



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

December 13, 2022

#### Variance Application VA-22-029

<b>Applicant:</b>	Vickie Ulry
<b>Owner:</b>	Vickie Ulry
<b>Location:</b>	14027 Havens Corners Road SW, Pataskala, OH 43062 (PID: 063-151680-00.000)
<b>Acreage:</b>	+/- 0.79-acres
<b>Zoning:</b>	R-87 – Medium-Low Density Residential
<b>Request:</b>	Requesting approval of a Variance from Section 1279.03(A)(1) to allow for a fence exceeding 48-inches in height to be erected between the front building setback line and the public right-of-way, within the front yard.

#### Description of the Request:

The Applicant is seeking approval of a Variance from Section 1279.03(A)(1) to allow for the construction of a fence exceeding 48-inches in height within the front yard setback.

#### Staff Summary:

The 0.79-acre property located at 14027 Havens Corners Road is currently occupied by a 1,484-square foot single-family home constructed in 1970 and a 576-square foot detached garage built in 1997 with a 240-square foot lean-to attached to it. The property is a corner lot, with frontage to the east on Summit Road SW, and on Havens Corners Road SW to the north. Access to the property is served by two separate asphalt driveways off Havens Corners Road SW, one to the detached garage and one to the main home. There is an existing fenced in area behind the home, connecting to the garage.

The Applicant is proposing to construct a 60-inch (five (5) foot) height wood post and wire fence within the side, rear, and front yards of the lot. The proposed fence will start at the west face of the garage, extend west to the property line, then follow the property line around to the southeast corner of the lot, along the east property line abutting Summit Road SW, and then meeting the easternmost driveway before terminating at the east corner of the home.

Pursuant to Section 1279.03(A)(1) of the Pataskala Code, a fence or wall may not exceed 48-inches (four (4) feet) in height when between the front yard setback line and a line three (3) feet toward the building from the street right-of-way (fences may not exceed four (4) feet within the front yard).

According to the Narrative Statement as submitted by the Applicant, the purpose of the fence is to provide security and safety for their grandchildren and pets. They have also included some photographs of a neighboring fence, which illustrates their proposed fence type.

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

As mentioned above, Section 1279.03(A)(1) of the Pataskala Code states that a fence or wall may not exceed 48-inches (four (4) feet) in height when between the front yard setback line and a line three (3) feet toward the building from the street right-of-way. The property is currently zoned R-87, in which the front building setback line is 75-feet. Any fence within 75-feet of the street right-of-way may not exceed 48-inches in height.

As proposed, the fence height is 60-inches, therefore, the Variance request is for an increase in the allowable fence height by 12-inches when within the front building setback, or a 25% increase.

Further required under Chapter 1279, Section 1279.03(A)(4) states that no fence or wall may be erected within three (3) feet of the street right-of-way line. Any fence installed along a property line that abuts public right-of-way must be set back from the property line a minimum of three (3) feet. The site plan submitted appears to show the fence directly on the property lines abutting Summit Road SW and Havens Corners Road SW. When the Applicant applies for their Fence Permit, the fence must be set back three (3) feet from the east and north property lines.

In speaking with the Public Service Department, they have indicated that there should be no issues with sight visibility at the intersection as it is a four way stop.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home
East	RR – Rural Residential	Agricultural
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-22-029:

- None

#### **Department and Agency Review**

- Zoning Inspector – No comments.
- Public Service – See attached.
- 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 1279.03(A)(1) of the Pataskala Code for variance application VA-22-029 ("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)

<b>Property Information</b>	
Address: 14027 HAVENS Corner Rd SW	
Parcel Number: 063-151680-00.000	
Zoning:	Acres: .79
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

<b>Applicant Information</b>		
Name: VICKIE S UIRY		
Address: 14027 Havens Corner Rd SW		
City: Pataskala	State: OHIO	Zip: 43062
Phone: 614-314-0928	Email: UIRYFAM56@AOL.COM	

<b>Property Owner Information</b>		
Name: VICKIE S UIRY		
Address: 14027 Havens Corner Rd SW		
City: Pataskala	State: OHIO	Zip: 43062
Phone: 614-314-0928	Email: UIRYFAM56@AOL.COM	

