



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 14, 2023

Variance Application VA-23-001

Applicant:	Patrick Allen
Owner:	Patrick Allen
Location:	163 Meadow Way, Pataskala, OH 43062 (PID:063-143958-00.000)
Acreage:	+/- 0.92-acres
Zoning:	R-20 – Medium Density Residential
Request:	Requesting approval of a Variance from Section 1291.02(A)(4) of the Pataskala Code to allow for a gravel driveway within a Platted Subdivision.

Description of the Request:

The Applicant is seeking approval of a Variance from Section 1291.02(A)(4) of the Pataskala Code to allow for a gravel driveway to be within a Platted Subdivision.

Staff Summary:

The 0.92-acre property located at 163 Meadow Way is currently occupied by a 2,686-square foot single-family home, a 1280-square foot detached garage, and a shed approximately 118-square feet in size. The lot is a replat combination of Lots 35 and 54 of the Broad Main Heights subdivision (REP-20-002). Access to the property is via a concrete driveway from Meadow Way to the main house, after which point the surface changes to gravel and continues to the detached garage at the rear of the lot. A 10-foot wide utility easement runs east-west through the middle portion of the property.

The Applicant Re-platted the lots into one (1) in 2020 in order to allow for additional square footage allowance and to locate a detached garage on what was then a separate northern parcel. The Applicant applied for and received an approved Driveway permit (#21-136, approved March 23, 2021). This permit was approved with the Condition that the “driveway shall be finished in concrete within one (1) year of the date of approval” in order to comply with the requirements of Section 1291.02(A)(4) of the Pataskala Code requiring that any driveway within a platted subdivision must be either asphalt, concrete, or pavers.

However, during an inspection it was discovered that the driveway was never improved to concrete, per the requirements of the Code and the approved Permit. As such, the Applicant has submitted this Variance request in order to allow for the driveway to remain as-is, with gravel paving instead of concrete.

According to the Narrative Statement as submitted by the Applicant, there is an existing electric line running under the driveway to the house, as well as east to west through the existing utility easement across the middle of the property. They would request that the driveway be allowed to remain gravel, to allow easier access to the utilities should repairs ever be required. Further stated, the Applicant believes the requested Variance is not substantial, would not be detrimental to public welfare, and would not substantially alter the character of the neighborhood.

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

As mentioned above, Section 1291.04(A)(4) of the Pataskala Code requires that driveways within a Platted Subdivision shall be paved with asphalt, concrete, or pavers. As this lot, 35-A of the Broad Main Heights Subdivision, is platted; any new or expanded driveway must meet these requirements.

There are existing gravel driveways within this subdivision, however, as they either existed prior to the adoption of this code they are ‘grandfathered’ in, or the owners received a Variance(s) to allow them. In this case, as a new driveway was being added back to the detached garage, it had to comply with the requirements of Section 1291.04(A)(4).

Zoning Inspector (Full comments attached)

During a routine permit audit, discovered Permit #21-136 never received a final inspection. Upon inspection (1/18/2023), only a portion of the driveway, between the road and up to the home, had been paved with concrete. The remaining driveway had been left as gravel. This was in violation of their approved permit, as such as courtesy notification was given on 1/18/2023 advising the property owner that they were in violation of Section 1291.04(A)(4).

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Homesteads of the Border Place (Single-Family Homes)
East	R-20 – Medium Density Residential	Single-Family Home
South	R-20 – Medium Density Residential	Single-Family Home
West	R-20 – Medium 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;*

- 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-23-001:

- None

Department and Agency Review

- Zoning Inspector – See attached.
- Public Service – No comments.
- City Engineer – No comments.
- SWLCWSD – 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:

- The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code 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 1291.04(A)(4) of the Pataskala Code for variance application VA-23-001 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Felix Dellibovi](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review Memo for 03-14-2023
Date: Wednesday, February 22, 2023 2:20:36 PM
Attachments: [VA-23-001\(1\).png](#)
[VA-23-001\(2\).png](#)
[FW FW Pataskala Zoning - 2010 Pine Hills Drive - Patio.msg](#)
[image003.png](#)

VA-23-001:

A driveway permit application (#21-136) was submitted on 3/15/2021 where a concrete driveway was to be installed on the property located at 163 Meadow Way. Under the conditions section of the permit, it was stated that the "driveway shall be finished in concrete within one (1) year from date of approval". The permit application was approved on 3/23/2021. *(See attached pictures VA-23-001(1) and VA-23-001(2))*

During a routine permit audit, it was discovered that the permit application was never final inspected. Upon inspection of the property on 1/18/2023 it was observed that half of the driveway was made concrete; however, the other half of the driveway was left as gravel.

