



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

October 11, 2022

Variance Application VA-22-024

Applicant:	Jesse Maynard
Owner:	Jess Maynard
Location:	36 East Ave, Pataskala, OH 43062
Acreage:	1.01-acres
Zoning:	R-20 – Medium Density Residential
Request:	Requesting approval of a Variance from Section 1221.05(B)(1) of the Pataskala Code to allow for an accessory building to exceed the maximum square footage permitted.

Description of the Request:

Requesting approval of a Variance from Section 1221.05(B)(1) of the Pataskala Code to allow for the construction of an accessory building that will exceed the maximum square footage permitted on a single lot.

Staff Summary:

The 1.01-acre property located at 36 East Avenue SW is currently occupied by a 1,380-square foot single-family home built in 1950, and a 1,280-square foot detached garage built in 2000. There are two (2) accesses to the property, a driveway in front of the home and garage onto East Avenue, and a secondary driveway to the south onto East Avenue that connects to a gravel paved area.

The Applicant is proposing to construct a new 40-foot by 60-foot (2,400-square foot) accessory building in the southeast corner of the property setback from the rear property line five (5) feet, and from the south side property line five (5) feet. The Applicant will also construct a 10-foot by 12-foot mud room connecting the single-family home to the existing detached garage, making it an attached garage and part of the primary structure.

Previously, the Applicant had requested the same Variance, which the Board of Zoning Appeals approved on March 9, 2021 (VA-21-006). The Variance was approved with the condition that all required permits be obtained within one (1) year of the date of approval. As no permit was obtained within the one (1) year time frame, the Variance expired. The request for this Variance is the same as was previously approved.

As stated in the Applicant's Narrative Statement, the purpose of this variance is to allow for the construction of an additional accessory building, which by code will exceed the maximum allowable by approximately 948-square feet. The Applicant believes that the requested variance will not substantially alter the character of the neighborhood, will not impair the use or development of adjacent property, will not adversely affect the delivery of government services, and that the requested variance is the least possible modification that will afford relief.

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.

Planning and Zoning Staff:

Section 1221.05(B)(1) of the Pataskala Code limits the maximum square footage of accessory buildings on a single lot that is less than two (2) acres in size, and it is cumulative of all accessory buildings on said lot. The maximum square footage is determined by an equation based on the gross acreage of the lot. That being:

$$((\text{Gross acreage of lot}) \times 600) + 120 \times 2 = \text{Maximum permitted square footage.}$$

Using the equation above with the acreage of the lot, 1.01-acres, the maximum permitted square footage on this lot is 1,452-square feet. With the existing detached garage being 1,280-square feet, the remaining permitted square footage on the lot is only 172-square feet. The Applicant is proposing to construct a new mud room between the existing single-family home and detached garage, connecting the two, and making the detached garage an attached garage, which becomes part of the primary structure. By doing so, this removes the 1,280-square feet of the garage from the calculation of existing accessory building square footage and opens the full permitted square footage of 1,452.

However, the Applicant is proposing to construct a 40-foot by 60-foot accessory building, which measures 2,400-square feet, and exceeds the maximum permitted square footage by 948-square feet. Therefore, the Applicant is requesting a variance of 948-square feet, or a 65.29% increase above the maximum permitted.

The proposed structure is in compliance with the other requirements of the Code, and should the request be approved, an Accessory Building Permit will be required prior to construction. Staff has no other concerns.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Vacant
East	R-87 – Medium-Low Density Residential	Agricultural
South	R-20 – Medium Density Residential	Single-Family Home
West	R-20 – Medium Density Residential	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-21-006:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Conditions:

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

- The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.

Resolution:

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

"I move to approve a variance from Section 1221.05(B)(1) of the Pataskala Code for Variance Application VA-22-024 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Jim Roberts](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Scott Haines](#)
Subject: October 11 BZA
Date: Monday, September 26, 2022 10:15:59 PM
Attachments: [image001.png](#)

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Jack, Verdantas has reviewed the agenda items for the October 11 BZA meeting and we offer the following comments:

VA-22-024

- Our only engineering comment is to ensure no drainage concerns occur as a result of the larger garage.

VA-22-025

- Our only engineering comment is to ensure no drainage concerns occur as a result of the new structure.

VA-22-026

- We have no engineering comments on this request.

CU-22-007

- This is a request for Conditional Use approval for a Nursing Home. We do not have comments on the Conditional Use, but offer the following comments that will apply as the project moves forward:
 - This will require a full site plan review including drainage calculations, full construction plans, and details.
 - There is a drive connection shown onto SR 16:
 - The city should confirm any past commitments as to whether this drive is permitted.
 - If the drive is permitted, a turn lane may be required. The Developer will need to work with the city on a Traffic Impact Study or other agreement regarding the access drive and turn lane.
 - The Sketch Plan shows an additional pond as part of this project. This will need to be designed and approved according to city standards.
 - Additional comments will be provided when the full design is submitted for review and approval.

Thanks for the opportunity to provide these review services for the city. Please let us know if there are any questions or if we can assist in any other way.

