



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

December 13, 2016

#### Variance Application VA-16-030

<b>Applicant:</b>	Robert Platte
<b>Owner:</b>	Robert Platte
<b>Location:</b>	353 Woodside Dr. SW
<b>Acreage:</b>	1.39 Acres
<b>Zoning:</b>	R-87 – Medium-Low Density Residential
<b>Request:</b>	Requesting a variance from Section 1229.05(C)(2) of the Pataskala Code to allow for the construction of a single-family dwelling that would fail to meet the required side yard setbacks.

#### Description of the Request:

The applicant is seeking a variance to construct a 75' x 30' (2,250 square feet) single-family house that would fail to meet both side yard setback requirements by 20 feet on each side.

#### Staff Summary:

The property contains an existing 1,512 square foot house built in 1960. The applicant is proposing to construct a 2,250 square foot house behind the existing dwelling and does not plan to use the existing dwelling as a residence. The proposed house would meet the front and rear yard setback requirements of 75 feet; however, the side yard setbacks would only be roughly 5 feet on either side. The R-87 Zoning district requires a minimum side yard setback of 25 feet.

#### Staff Review:

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

A majority of the dwellings located on Woodside Drive do not meet the minimum side yard setbacks due to the narrow lot widths. The proposed dwelling would essentially replace the current residence and according to the code, two residential structures are not permitted on one lot. The proposed dwelling is clear of easements and the staff does not see an issue with the requested variance.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density	Single-family home
East	RR – Rural Residential	Vacant
South	R-87 – Medium-Low Density	Single-family home
West	R-87 – Medium-Low Density	Single-family home

**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-16-030:

- 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 reduction would be 80 percent for each side yard setback.

#### **Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking Schools – 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 house 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 house.
3. The applicant shall sign an affidavit prepared by the Planning and Zoning Department indicating that it is understood that the only allowed residential use for the existing dwelling would be a guest house and that it shall not be rented.

#### **Resolution:**

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

"I move to (approve/approve with modifications/disapprove) a variance from Section 1229.05(C)(2) of the Pataskala Code for application VA-16-030 ("with the following modifications" if modifications are to be placed on the approval)."



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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Pataskala, Ohio 43062

### VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 353 Woodside Drive SW	
Parcel Number: 063-143928-00.000	
Zoning: R-87 Med-Low Density	Acres: ± 1.30
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: VA-14-030
Fee: \$300 -
Filing Date: 11-14-14
Hearing Date: 12-13-14

Applicant Information		
Name: Robert Platte		
Address: 371 Woodside Drive SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614/390-0972	Email: rplatte77@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

Owner Information		
Name: Same as Applicant		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): Section 1229.05 C.2. - Side Yard Setback
To reduce the required side yard setback from 25 feet to 5 feet.
Describe the Project:
This is a relocation of the dwelling structure on a platted parcel to the rear of the parcel. The structure dimensions are limited due to the narrow lot dimensions.



## 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:

*Robert Platte*

Date:

*10-31-16*

Owner:

*Robert Platte*

Date:

## Side Yard Setback Variance Request

Date: December 13, 2016  
Applicant: Robert Platte  
Address: 371 Woodside Drive SW  
Pataskala, Ohio 43062  
Location: 353 Woodside Drive SW  
Pataskala, Ohio 43062  
Parcel ID# 063-143928-00.000  
Zoning: R-87 (Medium-Low Density Residential)  
Request: To reduce the required side yard setback from 25 feet to 5 feet

This is a variance request from Section 1229.05C.2. of the Zoning Ordinance to reduce the required 25' side yard setback to 5'. The request is driven by the applicant's desire to relocate an existing dwelling to the rear of the property, which would tuck the relocated dwelling into the wooded part of the parcel and farther from neighboring dwellings, and make best use of the unique physical characteristics of the narrow parcel.

