1. Call to order
2. Pledge of Allegiance
3. Roll call of Board Members
4. New Business
   A. Variance Application VA-17-002
      Applicant: Robert Croce, Overlord Construction Services LTD
      Owner: David Dye, Ravines at Hazelwood
      Location: Parcel 064-068322-00.184 & Parcel 064-068322-00.186
      Acreage: 3.21 Acres & 8.35 Acres (11.56 Total Acres)
      Zoning: R-15 – Medium-High Density Residential
      Request: Requesting a variance from Section 1279.03(A)(1) of the Pataskala Code to allow a fence to exceed the maximum height requirement and setback.

   B. Variance Application VA-17-003
      Applicant: John McClain
      Owner: Fred Hector
      Location: 12490 Refugee Rd. SW
      Acreage: 1.25 Acres
      Zoning: R-87 – Medium-Low Density Residential
      Request: Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size.

5. Findings of Fact
6. Excuse of Absences
   A. Catherine Baird
   B. Steven Valentine
6. Approval of Minutes
   A. December 13, 2016 Regular Meeting Minutes
7. Other Business
   A. None
8. Adjournment of meeting to Tuesday, February 14, 2017
STAFF REPORT
January 10, 2017

Variance Application VA-17-002

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Overlord Construction Services / Robert Croce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Ravines at Hazelwood / David Dye</td>
</tr>
<tr>
<td>Location:</td>
<td>Parcel 064-068322-00.184 &amp; Parcel 064-068322-00.186 – Hazelton-Etna Rd. &amp; Hazelwood Dr.</td>
</tr>
<tr>
<td>Acreage:</td>
<td>3.21 Acres &amp; 8.35 Acres (11.56 Total Acres)</td>
</tr>
<tr>
<td>Zoning:</td>
<td>R-15 – Medium-High Density Residential</td>
</tr>
<tr>
<td>Request:</td>
<td>Requesting a variance from Section 1279.03(A)(1) of the Pataskala Code to allow a fence to exceed the maximum height requirement and setback.</td>
</tr>
</tbody>
</table>

Description of the Request:
The applicant is seeking a variance in order to construct a six (6) foot steel fence in what is considered the front yard of each parcel. The maximum permitted height of a fence in the front yard is four (4) feet.

Staff Review:
Both properties are currently vacant and are designated as Reserve A and Reserve B per the approved plans of The Ravines at Hazelwood Part 1 from July 2002. The proposed fences would be located at the entrance to Ravines at Hazelwood at Hazelton-Etna Road and Hazelwood Drive and both fences would start at six (6) feet in height and then reduce to three (3) feet following the grade. The maximum permitted height of a fence in a front yard is four (4) feet.

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

The proposed fence would replace a stone wall in bad disrepair and would follow the line of that wall which extended into the right-of-way. The wall has recently been demolished due to deteriorating conditions. Staff attempted to find approved plans with specifications of the wall with no success. Therefore, a variance is required for the proposed fence.

The applicant did not specify the fence setback distance; however, Section 1249.03(A)(1) of the Pataskala Code requires a fence to be three (3) feet from the street right-of-way line. If the fence were to extend into the right-of-way, a right-of-way permit would be required through the Public Service Director.
Surrounding Area:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Outside of city limits&lt;br&gt;R-15 – Medium-High Density Residential</td>
<td>Single-family home</td>
</tr>
<tr>
<td>East</td>
<td>R-15 – Medium-High Density Residential</td>
<td>Vacant&lt;br&gt;Single-family home</td>
</tr>
<tr>
<td>South</td>
<td>R-15 – Medium-High Density Residential&lt;br&gt;R-20 – Medium Density Residential</td>
<td>Single-family home</td>
</tr>
<tr>
<td>West</td>
<td>AG - Agriculture</td>
<td>Single-family home</td>
</tr>
</tbody>
</table>

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-17-002:

- None

**Department and Agency Review**
- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- Pataskala Utilities – 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 fence as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to construction of the fence.
3. The fence shall be a minimum of three (3) feet from the right-of-way line.

