



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

November 8, 2016

Variance Application VA-16-025

Applicant:	Robert King
Owner:	Robert King
Location:	176 W. Mill St.
Acreage:	0.17 Acres
Zoning:	R-7 – Village-Single Family Residential District
Request:	Requesting a variance from Section 1237.05(C) of the Pataskala Code to allow for the construction of a home addition that would fail to meet the required front setbacks.

Description of the Request:

The applicant is seeking a variance to construct a 16' x 44' (704 square feet) home addition that extends into the required 25-foot front yard setbacks. Two front yard setback variances are required because it is located on a lot that has three (3) front yards.

Staff Summary:

The property currently contains an existing 800 square foot home built in 1940 and a 240 square foot detached garage. The applicant is proposing to construct a 704 square foot addition with a 112 square foot front porch. The addition extends 16 feet toward Licking Street, leaving a nine (9) foot setback. The proposed porch in front of the addition extends seven (7) feet toward Mill Street, leaving a twenty (20) foot setback. According to Section 1237.05 of the Pataskala Code, the front yard setback requirement is 25 feet. The property is located on a corner lot with three front yards.

Staff Review:

The following review does not constitute recommendations but merely conclusions and suggestions based on the summary

The property is located in an area with small lots where most dwellings do not meet the minimum setback requirements. Many dwellings have smaller front yard setbacks than what is proposed. The Public Service Director and Utilities Director have commented that the proposed addition would be clear of the right-of-way and any utilities.

Surrounding Area:

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Single-Family House
East	R-7 – Village Single Family Residential	Single-Family House
South	R-7 – Village Single Family Residential	Single-Family House
West	R-7 – Village Single Family 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-16-025:

- b. 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 toward Licking Street exceeds 64% of the requirement
 - The proposed side yard setback reduction toward Mill Street exceeds 20% of the requirement

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- 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 home 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 home 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 1237.05(C) of the Pataskala Code for variance application VA-16-025 ("with the following modifications" if modifications are to be placed on the approval)."

From: [Alan Haines](#)
To: [Zachary Cowan](#)
Cc: [Nathan Coey](#); [Scott Fulton](#)
Subject: BZA Review Memo 11-8-16 - VA-16-025
Date: Friday, October 21, 2016 1:55:36 PM

Zach,

My concern on this VA was that the addition could impact right-of-way, or operations therein; specifically, if there were a utility in the right-of-way or in an easement near the proposed structure. Reviewing this property on-site and on GIS, it does not appear to me that we have these types of issues. I would ask that Mr. Coey confirm my understanding, and if this is correct, then I have no further comment on the VA, or any of the others listed in the subject memo.

Regards,

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

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

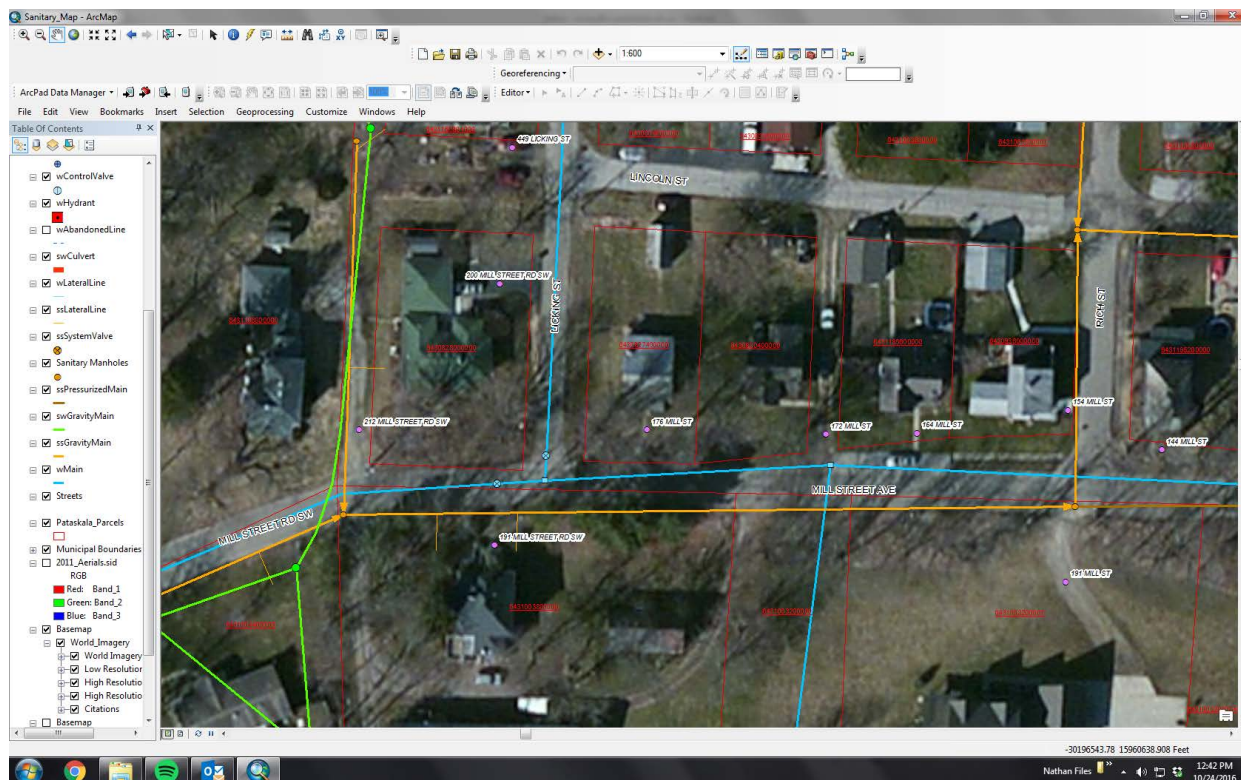
Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228