### Responses to Narrative Statement

- a) The property is currently being used for residential purposes. This is a continuation of the current use.
- b) The property is narrow and deep. The bi-level style home is able to meet the setback requirements but it is unrealistic to try to configure a ranch style home to fit within the dimensions of this property.
- c) The request is not substantial in that the proposed structure will be set toward the rear of the property (still meeting rear yard setbacks) so as not to create a nuisance to the neighbors. The request is substantial in that without it being granted, the applicant is limited to type of home that can be constructed.
- d) The character of the subdivision will be supported and neighboring properties will not suffer any detriment. The home will be relocated toward the rear of the property, effectively increasing the side yard distances between structures.
- e) Development of the adjacent properties will not be affected as this is an established subdivision and the adjacent properties have already been built out.
- f) The setback variance causes no detriment to the public welfare.
- g) The setback variance has no effect on the delivery of governmental services.
- h) The owner did purchase the property with knowledge of the zoning regulations.
- i) In theory, like most variance requests, this can be obviated in some other way (reconfiguration of the home for example). In reality, the best use of the property is to have

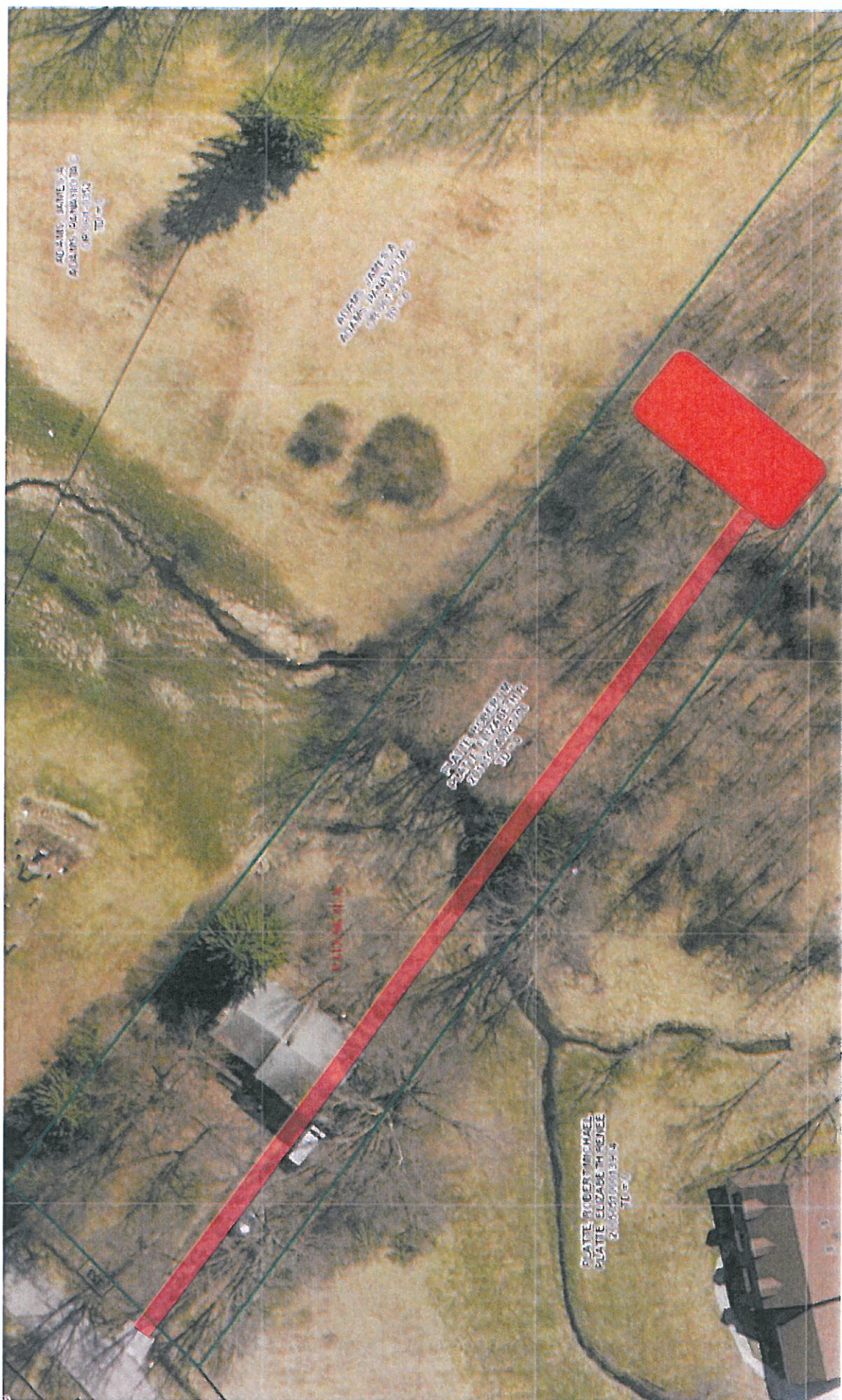
a home that has a relationship to the street and that is less noticed by relocating it toward the rear.