**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 variance from Section 1279.03(A)(1) of the Pataskala Code for application VA-17-002 (“with the following modifications” if modifications are to be placed on the approval).*”
CITY OF PATAKALA BOARD OF ZONING APPEALS  
City Hall, Council Chambers  
621 West Broad Street  
Patakala, Ohio 43062

VARIANCE APPLICATION  
(Patakala Codified Ordinances Chapter 1211)

<table>
<thead>
<tr>
<th>Property Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Address:</strong> Hazelwood Dr. - Subdivision Entry</td>
</tr>
<tr>
<td><strong>Parcel Number:</strong> 064-06532200186 (8.347)</td>
</tr>
<tr>
<td><strong>Zoning:</strong> R-15</td>
</tr>
<tr>
<td><strong>Acres:</strong></td>
</tr>
<tr>
<td><strong>Water Supply:</strong> 064-068322-60.15Y (3.2)</td>
</tr>
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| **City of Patakala**  
**Wastewater Treatment:**  
City of Patakala |
| **South West Licking**  
**On Site** |

<table>
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<tr>
<th>Staff Use</th>
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<tr>
<td><strong>Application Number:</strong> VA-17-002</td>
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<tr>
<td><strong>Fee:</strong> $300</td>
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<tr>
<td><strong>Filing Date:</strong> 12-12-16</td>
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<tr>
<td><strong>Hearing Date:</strong> 1-10-17</td>
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<table>
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<tr>
<th>Applicant Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong> Overland Construction Services, LTD / Robert Cruz</td>
</tr>
<tr>
<td><strong>Address:</strong> 232 E. Pink St.</td>
</tr>
</tbody>
</table>
| **City:** Westerville  
**State:** OH  
**Zip:** 43081 |
| **Phone:** 614-353-8698 |

<table>
<thead>
<tr>
<th>Documents</th>
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<tr>
<td>✔ Application</td>
</tr>
<tr>
<td>✔ Narrative</td>
</tr>
<tr>
<td>✔ Site Plan</td>
</tr>
<tr>
<td>✔ Deed</td>
</tr>
<tr>
<td>✔ Address List</td>
</tr>
<tr>
<td>✔ Area Map</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Owner Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong> Raines at Hazelwood, David Dye</td>
</tr>
<tr>
<td><strong>Address:</strong> PO Box 395</td>
</tr>
</tbody>
</table>
| **City:** Grove City  
**State:** OH  
**Zip:** 43123 |
| **Phone:** 614-565-8650 |

| Email: Eswritz@onwowoa.com |

<table>
<thead>
<tr>
<th>Variance Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request (Include Section of Code):</strong></td>
</tr>
<tr>
<td>Allow 6' High fence at front of property. Fence then reduces to 3’ High at rear, following the grade.</td>
</tr>
<tr>
<td><strong>Describe the Project:</strong></td>
</tr>
<tr>
<td>Replacing old block + stone wall in need disrepair with new steel fence. Follow line of old wall, inside of right of way line.</td>
</tr>
</tbody>
</table>

Revised January 1, 2015
**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: [Signature]

Date: 2 Dec 16

Owner: [Signature]

Date:
Ravines at Hazelwood

eswartz <eswartz@omnihoa.com>
To: Robert Croce <overlordcs01@gmail.com>  
Fri, Nov 18, 2016 at 9:41 AM

The fence has been approved by the HOA board.

Thanks Elisabeth

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message ------
From: Robert Croce <overlordcs01@gmail.com>
Date: 11/18/16 9:10 AM (GMT-05:00)
To: eswartz@omnihoa.com
Subject: Fwd: Ravines at Hazelwood

Please see below. Can you send me an email stating the fence is approved by the HOA so I can forward to the City Planner?
Thanks,
Bob

----- Forwarded message ------
From: Robert Croce <overlordcs01@gmail.com>
Date: Fri, Nov 18, 2016 at 9:08 AM
Subject: Re: Ravines at Hazelwood

[Quoted text hidden]
RAVINES AT HAZELWOOD

FENCE LAYOUT
6' Sections
RIGHT SIDE

- Light

OVERLOAD CONSTRUCTION
10/24/16
Ravines at Hazelwood

Fence Layout

6' Section

Left Side

- Light

Overload Construction
10/24/16
- Six Foot Sections
- Starts at 6', will
  and reduces to 3',
- Black Paint

Ranwes At Hazelwood
New Fence
10/14/16
Previous wall at entrance to Ravines at Hazelwood
GENERAL WARRANTY DEED

OLYMPUS HOMES, INC., an Ohio Corporation,

of Franklin County, Ohio for valuable consideration paid, grant(s) with general warranty covenants, to:

THE RAVINES AT HAZELWOOD ASSOCIATION, an Ohio Corporation not for profit

whose tax mailing address is: P.O. Box 395, Grove City, Ohio 43123

the following REAL PROPERTY: SEE "EXHIBIT A" ATTACHED

PARCEL NO.: 064-068322-00.184, 064-068322-00.185, 064-068322.186

PROPERTY ADDRESS: Reserve “A”, “B”, and “C” in The Ravines at Hazelwood, Part 1, Pataskala, Ohio 43062

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions and restrictions and easements, if any, contained in former instruments of record for said premises, subject to all of which this conveyance is made and further subject to the Declaration of Covenants, Easements, Conditions, Restrictions, Assessment Liens and The Ravines at Hazelwood Association of record in Instrument No. 200411240041987

Prior Instrument Reference: Instrument No. 200402100004704, Recorder's Office, Licking County, Ohio

Signed this 30th day of March, 2010.

