



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

October 11, 2022

Variance Application VA-22-026

Applicant:	Marc Skory
Owner:	Marc Skory
Location:	306 Isaac Tharp Street, Pataskala, OH 43062 (PID: 063-307692-00.074)
Acreage:	+/- 0.22-acres
Zoning:	R-10 – High Density Residential
Request:	Requesting approval of two (2) Variances. The first, from Section 1297.02(B)(2) to allow for the pump & filter installation for a pool to be located closer than 20-feet to a property line, and the Second, from Section 1221.07(b)(1)(iii) to allow for reduced side yard setback for a patio.

Description of the Request:

The Applicant is seeking approval of two Variances. The first, from Section 1297.02(B)(2) to allow for the pump and filter equipment for a private swimming pool to be located closer than 20-feet to a property line. And the Second, from Section 1221.07(b)(1)(iii) to allow for a reduced side yard setback for a patio.

Staff Summary:

The 0.22-acre property located at 306 Isaac Tharp Street is currently occupied by a 3,024-square foot single-family home built in 2017. Access is via a concrete driveway to the property's only frontage on Isaac Tharp Street to the south, and the lot is part of the Settlement at Pataskala Phase 3 – Part 3 subdivision. An existing six (6) foot tall fence surrounds the rear of the property.

As proposed, the Applicant will be installing an in-ground swimming pool, 16-feet by 32-feet in size with a concrete deck surround. A Swimming Pool Permit (#22-391) has already been approved for this project on August 8, 2022. The pump and filter equipment pad for this was to be located along the north (rear) wall of the house, offset to the west and set back from the property line 21-feet. As part of this improvement project, the Applicant would also like to extend their existing concrete patio to the pool area that has already been approved. The proposed patio extension would move the equipment pad from the original proposed location to the east side of the existing home. The pad itself will be four (4) feet by eight (8) feet long, and approximately eight (8) feet from the east side property line. Per Section 1297.02(B)(2) of the Pataskala Code, the pump and filter installations shall be a minimum of 20-feet from any property line.

The addition of the Patio will also include a wrap-around portion to the east side of the home, with a sidewalk coming to the front and connecting to the existing driveway. As proposed, the edge of the patio will be seven (7) feet, two (2) inches (7'2") from the west side property line. Pursuant to Section 1221.07(b)(iii) of the Pataskala Code; patios shall meet the required side yard setbacks of the zoning district in which they are located or shall not extend further into the side yard setback than the principal structure on the lot, whichever is less. In this case, the required side yard setback of the R-10 Zoning District is less, at eight (8) feet.

According to the Narrative Statement as submitted by the Applicant, the pump equipment that they have already purchased is among the quietest available, with a noise level of 45 decibels. The Applicant also believes that the original proposed location is not ideal as it would occupy too much of the proposed patio, inhibiting the full use of the patio, as well as being more likely to cause injury due to the proximity of the electrical and mechanical elements of the equipment. The Applicant believes that the requested Variance will allow them to safely locate the equipment off to the side and enclosed within a four (4) foot fence.

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

The Applicant has requested a total of two (2) Variances:

Pursuant to Section 1297.02(B)(2) of the Pataskala Code, pump and filter installations for private swimming pools shall be located no closer than 20-feet to any property line. As proposed, the relocation of the equipment pad will place the equipment eight (8) feet from the east side property line. Therefore, the Variance request is for a reduction in the required setback from 20-feet to eight (8) feet, a 12-foot reduction, or a 60% reduction.

Pursuant to Section 1221.07(b)(iii) of the Pataskala Code, patios shall meet the required side yard setbacks of the zoning district in which they are located or shall not extend further into the side yard setback than the principal structure on the lot, whichever is less. The existing home is 12.28-feet from the west side property line, while the required side yard setback of the R-10 zoning district is eight (8) feet, therefore, the required setback for a patio at this location is eight (8) feet. As proposed, the edge of the patio will be seven (7) feet, two (2) inches (7'2") from the west side property line. Therefore, the Variance request is for a reduction in the required side yard setback for a patio by 10-inches, or a 10.43% reduction.