<b>Variance Information</b>
Request (Include Section of Code): 1211.07
Fence Permit to secure property for Children + Pets in high traffic area
Describe the Project: Scope of work, Install 5' Wood post w/wire fence w/one top trim board around property to secure safety for grandchildren & pets.
Scope of work wrote on Back of Page

<b>Staff Use</b>
Application Number: VA-22-029
Fee: 300
Filing Date: 11-10-22
Hearing Date: 12-15-22
Receipt Number: 000928

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

## 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):

*Vickie S. Hery*

Date:

*11/14/2022*

Property Owner (Required):

*Vickie S. Hery*

Date:

*11/14/2022*

17027 Havens Corner Rd SW 43062

~~5110~~



1) 148' <sup>SIDE</sup> Summit Rd N/S 5' wood Post w/wire fencing 1 top trim board

65' <sup>FRONT</sup> Havens Corner NE DRIVEWAY To Corner of Summit

48' Front NE Driveway to ~~house~~ Sunroom  
5' wood post/wire fence 1 top trim board  
1. Dbl wide gate located to side of Sun Room

2 Front NW driveway ~~See~~

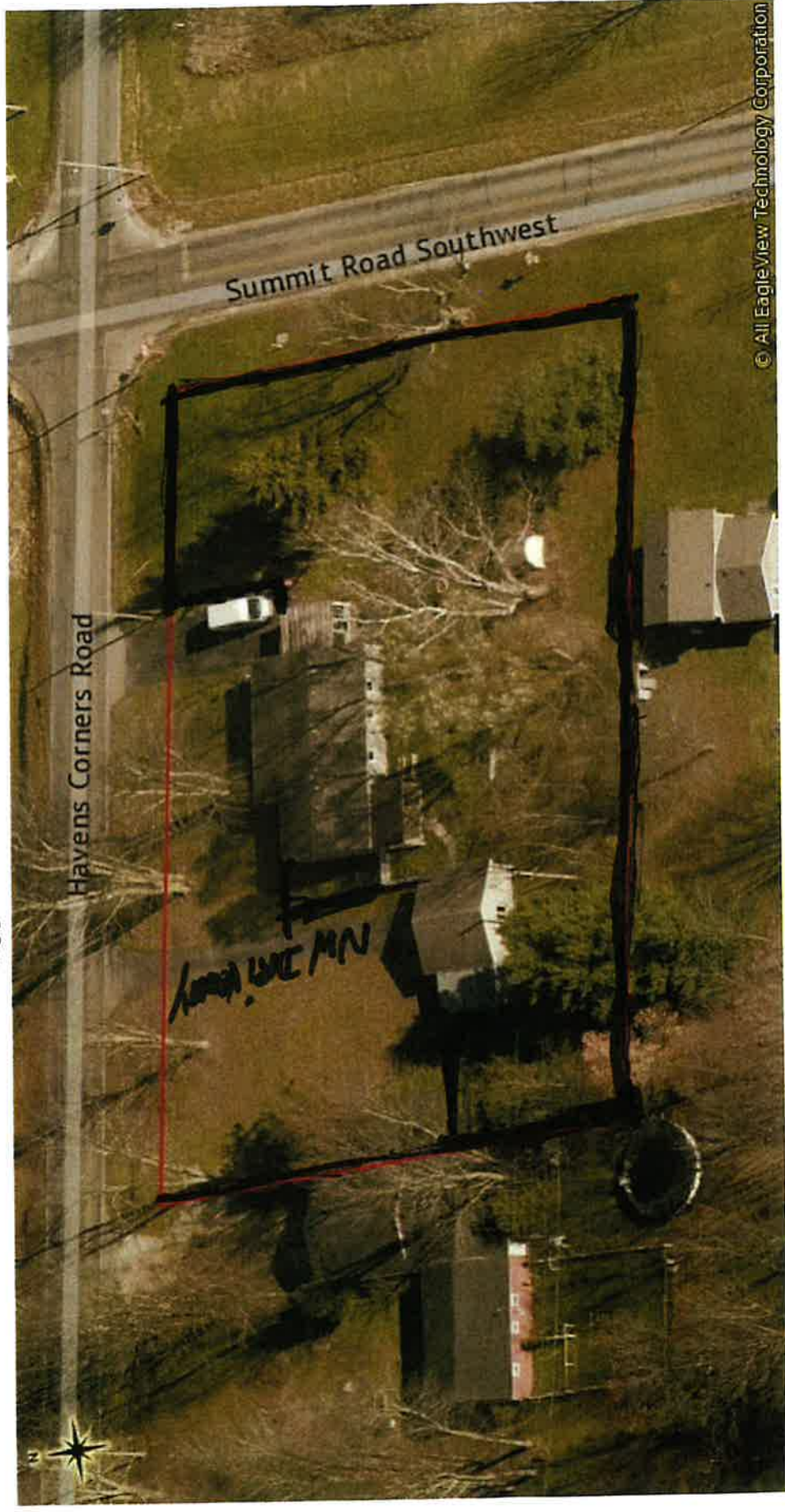
54' ~~See~~ NW Driveway + NW corner of home front to NE corner of Garage 5' wood post w/wire fencing top trim board  
1. 4' WIDE single gate