OLYMPUS HOMES, INC.

By: Scott Walker
Its: President

State of Ohio
County of Delaware, ss:

BE IT REMEMBERED, That on this 30th day of March, 2010, before me, the subscriber, a Notary Public in and for said state, personally came Olympus Homes, by Scott Walker, President, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

Notary Public

This Instrument was prepared by: MAGNUSON & BARONE, ATTORNEYS AT LAW
570 Polaris Parkway, Suite 140, Westerville, Ohio 43082
EXHIBIT A

Situated in the State of Ohio, County of Licking, and in the City of Pataskala:

Reserves "A", "B" and "C" of THE RAVINES AT HAZELWOOD PART I, as said lots and reserves are numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, pages 156 through 160, Recorder's Office, Licking County, Ohio.
Zach,

My comments are as follows:

1. VA-17-002 - No concerns as long as fence is outside of the public right-of-way.
2. VA-17-003 - No concern with the structure itself, but as discussed, please note that I do not anticipate approving a second driveway access point on Refugee Rd. to serve this structure.

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

-----Original Message-----
From: Jim Roberts [mailto:jroberts@hullinc.com]
Sent: Tuesday, December 27, 2016 10:11 PM
To: Zachary Cowan <zcowan@ci.pataskala.oh.us>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Alan Haines <ahaines@ci.pataskala.oh.us>
Subject: January 10 BZA Meeting

Zack, JHA has reviewed the two agenda items for the January 10 BZA meeting. We have no engineering specific comments on the two items.

Our only caution would be to ensure the fence for case VA-17-002 meets any requirements relative to the property line since it appears to be a rather sinuous line.

Please let us know if there are any questions.

Thanks. Jim

Sent from my iPad
**CITY OF PATASKALA BOARD OF ZONING APPEALS**  
City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

**STAFF REPORT**  
January 10, 2017

**Variance Application VA-17-003**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>John McClain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>Fred Hector</td>
</tr>
<tr>
<td>Location:</td>
<td>12490 Refugee Rd. SW</td>
</tr>
<tr>
<td>Acreage:</td>
<td>1.25 Acres</td>
</tr>
<tr>
<td>Zoning:</td>
<td>R-87 – Medium-Low Density Residential</td>
</tr>
<tr>
<td>Request:</td>
<td>Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size.</td>
</tr>
</tbody>
</table>

**Description of the Request:**
The applicant is seeking a variance to construct a 24’ x 50’ (1,200 square feet) pole barn that exceeds the maximum permitted size.

**Staff Summary:**
The property contains a 1.25-acre lot that contains a 1,192 square foot house built in 1976. The applicant is proposing to construct a 24’ x 50’ (1,200 square foot) pole barn located northeast of the existing house. The proposed structure would be 15 feet from the east property line, 117 feet from the north property line, and 139 feet to the easement located in the front yard. The applicant is also proposing to install an additional driveway from Refugee Road to the proposed accessory building.

According to Section 1221.05 of the Pataskala Code, the applicant has a maximum accessory building square footage of 870 square feet. The proposed structure exceeds the limit by 330 square feet.

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

According to the applicant, the pole barn would be used to store lawn equipment and tools due to overflow from the attached garage. The applicant has stated that the neighbors have no issue with the proposed pole barn. Not indicated on the site plan, a driveway is proposed to be installed from Refugee Road directly to the accessory building. The Public Service Director has commented that he does not anticipate approving a second access point to serve the structure.
Surrounding Area:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-87 – Medium-Low Density Residential</td>
<td>Farm</td>
</tr>
<tr>
<td>East</td>
<td>PM – Planned Manufacturing</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>Outside of city limits</td>
<td>Vacant</td>
</tr>
<tr>
<td>West</td>
<td>R-87 – Medium-Low Density Residential</td>
<td>Single-Family House</td>
</tr>
</tbody>
</table>

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-17-003:

- None
Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Health Department – See attached
- 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 accessory building 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 accessory building addition.
3. The applicant shall not be permitted to have two access points.
4. The accessory building shall be a minimum of 10 feet from the existing water well and household sewage treatment system.

