



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

November 8, 2016

Conditional Use Application CU-16-009

Applicant:	Christine Charyton
Owner:	Christine Charyton and John Elliot
Location:	4151 Mink St. SW
Acreage:	33.13 Acres
Zoning:	AG – Agriculture District
Request:	Requesting a conditional use pursuant to Section 1225.04(6) of the Pataskala Code to allow for a home occupation and from Section 1225.04(1) to allow the use of commercial stables.

Description of the Request:

The applicant is seeking a conditional use to allow for a psychology practice to be conducted from the residence as well as a conditional use to allow for the use of commercial horse stables.

Staff Summary:

The property currently contains a 1,666 square foot home constructed in 1988. The applicant is requesting a conditional use for a home occupation so that she can conduct her psychology practice from the residence. According to Section 1267.02 of the Pataskala code, this home occupation is classified as Type B, which means customers come to the site.

In addition, the applicant is proposing to construct a 220' x 80' (17,600 square feet) horse stable with an indoor arena. According to the applicant, the indoor arena would provide training for other riders in the community as well as an area to ride during inclement weather. Pursuant to Section 1255.04(1) of the Pataskala Code, a conditional use is required for commercial stables. The commercial stable is not a home occupation because the business will be conducted outside of the dwelling unit. According to Section 1203.03, a home occupation is identified as any activity carried out for gain by a resident in the resident's dwelling unit.

Staff Review:

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

Based on the criteria of home occupation, the staff sees no issue with the proposed psychology location. Any activities within the proposed stable would be further than 200 feet from the nearest neighboring property. The lot is also sufficiently landscaped on the surrounding property line. There are further conditions from Section 1215.05 that apply to the application. However, with the existing landscaping on the property and the proposed setbacks, there would be no issue with those conditions.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential AG - Agriculture	Single-family home Vacant
East	AG - Agriculture	Single-family home
South	R-87 – Medium-Low Density Residential AG - Agriculture	Single-family home
West	R-87 – Medium-Low Density Residential AG - Agriculture	Single-family home Licking Heights School

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. 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 the application.*
- 2. 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.*
- 3. 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.*
- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 5. 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.*
- 6. 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.*

7. *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 limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-16-009:

1. *Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.*
2. *All structures and activity areas should be located at least 100 feet from all property lines.*
4. *Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.*
5. *Such uses should be properly landscaped to be harmonious with surrounding residential uses in accordance with Chapter 1283.*
11. *The buildings shall be designed so as to conform with the architectural character of the neighborhood.*

Home Occupation Requirements

According to Section 1267.04 and 1267.05 of the Pataskala Code, there are several criteria that a home occupation must abide by. They are summarized below:

- One non-illuminated sign no larger than two (2) square feet in size in located less than 15 feet from the right of way, no larger than six (6) square feet in size if located more than 15 feet from the right of way is permitted.
- Customers may visit the site only during the hours of 7:00am to 9:00pm
- The site must remain residential in appearance and characteristics
- All activities must be in completely enclosed structures
- No exterior display of storage or equipment.
- The home must remain residential in character and appearance.
- Hazardous substances are prohibited.
- The maximum noise level is 50dBA as measured from the property line.
- No more than one truck associated with the home occupation shall be parked at the site.
- Deliveries to the site shall only occur between 8:00am and 5:00pm.

Department and Agency Review

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

Modifications:

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

1. A full site plan shall be submitted prior to the construction of the commercial stables.
2. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the commercial stables.
3. A home occupation permit shall be valid for a four-year period. It is the responsibility of the application to obtain a permit every four years pursuant to Section 1267.06(C)

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) a conditional use pursuant to Section 1225.04(6) and Section 1225.04(1) of the Pataskala Code for application CU-16-009 ("with the following modifications" if modifications are to be placed on the approval)."



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

Home Occupation & CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1213)

Property Information	
Address: 4151 MINIL ST SW PATASKALA OH 43062	
Parcel Number: 063-141138-01.007	
Zoning: AG	Acres: 33.13
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site

Staff Use
Application Number: CU-16-009
Fee: \$300
Filing Date: 10-6-16
Hearing Date: 11-8-16

Applicant Information		
Name: CHRISTINE CHAMBERLAND JOHN ELUJIPPO		
Address: 4151 MINIL ST SW		
City: PATASKALA	State: OH	Zip: 43062
Phone: 740.927.2640	Email: christine.chamberland@gmail.com	

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

20258
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

Conditional Use Information
Request (Include Section of Code):
1225.04(A) 1267.02(B) <i>plumsekin</i>
1225.04(1) <i>Commercial Stables</i>
Describe the Project:
BUILDING AN INDOOR ARENA (80X220X20)
USED FOR RIDING HORSES, TRAINING
HORSES, TRAINING RIDERS + POTENTIAL
COMPETITION + HOME OCCUPATION

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 14 copies of a narrative statement explaining the following:

- 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:
 1. *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.*
 2. *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.*
 3. *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.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *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.*
 6. *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.*
 7. *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.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.

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

- 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

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 conditional use request.

