



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-22-018

Applicant:	Craig & Krisztina Breidenbach
Owner:	Craig & Krisztina Breidenbach
Location:	2725 Summit Road SW, Pataskala, OH 43062 (PID: 063-140742-00.000)
Acreage:	+/- 4.77-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of Variance from Section 1221.05(D)(1) of the Pataskala Code to allow for the location of an Accessory Building to be in front of a Principal Structure.

Description of the Request:

The Applicant is seeking approval of Variance from Section 1221.05(D)(1) of the Pataskala Code in order to allow for an Accessory Building to be located within the front yard of a proposed single-family home.

Staff Summary:

The 4.77-acre property located at 2725 Summit Road SW is currently occupied by a 2,500-square foot pole barn built in 1992. The existing pole barn is set back from the front property line 36-feet, with an existing gravel drive wrapping around the barn on both sides. The property itself has no frontage on a public right-of-way, and is accessible through a 30-foot Common Access Easement on the adjacent south lot, with a shared driveway to Summit Road SW.

The Applicant proposes to construct a new single-family dwelling on the lot. As indicated on the site plan submitted by the Applicant, the proposed structure will be set back from the front (south) property line 244-feet, 216.8-feet from the rear (north) property line, 78.1-feet from the east side property line and 209.1-feet from the west side property line. The new dwelling itself will comply with the required setbacks of the R-87 zoning district, however, Section 1221.05(D)(1) of the Pataskala Code states that an Accessory Building shall be located even with or behind the front of a Principal Structure. The existing pole barn has been grandfathered in under the current code and is existing non-conforming. However, by constructing a new structure on the lot, the structure(s) and lot must be brought into compliance with current Pataskala Code.

Previously, the Board of Zoning Appeals had approved the same Variance request for this same lot, that being VA-18-004 approved March 14, 2018. However, the Variance was approved with the Condition that the Applicant must construct the building within one (1) year of the date of approval. As zoning permits were not applied for, and construction had not begun, the Variance approval has since expired.

According to the Narrative Statement as submitted by the Applicant, construction did not begin due to unforeseen events. At the time of purchase, the pole barn was already on the lot and the Applicant was unaware of the zoning restrictions. The Applicant believes the requested Variance will not substantially

alter the character of the neighborhood, or impair the use or development of adjacent properties as the house location is secluded and set back far from the neighboring homes.

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

As mentioned above, Section 1221.05(D)(1) of the Pataskala Code states that Accessory Buildings shall be located even with or behind the front of Principal Structures (dwelling units) within the side or rear yard. The existing pole barn is currently existing non-compliant, as it exists on a lot without a Principal Structure (Section 1221.05(D)(4)).

By constructing a new structure on the lot, it must be brought into compliance with Pataskala Code, meaning that any new Principal Structure would need to be in front of the existing pole barn. As barn itself is only 36-feet from the front property line, any such structure would be unable to meet the required front yard setback of 75-feet in the R-87 zoning district. Additionally, the Applicant stated in their Narrative Statement that they would prefer for the new home to be located towards the rear of the property for the extra privacy that location offers. Because the proposed home will be behind the existing Accessory Building, the Variance request is to allow for an Accessory Building to be located in front of the Principal Structure

As the previously approved Variance (VA-18-004) has expired, the Applicant has requested the same Variance in order to proceed with construction of the new dwelling. Should this Variance be approved, the Applicant will need to apply, and have approved, a New Residential Construction Permit prior to commencement of construction. 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-1 – Residential (Jersey Twp.)	Single-Family Home
East	R-87 – Medium-Low Density Residential	Single-Family Home
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-87 – Medium-Low 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:

- 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;*

- 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-22-018:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- Licking County Health Department – 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 a variance from Section 1221.05(D)(1) of the Pataskala Code for variance application VA-22-018 ("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: 2725 Summit Rd SW, Pataskala OH	
Parcel Number: 063-140742-00.000	
Zoning: R-87	Acres: 4.77
Water Supply: none yet <input type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site	
Wastewater Treatment: none yet <input type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site	

Staff Use
Application Number: YA-22-018
Fee: \$300 Cash or <u>Check</u>
Filing Date: 4-25-22
Hearing Date: 6-14-22
Receipt Number: 000604