36' NW corner Garage 5' wood post wire fence to back yard  
Backyard South <sup>South</sup> Property Line <sup>across</sup> preexisting fence  
160' 5' wood Post wire fence w/top trim board



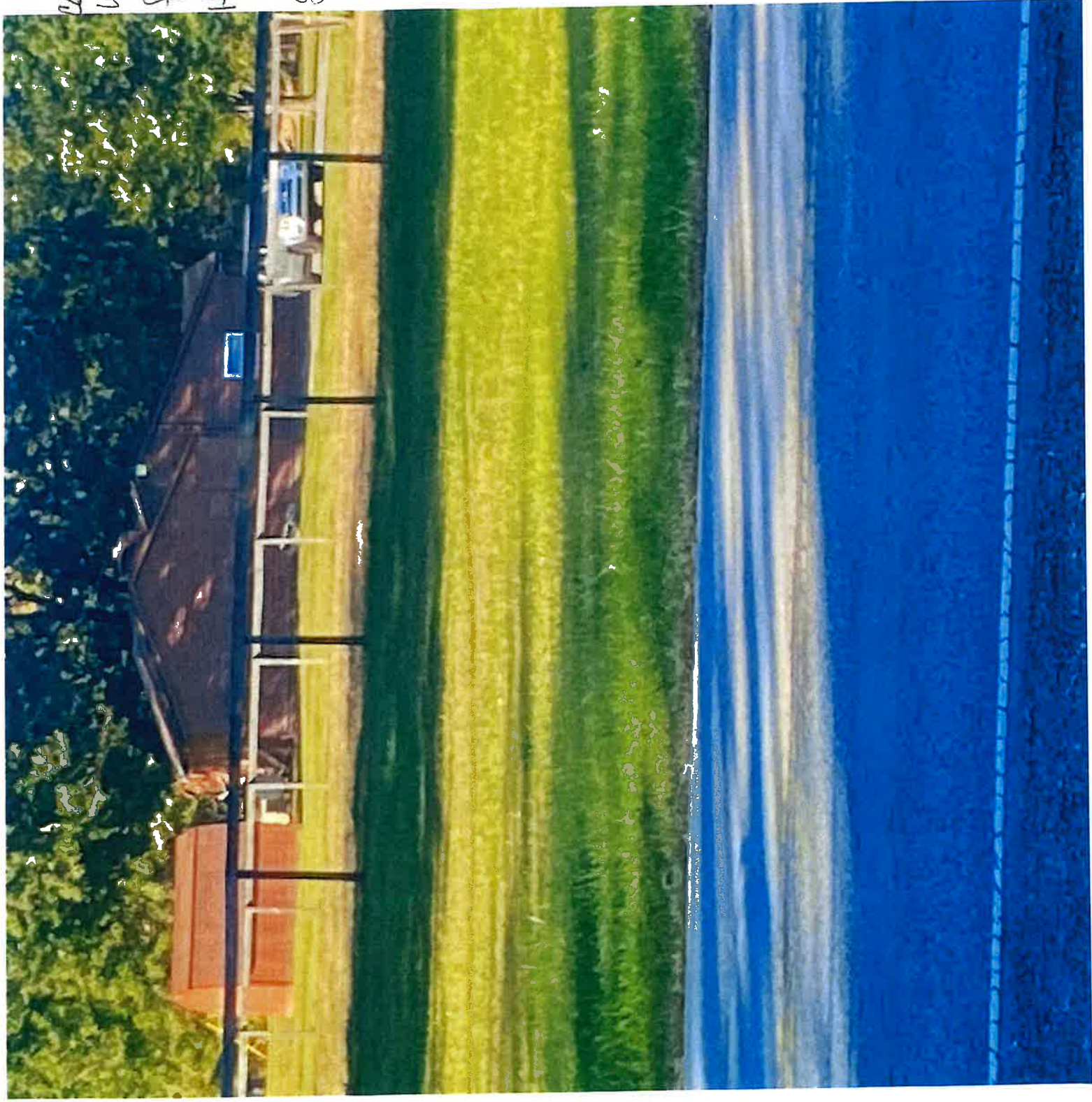
14027 havens ~~corner~~  
corner

Parcel: 043-151680-00.000



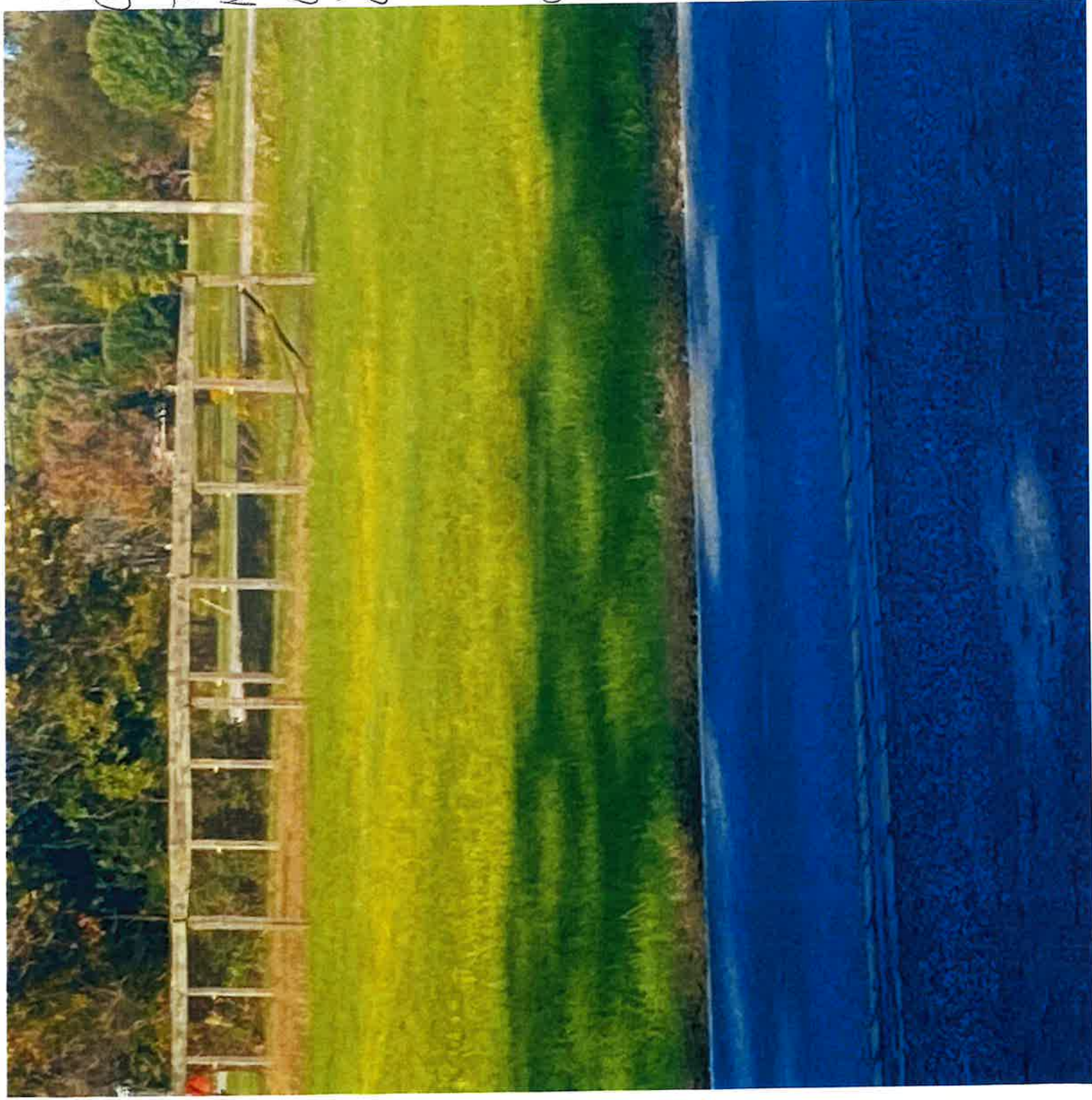


Fence  
capitulant  
w/raughors  
fences on  
Haven, Lamer  
Summit Ref





Fence  
consistant  
to  
Neighboring  
yards  
on  
Havers  
Corner  
& Summit



DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER

Approved By JW Sep 07, 2022

01150732511013007000

TRANSFERRED

Sep 07, 2022  
Michael L. Smith  
LICKING COUNTY AUDITOR  
SEC 319.902 COMPLIED WITH  
MICHAEL L. SMITH  
By: TG 773.40

InstrID:202209070021949	9/7/2022
Pages:2	F: \$34.00
Bryan A. Long	J:17 PM
Licking County Recorder	T20220022991

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

## GENERAL WARRANTY DEED

64  
53117