A courtesy notification was given on 1/18/2023 advising that constructing a gravel driveway in a platted subdivision is prohibited; pursuant to Section 1291.02(A)(4) of the City Codified Ordinances. A courtesy letter advising the previously mentioned code violation was sent on 1/27/2023, and a violation letter was sent on 2/6/2023.

VA-23-002:

While conducting a routine audit of previous years permit applications, I came across patio permit application #20-549 for the property located at 2010 Pine Hills Drive. This permit was submitted on 9/1/2020 and never processed due to the property owner needing a variance in order to proceed with the patio. Upon inspection of the property on 2/6/2023 it was observed that a patio had been installed but did not have the approved permit. Part of the patio was constructed in the easement. An email was sent out by the Planning and Zoning Clerk Lisa Paxton on 7/1/2021 inquiring if the patio was still being constructed and advising that they would need an updated site plan due to the patio being in the easement. *(See attached email)*

A courtesy notification was made on 2/6/2023 advising that a zoning permit is required for the construction of a patio per Section 1209.02 of the City Codified Ordinances. A courtesy letter advising the previously mentioned code violation was sent on 2/14/2023, and a violation letter was sent on 2/22/2023.

CU-23-001:

I received a complaint regarding a dog daycare business that was being operated without proper permitting on the property located at 239 Sims Road. A courtesy notification was made on 1/23/2023 advising that operating a business in a residential district requires a conditional use per Section 1267 of the City Codified Ordinances. A courtesy letter was sent on 1/27/2023 advising the previously mentioned code violation, and a violation letter was sent on 2/6/2023.

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 and understand the requirements for a driveway. Also, I authorize City of Pataskala staff to inspect the property as necessary as it pertains to this application.

Applicant (Required):

Patrick G. Allen

Date:

3-15-21

Property Owner (Required):

Patrick G. Allen

Date:

3-15-21

Zoning Inspector

☒ Approved

☐ Disapproved

PZC/BZA Application Number: N/A

Zoning Inspector:

J. Allen

Approval Date:

3/23/2021

Expiration Date:

3/23/2022

Conditions:

1. Driveway shall be finished in concrete within one (1) year from date of approval.
2. Driveway concrete shall be minimum depth of 4 inches.



DRIVEWAY PERMIT APPLICATION

(Pataskala Codified Ordinances Sections 1121.13 and 1291.02)

Property Information	
Address: 163 MEADOW WAY S.W.	
Parcel Number: 063.143958-00.000 LOT 36-A	
Zoning: R-20	Acres: .927

Applicant Information		
Name: PATRICK A. ALLEN		
Address: 163 MEADOW WAY S.W.		
City: PATASKALA	State: OH.	Zip: 43062
Phone: 614-905-0276	Email: darraddress@outlook.com	

Staff Use
Application Number: 21-136
Fee: \$30.00
Filing Date: 3/15/2021
Receipt Number: 21722