Jim



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 36 EAST AVE PATASKALA, OHIO 43062	
Parcel Number: 063-150102-00.000	
Zoning: R-20	Acres: 1.01
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-22-024
Fee: \$300 <input checked="" type="radio"/> Cash <input type="radio"/> Check
Filing Date: 8-18-22
Hearing Date: 10-11-22
Receipt Number: 000805

Applicant Information		
Name: JESSE MAYNARD		
Address: 36 EAST AVE		
City: PATASKALA	State: OHIO	Zip: 43062
Phone: 740-973-2893	Email: MGUTRMAN@GMAIL.COM	

Documents
<input checked="" type="checkbox"/> Application
<input type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name:		
Address: SAME AS ABOVE		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): 1221.05 (B) (1)
Describe the Project: TO EXCEED MAXIMUM SQ. FT. BY 948 SQ. FT. 40X60 GARAGE

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy 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; NO*
 - 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; NO*
 - c) *Whether the variance requested is substantial; NO*
 - 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; NO*
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; NO*
 - f) *Whether the variance, if granted, will be detrimental to the public welfare; NO*
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services; NO*
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction; NO*
 - i) *Whether the property owner's predicament can be obviated through some other method than variance; NO*
 - 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, YES*
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. YES*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) 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 variance request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

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 (Required):

Date:

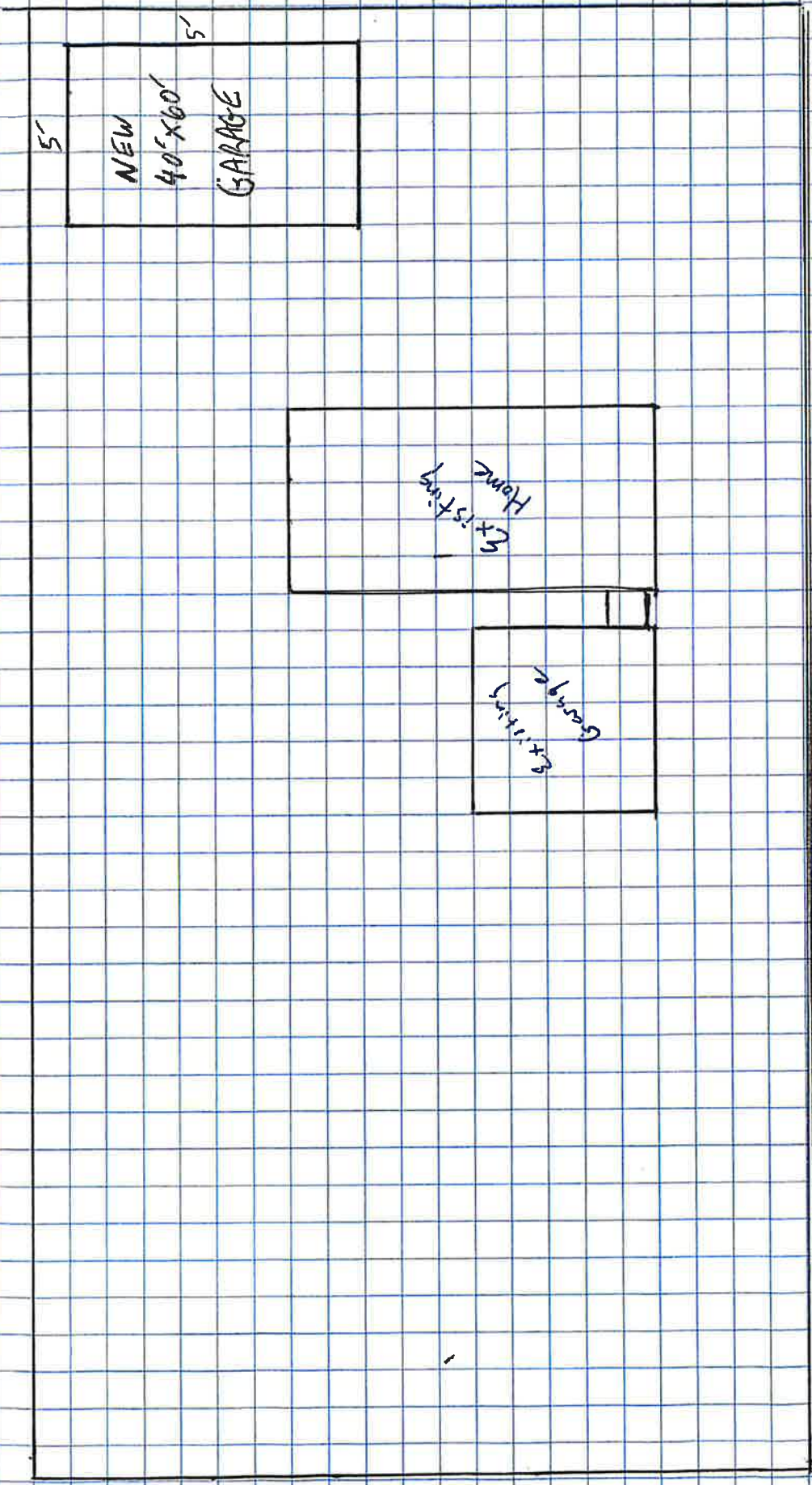
8/18/2022

Property Owner (Required):

