



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

May 10, 2022

#### Variance Application VA-22-014

<b>Applicant:</b>	Joseph Jenkins
<b>Owner:</b>	Joseph Jenkins
<b>Location:</b>	412 Alonzo Palmer Street, Pataskala, OH 43062 (PID: 064-307692-00.162)
<b>Acreage:</b>	+/- 0.30-acres
<b>Zoning:</b>	R-10 – High Density Residential
<b>Request:</b>	Requesting approval of a Variance from Section 1297.02(B)(2) to allow for the pump and filter installations for a private swimming pool to be less than the required 20-feet from a property line.

#### Description of the Request:

The Applicant is seeking approval of Variance from Section 1297.02(B)(2) to allow for the installation of an in-ground swimming pool, for which the pump and filter installation supporting said pool will not meet the required minimum setback.

#### Staff Summary:

The 0.30-acre property located at 412 Alonzo Palmer Street, part of the Settlement of Pataskala subdivision, is currently occupied by a 3,180-square foot single-family home constructed in 2007. Access to the property is via the lot's only frontage onto Alonzo Palmer Street.

It is the Applicant's intention to construct an in-ground swimming pool, 29' by 14' 4" or 415.67-square feet in size within the rear yard of their property. As proposed the pool will be surrounded by a four (4) foot wide concrete apron edge, set back from the existing patio a distance of five (5) feet, six (6) inches. The proposed equipment pad, including the pump and filter installations, will be constructed on the west side of the existing home, next to the existing air conditioning unit, and set back from the property line a distance of 15-feet. Pursuant to Section 1297.02(B)(2) of the Pataskala Code, pumps and filter installations shall be located not closer than 20-feet to any property line. Four (4) evergreen shrubs will be planted along the west border of the property to shield the neighbors view of the pump and filter equipment.

According to the Application as submitted, the Applicant would like to install the pool equipment in the recessed area near the air conditioning unit, which they believe will minimize view from the neighbor's property.

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

As mentioned above, Section 1297.02(B)(2) of the Pataskala Code requires that the pump and filter installations for any swimming pool shall be a minimum of 20-feet from a property line. As proposed, the Applicant has indicated on the site plan that they will be 15-feet from the west side property line, therefore; the Variance request is for a reduction in the required setback of five (5) feet, or 25%.

Further required under Chapter 1297 – Swimming Pools, the pool itself and any surrounding decks/walkways/paved areas shall be a minimum of 10-feet from any property line or easement. There is an existing easement across the rear of the property as indicated by the dashed line on the site plan. Section 1297.02(B)(4) requires that a swimming pool shall be enclosed by a fence, no less than five (5) feet in height and equipped with a self-closing gate and lock.

Staff is unable to determine if the pool will fully comply with Pataskala Code with the information that has been provided. At the time of application for a Swimming Pool permit, the Applicant will need to provide dimensions for setbacks from property lines (east and west) and the distance from the rear easement (south), as well as apply for and have approved, a Fence Permit, for a fence meeting the minimum height of five (5) feet. Should these not meet the requirements of Chapter 1297, another Variance may be required.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-10 – High Density Residential	Single-Family Home
East	R-10 – High Density Residential	Single-Family Home
South	R-10 – High Density Residential	Single-Family Home
West	R-10 – High 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-22-014:

- 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 1297.02(B)(2) of the Pataskala Code for variance application VA-22-014 ("with the following conditions" if conditions are to be placed on the approval)."



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Pataskala, Ohio 43062

### VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 412 Alonzo Palmer St; Pataskala	
Parcel Number: 064-307692-00-162	
Zoning: R-10	Acres: 0.3000
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-22-014
Fee: \$300
Filing Date: 3-15-22
Hearing Date: 5-10-22
Receipt Number: 000521

Applicant Information		
Name: Joseph Jenkins		
Address: 412 Alonzo Palmer St		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-252-7625	Email: Spanky48@Columbus.rr.com	

Owner Information		
Name: Same as applicant		
Address:		
City:	State:	Zip:
Phone:	Email:	

Documents
<input checked="" type="checkbox"/> Application
<input type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code): Section 2A: to permit setback less than setback required. Pool equipment (pump & filter) less than 20 feet from property line.
Describe the Project: Installing inground (29x14'4") pool. Would like to conceal pool equipment in recessed area near AC unit (see drawing) which will minimize view from neighbors. Equipment pad will be approx 15 feet from property line and shielded from view by house and shrubs/evergreens to be planted.

