



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-16-024

Applicant:	Front Porch Investments, LLC
Owner:	Annie Nixon
Location:	Beeson Ave. – 064-308430-00.000, 064-308424-00.000
Acreage:	0.19 Acres & 0.19 Acres
Zoning:	R-15 – Medium-High Density Residential District
Request:	Requesting a variance from Section 1233.05(C) of the Pataskala Code to allow for the construction of two (2), Two-Family homes that would fail to meet the required front and side yard setbacks.

Description of the Request:

The applicant is seeking a variance to construct Two-Family Residential Homes on two lots which requires two side yard variances of five feet and one front yard variance of five feet per lot.

Staff Summary:

The two properties located between W. Broad St. and 3rd Ave. are currently vacant. The applicant is proposing to construct a Two-Family dwelling on each lot. Each structure would be two stories and roughly 2,900 square feet. Both structures are proposed to have a front yard setback of 30 feet and side yard setbacks of 15 feet on both sides of each structure. According to Section 1223.05 of the Pataskala Code, the front yard setback requirement is 35 feet while the side yard setback requirement is 20 feet.

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.*

The proposed setback variances of five feet are very minimal. At the requested front setbacks of 30 feet, the dwellings would be roughly 50 feet from the edge of the street. The average distance from the street in the surrounding area is 45 feet. Therefore, even with the variance, the structures would be further from the street than most houses in the area. In addition, many dwellings across the street on Beeson Avenue and 3rd Avenue have side yard setbacks of roughly (10) feet.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Vacant
East	R-15 – Medium-High Density Residential GB – General Business	Single-Family House Vacant
South	R-15 – Medium-High Density Residential	Single-Family House
West	R-15 – Medium-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-16-024:

- *To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots (it is suggested that no reduction should exceed 20% of the requirement);*
 - The proposed front yard setback reduction exceeds 16% of the requirement
 - The proposed side yard setback reduction exceeds 25% of the requirement

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See Attached
- Utilities Department – See Attached
- 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 dwellings 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 dwellings.

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 1233.05(C) of the Pataskala Code for variance application VA-16-024 ("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: <u>Beeson Ave Lots</u>		Application Number: <u>VA-16-024</u>
Parcel Number: <u>064-308430-00.000, 064-308424 00.000</u>		Fee: <u>\$300-</u>
Zoning: <u>R-15</u>	Acres: <u>0.19 / 0.19</u>	Filing Date: <u>9-19-16</u>
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: <u>10-11-16</u>
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		
Applicant Information		Documents
Name: <u>Front Porch Investments, LLC</u>		<input checked="" type="checkbox"/> Application
Address: <u>5667 York Rd SW</u>		<input checked="" type="checkbox"/> Fee
City: <u>Pataskala</u>	State: <u>OH</u> Zip: <u>43062</u>	<input checked="" type="checkbox"/> Narrative
Phone: <u>614-738-5790</u>	Email: <u>rentals@frontporchinvestments.com</u>	<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: <u>Annie B. Nixon</u>		
Address: <u>50 Vine St</u>		
City: <u>Pataskala</u>	State: <u>OH</u> Zip: <u>43062</u>	
Phone:	Email:	
Variance Information		
Request (Include Section of Code): <u>See Attached.</u>		
Describe the Project: <u>See Attached</u>		

Documents to Submit
Conditional Use Application: Submit 1 copy of the conditional use application.
<p>Narrative Statement: Submit 14 copies of a narrative statement explaining the following:</p> <ul style="list-style-type: none"> The reason the conditional use has been requested. The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code: <ol style="list-style-type: none"> <i>Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.</i> <i>Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.</i> <i>Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.</i> <i>Will not be hazardous or disturbing to existing or future neighboring uses.</i> <i>Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.</i> <i>Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.</i> <i>Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.</i> <i>Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.</i> <i>Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.</i> Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
<p>Site Plan: Submit 14 copies of a site plan to scale of the subject property indicating the following:</p> <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 conditional use request
<p>Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec</p>
<p>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.</p>
<p>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.</p>

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 conditional use request.	
Applicant:  member / Front Porch Investments, LLC	Date: 9/16/16
Owner: see Attached.	Date:

Variance Request Narrative

The subject lots are currently zoned Medium-High Density Residential District (R-15).