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 1221.05(B)(1) of the Pataskala Code for variance application VA-17-003 (“with the following modifications” if modifications are to be placed on the approval).”
### Property Information

<table>
<thead>
<tr>
<th>Address</th>
<th>12490 Refugee Rd NW</th>
</tr>
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<tbody>
<tr>
<td>Parcel Number</td>
<td>063-140-03-02.0000</td>
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<tr>
<td>Zoning</td>
<td>R-87</td>
</tr>
<tr>
<td>Acres</td>
<td>1.25</td>
</tr>
<tr>
<td>Water Supply</td>
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<tr>
<td>City of Pataskala</td>
<td>X</td>
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<tr>
<td>South West Licking</td>
<td></td>
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<tr>
<td>On Site</td>
<td>X</td>
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<td>Wastewater Treatment</td>
<td></td>
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<td>City of Pataskala</td>
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<td>South West Licking</td>
<td></td>
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<tr>
<td>On Site</td>
<td>X</td>
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### Applicant Information

<table>
<thead>
<tr>
<th>Name</th>
<th>John Mcclain / Steve Marbury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>12490 Refugee Rd S.W. 614 284 1986</td>
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<tr>
<td>City</td>
<td>PATASKALA</td>
</tr>
<tr>
<td>State</td>
<td>OH</td>
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<tr>
<td>Zip</td>
<td>43062</td>
</tr>
<tr>
<td>Phone</td>
<td>(614) 439-0547</td>
</tr>
<tr>
<td>Email</td>
<td>JLM Mcclain @ Yahoo</td>
</tr>
</tbody>
</table>

### Owner Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Fred Hector</th>
</tr>
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<tbody>
<tr>
<td>Address</td>
<td>12490 Refugee Rd S.W.</td>
</tr>
<tr>
<td>City</td>
<td>PATASKALA</td>
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<td>State</td>
<td>OH</td>
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<tr>
<td>Zip</td>
<td>43062</td>
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<tr>
<td>Phone</td>
<td>(740) 927-1182</td>
</tr>
<tr>
<td>Email</td>
<td></td>
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</tbody>
</table>

### Variance Information

**Request (Include Section of Code):**

**Describe the Project:**

24 x 50 Pole Barn with 2 Roll Up Doors
**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 abated 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.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Date:</th>
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<tbody>
<tr>
<td>[Signature]</td>
<td>12-9-16</td>
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<table>
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<tr>
<th>Owner:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>[Signature]</td>
<td>12-9-16</td>
</tr>
</tbody>
</table>
Narrative Statement

Reason for Variance:

The reason for this request for a variance is to build a Pole Barn 24’x50’ (1,200sf) in the back (northwest corner) of our home located at 12490 Refugee Rd, Pataskala Ohio 43062.

Specific reasons why the variance is justified (as pertains to Section 1211.07 of Pataskala Code):

a) With adding this accessory building would yield a reasonable return for the property by adding value to the property and in turn increasing neighboring value by comparables.

b) There are no unique physical circumstances or conditions that prohibit this property from being developed and strict conformity with these zoning regulation such that a variance is necessary to enable the reasonable use of the property.

c) The variance request is substantial for building permit request.

d) The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a request of this variance.

e) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property.

f) The variance, if granted, will not be detrimental to the public welfare.

g) The variance, if granted, would not adversely affect the delivery of governmental services.

h) The property owner did not purchase the property located at 12490 Refugee Rd, Pataskala Ohio 43062 with any knowledge of zoning restrictions.

i) The property owner’s predicament cannot be obviated through any other method other than variance.

j) The variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirements of the building permit application, accessory building regulations, for the maximum square footage for accessory buildings.

k) The spirit and intent behind the zoning requirements will be observed and substantial justice done by granting this variance.
To City of Pataki Board of Zoning Appeals.

John McClain is asking you

a permit to add a pole barn
onto 12490 Refuge Rd. S.W.

The pole barn will be used
to store farm equipment, lawn
equipment and wood craft tools.

This is necessary because right
now everything is over flowing
in our garage and we need
more space. This is way we're
asking to add a pole barn.

This will not affect anyone that
lives around or near us. Both
neighbors live on the west side fron
where the pole barn will be.

We have spoken with both
neighbors and they think it was
be a great idea. Also with
all the equipment in our garage
it is a safety hazard, someone
could get really hurt or injured.

