



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

September 13, 2016

#### Variance Application VA-16-019

<b>Applicant:</b>	Fraker Family Trust – Chris Gray
<b>Owner:</b>	Lewis & Betty Fraker
<b>Location:</b>	7000 Creek Rd.
<b>Acreage:</b>	4.3 Acres
<b>Zoning:</b>	AG – Agriculture District
<b>Request:</b>	Requesting a variance from Section 1203.03 of the Pataskala Code to allow an accessory use on a lot without a principle structure.

#### Description of the Request:

The applicant is requesting a variance to allow an existing pole barn to be on a lot without a principle structure.

#### Staff Summary:

The property currently contains a 1,147 square foot home constructed in 1988 and an approximately 3,100 square foot detached pole barn used as storage and a workshop. The applicant is proposing to split the property effectively creating one lot equal to 1.954 Acres with the workshop on it on the north side of the property and one lot equal to 2.354 Acres with the main dwelling on it on the south side.

The applicant has submitted Rezoning Application ZON-16-005 to rezone the property from AG – Agriculture District to R-20 – Medium Density Residential District. The minimum lot requirements in an R-20 District is a width of 100 feet and a minimum square footage of 20,000. The property would conform with the approval of the proposed zone change requirements.

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

Accessory buildings may be located on a parcel without a principal structure if the accessory building is agriculturally exempt, meaning the accessory building is used only for agricultural purposes as defined by ORC 3781.06 and is located on a property greater than 5 (five) acres.

**Surrounding Area:**

Direction	Zoning	Land Use
North	AG – Agriculture	Recreation Center
East	R-7 – Village Single Family Residential	Vacant
South	AG – Agriculture	Sewer Plant
West	M-1 – Light Industrial AG – Agriculture	Manufacturer Cemetery

**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-16-019:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Utilities Department – No Comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- South West Licking Heights School District – No comments

**Modifications:**

Should the Board choose to approve the applicant's request, the following modifications may be considered:

1. The applicant shall obtain all necessary permits from the City of Pataskala if an additional driveway access is installed.

**Resolution:**

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to (approve/disapprove) variance from Section 1203.03 of the Pataskala Code for variance application VA-16-019 ("with the following modifications" if modifications are to be placed on the approval)."



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### VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: 7000 Creek Rd.		Application Number:
Parcel Number: 064-068808-02.000		VA-16-019
Zoning: AG	Acres: 4.3	Fee:
Water Supply:		\$300
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		Filing Date:
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	8-5-16
<input type="checkbox"/> On Site		Hearing Date:
		9-13-16

Applicant Information		
Name: Fraker Family Trust - Chris Gray		
Address: G Mill St.		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-404-2018	Email: chrisgray100@gmail.com	

Owner Information		
Name: Lewis + Betty Fraker Estate		
Address: 7000 Creek Rd.		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-404-2018	Email: chrisgray100@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"/> Address List
<input checked="" type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code): 1203.03
Allow an accessory use on a lot without a principal structure
Describe the Project:

### Documents to Submit

**Variance Application:** Submit 14 copies of the variance application.

**Narrative Statement:** Submit 14 copies 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.*

**Site Plan:** Submit 14 copies of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- 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 at [www.lcounty.com/rec](http://www.lcounty.com/rec).

**Address List:** Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

**Area Map:** Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

### 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:

*Christine R. Gray*

Date:

*8-5-16*

Owner:

*Christine R. Gray*

Date:

*8-5-16*

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## 7000 Creek Road - Fraker Family Trust

1 message

VA-16-019

**Gina Kaetzel** <glkusa@icloud.com>

Wed, Aug 10, 2016 at 10:44 PM

To: chrisgray100@gmail.com

To Whom It May Concern:

Thank you for reviewing and considering the request for the Fraker Family. As their real estate agent, I was chosen to sell their house due to the friendship between myself and Betty Fraker, their mother, who is now deceased.

The decision to sell the property has been a very emotional one, as the family would love to keep the house and pole barn. However, they all have their own homes, and are unable to keep both pieces, but would love to keep a piece of their parents by keeping the barn.

