

MINUTES OF THE

CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, March 13, 2018

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, March 13, 2018.

Present were:

Alan Howe

D. Chadd McKittrick

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Zack Cowan, City Planner

Lisa Paxton, Zoning Clerk

Vice Chairperson Rhodeback opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Alan Howe, D. Chadd McKittrick and TJ Rhodeback. Bruce Ashcraft and Robert Platte were not present.

First on the Agenda, Variance Application VA-18-003, 5100 Mink Street.

Mr. Cowan gave an overview of the Staff Report, noting the applicant is proposing to construct a 2,809-square foot house that will be setback 150 feet from the front property line, 112 feet from the rear, 100 feet from the north property line, and 31 feet to the side property line on the south. Section 1227.05(C) of the Pataskala Code states the Rural Residential zone district requires a minimum 50-foot side yard setback. The applicant is proposing a 25-foot side yard setback. Although the site plan displays a 31-foot side setback, the applicant intends to add on to the house in the future and is asking for a 25-foot setback to accommodate any additions.

A discussion was had regarding any future additions.

Michael Vojacek, 7548 Crossing Place, Lewis Center, representing the property owners, was placed under oath.

Ms. Rhodeback inquired as to flooding in the area.

Mr. Fulton noted the property was not located in a floodplain.

A discussion was had regarding setbacks.

Findings of Facts were discussed.

Mr. Howe made a motion to approve Variance Application VA-18-003 with the following modifications:

1. The applicant shall construct the dwelling 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 dwelling.

Seconded by Mr. McKitrick. Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-18-004, 2725 Summit Road.

Mr. Cowan reviewed the Staff Report, noted applicant is proposing to construct a home behind an existing pole barn. Section 1221.05 of the Pataskala Code states an accessory building shall not be located in front of the principle structure. The pole barn sits roughly 34 feet from the front property line and roughly 140 feet in front of the proposed location of the house. According to the narrative, the applicants were not aware of any zoning restrictions at the time of purchasing the property. The applicants note purchasing the property for the privacy it offered.

Ms. Rhodeback inquired as to non-conformity.

Mr. Fulton noted the property being legal non-conforming.

Mr. McKitrick inquired as to an easement.

Mr. Cowan stated being unable to locate an easement.

Kristina Breidenbach, 746 Souder Lane, Blacklick, was placed under oath.

Ms. Breidenbach noted the shared driveway.

A discussion was had regarding easements.

Findings of Facts were discussed.

Mr. McKitrick made a motion to approve Variance Application VA-18-004 with the following modifications:

1. The applicant shall construct the dwelling as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala, Licking County Building Department, and the Licking County Health District prior to construction of the dwelling.
3. The well and/or septic system shall be located a minimum of 10 feet from any structure.

Seconded by Mr. Howe. Mr. Howe, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-18-005, 14679 Morse Road.

Mr. Cowan reviewed the Staff Report, noting the applicant is seeking a variance to construct a 40' x 50' single-family home that would fail to meet the side and rear yard setback requirements. The property currently contains a 1,176-square foot home constructed in 1976 that sits towards the north end of the property. The applicant is proposing to construct a 2,000-square foot home that will be located in the south end of the property, setback 70 feet from the rear property line and 20 feet from the side property line. According to Section 1227.05 of the Pataskala Code, the minimum rear setback is 100 feet and the minimum side setback is 50 feet. As proposed, that is a reduction of 30 feet from the side setback and 30 feet from the rear setback. The narrative states the intent is to use the existing house as a guest house so that the applicant can adequately

provide care for his mother, the property owner. The setbacks are necessary to construct the home so that it is reasonably situated on the property. The narrative also states that the applicant and/or owner will provide an affidavit stating that the existing structure will be used only as a guest house.

The area map was reviewed.

Mr. McKitrick inquired as to a one- or two-story house.

Joe Tanoury, 8000 Walton Parkway, Suite 260, New Albany, representing the applicant, and Matthew Stewart, 7471 Saratoga Avenue, Reynoldsburg, were placed under oath.

Mr. Stewart noted the house would be two-story, the lower level would be a garage.

Mr. McKitrick asked if Mr. Stewart is willing to sign the affidavit.

Mr. Stewart noted in the affirmative. Mr. Stewart stated the property will remain in the family and has no plans on selling, subletting or splitting the lot.

Ms. Rhodeback inquired as to the well and septic system.

Mr. Stewart stated he is working with the Licking County Health Department; both homes will have their own well and septic.

A discussion was had regarding esthetics of the accessory building.

Ms. Rhodeback asked if a garage or barn were built, would it have to meet the same residential requirements.

Mr. Cowan noted accessory buildings having different setback requirements.

Jeffrey Spratt, 14476 Clark State Road, was placed under oath.

