



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

June 14, 2022

#### Variance Application VA-22-020

<b>Applicant:</b>	Kevin & Kelsie Nickolas
<b>Owner:</b>	Kevin & Kelsie Nickolas
<b>Location:</b>	13751 Cable Road SW, Pataskala, OH 43062 (PID: 063-140994-03.002)
<b>Acreage:</b>	+/- 1.51-acres
<b>Zoning:</b>	R-87 – Medium-Low Density Residential
<b>Request:</b>	Requesting approval of a Variance from Section 1221.05(C)(1) of the Pataskala Code to allow for an increase in the permitted height of an Accessory Building on a lot that is less than two (2) acres in size.

#### Description of the Request:

The applicant is seeking approval of a variance from Section 1221.05(C)(1) to allow for the construction of an Accessory Building that will exceed the maximum permitted height on a lot less than two (2) acres, which is 18-feet.

#### Staff Summary:

The 1.51-acre property located at 13751 Cable Road SW is currently occupied by a 1,976-square foot single-family home built in 1979. Access to the property is via an asphalt driveway from the property's only frontage on Cable Road SW.

The Applicant's would like to construct an Accessory Building on the property, 30' x 40' (1,200-square feet) in size behind the existing single-family home on the lot. The proposed structure would be set back from the west side property line a distance of 10-feet, from the south rear property line approximately 235-feet and will be set back from the home 12-feet. As the structure will have 16-foot walls, and a 6/12 roof pitch, the overall height of the structure will be 23-feet, 6-inches. Pursuant to Section 1221.05(C)(1) of the Pataskala Code, when a lot is less than two (2) acres in size, the maximum allowable height for Accessory Buildings is 18-feet.

According to the Narrative Statement as submitted by the Applicant, they believe the requested Variance is not significant, will not substantially alter the character of the neighborhood or adjoining properties, or be detrimental to the public welfare. Further stated, the Applicant believes that there is no other method other than this Variance request that may afford relief, and that they were unaware of the zoning restrictions when the property was purchased.

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

As mentioned above, Section 1221.05(C)(1) of the Pataskala Code states that on lots that are less than two (2) acres in size, the maximum allowable height for Accessory Structures is 18-feet. The proposed structure is 23-feet, 6-inches in height, as such; the Variance request is for an increase in the allowable height by 5-feet, 6-inches, or a 30.5% increase. If the lot were two (2) acres or larger in size, then the allowable height would have been 25-feet.

Licking County Health Department (Full comments attached)

Any building/structure must be 10-feet from any component of the septic system and well head. If these distances cannot be maintained, there is a Variance process through the Health Department available.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	RR – Rural Residential	Licking Heights Local Schools
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;*
- 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;*
- Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- Whether the property owner's predicament can be obviated through some other method than variance;*
- 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-22-020:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- 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. 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(C)(1) of the Pataskala Code for variance application VA-22-020 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Scott Morris](#)  
**To:** [Jack Kuntzman](#); [Felix Dellibovi](#); [Jim Roberts](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [Chris Sharrock](#); [Philip Wagner](#); [kperkins@laca.org](#); [Alan Haines](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 06-14-2022  
**Date:** Monday, May 23, 2022 8:20:57 AM  
**Attachments:** [image003.png](#)

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**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Jack,

VA-22-018: No comment

VA-22-020: The location of the pole barn has to be 10 feet off any component of the septic system and 10 feet off of any wells.

Thank you,  
Scott Morris, REHS  
Environmental Health Director  
Licking County Health Department  
675 Price Rd. | Newark, OH | 43055  
Office: (740) 349-6475  
[www.lickingcohealth.org](http://www.lickingcohealth.org)



Find LCHD on Social Media:



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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Wednesday, May 18, 2022 10:31 AM  
**To:** Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Scott Morris <smorris@lickingcohealth.org>; Philip Wagner <pwagner@lhschools.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala BZA Review Memo for 06-14-2022

Good Afternoon,

You are receiving this email because one or more of the Application(s) submitted for the **June 14th**,



# 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: 13751 Cable Rd. SW Pataskala, OH 43062	
Parcel Number: 063-140994-02-002	
Zoning: R-87	Acres: 1.51
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-22-020
Fee: 300
Filing Date: 5-13-22
Hearing Date: 6-14-22
Receipt Number: 000635