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	Foundation Park
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-22-026:

- 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 1297.02(B)(2), and a Variance from Section 1221.07(b)(iii) of the Pataskala Code for variance application VA-22-026 ("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: 306 Isaac Sharp St	
Parcel Number: 063-307692-00-074	
Zoning: R-10	Acres: 0.22
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

Applicant Information		
Name: Marc Skory		
Address: 306 Isaac Sharp St		
City: Pataskala	State: OH	Zip: 43062
Phone: 216.210.8338	Email: marcskory@yahoo.com marcskory@yahoo.com	

Property Owner Information		
Name: SAME AS ABOVE		
Address:		
City:	State:	Zip:
Phone:	Email:	

Staff Use
Application Number: VA-22-026
Fee: \$300.00
Filing Date: 9/16/2022
Hearing Date: 10/11/2022
Receipt Number: 000851

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

Variance Information
Request (Include Section of Code): 1.1297.02(B)(2) pool equipment to be 8' from property line
1221.07(b)(iii) to increase this setback by 10".
Describe the Project: Having in ground swimming pool installed and would like to have equipment pad relocated due to easements.

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;* **YES - SAFETY**
 - 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;* **YES**
 - c) *Whether the variance requested is substantial;* **YES - IDK**
 - 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;* **NO**
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;* **NO**
 - f) *Whether the variance, if granted, will be detrimental to the public welfare;* **NO**
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;* **NO**
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;* **NO**
 - i) *Whether the property owner's predicament can be obviated through some other method than variance;* **YES**
 - 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,* **YES**
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.* **YES**
- 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:

9-16-2022

Property Owner (Required):



Date:

9-16-2022



Quietest pool pump options you can buy for your pool.

Pentair 342001 Variable Speed Pool Pump

Generally, the Pentair 342001 is the quietest pool pump with a noise level of 45 decibels. One of the best things about this pool pump is that it is energy saving. It only uses 110 to 230 volts yet functions efficiently. Additionally, the Pentair 342001 is user friendly in that it is simple to set and program. Fortunately, the Pentair 342001 pool pump also serves pool owners with saltwater pools. So, why is it ranked as the quietest pool pump? The Pentair 342001 pool pump uses a feature called an ultra-quiet TEFC motor. This feature enables it to function with minimal noise, unlike other pool pumps. But you have to hire a professional pool contractor to install this pool pump for you. Also, note that it can be quite pricey.

Hayward SP2303VSP MaxFlo VS Variable Speed Pool Pump

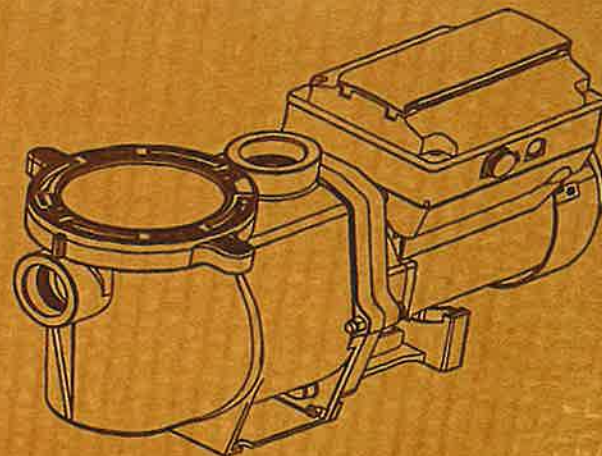
If you are looking to save on both initial and lifetime costs, the [Hayward](#) SP2303VSP pool pump is your ideal option. Besides being very quiet, this pool

IMPORTANT

THIS MERCHANDISE WAS CAREFULLY PACKED AND THOROUGHLY INSPECTED BEFORE LEAVING OUR FACTORY. ANY VISIBLE OR CONCEALED DAMAGE WAS INCURRED DURING TRANSIT. FILE CLAIM WITH DELIVERING CARRIER SINCE SUCH DAMAGE IS CARRIER'S RESPONSIBILITY. CLAIM FORMS ARE AVAILABLE FROM CARRIER.