## 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](http://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.

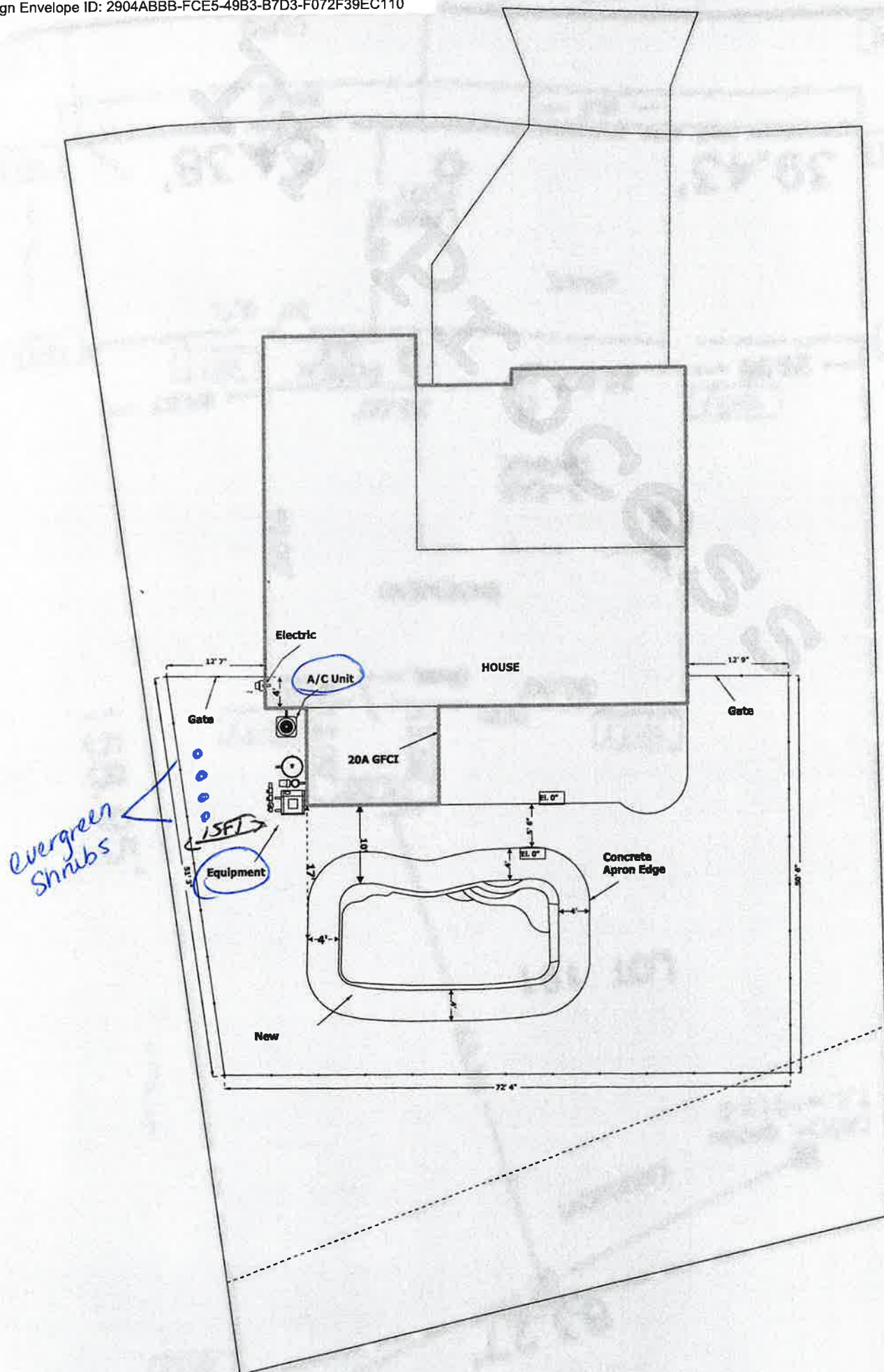
**Area Map:** Submit 1 copy of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

## 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: 3-15-22
Owner: 	Date: 3-15-22





200804150008545  
Pg: 1 \$28.00 T20080008234  
04/15/2008 11:05AM BXSTACOL BOX  
Bryan R. Long  
Licking County Recorder

1072

**GENERAL WARRANTY DEED**

80112

**BEAZER HOMES INVESTMENTS, LLC**, a Delaware limited liability company, formerly known as Crossmann Communities of Ohio, Inc. (as successor by merger to Crossmann Communities of Ohio, Inc.) for valuable consideration paid, grants, with general warranty covenants, to

**JOSEPH L. JENKINS**

whose tax mailing address is \_\_\_\_\_ 412 Alonzo Palmer Street, Pataskala, Ohio 43062 \_\_\_\_\_

the following REAL PROPERTY:

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

Being Lot Number 191 in the Settlement at Pataskala, Phase 3, Part 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Instrument No. 200608240024662, Recorder's Office, Licking County, Ohio.

2008 04 15  
Stewart Title Agency  
of Columbus Box

PARCEL NO. 064-307692-00-162

PROPERTY ADDRESS: 412 Alonzo Palmer Street  
Pataskala, Ohio 43062  
Prior Instrument Reference: INSTRUMENT NUMBER 200209050033085  
Of the Deed Records of Licking County, Ohio.

The property is conveyed subject to and there are hereby excepted from the general warranty covenants all legal highways, easements, covenants, declarations and restrictions of record, all zoning restrictions and all taxes and assessments not yet due and payable.

Executed this 11<sup>th</sup> day of April 2008 by **BEAZER HOMES INVESTMENTS, LLC**, a Delaware limited liability company, by and through its duly authorized managing member, Beazer Homes Corp.

TRANSFERRED  
Date APRIL 15, 2008  
[Signature]  
Licking County Auditor

SEC. 319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR  
BY [Signature] \$ 475.00

**Beazer Homes Investments, LLC**,  
a Delaware limited liability company

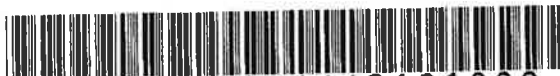
By: Beazer Homes Corp., it's managing member

By: [Signature]  
Mark Hostettler,  
Vice President of Finance  
Columbus Division

STATE OF OHIO, COUNTY OF FRANKLIN SS:

BE IT REMEMBERED, that the foregoing instrument was acknowledged before me, a notary public in and for said state, by Mark Hostettler, Vice President of Finance, Columbus Division of Beazer Homes Corp., managing member of **BEAZER HOMES INVESTMENTS, LLC**, a Delaware limited liability company, on behalf of the company.

IN TESTIMONY THEREOF, I have hereunto set my hand and official seal, this 11<sup>th</sup> day of April 2008.



011507510P6662191000



[Signature]  
Notary Public  
This instrument was prepared by the Grantor.



SUSAN E. O'LINN  
Notary Public, State Of Ohio  
My Commission Expires 07/02/11

Licking  
County