From: Nathan Coey
To: Alan Haines; Zachary Cowan
Cc: Scott Fulton
Subject: RE: BZA Review Memo 11-8-16 - VA-16-025
Date: Monday, October 24, 2016 12:49:18 PM
Attachments: [sanitarymap.png](#)

VA-16-025

Regarding this matter, Scott maybe we do like we have in the past and require a sign off process/affidavit. Water main is on Mill and Licking. Sewer is on Mill and there is some on Lincoln that has not been added to the GIS yet. Obviously they cannot build a permanent structure in the right of way and the utilities should be out of reach of this addition.

Given the current temperature of the legislators, I don't think I can say no to this work. Just make them aware that utilities are close and some day we may need to excavate or repair.



Nathan W. Coey
Utility Director
City of Pataskala
621 W. Broad Street
Suite 1-0
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

From: Alan Haines
Sent: Friday, October 21, 2016 1:56 PM
To: Zachary Cowan <zcowan@ci.pataskala.oh.us>
Cc: Nathan Coey <ncoey@ci.pataskala.oh.us>; Scott Fulton <sfulton@ci.pataskala.oh.us>
Subject: BZA Review Memo 11-8-16 - VA-16-025

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Regards,

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



CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
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VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: 176 W. Mill St		Application Number: VA-16-025
Parcel Number: 064-308 274.00-000		Fee: \$300 ⁰⁰
Zoning: R7	Acres: .17	Filing Date: 10/10/16
Water Supply: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		Hearing Date: 11/8/16
Wastewater Treatment: <input checked="" type="checkbox"/> City of Pataskala <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site		

Applicant Information		Documents
Name: Robert A King		<input checked="" type="checkbox"/> Application
Address: 176 W. Mill St		<input checked="" type="checkbox"/> Fee
City: Pataskala	State: Oh	<input checked="" type="checkbox"/> Narrative
Zip: 43062		<input checked="" type="checkbox"/> Site Plan
Phone: 614-596-6757	Email: bkking2001@yahoo.com	<input checked="" type="checkbox"/> Deed
		<input checked="" type="checkbox"/> Address List
		<input checked="" type="checkbox"/> Area Map

Owner Information	
Name: Robert A King	
Address: 176 W. Mill St	
City: Pataskala	State: Ohio
Zip: 43062	
Phone: 614-596-6757	Email: bkking2001@yahoo.com

Variance Information
Request (Include Section of Code): 1237.05 C1
Describe the Project: To add a addition 16 X 44 to West side of house. My house set's on corner of 3 streets: Adding Porch with new addition AS well.

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.

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.

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:

Robert A King

Date:

10-10-16

Owner:

Robert A King

Date:

10-10-16

Robert A. King
176 W. Mill Street
Pataskala, Ohio 43062

October 14, 2016

City of Pataskala Board of Zoning Appeals
City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

Reason for Variance Request

I have been a resident of the City of Pataskala for the past six years and would like to remain at my current address of 176 W. Mill Street Pataskala, Ohio 43062. The reason I am requesting the variance is due to my current marriage in September 2016. I have went from a family size of two to now five living in this location. I am currently in a two bedroom one bath home and would like to increase the size to a four bedroom two bath property.