INTELLIFLO® VARIABLE SPEED PUMP



- Saves up to 90% in energy costs*
- Quietest pool pump on the planet
- User-friendly, rotatable digital keypad
- Automation ready — integrates with pool automation systems

- 8 programmable speed settings for ultimate energy efficiency
- UL 60730 Compliant

* Savings based on variable speed pump compared to a single-speed pump running 12 hours per day at an average of 50 ft per kWh in a 20,000 gallon pool. Actual savings may vary based on local utility rates, pool size, pump run time, pump horsepower, pump RPM, plumbing size and length, pump model, service factor and/or other hydraulic factors.

WEF VALUES

EC-011028	WEF 6.9 THP 3.85
011059	WEF 2.5 THP 3.85
EC-011059	WEF 6.9 THP 3.85
011080	WEF 6.9 THP 3.85
EC-011080	WEF 6.9 THP 3.85
011057	WEF 6.9 THP 3.85
EC-011057	WEF 6.9 THP 3.85

PENTAIR

011059
PMP INTELLIFLO i1 VS

DATE: 03/22/16 10:36:57
LOT: 1
FURNACE TRACK

47 11 01
PENTAIR WATER PUMP AND SPA, INC. - SANFORD, FL 32759-0001 - ASSEMBLY IN USA

Pomeroy & Associates

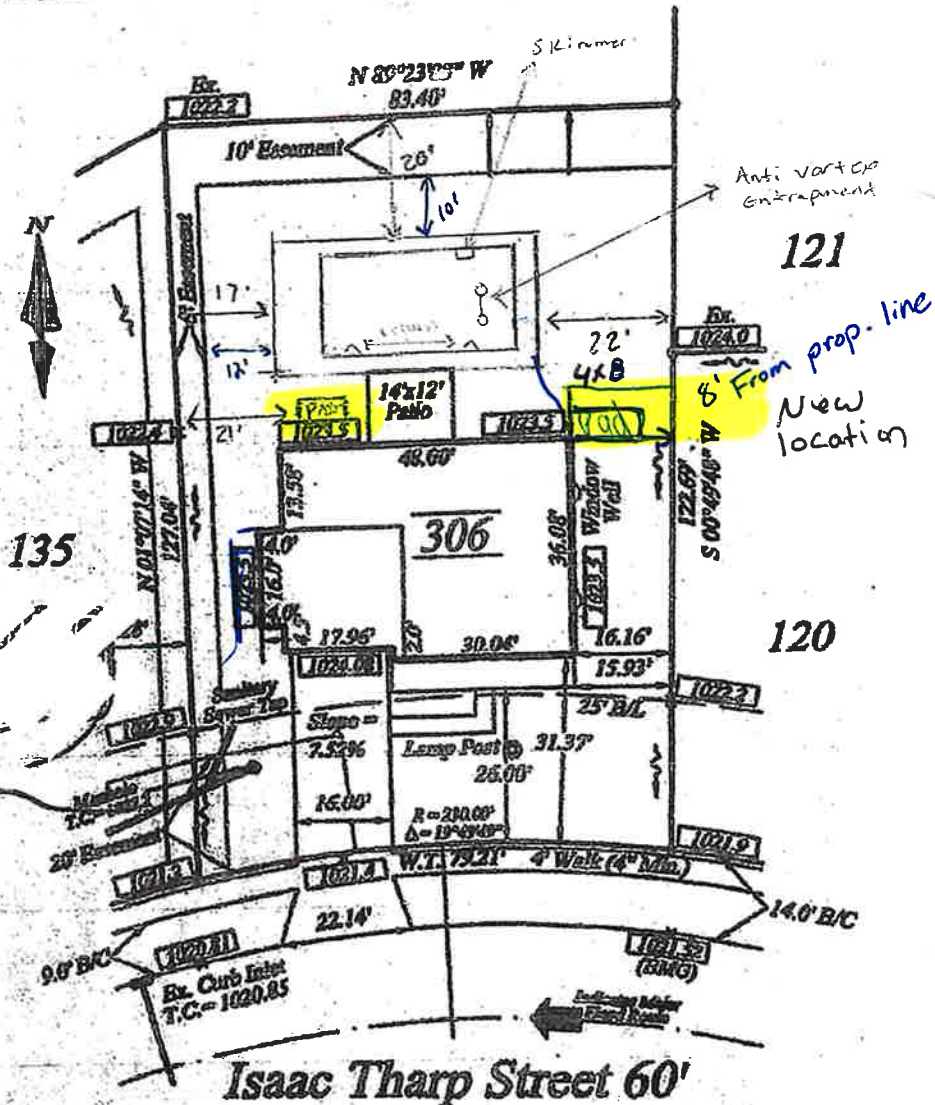
Consulting Engineers & Surveyors
2660 Corporate Exchange Drive, Suite 10
Columbus Ohio 43231
Phone (614) 885-2488 • Fax (614) 885-2888