Applicant Information		
Name: Craig + Krisztina Breidenbach		
Address: 13268 Durham Cir		
City: Pickerington	State: OH	Zip: 43147
Phone: 614-495-1675	Email: december12of04@att.net	

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: Craig Breidenbach		
Address: 13268 Durham Cir		
City: Pickerington	State: OH	Zip: 43147
Phone: 614-822-7872	Email: december12of04@att.net	

Variance Information
Request (Include Section of Code): Requesting approval for variance to build new house facing south, towards the access driveway.
1221.05(D)(1)
Describe the Project: see attached :new build

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

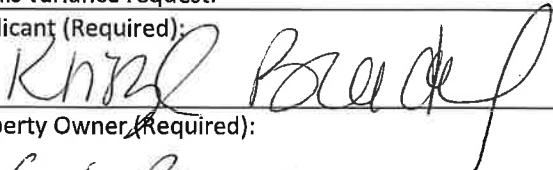
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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:

4-25-22

Property Owner (Required):



Date:

4-25-22

Craig & Krisztina Breidenbach

2725 Summit Rd SW, Pataskala OH 43062

Parcel # 063-140742-00.000

April 20, 2022

We are submitting this variance application to be able to finally build our dream home (facing south towards the existing structure i.e. pole barn). We've had a delay in our plans to build as Craig required 2 brain surgeries but he's healing well and we are very confident that this is where we want to build our permanent home for our family.

The 2,560 sq ft pole barn was an existing structure on the lot at the time of purchase. We were not made aware at the time the property was purchased of such zoning restrictions (having a house face south).

The 2725 Summit Rd property sits back behind 2707 Summit Rd and there is a thick stretch of trees that separate their lot with ours. You also cannot see our property from Morse Rd (looking south). We are nestled between 2 other parcels, share a driveway with the neighbor beside us and purchased this particular lot for the privacy it offered.

We don't feel the essential character of the neighborhood would be substantially altered or that any adjoining properties would suffer a substantial detriment as a result of the variance. Approving this variance wouldn't impair the appropriate use or development of any adjacent properties. Delivery of government services would not be impacted nor would this be detrimental to the public welfare.

We are looking to have our house face south so we keep the privacy feature we like so much about the lot and also so we can have a spacious backyard. The 2 properties directly behind us (2623 Summit Rd and 168 Meadow Dr) would only have a view of our deep backyard and possibly a view of the back of the house. We take pride in the appearance of our possessions, we always have. Our existing house and yard are kept well maintained throughout the year and we will definitely continue to treat the Summit Rd property and our future home with same care and attention to detail. This is our dream home, we want it to be beautiful.

Thank you,

Craig & Krisztina Breidenbach

2725 Summit Rd SW, Pataskala OH 43062

Parcel # 063-140742-00.000

Kris cell – (614) 495-6675

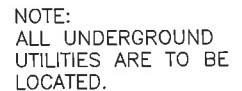
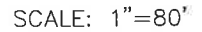
Craig cell – (614) 822-7872

december12of04@att.net

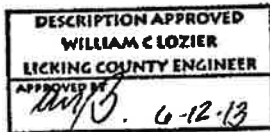
Current mailing address:

13268 Durham Circle, Pickerington OH 43147

***STABLIZED CONSTRUCTION ENTRANCE**



Office: 614-766-4000
Cell: 614-207-8214
www.ackisonsurveying.com



201306130015184
Pgs: 4 \$44.00 T20130015119
06/13/2013 3:23PM BXCROWN
Bryan A. Long
Licking County Recorder



0115PA00300000029000

TRANSFERRED

Date

June 13, 2013
Michael L. Smith
Licking County Auditor

SEC 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY DEM 6 174.00

GENERAL WARRANTY DEED

JOSEPH S. RYAN AND KAREN L. RYAN, HUSBAND AND WIFE,,
of Franklin County, Ohio, for valuable consideration paid, grant(s) with general warranty covenants, to
CRAIG W. BREIDENBACH
whose tax-mailing address is 746 Sauter Ln, Blacklick, OH 43004

the following REAL PROPERTY:

Situated in the State of Ohio, County of Licking, City of Pataskala, being in the Northwest Quarter of Section, also known as the North part of Half-Section 4, Quarter 2, Township 1, Range 15, United States Military Lands, an being all of that conveyed to Marjorie R. Reese in Official Record Volume 331, Page 811, all records being of the Recorder's Office, Licking County, Ohio, unless otherwise noted and being more particularly described as follows:

Beginning at a 5/8" rebar found at the southwesterly corner of Lot 1 of The Meadow Lands Section 1, recorded in Plat Book 10, Page 10, also being on the easterly line of a 3.08 acre tract conveyed to Kyle E. and Charles H. Hartley in Instrument Number 199809100034694.