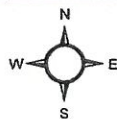
Front Porch Investments, LLC, Intends to construct two(2), Two-Family Residential Dwellings with one(1) building being erected per lot. The townhomes will be of contemporary design and in keeping with the general feel of architecture that exists throughout the City of Pataskala. Each townhome will be a two story, three bedrooms, two and a half baths with approximately 1450 square feet (per side). The front yard variance request is minimal (5 feet) and will place the front of these structures 50 feet from the street which is consistent with the average of the neighborhood. The side yard variance request is also minimal (5 feet) and would be 15 feet from the side lot line and is also consistent with the neighborhood. Our total proposed lot coverage is approximately 25% which is within current requirements. We believe that the proposed homes will add value to the surrounding neighborhood and are in keeping with the intent and spirit of current zoning.

1233.05 GENERAL REQUIREMENTS OF THE R-15 DISTRICT.

- A. Maximum Building Height: No building shall be erected or enlarged to exceed 35 feet.
- B. Lot Area and Width: Every lot for a single-family dwelling shall have a minimum width of at least 100 feet throughout and a minimum lot area of not less than 15,000 square feet. All lot area measurements shall be exclusive of road right-of-way.
- C. Setbacks and Yards: For all lots of record, see Section 1285.05C.
 - 1. Front Yard: There shall be a front yard of not less than 35 feet in depth.
 - 2. Side Yard: There shall be a side yard of not less than 20 feet on each side.
 - 3. Rear Yard: There shall be a rear yard of not less than 25 feet.
 - 4. Corner Lots: The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard.
- D. Maximum Lot Occupancy: The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for non-residential uses shall be 30%.



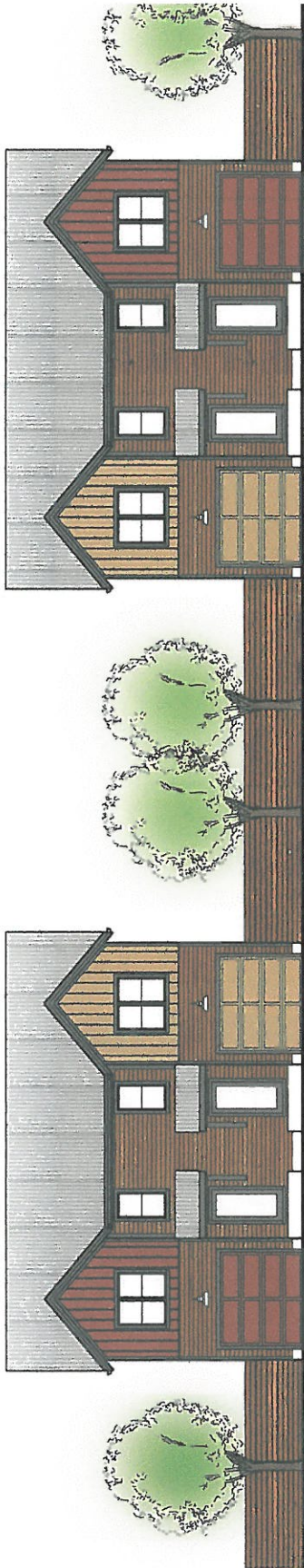
September 7, 2016



0 100 Feet
0.02 Miles

LICKING COUNTY TAX MAP





PROPOSED EAST ELEVATION



To Whom It May Concern:

I, Annie B. Nixon authorize Front Porch Investments, LLC to pursue a zoning variance(s), with the City of Pataskala Board of Zoning Appeals, on the following parcel numbers:

064-308424-00.000,
064-308430-00.000,
064-308436-00.000

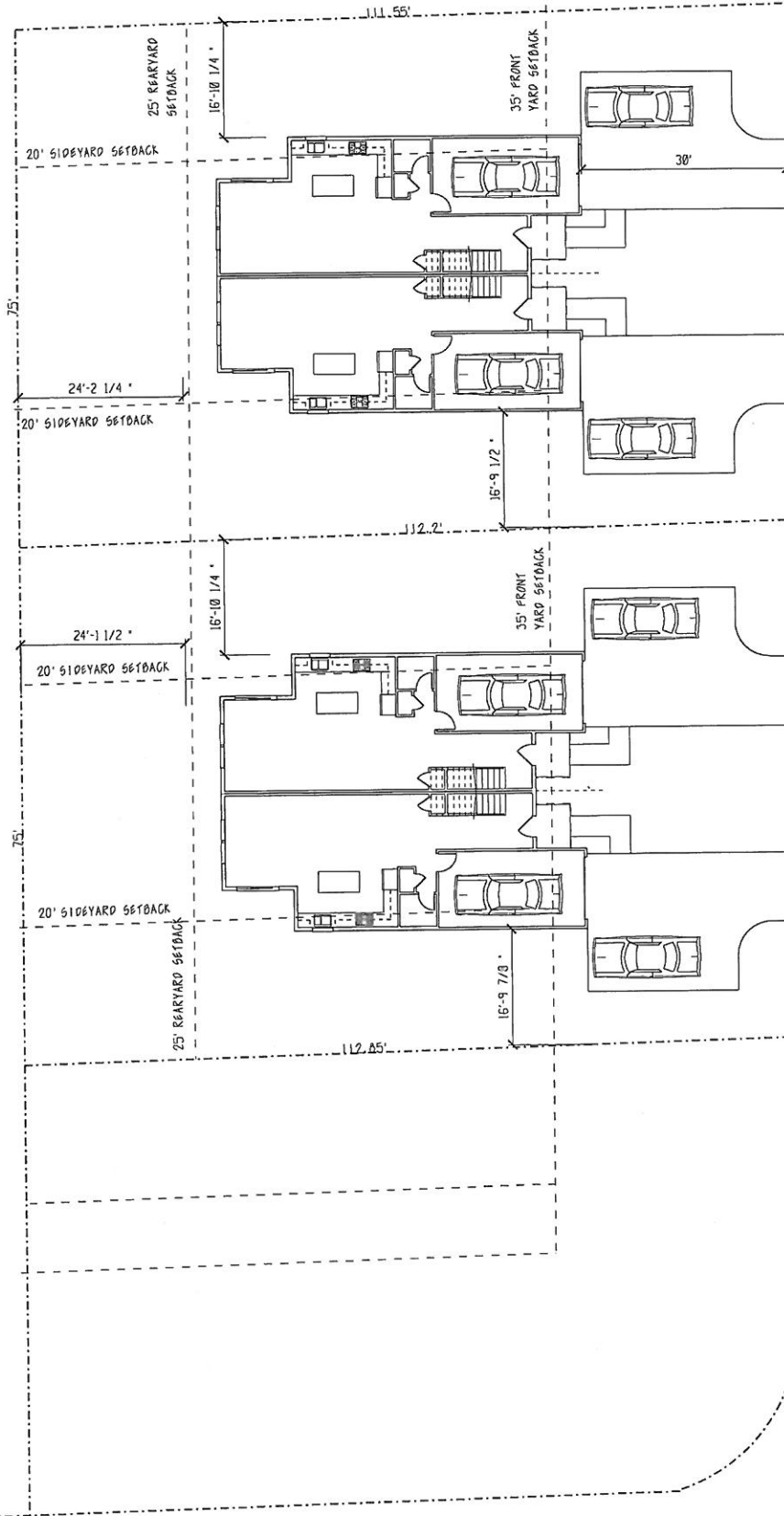
Sincerely,

Annette Truex - POA for Annie B. Nixon

Annie B. Nixon (POA: Annette Truex)

9-16-16

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-935-0944



DESSON AVENUE

3 AVE

PROPOSED
SITE PLAN

SCALE: 1/16" = 1'-0"





Front Setback Distances:

Avg from Road = 45 FT
Avg from Property Line = 29 FT

Distance between Property Line and Street.