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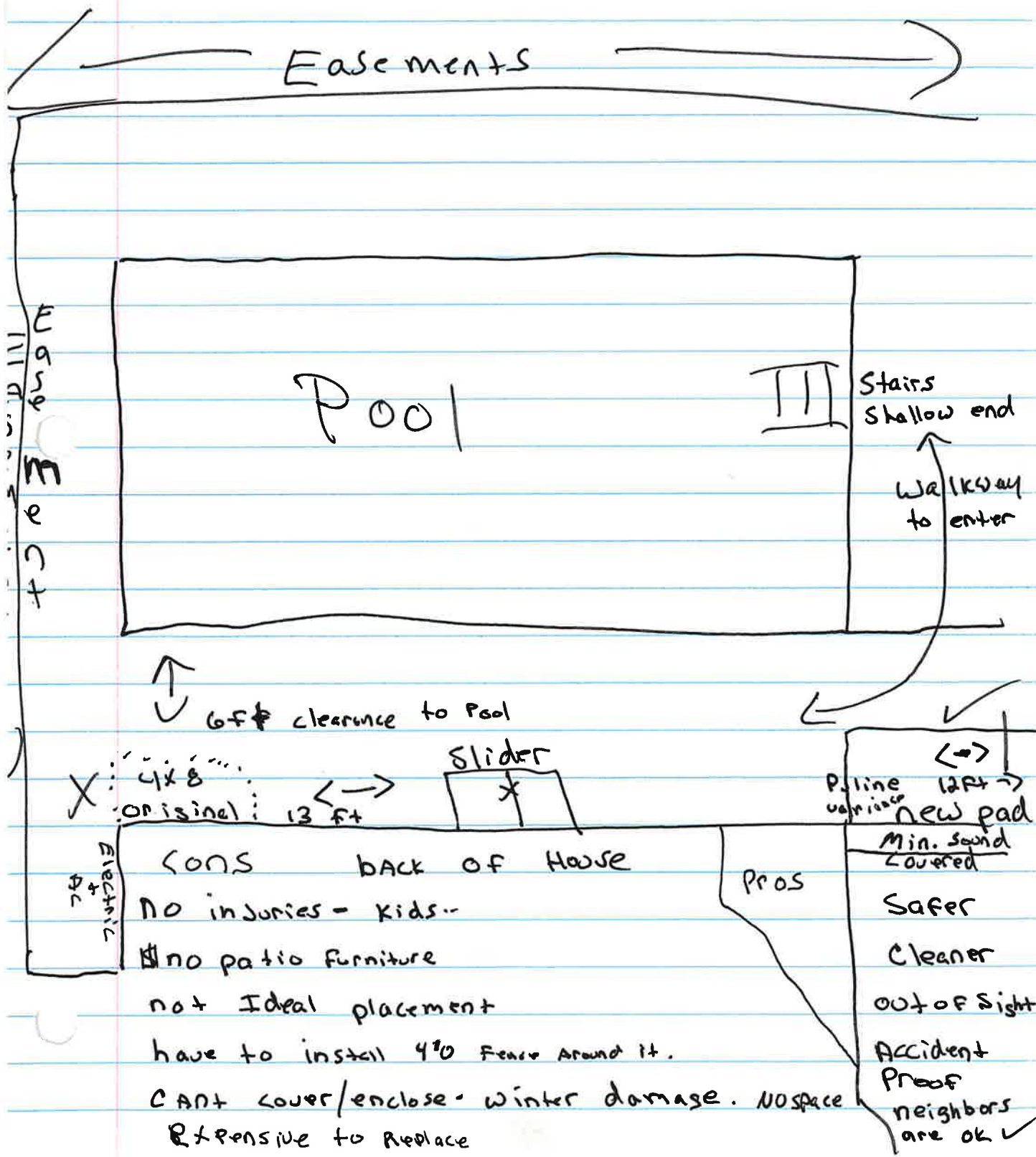
Order No. _____ House Style Denali M3
For Fischer Homes City of E
Lot / Subdivision 134 Settlement at Pataskala Phase 3, Part 3
Scale 1" = 30' Lot 201610130022454 Date 11-19-16 Drawn AB CK DBM CO. of —
Flood Zone X Community Panel 390R9C Panel No. 0293J Effective —
Minimums: R 25' S 8 1/20' Impervious Lot Coverage 27.22% Lot Width at Build Line 80.06' Drive Sh