**ABBY L. MCCREERY, UNMARRIED, and KYLE W. RAUB, UNMARRIED**, ("Grantors"), of Licking County, for valuable consideration paid, grant, with general warranty covenants, to **VICKIE S. ULRY** ("Grantee"), whose tax mailing address is MICHIGAN MUTUAL, INC. 911 MILITARY ST, PORT HURON, MI 48060, the following real property:

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

Being Lot Number Seven (7) of BEVERLY FARMS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 11, Page 13, Recorder's Office, Licking County, Ohio.

Prior Instrument Reference: Document NO. 201711280026224

Parcel No.: 063-151680-00.000

Property Address: 14027 Havens Corners Rd, Pataskala, OH 43062

**Exceptions to the general warranty covenants:** (a) such encroachments and recorded restrictions, easements and conditions, including without limitations subsurface rights, which do not materially adversely affect the Property's user or value; (b) zoning ordinances, if any; (c) taxes and assessments, whether general or special, which are a lien on the Property but are not yet payable; (d) all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Executed this 22 day of Aug, 2022

Abby L. McCreery (SEAL)  
 ABBY L. MCCREERY

Kyle W. Raub (SEAL)  
 KYLE W. RAUB

STATE OF OHIO  
 COUNTY OF Franklin ss

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

BE IT REMEMBERED, That on this 22 day of Aug, 2022, before me, a Notary Public in and for said County and State, personally came ABBY L. MCCREERY and KYLE W. RAUB, the Grantors, whose identity was known or proven to me and who did sign the foregoing instrument acknowledging the signing hereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



Jodi L. Turner  
 Notary Public, State of Ohio  
 My Commission Expires 09-21-2025

Jodi L. Turner  
 Notary Public  
 My Commission Expires: 9/21/25

**This instrument prepared by:**  
 Thorp Law, LLC  
 c/o LandSel Title Agency, Inc.  
 961 N. Hamilton Road, Suite 100  
 Gahanna, Ohio 43230  
 Phone: 614-266-8165

File No. GH-53117 SLM



