

MINUTES OF THE

CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, April 10, 2018

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, April 10, 2018.

Present were:

Rob Platte, Chairperson

Bruce Ashcraft

Alan Howe

D. Chadd McKitrick

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Lisa Paxton, Zoning Clerk

Mr. Platte opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

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

First on the Agenda, Variance Application VA-18-006, 13910 Halloon Lane.

Mr. Fulton gave an overview of the Staff Report, noting the applicant is requesting a variance from Section 1221.05(C)(1) of the Pataskala Code to allow for an accessory building to exceed the maximum permitted height by 3 feet 4 inches.

Dale Jolly, Jr., 13910 Halloon Lane, was placed under oath.

Mr. Jolly noted he will be storing his parents' RV in the accessory building.

Findings of Facts were reviewed.

Mr. McKitrick made a motion to approve Variance Application VA-18-006 from Section 1221.05(C)(1) of the Pataskala Code with the following Supplementary Conditions:

1. The applicant shall construct the accessory 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.
3. The accessory building shall be located at least 10 feet from any part of the household sewage treatment system and private water system.

Seconded by Mr. Ashcraft. Mr. Platte, Mr. Howe, Mr. McKitrick and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, request to Table Variance Application VA-18-007.

Mr. Platte stated the Applicant is requesting to table the application.

Jeanne Cabral, 2939 Bexley Park Road, Columbus, Ohio 43209, representing the property owner, was placed under oath.

Ms. Cabral stated after reviewing the Staff Report, she would like to rework the site plan and come back before the Board with a better solution.

John Johnson, 70 North Belmar Drive, was placed under oath.

Mr. Johnson noted his property is immediately adjacent to 14778 East Broad Street. Mr. Johnson noted a waterway running through 14778 East Broad property and concerns with contaminating the water and wildlife.

Mr. Ashcraft made a motion to table Application VA-18-007. Seconded by Mr. McKitrick. Mr. Platte, Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-18-008, North End Drive.

Mr. Fulton gave an overview of the Staff Report, area map and site plan, noting the applicant is requesting a variance to allow for a parking lot that would fail to meet the required side yard setback. Mr. Fulton also noted a hearing before the Planning and Zoning Commission recommended to City Council rezoning the property to the GB-General Business District.

A discussion was had regarding future land use, Comprehensive Plan and mixed use.

Tammy Hickin, 65 South Main Street, was placed under oath.

Ms. Hickin noted the business is growing and the need for employee parking.

Findings of Facts were reviewed.

Mr. McKitrick made a motion to approve a variance from Section 1249.05(C)(2)(b) of the Pataskala Code for Variance Application VA-18-008, with the following supplementary conditions:

1. The applicant shall construct the parking lot 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 parking lot.

Seconded by Mr. Ashcraft. Mr. McKitrick, Mr. Platte Mr. Howe and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.**Variance Application VA-18-006:**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. Ashcraft made a motion to approve the Findings of Facts for Variance Application VA-18-006. Seconded by Mr. Howe. Mr. Ashcraft, Mr. Howe, Mr. Platte and Mr. McKitrick voted yes. The Motion was approved.

Variance Application VA-18-008:Yes No

- ✓ l) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- ✓ m) *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;*
- ✓ n) *Whether the variance requested is substantial;*
- ✓ o) *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;*

- ✓ p) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- ✓ q) *Whether the variance, if granted, will be detrimental to the public welfare;*
- ✓ r) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- ✓ s) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- ✓ t) *Whether the property owner's predicament can be obviated through some other method than variance;*
- ✓ u) *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,*
- ✓ v) *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-18-008. Seconded by Mr. McKitrick. Mr. McKitrick, Mr. Platte, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Excuse of Absences.

Mr. McKitrick made a motion to excuse the absence of Mr. Platte from the March 13, 2018 hearing. Seconded by Mr. Howe. Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. Mr. Platte abstained. The motion was approved.

Mr. McKitrick made a motion to excuse the absence of Mr. Ashcraft from the March 13, 2018 hearing. Seconded by Mr. Howe. Mr. Platte, Mr. McKitrick and Mr. Howe voted yes. Mr. Ashcraft abstained. The motion was approved.

Next on the Agenda, approval of the March 13, 2018 Meeting Minutes.

Mr. Howe made a motion to approve the minutes of the March 13, 2018 Meeting. Seconded by Mr. McKitrick. Mr. Platte, Mr. McKitrick and Mr. Howe voted yes. Ms. Ashcraft abstained. The motion was approved.

Mr. McKitrick made a motion to adjourn the meeting. Seconded by Mr. Ashcraft. Mr. Howe, Mr. Platte, Mr. McKitrick and Mr. Ashcraft voted yes. The meeting was adjourned at 7:12 p.m.

Minutes of the April 10, 2018 meeting were approved on

_____, 2018.