The family has met with me at this barn - like a piece of their home - gathering around outside, talking, laughing, and telling stories. It truly is a piece of "home" for them, a piece, I feel, their mother would love for them to be able to keep in the family.

Thank you for your time and consideration.

On behalf of the Fraker Family,

-Gina Kaetzel  
USA-1 Real Estate  
[614-402-3166](tel:614-402-3166)



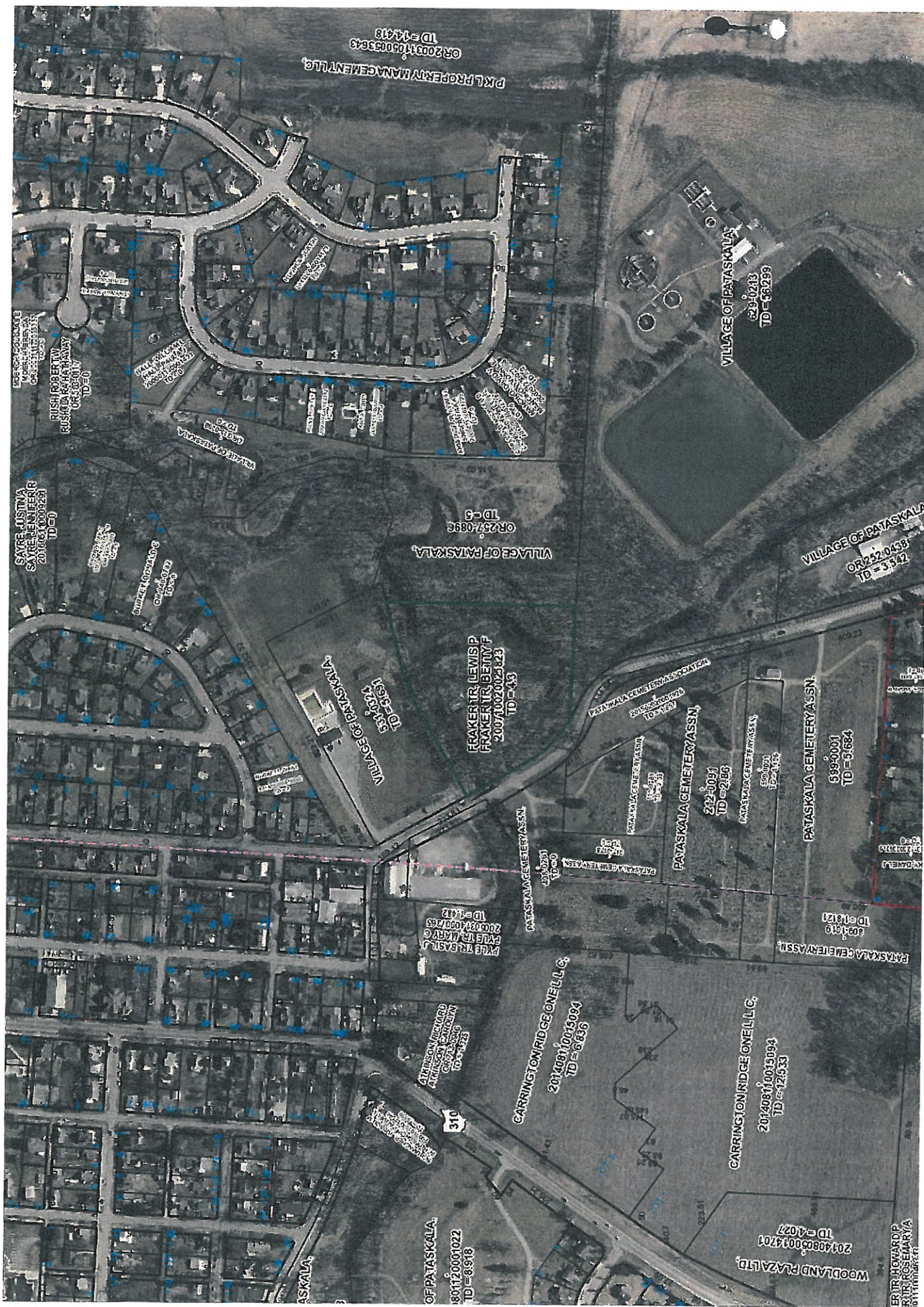
City of Pataskala - To Whom it may concern,

Our reason for this property split is. The property was our parents dream home for 26 years. The property is now left to us since our parents are no longer with us. The property has a sentimental value to us as it did to our parents.