Note: Water / Sanitary Tap to be relocated if in Drive. Note: All Utilities Shall Be Located Under
Sidewalk Depth to be a Minimum of 4". Height of House not to exceed 3

Pool
Permit



For Variance.





Distance From Fence

56 ft to back door

78 ft to back door Christina Strader



201811140024141

Pgs:3 \$36.00 T20180016944
11/14/2018 1:37 PM BXCROWN
Bryan A. Long Licking County Recorder



DEED

KNOW ALL MEN BY THESE PRESENTS: That **FISCHER HOMES COLUMBUS, LLC** (f/k/a Fischer Homes Columbus, L.P.), an Ohio limited liability company ("Grantor") whose address is 3940 Olympic Blvd., Suite 100, Erlanger, KY 41018, in consideration of One (\$1.00) Dollar and other good and valuable considerations to it paid by **MARC SKORY AND STEPHANIE SKORY**, husband and wife ("Grantees"), the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, and Convey with General Warranty Covenants to the said Grantees, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, their heirs and assigns forever, the following described Real Estate in the County of Licking and State of Ohio to-wit:

PLAT INSTRUMENT NO. 201610130022454

PARCEL NO. 063-307692-00.074

PROPERTY ADDRESS: 306 Isaac Tharp Street, Pataskala, Ohio 43062

Tax Mailing Address & Grantees' Mailing Address: 306 Isaac Tharp Street, Pataskala, Ohio 43062

Situated in the City of Pataskala, County of Licking and State of Ohio, and in Lot 12, 4th Quarter Township 1, Range 15 and being more particularly described as all of Lot 134 in Settlement at Pataskala, Phase 3, Part 3, plat of record in Instrument Number 201610130022454, Recorder's Office, Licking County, Ohio.