There are numerous reasons I am requesting to build on the variance side. One, the design of

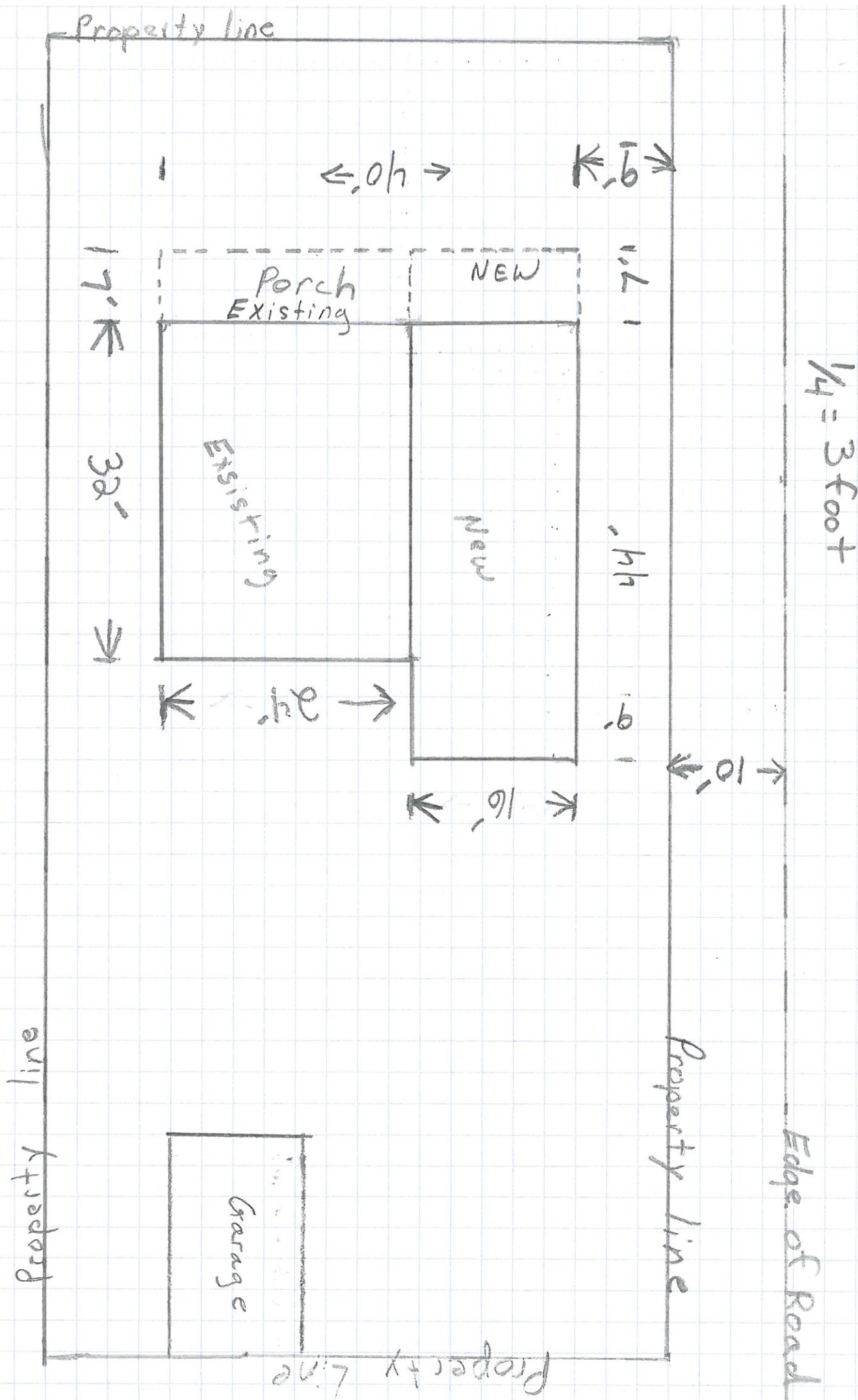
the addition would not flow properly if I chose to build out towards the back or on the opposite side. Two, the cost to build on the variance side is much more cost effective due to the flow of the interior of the home and not having to change the current floor plan. Lastly, due to the home being a corner lot and set backs of 25 feet from property lines. There are numerous homes in this area that are much closer to their property lines than what I am asking for with this variance request.