Average = 16 FT
West side of Beeson = 20 FT

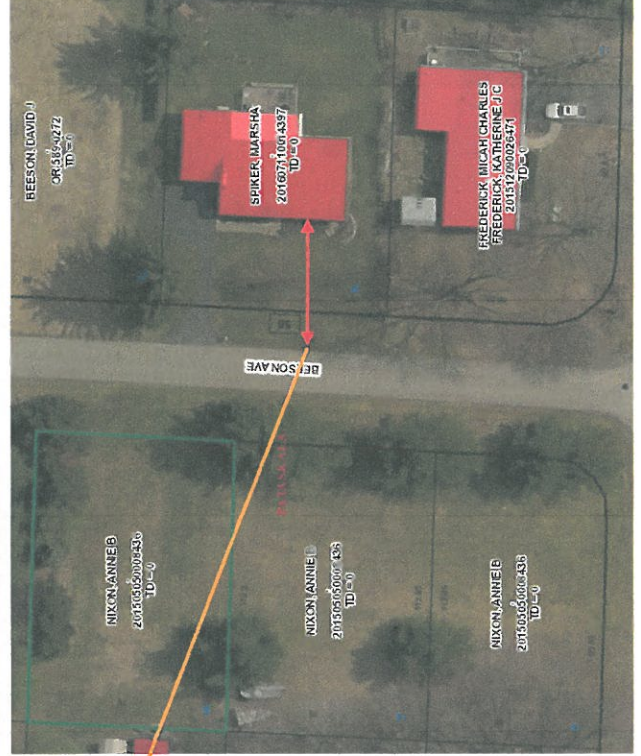
Front easement is 4 FT larger than neighboring lots

30 FT from Property Line
+ 20 FT from Property Line to Street
= 50 FT from Street

vs Avg 45 FT from Street.

@ 30 FT Setback, house would sit back further than most.

@ 25 FT Setback, house would be similar to surroundings.



Beeson Neighbor Setbacks

50 FT from Road
35 FT from Property Line

ESTATE OF Charlie Paul Nixon aka C. Paul Nixon

, DECEASED

CASE NO.

20150293

CERTIFICATE OF TRANSFER

NO. 1

[Check one of the following]

☐ Decedent died intestate.☒ Decedent died testate.

Decedent died on 04/02/2015 owning 100% real property described in this certificate. The persons to whom such real property passed by devise, descent or election are as follows:

Name	Residence Address	Transferee's share of decedent's interest
Annie B. Nixon	50 Vine Street Pataskala, OH 430632	Entire

DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER

APPROVED BY
Wm C. Lozier 5-5-15



01150584605143001000



01150584605143002000



01150584105143016000



01150584605143008000



01150584105143017000

[Complete if applicable] The real property described in this certificate is subject to a charge of \$_____ in favor of decedent's surviving spouse, Annie B. Nixon in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

12.1 - CERTIFICATE OF TRANSFER

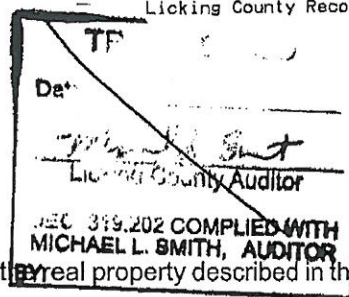
Amended: March 1, 2014

Discard all previous versions of this form



201505050008436

Pgs: 2 \$28.00 T20150010346
05/05/2015 12:36PM BXHAYES LAW
Bryan A. Long
Licking County Recorder



(Reverse of Form 12.1)

CASE NO. **20150293**

The legal description of decedent's interest in the real property subject to this certificate is: [use extra sheets, if necessary].

Situated in the State of Ohio, County of Licking, former Township of Lima, now by merger the City of Pataskala and being further bounded and described as follows:
Being Lots No. Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty-eight (28), and Twenty-nine (29), of Beeson's Subdivision in said Township of Lima (now City of Pataskala), as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 5, pages 143 and 144, Plat Records, Recorder's Office, Licking County, Ohio.