Sincerely,

[Signature]
NANDA NECTOR, divorced and not remarried, of Licking County, Ohio, for valuable consideration paid, grants to FREDDIE NECTOR, whose tax-mailing address is 12400 Refugee Road SW, Pataskala, Ohio 43062, the following REAL PROPERTY: Situated in the County of Licking, in the State of Ohio, and in the Township of Lima:

Being a part of Lot 18 in the 4th Quarter of the 1st Township in the 16th Range of the U.S. Military Lands, Lima Twp., Licking County, Ohio, and having further described as follows: Commencing at the Southwest corner of the 4th Quarter of Twp. 1; thence S. 86° 21' 40" East 120.22 feet to a point in the center of Township Road 30, said point being the place of beginning of this tract; thence N. 3° 26' 10" East 344.09 feet to a point marked by an iron pin, passing a point marked by an iron pin at 30.0 feet; thence E. 52° 39' 30" North 174.94 feet to a point in the center of Township Road 10, passing a point marked by a corner post at 294.60 feet; thence N. 86° 21' 40" West 174.44 feet to the place of beginning. Containing 1.240 acres, more or less, subject to all legal road rights-of-way.

PROPERTY KNOWN AS: 12400 Refugee Road, Pataskala, OH 43063

PARCEL NUMBER: 44-140394-02-000

GRANTEE accepts this conveyance subject to taxes and assessments, zoning ordinances and regulations, legal highways, and the conditions, easements, reservations and restrictions contained in prior instruments of record.

Tax Map Drawing Number: 8


[Signature]转让

By [Signature]
Witness my hand this 16th day of June, 1992.

Signed and acknowledged in the presence of:

Christopher J. Smith

Wanda Hector

STATE OF OHIO
COUNTY OF LICKING, SS:

BE IT REMEMBERED, that on this 16th day of June, 1992, before me, the subscriber, a notary public
on and for said county, personally came, WANDA HECTOR, the Grantor
in the foregoing Deed, and acknowledged the signing thereof to be
her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and
affixed my seal on this day and year aforesaid.

[Notary Public]

This instrument was prepared by:

CALIG & HANZELMAN
Attorneys at Law
Newark, Ohio
PROPOSED 24’x50’ POLE BARN (ACCESSORY BUILDING)

EXISTING STRUCTURE

AREA OF MINIMAL FLOOD HAZARD
ZONE X (FEMA NATIONAL FLOOD MAPS)
24' - 0"
10' - 0"
16' - 0"
6' - 0"
4' - 0"
14' - 0"
9' - 0"
8' - 0"
8' - 0"
8' - 0"
8' - 0"
8' - 0"
8' - 0"
Zach,

My comments are as follows:

1. VA-17-002 - No concerns as long as fence is outside of the public right-of-way.
2. VA-17-003 - No concern with the structure itself, but as discussed, please note that I do not anticipate approving a second driveway access point on Refugee Rd. to serve this structure.

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

-----Original Message-----
From: Jim Roberts [mailto:jroberts@hullinc.com]
Sent: Tuesday, December 27, 2016 10:11 PM
To: Zachary Cowan <zcowan@ci.pataskala.oh.us>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Alan Haines <ahaines@ci.pataskala.oh.us>
Subject: January 10 BZA Meeting

Zack, JHA has reviewed the two agenda items for the January 10 BZA meeting. We have no engineering specific comments on the two items.

Our only caution would be to ensure the fence for case VA-17-002 meets any requirements relative to the property line since it appears to be a rather sinuous line.

Please let us know if there are any questions.

Thanks. Jim

Sent from my iPad
Hello and Good morning,

The pole barn structure must be a minimum of 10 feet from the existing water well and a minimum of 10 feet from the existing household sewage treatment system. I have attached our existing file for this address.

Respectfully,

Chris Hill, RS, REHS
Environmental Sanitarian II
Licking County Health Department
675 Price Road
Newark, Ohio 43055
740-349-6503

Follow Us On Social Media:

---

From: Lisa Paxton [mailto:lpaxton@ci.pataskala.oh.us]
Sent: Wednesday, December 21, 2016 10:43 AM
To: Chris Hill <chill@lickingcohealth.org>
Subject: Pataskala Zoning - Board of Zoning Appeals Review Memo - 01/10/2017 BZA Hearing

**Variance Application VA-17-003**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>John McClain</th>
</tr>
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<tbody>
<tr>
<td>Owner:</td>
<td>Fred Hector</td>
</tr>
<tr>
<td>Location:</td>
<td>12490 Refugee Rd. SW</td>
</tr>
<tr>
<td>Acreage:</td>
<td>1.25 Acres</td>
</tr>
<tr>
<td>Zoning:</td>
<td>R-87 – Medium-Low Density Residential</td>
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<tr>
<td>Request:</td>
<td>Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size.</td>
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Hi, Chris.