- j) The minimum variance needed is a 5' side yard setback. The home could be shifted toward the applicant's adjacent property, thus increasing the setback at the opposite side, but the home would not be located in the center of the property.
- k) The spirit and intent of the zoning ordinance would be upheld by the granting of this variance. The relocation toward the rear of the property greatly increases the spacing of the home to the adjacent homes. The variance also allows for a home to be built that meets the dwelling size requirements of the district.

As previously stated, this request is to allow for a ranch style home to be constructed on a less than ideal narrow property. It is harmonious with the subdivision and upholds the intent of the zoning district.

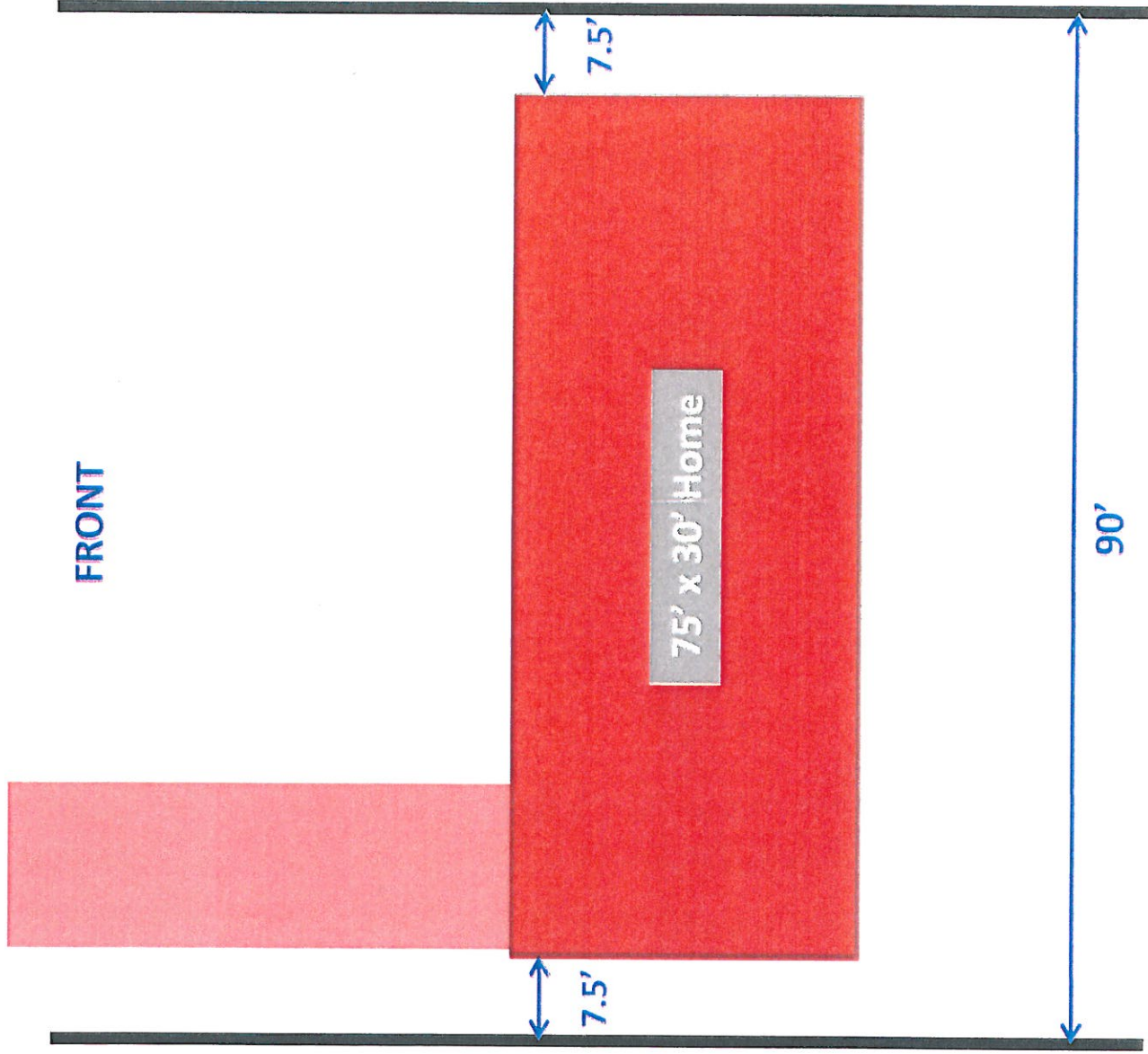
Thank you for your consideration.