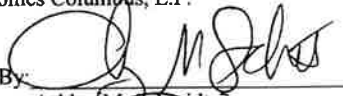
0115PA007P6454134000

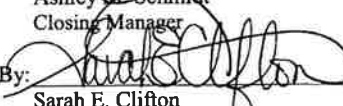
There are excepted from the general warranty covenants and the property is conveyed subject to: installments of taxes and assessments occurring after the date hereof; all easements, covenants, conditions and restrictions as set forth on the record plat described above or otherwise of record including, but not limited to, Conditions and restriction set forth in Instrument Number 200011020034997; Conditions and restriction set forth in Instrument Number 200209050033085; Conditions and restrictions contained in Affidavit on facts Relating to Title recorded in Instrument No. 200104190012899; Declaration of Covenants, Easements, Conditions and Restrictions for Settlement at Pataskala Subdivision recorded at Instrument No. 200308200040362, of the Licking County Recorder's Office; First Amendment to Declaration of Covenants, Easements, Conditions and Restrictions for the Settlement at Pataskala Subdivision recorded at Instrument Number 200410040036044; Third Supplemental Declaration of Covenants, Easements, Conditions and Restrictions for the Settlement at Pataskala Subdivision recorded at Instrument Number 201701090000534; and all amendments and supplements thereto.

Prior Instrument Reference: Instrument No. 201702100002619, Licking County, Ohio Recorder's Office.

EXECUTED BY the said Grantor, **FISCHER HOMES COLUMBUS, LLC** (f/k/a Fischer Homes Columbus, L.P.), an Ohio limited liability company, by and through Ashley M. Schmidt, the duly authorized Closing Manager and Sarah E. Clifton, the duly authorized Closing Coordinator, hereunto sets its hand, this 25 day of October, 2018.

FISCHER HOMES COLUMBUS, LLC
f/k/a Fischer Homes Columbus, L.P.

By: 
Ashley M. Schmidt
Closing Manager

By: 
Sarah E. Clifton
Closing Coordinator

COMMONWEALTH OF KENTUCKY, COUNTY OF BOONE, Sct.

The foregoing instrument was acknowledged before me this 26th day of October, 2018, by and through Ashley M. Schmidt, the duly authorized Closing Manager of **FISCHER HOMES COLUMBUS, LLC** (f/k/a Fischer Homes Columbus, L.P.) and Sarah E. Clifton, the duly authorized Closing Coordinator of **FISCHER HOMES COLUMBUS, LLC** (f/k/a Fischer Homes Columbus, L.P.), an Ohio limited liability company.

My Commission Expires:

HANNAH E. HEINRICH
Notary Public, Kentucky State at Large
My Commission Expires June 7, 2022
Notary ID# 602541


Notary Public

This instrument prepared by:

Stephen P. Kenkel, Esq.
2500 Chamber Center Drive, Ste. 103
Ft. Mitchell, KY 41017
Phone: (859) 578-2700



FIND YOUR PARCEL

Address



063-307692-00.074
SKORY MARC & STEPHANIE
306 ISAAC THARP ST
PATASKALA, OH 43062

Acreage: 0.22
LOT 134 SETTLEMENT AT
PATASKALA PH 3 PT 3
(0.229 AC)

Land: \$55,200
Improve: \$253,200
Total: \$308,400

Transfer Date: 11/14/2018
Amount: \$325,000
Conveyance: 3731
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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

Transfer Fee: No



2/14/2022

HUGO 350,000
(R2) 0.25

ADAMS KEVIN & BIRI 0.26

STELU ROBERT ASHLEY & KELLY ANN 0.22

EVANS VUE 0.22

SKORY MARC & STEPHANIE 0.22

STRADER CRISTAL & THISTLE 0.21

DISTENFELD OLIVER A & LAUREL 0.21

LANE DA BRUNLEE & HOLLY RENAE 0.25

BURNS GARY & JUDIE 0.25

TOLIVER KAPLA 0.16

BROWN WARREN L 0.25

CESTABIGAL KEVIN TYLER 0.41