Date:

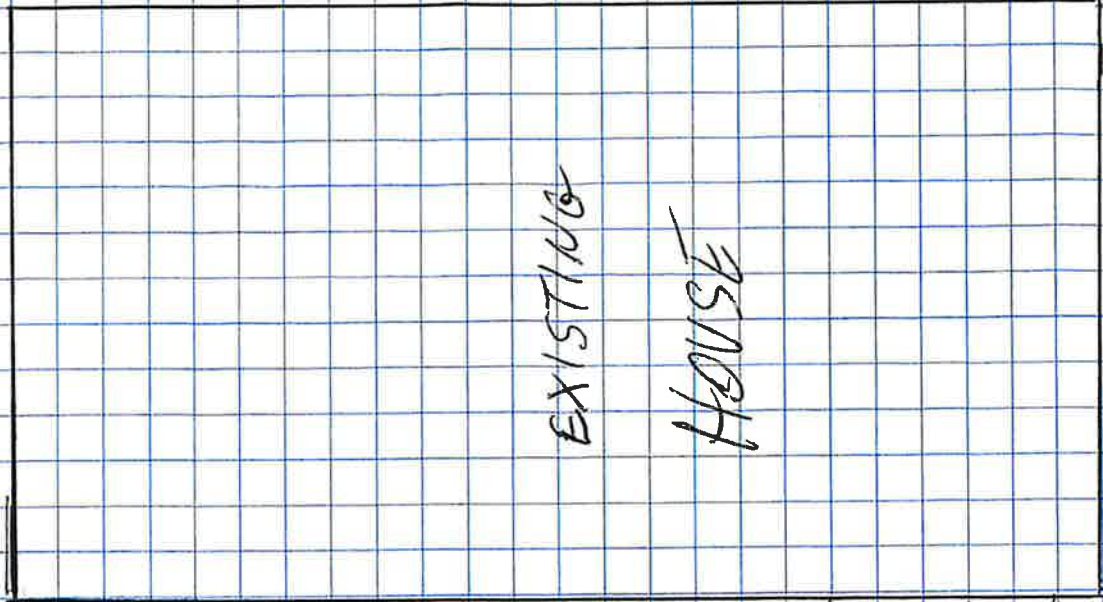
8/18/2022

I AM WANTING TO BUILD A BIGGER GARAGE.
SO I'M GOING TO ATTACH MY EXISTING GARAGE.
TO MY HOUSE. I AM GOING TO BUILD
A 40'x60' GARAGE ON THE OTHER SIDE
OF THE PROPERTY, BY CODE THAT EXCIDES
MY SQ.FT. LIMIT BY ABOUT 950^{SQ.FT.},
SO I WOULD APPRIATE YOUR CONSIDERATION
IN THIS MATTER



JESSE MAYNARD
36 EAST AVE
PATASKALA

EAST AVE.



EXISTING

HOUSE

10x12'

NEW
MUD
ROOM



EXISTING

GARAGE

JESSE MAYNARD
36 EAST AVE.
PATASKALA

**Quit Claim Deed - Ohio
Statutory Form**

Instr: 200107300027285 07/30/2001
Pages: 1 F: \$14.00 1:52PM
Bryan R. Long T20010025277
Licking County Recorder NEPSOUTHEA

Know all Men by these Presents

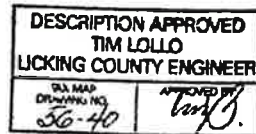
That Jesse Maynard and Donna K. Maynard, husband and wife, of Licking County, State of Ohio, for valuable consideration paid, quit claims to Angela Maynard and Jesse Maynard, wife and husband whose tax mailing address is: 36 East Avenue, Pataskala, OH 43062

The following real property:

Situated in the State of Ohio, County of Licking, City of Pataskala, and being Lot 274 A in Blanche's East Broad Street Addition as numbered and delineated in Plat Book 14, page 393 of the Plat Records of Licking County, Ohio, said Lot 274 A being a replat of Lots No. 274, 275, 276, 277, 278, 279, and 281 of the said Blanche's East Broad Street Addition.

Also Known As: 36 East Avenue, Pataskala, Ohio 43062

Prior Instrument Reference: Volume 940 Page 779



SEC. 319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY RM EKD

TRANSFERRED
Date July 23 2001
[Signature]
Licking County Auditor

Witness his\her\their hand(s) this 7th day of June, 2001.

Signed and acknowledged in presence of

[Signature]
JKE Morris
Cynthia M. Richards
CYNTHIA M. RICHARDS

Jesse Maynard
Jesse Maynard
Donna K. Maynard
Donna K. Maynard

State of Ohio)
) s:

Licking County)

Before me, a Notary Public in and for said County and State, personally appeared the above named Jesse Maynard and Donna K. Maynard, who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, on this 7th day of June, 2001.

Cynthia M. Richards

This Instrument Prepared by Margaret Hayes, Attorney at Law



CYNTHIA M. RICHARDS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES AUGUST 3, 2004