FRONT











Measurement

1 Feet

Measurement Scale

90.1 Feet

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
PLATE 1000000000  
1000000000

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO  
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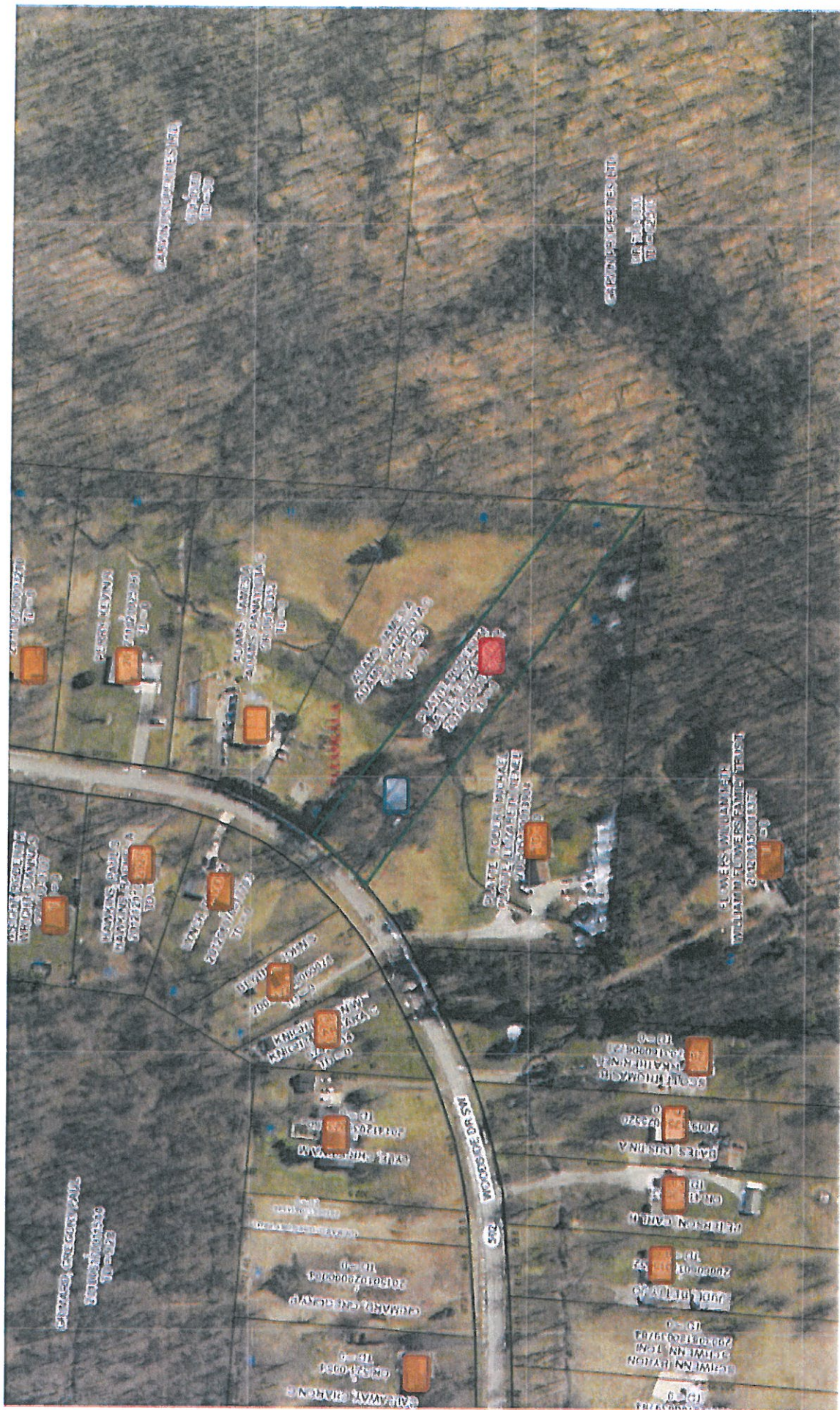
## Neighbor's Homes



