



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

October 11, 2016

#### Variance Application VA-16-020

<b>Applicant:</b>	Alex Yazdani
<b>Owner:</b>	Alex Yazdani
<b>Location:</b>	1060 Legacy Ln.
<b>Acreage:</b>	0.25 Acres
<b>Zoning:</b>	R-10 - High Density Residential District
<b>Request:</b>	Requesting a variance from Section 1279.03(A)(1) of the Pataskala Code to allow a fence to exceed the maximum height limit in the front yard and a variance from Section 1221.05(D)(1) of the Pataskala Code to allow an accessory building in the front yard.

#### Description of the Request:

The applicant is seeking a variance to construct an accessory building and a five (5) foot fence in the front yard because the property is a corner lot.

#### Staff Summary:

The property currently contains a 2,800 square foot home constructed in 2005. The applicant is proposing to install a 5-foot-tall rear fence on a corner lot which the Pataskala Code requires two front yards on. The proposed fence would extend into the front yard north towards Florine Drive by 34 feet. According to Section 1279.03 of the Pataskala Code, fences may be up to a maximum height of four (4) feet in the front yard. In addition, the property owner is proposing to construct a 6 foot by 8 foot (48 square feet) shed in the front yard within the proposed fenced-in area of the yard. Section 1221.05 of the Pataskala Code states that an accessory building shall be located even with or behind the front of a principle structure. The proposed shed extends roughly eight (8) feet into the front yard towards Florine Drive.

#### Staff Review:

*\*The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

There are six other dwellings within 500 feet of the applicant that are also located on corner lots which have fences extended into the front yard. Most recently as of April 12, Variance Application VA-16-007 was approved for an accessory building and a fence to be installed in the front yard. That property is located at 1380 Florine Drive, across the street from the applicant.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-10 – High Density Residential	Single-Family House
East	R-10 – High Density Residential	Single-Family House
South	R-10 – High Density Residential	Single-Family House
West	R-10 – High Density Residential	Single-Family House

**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-16-020:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- 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 construct the accessory building addition as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the accessory building addition.

**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 1221.05(B)(1) and from Section 1279.03(1) of the Pataskala Code for variance application VA-16-020 ("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	
Address: 1060 LEGACY LN, PATASKALA, OH	
Parcel Number: 064-068124-00:025	
Zoning: R10	Acres: 0.25
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

Staff Use
Application Number: VA-16-020
Fee: \$300.00
Filing Date: 8-12-16
Hearing Date: 10-11-16

Applicant Information		
Name: ALEX YAZDANI		
Address: 1060 LEGACY LN		
City: PATASKALA	State: OH	Zip: 43062
Phone: 740-641-5863	Email: AFYPE@YAHOO.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

Owner Information		
Name: SAME		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code):
- 5' TALL FENCE IN FRONT YARD, FROM BACK CORNER TOWARD ROAD
- ACCESSORY Bldg. (6'x8') IN FRONT YARD.
Describe the Project:
Accessory Building Section 1221.05 (D) (1)
Fence Section 1279.03 (A) (1)

<b>Documents to Submit</b>	
<b>Variance Application:</b> Submit 14 copies of the variance application.	
<b>Narrative Statement:</b> Submit 14 copies of a narrative statement explaining the following: <ul style="list-style-type: none"> <li>• The reason the variance is necessary</li> <li>• The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code: <ol style="list-style-type: none"> <li><i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</i></li> <li><i>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;</i></li> <li><i>Whether the variance requested is substantial;</i></li> <li><i>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;</i></li> <li><i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i></li> <li><i>Whether the variance, if granted, will be detrimental to the public welfare;</i></li> <li><i>Whether the variance, if granted, would adversely affect the delivery of governmental services;</i></li> <li><i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i></li> <li><i>Whether the property owner's predicament can be obviated through some other method than variance;</i></li> <li><i>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,</i></li> <li><i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i></li> </ol> </li> </ul>	
<b>Site Plan:</b> Submit 14 copies of a site plan to scale of the subject property indicating the following: <ul style="list-style-type: none"> <li>• All property lines and dimensions</li> <li>• All existing and proposed buildings and structures.</li> <li>• Setbacks from property lines for all existing and proposed buildings, structures and additions</li> <li>• Easements and rights-of-way</li> <li>• Driveways</li> <li>• Floodplain areas</li> <li>• Location of existing wells and septic/aerator systems.</li> <li>• Any other information deemed necessary for the variance request</li> </ul>	
<b>Deed:</b> Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at <a href="http://www.lcounty.com/rec">www.lcounty.com/rec</a> .	
<b>Address List:</b> 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.	
<b>Area Map:</b> 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 <a href="http://www.lcounty.com/taxparcelviewer/default">www.lcounty.com/taxparcelviewer/default</a> .	

<b>Signatures</b>	
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:	Date: 8/12/16
Owner:	Date: 8/12/16

Reasons for requesting 5' fence around the back yard. & Accessory Bldg.

1. To provide privacy for myself and my family
2. To provide consistency as to the height, for all locations around the back yard.
3. To provide adequate screen for the above ground pool/spa which I plan to install.

A. As for Accessory Bldg., there is no other room  
to place it other than in the north side of house  
due to a narrower back lot than my other  
houses around me.

