West line of said highway, South 3° 33' West, 189.58 feet to an Ohio Department of Highways Mon. set 40 feet of said S.R. #16 at Station 286 + 40;

Thence along the right-of-way of said S.R. #16, South 56° 02' West, 21.97 feet to a highway mon. set in the north line of said S.R. #16, 30' left of center at Station 286 + 15;

Thence along the north line of said S.R. #16, South 77° 54' West, 200 feet to an iron pin set North 77° 54' East, 4.93 feet from an Ohio Dept. of Highways Mon. set 30' left of center at Station 284 + 10;

Thence North 3° 33' East, 200 feet to an iron pin;

Thence North 77° East, 222.16 feet to the place of beginning. Containing .9954 of an acre.

Together with all of Grantors' right, title and interest in and to a strip of land adjacent and contiguous to the above described parcel, which strip of land constitutes so much of S.R. #16 and S.R. #310 from the right-of-way line of each such road to the center line thereof.



FIND YOUR PARCEL

Address

Trouble Searching?



064-308064-00.000
NORTH VALLEY BANK
66 E BROAD ST
PATASKALA, OH 43062

Acres: 1.00
0.994 AC LOT 13 R15 T1
Q4

Land: \$209,400
Improv: \$150,600
Total: \$360,000

Transfer Date: 12/07/2021
Amount: \$690,000
Conveyance: 4876
Valid Sale: Yes

Homestead: No
Owner Occ: No

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