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT


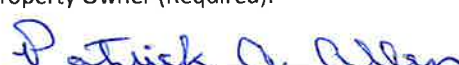
621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: 163 MEADOW WAY S.W.		Application Number: VA-23-001
Parcel Number: 063-143958-00.000		Fee: \$300 Cash or Check
Zoning: R-20	Acre: .927	Filing Date: 1-24-2023
Water Supply: <input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: 3-14-2023
Wastewater Treatment: <input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Receipt Number: 000980
Applicant Information		Documents
Name: PATRICK A. ALLEN		<input checked="" type="checkbox"/> Application
Address: 163 MEADOW WAY S.W.		<input checked="" type="checkbox"/> Fee
City: PATASKALA	State: OH Zip: 43062	<input checked="" type="checkbox"/> Narrative
Phone: 614-905-0276	Email: DARNADDRESS@OUTLOOK.COM	<input checked="" type="checkbox"/> Site Plan
Property Owner Information		<input checked="" type="checkbox"/> Deed
Name: PATRICK A. ALLEN		<input checked="" type="checkbox"/> Area Map
Address: 163 MEADOW WAY S.W.		
City: PATASKALA	State: OH Zip: 43062	
Phone: 614-905-0276	Email: DARNADDRESS@OUTLOOK.COM	
Variance Information		
Request (Include Section of Code): 1291.02(A)(4)		
Describe the Project: THE MAIN ELECTRIC POWER LINE RUNS UNDER THE DRIVEWAY TO THE HOUSE. IF REPAIRS HAD TO BE MADE IT WOULD BE COSTLY TO REPLACE CONCRETE OR ASPHALT. THAT IS THE REASON FOR USING GRAVEL.		

Documents to Submit	
Variance Application: Submit 1 copy of the variance application.	
Narrative Statement: Submit 1 copy of a narrative statement explaining the following:	
<ul style="list-style-type: none"> 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: 	
YES	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;
NO	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;
NO	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.
<ul style="list-style-type: none"> 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:	
<ul style="list-style-type: none"> 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: 1-24-23
Property Owner (Required): 	Date: 1-24-23



January 19, 2023

Felix Dellibovi
City of Pataskala Planning and Zoning Department
621 West Broad Street
Suite 2A
Pataskala, 43062

We the neighbors of Patrick and Susan Allen, Parcel Number 063-143958-00.000, have no objections with the gravel driveway running from the back edge of the house to the new pole building.

Brody Egan 1-19-23 184 Meadow Way SW

Shawn Menz 1-19-23 137 Meadow Way SW

Conrad Messer 1-19-23 191 Meadow Way SW

Peggy Madden 1-19-23 158 Meadow Way SW

TRANSFER NOT NECESSARY

Date

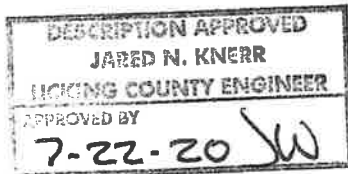
July 22 2020
Mildred CR

Licking County Auditor



202007220018008

Pgs:2 \$34.00 T20200015458
7/22/2020 3:21 PM MEPPATRICK AL
Bryan A. Long Licking County Recorder



QUIT-CLAIM DEED

Patrick A. Allen and Susan E. Allen, Trustees under the Allen Family Trust Agreement dated the 19th day of December, 1995, of Licking County, Ohio, for valuable consideration paid, grant to Patrick A. Allen and Susan E. Allen, Trustees under the Allen Family Trust Agreement dated the 19th day of December, 1995, their successors and assigns, whose tax-mailing address is 163 Meadow Way, Pataskala, Ohio 43062, the following real property:

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

Being Lot No. 35A, formerly Lots 35 & 54, in BROAD-MAIN HEIGHTS, as the same is numbered and delineated in the recorded plat thereof, of record in Plat Book 7, Pages 50 and 51, Recorder's Office, Licking County, Ohio.

Parcel # 063-143958-00.000
(163 Meadow Way SW, Pataskala, Ohio 43062)

Subject to easements, covenants and conditions of record.

Prior Instrument References: 201409040017045; 201001250001542.

In Witness Whereof, Patrick A. Allen and Susan E. Allen, Trustees, hereunto have set their hands, this 21st day of July, 2020.

Patrick A. Allen
Patrick A. Allen


Susan E. Allen
Susan E. Allen

011505601P0786035000

State of Ohio
County of Franklin:

The foregoing instrument was acknowledged before me this 21st day of July, 2020 by
Patrick A. Allen and Susan E. Allen.

Witness my official signature and seal on the day last above mentioned.


NOTARY PUBLIC

Prepared by:
William T. Bonham, Attorney at Law
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