Attached is a BZA application for your review – 01/10/2017 Hearing - A Technical Review Committee meeting is scheduled for Tuesday, December 27, 2016 at 9:30am in the Administrative Conference Room at Pataskala City Hall should you wish to meet to discuss the proposals in person. Please let me know in advance if you plan on attending. **Please have all comments on this application to me in writing no later than Friday, December 30, 2016.**

Thank you for your assistance. If you have any questions in the interim, please call Zack Cowan at 740-964-1316 or via email at zcowan@ci.pataskala.oh.us

Lisa ~

Lisa Paxton
Planning & Zoning Clerk
621 W. Broad Street
Suite 2A
Pataskala, OH 43062
(740) 927-4910 (office)

CONFIDENTIALITY NOTICE:
This e-mail, including any attachments, is intended for the sole use of the intended recipient and may contain privileged, sensitive, or protected health information. If you are not the intended recipient, be advised that any unauthorized use, disclosure, copying, distribution, or action taken in reliance on the contents of this communication is prohibited. If you have received this e-mail in error, please notify the sender via telephone or return e-mail and immediately delete this e-mail.
LICKING COUNTY GENERAL HEALTH DISTRICT

Application For Water Supply Permit [ ]
Application For Sewage Permit [X]

Permit No. 2347
Plans Approved
Application Fee $25

1st Inspection
2nd Inspection
Final Inspection Fred Meck
Comments 6-5-79
Amount Paid $25-6-93

Newark, Ohio 5-14-1979

Name of Installer

Exact and detailed directions to job location on reverse side.

Township Lima Township
Name of Owner Ron Goldhardt
Address of Owner 12490 Refugee Rd. S.W. Pat.
Size of Lot 200 x 175

Number of Bedrooms 3 [Dwelling] [Mobile] [Modular] [Commercial]
Description of Soil [Clay] [Shale] [Sand] [Gravel] [Top Soil] [Other]

Type of Unit to be Installed

Size of Septic Tank or other Primary Unit 1250 1500 Gal S.T.

Size of: Leach Bed
Leach Trenches [DIVIDED SYSTEM]
Leach Well

All applications for sewage system permits must be stamped, approved and
the permit issued by the Licking County Health Department before construction
may begin.

Municipal or Private Source of Water PRIVATE
Distance of Sewage Unit from Well
Distance of Sewage Unit from Nearest Neighboring Well 200
Depth of Well 125 [Size of Casing] [Drilled] [Driven] [Spring]
Signature of Applicant
Address 1778 Along Dr. C.C. Otis
Phone 225-045

Licking Co. Health Dept.
Sanitation Unit
APPROVED
Name Fred Meck
Date 5-14-79

Builder
Owner
Installer

Plans of the sewage installation must be roughly drawn to scale on
the reverse side of this sheet. These plans must show the location of the
sewage tank and leaching device in relation to the house, street or roads,
and property lines. Distances from the house and well, if any must be
shown. Show northerly direction in relation to property.

When a septic system is approved, the health dept. cannot guarantee from their inspection that the system will continue to
function, as this is controlled by the absorption rate of the soil and the water table.

Signature of Inspector Fred Meck
LICKING COUNTY HEALTH DEPARTMENT

DEPARTMENT OF PLUMBING

APPLICATION FOR PLUMBING PERMIT

NAME OF PLUMBING CO.: WM. R. HAGUE, INC.
NAME OF OWNER: Von Johnson
ADDRESS: 12490 Refugee Rd. S.W., Pataskala, 43062
JOB LOCATION:
TOWNSHIP:
KIND OF BUILDING:
FEE PER UNIT: $2.00
INSPECTION FEE: $5.00

Number Waterclosets
" Lavatories
" Bathtubs
" Shower Stalls
" Urinals
" Kitchen Sink
" Garbage Disposal
" Dish Washer
" Washing Machine
" Laundry Trays
" Hot Water Heater
" Slop Sinks
" Drinking Fountains
" Indirect Wastes
" Floor Drains
" Grease Interceptor
" Sump Pump
" Water Softeners
" Well Pump
" Roof Drains

TOTAL: 1 7.00

This job must have a water test or 5 lb. air test for Roughin Inspect. & an air test on Final.