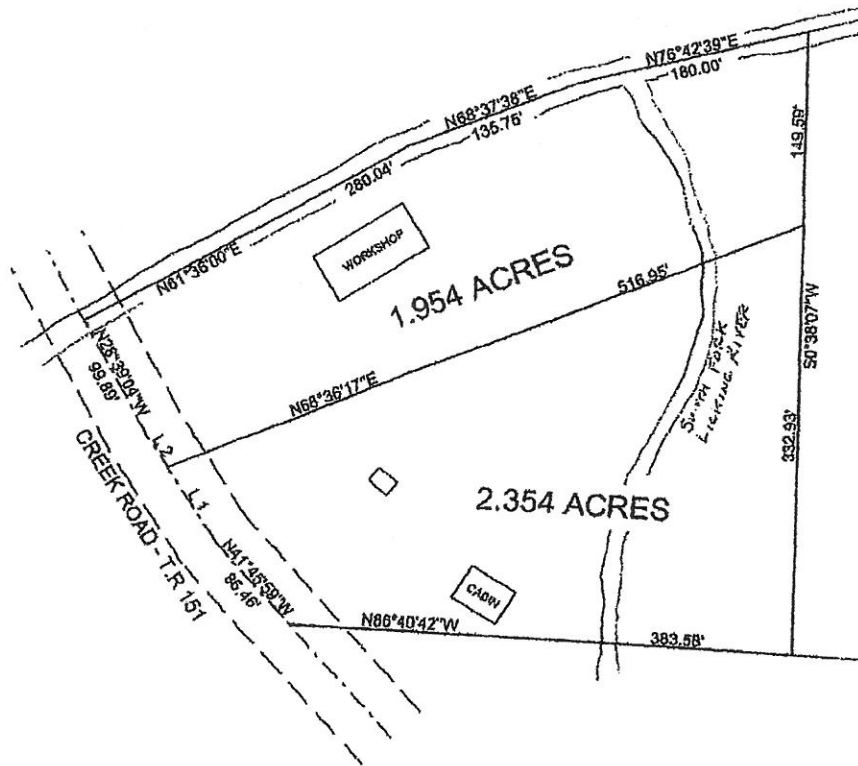
They would have wanted us to be able to keep property since we already have homes of our own + are not able to keep both pieces it is our wish to keep pole barn + it would be used for storage as it has always been. Would like to keep this pole barn in our family for years to come. Also make many more memories here as we did with our parents. We would keep property mowed + maintained as it has always been. We would appreciate your consideration on how much it would mean to us to be able to keep part of our parents property.

Chris Gray  
Todd Fraker









Line	Bearing	Distance
1	N32°47'06\"W	88.53'
2	N32°47'06\"W	31.48'

**From:** [Scott Fulton](#)  
**To:** [Zachary Cowan](#)  
**Cc:** [Alan Haines](#)  
**Subject:** FW: Variance App VA-16-019  
**Date:** Tuesday, August 16, 2016 4:19:59 PM

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Thank you Mr. Haines

**SCOTT FULTON**

Director of Planning  
City of Pataskala  
621 West Broad Street, Suite 2-A  
Pataskala, Ohio 43062  
Phone: 740-927-2168  
Cell: 614-907-6151  
Fax: 740-927-0228

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**From:** Alan Haines  
**Sent:** Tuesday, August 16, 2016 4:08 PM  
**To:** Scott Fulton <sfulton@ci.pataskala.oh.us>  
**Subject:** Variance App VA-16-019

Mr. Fulton,

The only effect I can think of that this would have with regard to the public service world is that if a new access is needed, they will need a R/W permit. I have no other comments or concerns at this time.

Thank you,

Alan W. Haines, P.E.  
Public Service Director  
City of Pataskala

621 W. Broad Street  
Suite 2B  
Pataskala, Ohio 43062

Office: 740-927-0145  
Cell: 614-746-5365  
Fax: 740-927-0228