Mr. Spratt noted his appreciation of Mr. Stewart helping his mother. Mr. Spratt stated purchasing his property the previous year and if there had been a second house on the property behind his, he would not have purchased his property. Mr. Spratt reviewed the hearing packet and noted the comparable buildings being garages and barns and not residences. Mr. Spratt stated his concern regarding the applicant's property being sold in the future. Mr. Spratt noted further his concerns regarding the house being 20 feet from his property line, interfering with the intent and use of his property, reducing the esthetic appeal and decreasing his property's value.

Mr. McKitrick inquired as to how many acres Mr. Spratt owns.

Mr. Spratt noted 5.93 acres.

A discussion was had regarding legal non-conforming lots.

Mr. Fulton noted the Morse Road property meets the minimum requirement.

Mr. McKitrick asked if there is a tree line between the properties.

Mr. Spratt indicated there is somewhat of a tree line, as he has cleared vines away.

Ms. Rhodeback inquired as to flooding of the creek.

Mr. Spratt stated not knowing if the creek floods; however, the back of the property does get wet.

Findings of Facts were discussed.

Mr. McKitrick made a motion to approve Variance Application VA-18-005. Seconded by Mr. Howe. Mr. McKitrick and Mr. Howe voted yes. Ms. Rhodeback voted no. The motion was approved.

Next on the Agenda, Conditional Use application CU-18-001, 144 East Broad Street.

Mr. Cowan gave an overview of the Staff Report, noting the applicant is seeking a conditional use to allow for the construction of an additional nursing home for the Pataskala Oaks Care Center. The applicant is proposing to expand the facility and construct an attached 17,000 +/- square foot nursing home to the existing building. In addition, the applicant is proposing to construct a 15,000 +/- square foot free-standing nursing home on the abutting property to the west along Hazelton-Etna Road. The existing single-family homes on the proposed lots will be demolished in order to construct the new buildings. Landscaping standards will be installed along the north and east property lines abutting single-family homes. Mr. Cowan further noted this is the second step in the process to expand the care center, and this hearing is to determine if the proposed use is suitable for the location. The third step will be for a TCOD approval by the Planning and Zoning Commission.

A discussion was had regarding the property located on the northeastern corner of Routh 310 and Broad Street.

Landscaping was discussed.

Ben Payne, 775 Yard Street, Suite 325, Columbus, was placed under oath.

Mr. Howe inquired as to timing of the addition.

Mr. Payne indicated not having a set schedule.

A discussion was had regarding neighbors and notices.

Findings of Fact were discussed.

Mr. Howe made a motion to approve Conditional Use Application CU-18-001 with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operating the facility.
2. The applicant shall be approved for a Transportation Corridor Overlay District application prior to operating the facility.

Seconded by Mr. McKitrick. Mr. Howe, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Findings of Facts.

Variance Application VA-18-003:Yes No

- ✓ 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.*

Mr. McKitrick made a motion to approve the Findings of Facts for Variance Application VA-18-003. Seconded by Mr. Howe. Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The Motion was approved.

Variance Application VA-18-004:Yes No

- ✓ 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.*

Mr. Howe made a motion to approve the Findings of Facts for Variance Application VA-18-004. Seconded by Mr. McKitrick. Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The Motion was approved.

Variance Application VA-18-005:

Yes No

- ✓ 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.*

Mr. McKitrick made a motion to approve the Findings of Facts for Variance Application VA-18-005. Seconded by Mr. Howe. Ms. Rhodeback, Mr. McKitrick and Mr. Howe voted yes. The Motion was approved.

Conditional Use Application CU-18-001:**Yes No**

- ✓ 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.*

Mr. Howe made a motion to approve the Findings of Facts for Conditional Use Application CU-18-001. Seconded by Mr. McKitrick. Mr. McKitrick, Ms. Rhodeback and Mr. Howe voted yes. The Motion was approved.

Next on the Agenda, approval of the January 9, 2018 Organizational Meeting Minutes.

Mr. McKitrick made a motion to approve the minutes of the January 9, 2018 Organizational Meeting. Seconded by Mr. Howe. Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The Motion was approved.

Next on the Agenda, approval of the January 9, 2018 Meeting Minutes.

Mr. Howe made a motion to approve the minutes of the January 9, 2018 Regular Meeting. Seconded by Mr. McKitrick. Ms. Rhodeback, Mr. McKitrick and Mr. Howe voted yes. The Motion was approved.

Next on the Agenda, Other Business.

Mr. Fulton noted next month's submitted applications.

Mr. McKitrick made a motion to adjourn the meeting. Seconded by Mr. Howe. Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The meeting was adjourned at 7:57 p.m.

Minutes of the March 13, 2018 meeting were approved on

_____, 2018.