Applicant:



Date:

10.6.16

Owner:



Date:

10.6.16

Building the indoor arena:

1. Would help me be able to ride my horse and train him inclement weather.
2. Would help me obtain boarders for our horse farm since we do not have any boarders yet because they would like an indoor arena to ride their horse in inclement weather.
3. Would give me the opportunity to provide dressage, eventing and hunter jumper training for myself and other riders in the community with trainers that are willing to train horses and riders at our horse farm.
4. Would help build a sense of community among riders in our neighborhood.

Psychology Practice Opportunity:

1. The ability to serve and help the rural community and persons with their psychological needs in Licking County.
2. Provide individual, marital and family psychotherapy and assessment to the Licking County community that has a need for psychologists in Licking County available to help.
3. Using my ability as a psychologist to help children, adults and families with the opportunity of seeing a psychologist in a rural community with horses in a private and relaxed atmosphere that is in a separate location in the barn from the home residence.



Google

Licking County Tax Parcel Viewer



- Home
- Help
- Print
- Full Screen
- Layers
- Search
- Navigation
- Legend





DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
03/01/2016	201606003170	DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG (LCP)	99.00	0.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

AARON FALVO
4242 TULLER ROAD, SUITE B1
DUBLIN, OH 43017

**STATE OF OHIO
CERTIFICATE**

**Ohio Secretary of State, Jon Husted
3871790**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

CHRISTINE CHARYTON PHD, LLC

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG

Effective Date: 02/26/2016

Document No(s):

201606003170

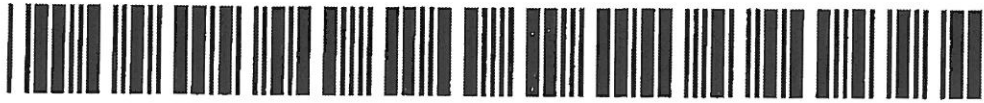


United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
1st day of March, A.D. 2016.

Jon Husted

Ohio Secretary of State



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
03/01/2016	201606003168	DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG (LCP)	99.00	0.00	0.00	0.00	0.00

Receipt

This is not a bill. Please do not remit payment.

AARON FALVO
4242 TULLER ROAD, SUITE B1
DUBLIN, OH 43017

**STATE OF OHIO
CERTIFICATE**

Ohio Secretary of State, Jon Husted

3871789

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

VESELKA FARMS, LLC

and, that said business records show the filing and recording of:

Document(s)

DOMESTIC FOR PROFIT LLC - ARTICLES OF ORG

Effective Date: 02/26/2016

Document No(s):

201606003168



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio this
1st day of March, A.D. 2016.

Jon Husted

Ohio Secretary of State

**EIN Assistant**

Your Progress:

1. Identity

2. Authenticate

3. Addresses

4. Details

5. EIN Confirmation

Congratulations! The EIN has been successfully assigned.EIN Assigned: **81-1766116**Legal Name: **VESELKA FARMS LLC**

The confirmation letter will be mailed to the applicant. This letter will be the applicant's official IRS notice and will contain important information regarding the EIN. Allow up to 4 weeks for the letter to arrive by mail.

We strongly recommend you print this page for your records.

Click "Continue" to get additional information about using the new EIN.

[Continue >>](#)**Help Topics**

[? Can the EIN be used before the confirmation letter is received?](#)

From: Jim Roberts
To: [Zachary Cowan](#)
Cc: [Scott Fulton](#); [Alan Haines](#); [Scott Haines](#)
Subject: BZA Review
Date: Monday, October 31, 2016 9:42:25 PM

Zack, JHA has reviewed the items on the agenda for the November 8, 2016 Board of Zoning Appeals meeting. We offer comments below on the cases where we have comments. If no comments are listed, we did not have any issues or concerns from an engineering perspective on the case.

Case CU-16-007 299 W. Broad Street

- It is difficult from the aerial to determine the layout of the property, but a car repair facility does generate a steady flow of traffic during business hours. The city needs to be sure no traffic or safety concerns will be created by this use of the property.
- Adequate parking must be available for both cars to be worked on and customers.
- Drainage is also a key component for a site of this usage and must be designed to city standards.
- Special requirements for sanitary sewer connections are often needed where automobile fluids are likely to be leaked. The city must ensure all requirements and regulations, whether city or other agency, are met.
- We recommend a full site design be submitted for this project to ensure the above items and any others that might arise are addressed.

Case CU-16-009 4151 Mink Street SW

- This site may also potentially generate traffic that the city must ensure can be handled both on-site as well as on the roads leading to the site.
- Parking, drainage, and trailer parking must be accounted for with the double usage of the property (stables and a psychiatry operation).
- How are public utilities going to be handled on this property.
- We recommend a full site plan be developed for approval prior to any construction of this property.

Case CU-16-010

- This use of the property will create a full coverage of the land with impervious surface, either asphalt or gravel. For this reason, a full site plan is recommended prior to approval of this project.
- Drainage calculations will be required.
- Traffic must be evaluated for both on-site and off-site impacts.

These three cases can be considered for the end use by BZA, but before any construction is

approved, we recommend all 3 be required to submit full design plans for review and approval by the city.

We thank you for the opportunity to review these plans for Pataskala and are happy to address any questions or concerns.

Thanks. Jim

James G. Roberts, P.E.

PRESIDENT

Jobes Henderson

A HULL COMPANY

59 Grant Street | Newark, Oh 43055

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