Applicant Information		
Name: Kevin + Kelsie Nickolas		
Address: 13751 Cable Rd. SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-218-9167	Email: KS368509@gmail.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

Property Owner Information		
Name: Kevin + Kelsie Nickolas		
Address: 13751 Cable Rd. SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-218-9167	Email: KS368509@gmail.com	

Variance Information
Request (Include Section of Code): 1221.05(C)(1) increase allowable height from 18' to 23'6".
Describe the Project: 30' x 40' pole barn

## 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:

5/13/22

Property Owner (Required):



Date:

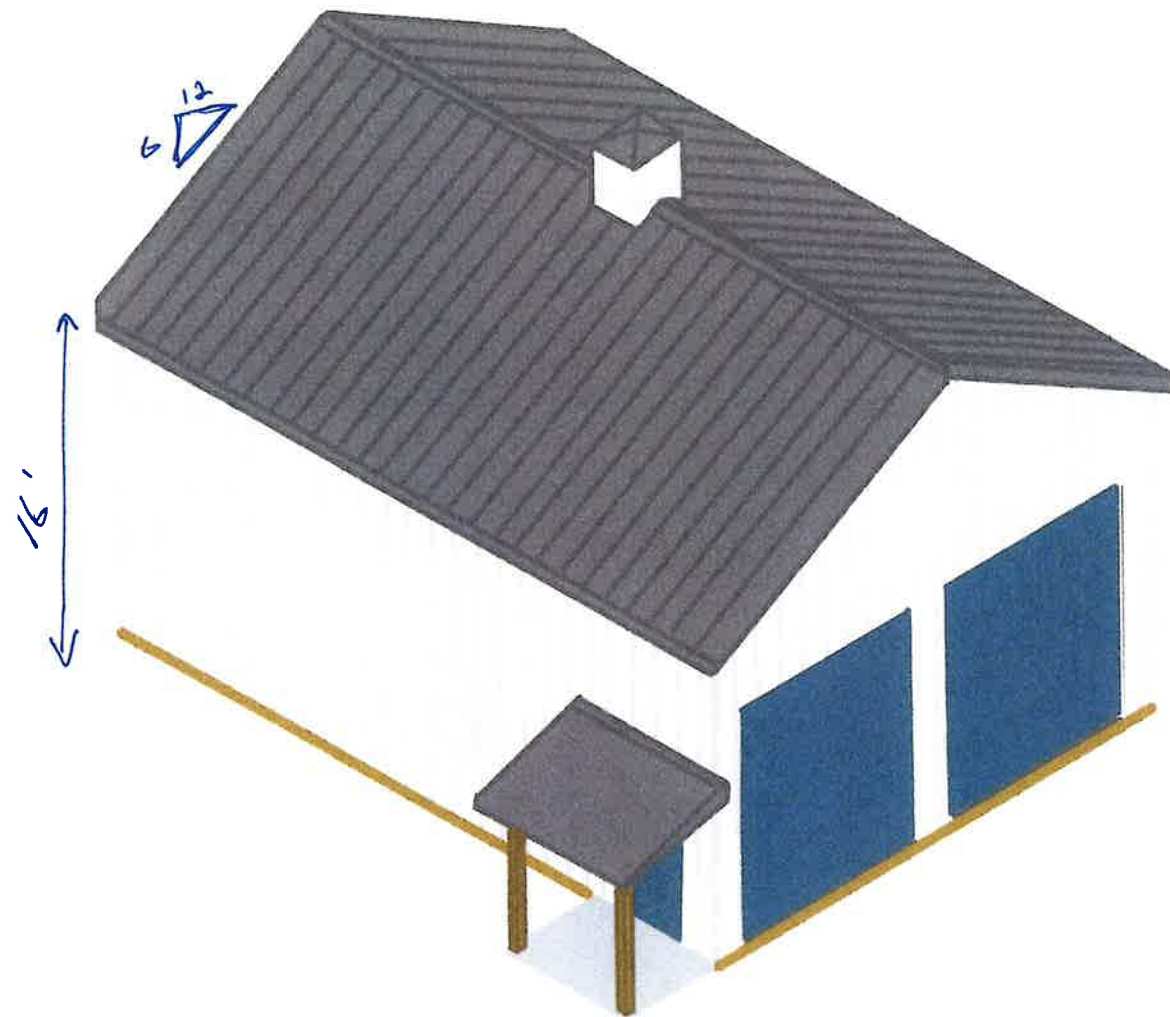
5/13/22

The variance is necessary as the overall height is 23'6.