Thence, with the southerly line of said Lot 1, South 78 degrees 58 minutes 15 seconds East, 404.20 feet to a 1" O.D. capped iron pin found and being on the common line between said Reese tract and a 18.162 acre tract conveyed to Gary Biederman & Marianne Stoneham in Instrument Number 199803250009845;

Thence, with the common line of said 18.162 acre tract, South 11 degrees 03 minutes 34 seconds West, 514.23 feet to an iron pin set at an angle point and at the northeasterly corner of a 20 feet wide right-of-way as recorded in Official Record Volume 450, Page 787;

Thence, along the northerly line of said 20 feet wide right-of-way, North 79 degrees 12 minutes 09 seconds West, 404.20 feet to a 1" O.D. iron pin found and being at the southeasterly corner of said 3.08 acre tract; 1165-9870 (1) 17

Thence, leaving said right-of-way and with the easterly line of said 3.08 acre tract, North 11 degrees 03 minutes 34 seconds East, 515.86 feet to THE PLACE OF BEGINNING, CONTAINING 4.779 acres more or less, subject to all legal easements and rights-of-way of record and records in their respective utility offices, particularly a 20 foot wide ingress/egress right-of-way as described in Official Record Volume 450, Page 787.

Iron pins set are 30" X 1" O.D. with yellow plastic caps inscribed "Hyde P.S. 7529". Basis of bearings is the southerly line of The Meadow Lands Section 1, Plat Book 10, Page 10, as North 78 and is for angular purposes only.

PROPERTY ADDRESS: 2725 Summit Rd., Pataskala, OH 43062
PARCEL NUMBER(S): 063-140742-00.000

SUBJECT TO RESERVATIONS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD IF ANY AND TAXES AND ASSESSMENTS HEREAFTER DUE AND PAYABLE.

Prior Instrument(s) of Reference: Instrument Number 200707310019901 of the Deed Records of Licking County, Ohio.

Executed this 25th day of March, 2013

see attached

Joseph S. Ryan
See Attached Seperate Acknowledgement

Karen L. Ryan
Karen L. Ryan

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, That on this 25th day of March, 2013, before me, the subscriber, a Notary Public in and for said State, personally came Karen L. Ryan, the Grantor(s) in the foregoing instrument, and acknowledged the signing thereof to be to 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.

[Signature]
Notary Public
My Commission Expires:

(SEAL)



CAROL M. YATES
Notary Public, State of Ohio
My Commission Expires
10-10-2017

This instrument prepared by:
James Scott Stevenson, Attorney at Law

File No.: NWS-8870

ATTACHMENT TO DEED FOR PROPERTY AT
2725 SUMMIT RD., PATASKALA, OH 43062

Executed this 3 day of April, 2013.



ROZANN L. DOWDY
Notary Public, State of Ohio
My Commission Expires 01-30-2015

Joseph S. Ryan
Joseph S. Ryan

STATE OF OH

COUNTY OF Franklin, ss:

BE IT REMEMBERED, that on this 3 day of April, 2013, before me, the subscriber, a Notary Public in and for said state, personally came Joseph S. Ryan the 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 Notary seal on the day and year last aforesaid.

Rozann L. Dowdy
Notary Public - State of
My Commission Expires:

OnTrac Property Map



April 20, 2022

Owner Name & Acres
Centerline Labels

Interstate/US/State Route
County Road
Township Road
Other Road Type

Driveway
Interstates
Municipal Corporations

376 Feet
0.07 Miles
County Boundary

Jurisdictional Townships
Historical Townships Line

LICKING COUNTY TAX MAP

Licking County Auditor GIS