PLUMBER’S SIGNATURE
PHONE
ADDRESS

PLANS OF PLUMBING MUST BE MADE ON THE REVERSE SIDE OF THIS SHEET

Revised 7/1/77
**APPLICATION FOR PLUMBING PERMIT**

**NAME OF PLUMBING CO.**  
Vaughn U. Johnson

**NAME OF OWNER**  
Ronald B. Saltz

**ADDRESS**  
1490 Refugee Rd., Pataskala, OH.

**JOB LOCATION**  
1490 Refugee Rd., Pataskala, OH.

**TOWNSHIP**  
Line

**KIND OF BUILDING**  
Home

**FEE PER UNIT** $2.00

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<td>Roof Drains</td>
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</tbody>
</table>

**TOTAL**  
12

This job must have a water test or 5 lb. air test for Rough in Insp. & an air test on Final.

**PLUMBER'S SIGNATURE**  
[Signature]

**PHONE**  
927-4724

**ADDRESS**  
26 Linden, Pat., OH.

*Plans of plumbing must be made on the reverse side of this sheet*

Revised 7/1/77
MINUTES OF THE

CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, December 13, 2016

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Tuesday, December 13, 2016.

Present were:
Matt Dixon, Chairman
Kathleen Hasson
TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:
Scott Fulton, Planning Director
Zack Cowan, City Planner
Lisa Paxton, Zoning Clerk

Chairman Dixon opened the hearing at 6:32 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Matt Dixon, Kathleen Hasson and TJ Rhodeback. Not present: Steve Valentine and Catherine Baird.

First on the Agenda, Variance Application VA-16-029.

C. Daniel Hayes, Esq., was placed under oath.

Mr. Hayes gave an overview of his variance application, requesting to construct an accessory building that would fail to meet the required front yard setback.

Mr. Cowan reviewed the Staff Report, noting the Applicant is seeking a variance to construct an 8’ x 12’ accessory building on the west portion of the property. Mr. Cowan noted the property contains street frontage on three sides, according to Section 1221.05(D)(1) of the Pataskala Code, an accessory building shall be located even with or behind the front of a principal structure within the side or rear yard. Mr. Cowan noted Staff did not see an issue with the proposed location of the accessory building, given many properties in the immediate area have an accessory building that does not meet the front yard requirements.

No questions were presented from the Board.

Ms. Rhodeback made a motion to approve Variance Application VA-16-029, from Section 1221.05(D)(1) of the Pataskala Code, with the following modifications:

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.
Ms. Hasson seconded the Motion. Ms. Rhodeback, Mr. Dixon and Ms. Hasson votes yes. The Motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, Variance Application VA-16-030.

Robert Platte was placed under oath.

Mr. Platte reviewed his variance request to build a house for his in-laws behind the current house. Mr. Platte discussed possibly using the current house for storage. Mr. Platte also noted setbacks.

Mr. Cowan gave an overview of the Staff Report, noting the variance request is to construct a 75’ x 30’ single-family house behind the existing structure. Mr. Cowan noted the proposed house would meet the front and rear yard setback, however, the side yard setbacks would only be approximately 5 feet on either side; the R-87 Zoning district requires a minimum side yard setback of 25 feet. Mr. Cowan stated a majority of dwellings located on Woodside Drive do not meet the minimum side yard setback due to narrow lot widths. Mr. Cowan pointed out the proposed dwelling would essentially replace the current residence; however, according to the code, two residential structures are not permitted on one lot. Mr. Cowan noted if the existing house remains, the Applicant shall sign an affidavit noting the existing house can only be used as a guesthouse and cannot be rented.

Ms. Rhodeback asked if a basement would be built.

Mr. Platte noted he hasn’t decided, but probably will have a basement.

Ms. Rhodeback inquired as to a driveway setback,

Mr. Cowan noted a three-foot setback for driveways.

Mr. Platte noted having enough room for a driveway.

Ms. Hasson asked if the existing home were removed, would there be enough room for the new house.

Mr. Platte stated the lot is approximately 90 foot all the way through.

A discussion was had regarding setbacks and frontage.

Ms. Hasson noted her concern regarding two houses on one lot.

Mr. Platte indicated not knowing what he will do with the existing house, but may use it as a storage structure. Mr. Platte noted he would be happy to sign an affidavit as proposed and has no intent of using the existing structure as a permanent dwelling.

Ms. Rhodeback inquired as to a storage structure in front of a dwelling.
Mr. Cowan noted a variance would be required.

Mr. Platte noted not building until spring and would make that decision then.

Ms. Rhodeback reviewed the current square footage of the existing house, and noted doubling the size of the proposed house.