I would like to thank each one of you for taking this under consideration. My final goal is to increase and improve my property located at 176 W. Mill Street Pataskala, Ohio.

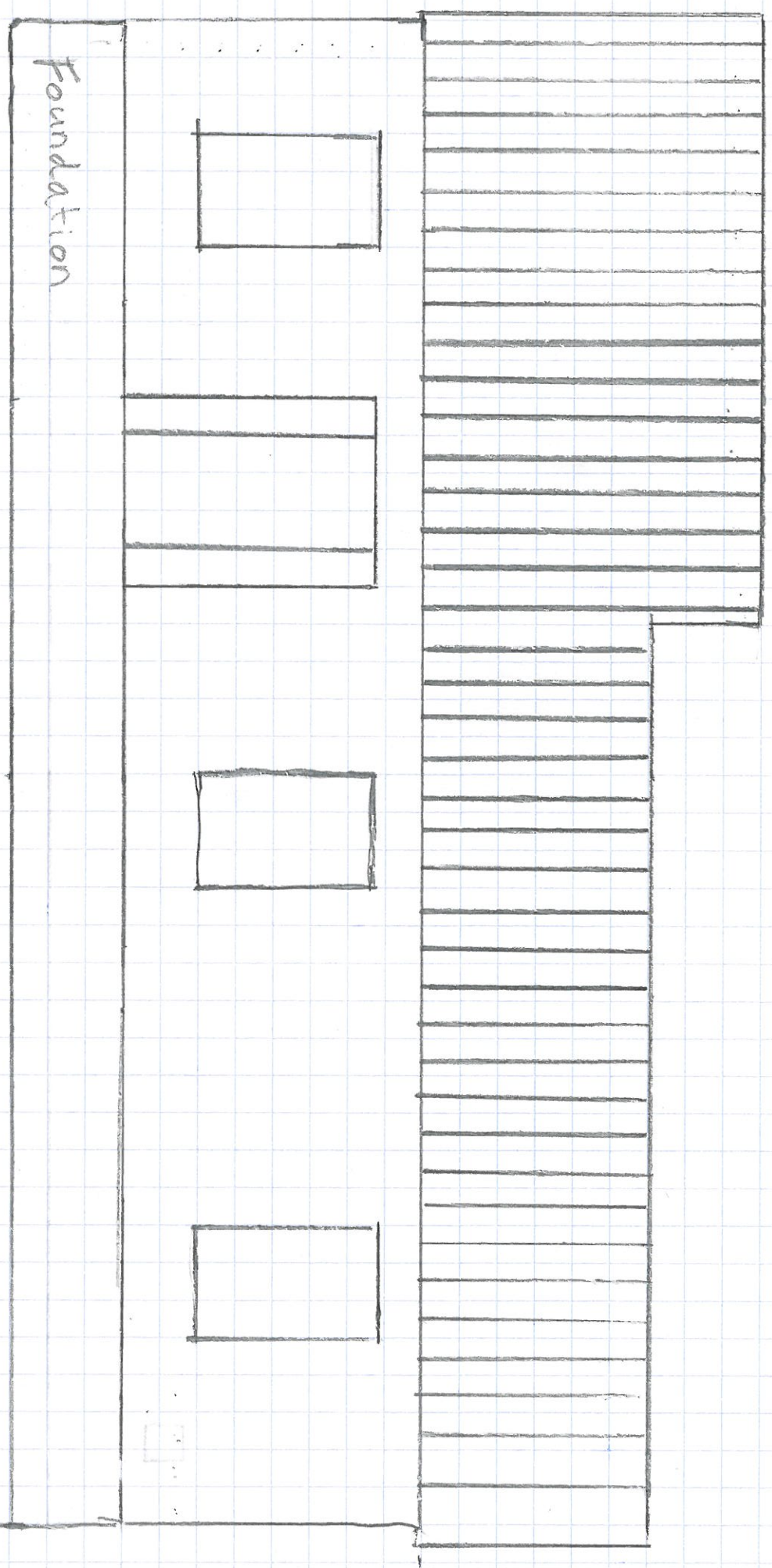
Robert A King

Loading...





NORTH VIEW
1/4 inch = 1 foot



EAST VIEW

1/4" = 1 Foot