## Existing Structure



Proposed Home















**Rt #: 063-074.32-010.000**

ON

## ATTRIBUTES

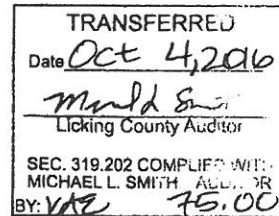
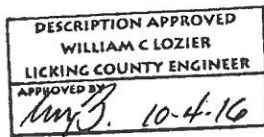
## AREA

## CURRENT VALUES

## SALES HISTORY

## IMPROVEMENTS

Public information data is furnished by this office, and must be accepted and used by the recipient with the understanding that this office makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Furthermore, this office assumes no liability whatsoever associated with the use or misuse of such data.



## General Warranty Deed

(pursuant to O.R.C. '5302.01 through O.R.C. '5302.06)

Edward S. Cottle and Susan K. Cottle, husband and wife, for valuable consideration paid, grant(s), with general warranty covenants, to Robert M. Platte and Elizabeth R. Platte, for their joint lives, remainder to the survivor of them, whose tax mailing address is 371 Woodside Drive, Pataskala, OH 43062, the following real property:

Situated in the State of Ohio, County of Licking, and in the City of Pataskala (formerly Township of Lima), and more fully described as follows:

Being Lot Number Thirty-seven (37), of WOODSIDE ACRES SUBDIVISION NO. 3, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 23, Recorder's Office, Licking County, Ohio.

Property Tax ID: 063-143928-00.000  
Property Address: 353 Woodside Drive  
Pataskala, Oh 43062

Prior Instrument Reference: Official Record 187, page 176, Recorder's Office, Licking County, Ohio.



Subject to all valid and existing building and other restrictions and conditions of record, to all valid and existing zoning restrictions, to all valid and existing easements of record, and taxes and assessments due and payable after the date of execution hereof.

Executed this 4th day of October, 2016.

Edward S. Cottle  
Edward S. Cottle

Susan K. Cottle  
Susan K. Cottle

State of Ohio                   )  
  )  
County of Licking            )

The foregoing instrument was acknowledged before me this 4<sup>TH</sup> day of October, 2016, by Edward S. Cottle and Susan K. Cottle.



**BETH H. MACKLEY**  
Notary Public, State of Ohio  
My Commission Expires 01-14-2020

Beth H. Mackley  
Notary Public

This instrument was prepared by:  
Catherine Baird, Esq.  
Fisher, Skrobot, & Sheraw, LLC  
471 East Broad St., Suite 1810  
Columbus, Ohio 43215  
(614) 233-6950

ALL OHIO TITLE AGENCY, LLC  
P.O. Box 973  
Pataskala, Ohio 43062-0973

File # 1610558



**From:** [Alan Haines](#)  
**To:** [Zachary Cowan](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: December 13 BZA Agenda  
**Date:** Monday, November 28, 2016 11:40:23 AM

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Mr. Cowan,

I do not have any engineering or public service related comments. However, regarding VA-16-030, I would like to note that I do not care for the side yard set-backs as described; this does not seem like a good situation or precedent.

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

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**From:** Jim Roberts [mailto:jroberts@hullinc.com]  
**Sent:** Tuesday, November 22, 2016 9:05 AM  
**To:** Zachary Cowan <zcowan@ci.pataskala.oh.us>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>  
**Subject:** December 13 BZA Agenda

Zack, JHA has reviewed the agenda items for the December 13, BZA meeting. We have no comments from the engineering perspective on either of the cases. Let me know if there are any questions or concerns we can assist with.

Thanks. Jim

**James G. Roberts, P.E.**  
PRESIDENT

**Jobes Henderson**  
A HULL COMPANY

59 Grant Street | Newark, Oh 43055  
PH: (740) 344-5451 x 225 | FAX: (740) 344-8659  
[jroberts@hullinc.com](mailto:jroberts@hullinc.com)  
[www.jobeshenderson.com](http://www.jobeshenderson.com)  
[www.hullinc.com](http://www.hullinc.com)