Mr. Platte stated he is asking for the maximum, but may end up with a side yard setback of seven, eight, ten feet.

Ms. Rhodeback inquired as to guesthouses.

Mr. Fulton noted variances would be needed, including an affidavit if using as a guesthouse.

Mr. Dixon asked if a guesthouse can be located in a front yard.

Mr. Fulton noted the code states there can’t be two dwellings on a property, however, through legal opinion, guesthouses are permitted as it would be secondary to the principal structure on the lot.

Mr. Platte indicated the view of the property would not change

Ms. Rhodeback inquired as to the maintenance of the existing house.

Mr. Platte indicated there would be proper maintenance.

No further questions were asked.

Ms. Rhodeback made a motion to disapprove Variance Application VA-16-030. Ms. Hasson seconded the motion. Ms. Hasson and Ms. Rhodeback voted yes. Mr. Dixon voted no. The motion was disapproved.

Mr. Platte inquired as to reapplying.

Mr. Fulton indicated in the affirmative.

Mr. Platte asked if the Board could give an input on the denial.

Mr. Fulton noted the Board will do Findings of Fact and will be provided to Mr. Platte on the next business day.

Ms. Hasson made a motion to remove Conditional Use Application CU-16-010 from the table. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Dixon and Ms. Hasson voted yes. The motion was approved.

Next on the Agenda, **Conditional Use Application CU-16-010**

James Morgan and Christel Morgan were placed under oath.

Ms. Morgan reviewed the “Morgan U Storage’s Development Plan”, requesting to add mini-storage units to their adjacent property, and are outgrowing the current units. Asphalt, landscaping and fencing was also noted.

Mr. Cowan noted an address correction regarding the parcel located on Summit Road.
Mr. Cowan gave an overview of the Staff Report, noting the Applicant proposing to construct four mini-storage facilities as an extension to Morgan Storage, located at 14135 Broad Street, north of the proposed property. Mr. Cowan noted an access drive would extend to the lot from the rear of 14135 Broad Street SW, and each facility is proposed to be 40’ x 180’ and setback 25 feet from the south property line. Mr. Cowan stated the Applicants would like additional parking spaces for campers, cars, and U-Hauls. Mr. Cowan indicated proposed landscaping, lighting, fencing, and setbacks would meet the minimum requirements and a TCOD Application would be required, pursuant to Section 1259 and Section 124 of the Pataskala Code.

A discussion was had regarding access points.

Ms. Morgan noted they have been debating on a second access point; depending on the requirements from TCOD.

Ms. Rhodeback inquired as to budgeting.

Ms. Morgan indicated there were no issues.

Ms. Hasson asked if there were residential properties behind the property.

Ms. Morgan approached the Board, pointing out the location of residential properties, and location of the proposed units.

James Henschen was placed under oath.

Ms. Morgan reviewed the site plan with Mr. Henschen.

A discussion was had between Ms. Morgan and Mr. Henschen.

No further questions were presented.

Ms. Hasson made a motion to approve Conditional Use Application CU-16-010. Seconded by Ms. Rhodeback. Mr. Dixon, Ms. Rhodeback and Ms. Hasson voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, **Findings of Fact**.

Ms. Hasson made a motion to accept **Findings of Fact A through K for Variance Application VA-16-029.** Ms. Rhodeback seconded the motion. Ms. Rhodeback, Mr. Dixon and Ms. Hasson voted yes. The motion was approved.

Ms. Rhodeback made a motion to approve **Findings of Fact C, G and I for Variance Application VA-16-030.** Ms. Hasson seconded the motion. Ms. Hasson, Ms. Rhodeback and Mr. Dixon voted yes. The motion was approved.

Ms. Hasson made a motion to accept **Findings of Fact 1 through 9 for Conditional Use Application CU-16-010.** Ms. Rhodeback seconded the motion. Ms. Hasson, Mr. Dixon and Ms. Rhodeback voted yes. The motion was
approved.

Ms. Rhodeback made a motion to approve the November 8, 2016 regular meeting minutes. Seconded by Ms. Hasson. Ms. Hasson, Ms. Rhodeback and Mr. Dixon voted yes. The motion was approved.

Next on the Agenda, Other Business.

A discussion was had regarding 2017 Board of Zoning Appeals introduction.

Ms. Hasson made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Dixon, Ms. Hasson and Ms. Rhodeback voted yes. The meeting was adjourned at 7:31 p.m.

Minutes of the December 13, 2016 Board of Zoning Appeals Meeting were approved on

______________________________________________, 2017.

_______________________________________________
Chairman