Alex Yazdani

1060 Legacy Lane

Pataskala, Ohio 43062







# Michael L. Smith

## Auditor, Licking County, Ohio

**YAZDANI ALEXANDER F**  
**1060 LEGACY LN**

Parcel #: 064-068124-00.025

Rt #: 064-058.49-001.000

1 of 1



Tax District: 064 - PATASKALA SW-LK LSD-WLJFD  
 School District: SOUTHWEST LICKING LSD  
 Neighborhood: 08102 Pataskala-Legacy Est  
 Classification: 510 Single family platted lot  
 Acreage: 0.25  
 Property Desc: LOT 16  
 LEGACY ESTATES  
 PHASE 1

### ATTRIBUTES

Story Height: 2  
 Exterior Wall: Frame  
 Heating: Central Warm Air  
 Cooling: Central  
 Basement: Pt Basement  
 Attic: None

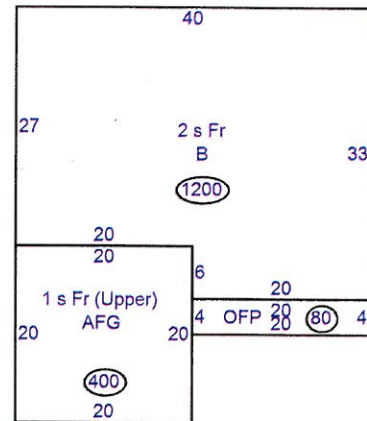
Total Rooms: 7.0  
 Bedrooms: 4.0  
 Family Rooms: 0.0  
 Dining Rooms: 0.0

Full Baths: 2.0  
 Half Baths: 1.0  
 Other Fixtures: 1.0

Year Built: 2005  
 Finished Living Area: 2,800

Fireplace Openings:  
 Fireplace Stacks:

Basement Garage(s):  
 Basement Finished: No



### AREA

First Floor: 1,200  
 Upper Floor: 1,600  
 Attic: 0  
 Half Story: 0  
 Crawl: 0  
 Basement: 1,200

### CURRENT VALUES

	Land	Improvement	Total
Market	32,400	117,900	150,300
CAUV	0	0	0

### SALES HISTORY

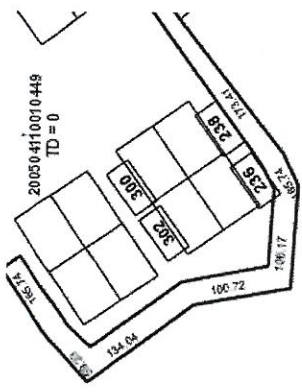
Pcl #	Instrument Type	Sale Price	Conv #	V	LO	Previous Owner
07/06/2009	1 EX - EXEMPT CONVEYANCE	0	99999	N	N	YAZDANI ALEXANDER F & SUSAN A
12/14/2005	1 JS - JOINT SURVIVORSHIP	184,398	4743	N	N	MARONDA HOMES INC OF OHIO
09/26/2002	55 WD - WARRANTY	486,000	03598	N	Y	HOOVLER TAMARA L ET AL
08/30/2002	1 UN - UNKNOWN	0	44444	N	Y	(Refer To Deed)

### IMPROVEMENTS

Description	Yr Built	SqFt	Value
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FOOR FARMS II L.L.C.  
201511100024512  
TD = 11.198

RUSSELL TR. MARY LOU  
JAMES & MARY LOU RUSSELL TRUST,  
200401140001487  
TD = 0

PATA SK ALA

Susan A. Yazdani, Grantor,  
 for valuable consideration paid, grant(s) to Alexander F. Yazdani, Grantee,  
 , whose tax-mailing address is  
 1060 Legacy Lane, Pataskala, Ohio 43062,

County, Licking in the State  
 the following **REAL PROPERTY**: Situated in the County of Licking  
 of Ohio and in the City of Pataskala ;  
 and further described as follows:

Being Lot Number Sixteen (16) in LEGACY ESTATES PHASE 1, as the same is  
 numbered and delineated upon the recorded plat thereof, of record in Plat  
 Book 17, pages 142 through 145, both inclusive, Recorder's Office, Licking  
 County, Ohio.

Parcel Number: 64-06812400.025

PRIOR INSTRUMENT #: 200512140039495

Prior Instrument Reference: Vol.

Page

of the Deed Records of

County, Ohio.

3 wife (husband) of the

Grantor releases all rights of dower therein.

EXECUTED this

day of

DESCRIPTION APPROVED TIM LOLLO LICKING COUNTY ENGINEER APPROVED BY 7/6/09 ALL
---

TRANSFERRED

Date

July 6 2009

Susan A. Yazdani, Grantor

Licking County Auditor

STATE OF "FLORIDA )  
 COUNTY OF Hillsborough)

SS:

SEC.319.202 COMPLIED WITH  
 J. TERRY EVANS, AUDITOR  
 BY RM EX-3

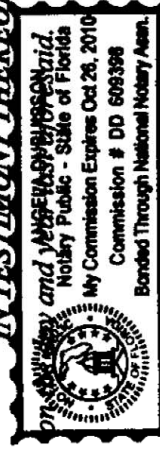
BE IT REMEMBERED, That on this 26<sup>th</sup> day of June , 2009 (Year) before me,  
 the subscriber, a Susan A. Yazdani

In and for said state, personally  
 came,

the Grantor(s) in the  
 voluntary act and deed.

seal

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my



This instrument was prepared by

Ronald P. Boeckman, Attorney at Law, P.O. Box 2312,  
 Heath, Ohio 43056. Phone: 740-522-8567

- 1 Name of Grantor(s) and marital status.
- 2 Description of land or interest therein, and encumbrances, reservations, exceptions, taxes and assessments, if any.
- 3 Delete whichever does not apply.
- 4 Execution in accordance with Chapter 5301 of the Revised Code of Ohio.

# Suit-Claim Deed

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*FROM*

usan A. Yazdani

*TO*

exander F. Yazdani

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