Subject to all planning, zoning and other governmental land use regulations and restrictions, if any, and all easements, leases, street and highway rights of way and any and all other conditions of record, if any, especially, but not limited to the restrictions agreement recorded Vol. 461, page 151; easements recorded in Vol. 598 page 262 and Vol. 617 page 111 and Vol. 617 page 123, Recorder's Office, Licking County, Ohio.



Prior Instrument Reference: Instrument Number 201305140012434, 201305140012435, 201305140012436, Official Records and Volume 571, Page 435, Deed Records, Licking County, Ohio
Parcel No: 064-310872-00.000, 064-310878-00.000, 064-308436-00.000, 064-308430-00.000, 064-308424-00.000, 064-309330-00.000

This instrument was prepared by W. Scott Hayes

ISSUANCE

This Certificate of Transfer is issued this 24 day of April, 2015.

Robert H. Hoover

Robert H. Hoover, Judge

AUTHENTICATION

I certify that this document is a true copy of the original Certificate of Transfer No. 1 issued on 4/24/15 and kept by me as custodian of the official records of this Court.

APR 24 2015

Date



JUDGE ROBERT H. HOOVER

Robert H. Hoover, Judge

By *[Signature]*
Deputy Clerk

From: [Scott Fulton](#)
To: [Zachary Cowan](#)
Subject: FW: October 11 BZA Packet
Date: Monday, September 26, 2016 4:10:15 PM

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

From: Jim Roberts [mailto:jroberts@hullinc.com]
Sent: Sunday, September 25, 2016 5:23 PM
To: Scott Fulton <sfulton@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>
Cc: Scott Haines <shaines@hullinc.com>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: October 11 BZA Packet

Scott, JHA has spent some time reviewing the cases on the agenda for the October 11, 2016 Board of Zoning Appeals hearing.

Most of the cases are more zoning related and require no engineering comments. I would mention that many of the cases seem to involved accessory buildings that are larger than permitted, so we would point out as a general comment that all of those cases need to ensure no drainage concerns are created for any abutting properties with the projects.

We do have a comment on cases VA-16-024 and CU-16-008, which both apply to the property on Beeson Avenue. These two cases concern placing duplexes on single lots, and both show adding two drives to each lot. In addition, the drives as drawn do not have widened approaches. While we did not see a prohibition of having two drives on a single lot, this it typically not permitted. The lots are not wide, so the drive spacing would also not be acceptable.

We are happy to discuss these concerns if you wish to pursue them further with us. Just let us know and we can talk by phone or in person.

Let us know if we can help in any other way. Thanks!

Jim

James G. Roberts, P.E.
PRESIDENT

Jobes Henderson

From: [Nathan Coey](#)
To: [Zachary Cowan](#); [Scott Fulton](#)
Subject: Review Memo
Date: Thursday, September 22, 2016 11:00:47 AM

VA-16-020 : No comments

VA-16-024 & CU-16-008 : Just FYI to the owner. If approved we will need to have a discussion with the owner about water and sewer connection fees. At minimum we will require a 1 inch water tap for each building at a total capacity fee cost of \$16,050 plus \$1000 meter fee. Sewer capacity fee based on 1 inch water service will be \$13,910. Estimate based on 2, 1 inch water services and 2 sewer service taps for a grand total of \$30,960 for 2 units. I want them to be aware of this cost as they start through the process so there are no surprises. We will meter and bill each building, we will not provide sub metering for each unit.

CU-16-007 : Onsite private well needs abandoned. A water backflow prevention device will need to be installed per regulations. Water service will not be reinstated until these items are complete.

Nathan W. Coey
Utility Director
City of Pataskala
621 W. Broad Street
Suite 1-D
Pataskala, Ohio 43062
Office: 740-927-4134
ncoey@ci.pataskala.oh.us

“Integrity is doing the right thing, even when no one is watching.”

C.S. Lewis