- a) The variance will increase property value.
- b) No
- c) No, minimal.
- d) No, barns exist on adjacent properties.
- e) No
- f) No
- g) No
- h) No
- i) No, Pataskala requires this variance specifically.
- j) Yes, we were specifically advised to submit this variance.
- k) Yes



Overall height 23'6"





DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER

Approved By JR Nov 24, 2021  
01150744100000006000

**TRANSFERRED**

Nov 29, 2021  
Michael L. Smith  
LICKING COUNTY AUDITOR  
SEC 319.902 COMPLIED WITH  
MICHAEL L. SMITH  
By: TG 1050.00

InstrID:202111290036149	11/29/2021
Pages:3	F: \$42.00 9:10 AM
Bryan A. Long	T20210035733
Licking County Recorder	

## General Warranty Deed

Wesley Mueller and Amanda Ochs, married to each other, convey(s), with general warranty covenants to Kelsie L. Nickolas and Kevin B. Nickolas, for their joint lives, remainder to the survivor of them, whose tax mailing address is 60 N Third St, PO Box 3500,  
Newark, OH 43058-3500  
the following **REAL PROPERTY**:

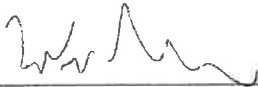
**SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT A**

Parcel No. 063-140994-03.002

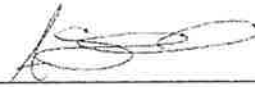
Property Address: 13751 Cable Road Southwest, Pataskala, OH 43062  
Prior Instrument Reference: Official Records Instrument No. 202103100007327,  
Deed Records of Licking County, Ohio.

**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 18 day of November, 2021.



Wesley Mueller



Amanda Ochs

STATE of OHIO

COUNTY of Franklin, ss:

This is an acknowledgement clause. No oath or affirmation was administered to the signer(s).

BE IT REMEMBERED, that on this 18 of November, 2021 before me, the  
subscriber, a notary public in and for said state, personally came Wesley Mueller and Amanda  
Ochs, 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.



**KENNETH F. HIGDON**  
Notary Public  
State of Ohio  
My Commission Expires  
March 26, 2023



Notary Public

Kenneth F. Higdon

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

2109-096-Cable

**Exhibit "A"**  
**Property Description**

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

Being a 1.510 acre tract and part of a 5.574 acre tract conveyed to Donald J. Marsh in Deed Volume 776, Pages 20 thru 25 of the Licking County Recorder's Office, said 1.510 acre tract being situated in Quarter 3, Section 7, Quarter Township 2, Township 1, Range 15, United States Military Lands, Township of Lima, County of Licking, State of Ohio, and said 1.510 acre tract being more particularly described as follows:

Commencing at a railroad spike set at the intersection of the centerline of Township Road 156 (aka Cable Road) and County Road 26 (aka Summit Road), said railroad spike also being the northwest corner of said Quarter Section 3 of Section 7; thence with the centerline of said Township Road 156 and the north line of said Quarter Section 3 of Section 7, South 89 degrees 40 minutes 57 seconds East a distance of 997.64 feet to a railroad spike set at the northwest corner of the herein described 1.510 acre tract and the true place of beginning for this description; thence South 0 degrees 00 minutes 00 seconds East a distance of 438.97 feet (passing over an iron pipe set at 30.00 feet) to an iron pipe set; thence South 90 degrees 00 minutes 00 seconds East a distance of 150.00 feet to an iron pin set; thence North 0 degrees 00 minutes 00 seconds West a distance of 438.14 feet (passing over an iron pipe set at 408.14 feet) to a railroad spike set on the centerline of Township Road 156; thence with the centerline of Township Road 156 and the north line of Quarter Section 3 of Section 7, North 89 degrees 40 minutes 57 seconds West a distance of 150.00 feet to a railroad spike and the true place of beginning for this description.

The above described contains 1.510 acre of land more or less and is subject to all easements and rights-of-way of previous record.

Parcel Number: 063-140994-03.002

WM 





