

**MINUTES OF THE  
CITY OF PATASKALA BOARD OF ZONING APPEALS**

**Tuesday, May 8, 2018**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, May 8, 2018.

Present were:

Bruce Ashcraft

Alan Howe

Robert Platte

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Lisa Paxton, Zoning Clerk

Chairperson Platte opened the hearing at 6:00 p.m., followed by the Pledge of Allegiance.

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

***First on the Agenda, Variance Application VA-18-009 - 34 Klema Drive***

Mr. Fulton gave an overview of the Staff Report, noting the applicant is proposing to construct an 11,000 square foot building adjacent to an existing building on the property. The applicant is seeking variances to waive L2 landscaping requirement on the eastern property line and to waive the requirement for curbed landscaping in the new parking lot. Mr. Fulton noted a variance for this property was approved in 2005 to waive the L2 landscaping requirement along the property's frontage of Klema Drive and Cypress Street.

Scott Mueller, 768 Poppy Hill Drive, Blacklick, Ohio 43004 was placed under oath.

A review was had regarding the sanitary line, proposed swale, Southwest Licking Water and Sewer District Comment and EPA letter.

Mr. Platte asked Mr. Mueller if there were any issues with the supplemental conditions.

Mr. Mueller stated having no issues.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve Variance Application VA-18-009 with the following supplementary conditions:

1. The applicant shall construct the building and associated improvements 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 building.
3. The proposed building and parking lot shall meet stormwater management requirements pursuant to Chapter 1119 of the Pataskala Code.
4. The applicant shall address all concerns of the SWLCWD as it pertains to the sanitary sewer.

Mr. Ashcraft seconded the motion. Ms. Rhodeback, Mr. Platte, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-18-009 – 5434 Headleys Mill Road***

Mr. Fulton gave an overview of the Staff Report, noting the applicant is seeking a variance to construct a 30-foot by 32-foot accessory building that would be located in front of the existing home on the property. According to the applicant, the accessory building cannot be constructed in the rear yard due to space limitations and a steep slope. The applicant states that construction of the accessory building in the side yard would limit access to the well and septic lines. The proposed accessory building would be used for storage.

Nathan Tripp, 5434 Headleys Mill Road, was placed under oath.

A review of the site plan was had.

Mr. Platte asked Mr. Tripp if there were any issues with the supplemental conditions.

Mr. Tripp stated having no issues.

Mr. Howe made a motion to approve Variance Application VA-18-009 with the following supplemental conditions:

1. The applicant shall construct the accessory building 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 well head and any part of the household sewage treatment system shall be a minimum of 10 feet from the accessory building.

Mr. Ashcraft seconded the motion. Mr. Platte, Ms. Rhodeback, Mr. Howe and Mr. Ashcraft voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-18-011 – 0 Cable Road, Parcel No. 063-149586-00.000***

Mr. Fulton reviewed the Staff Report, noting the applicant is seeking variances to construct a 48-foot by 40-foot accessory building that would exceed the maximum permitted size and would be located on a lot without a principal structure. Mr. Fulton noted the applicant purchased the property in December of 2017 with the intent of constructing a pole barn to store personal property, including several functioning vehicles. The applicant became aware of the zoning requirements for accessory buildings when filling out the accessory building permit application. The maximum permitted size for a property less than two (2) acres is 1,320 square feet. The proposed accessory building would exceed the maximum permitted size by 600 square feet. Mr. Fulton further noted Section 1221.05(D)(4) states an accessory structure shall not be located on a lot without a principal

structure.

Justin Wilson, 2503 Round Rock Drive, Columbus, Ohio 43219, was placed under oath.

Mr. Wilson stated purchasing the property in December 2017 and being unaware of the current codes. Mr. Wilson also stated he would be building a home on the property in the future and would be storing materials in the pole barn along with personal property.

A discussion was had regarding a new home construction application along with an accessory structure and the time frame they would need to be built.

Mr. Ashcraft asked when the home would be build.

Mr. Wilson stated the next two years.

Ms. Rhodeback inquired as to the type of fencing.

Mr. Wilson stated 6' fencing.

Tree replacement and ponding were discussed.

Brenda Hayes, 13499 Cable Road, was placed under oath.

Ms. Hayes noted her concerns regarding the applicant stating to her he would be moving equipment from Columbus to the pole barn, and install security cameras to keep people from stealing his equipment, since equipment has been stolen many times in Columbus. Ms. Hayes also noted the applicant stated people would be picking up the equipment in the mornings and bringing the equipment back in the evenings. Ms. Hayes also noted concerns with traffic.

Ms. Rhodeback asked if she is concerned regarding commercial use in a noncommercial zone.

Ms. Hayes indicated in the affirmative.

Mr. Wilson stated when looking at the property, he initially thought of storing equipment; however, after looking at the zoning, understands it is not permitted. Mr. Wilson stated he would certify the pole barn would only be used for his vehicles and would not be used for commercial purposes.

Sandra O'Brien, 13479 Cable Road, was placed under oath.

Ms. O'Brien noted concerns regarding vehicles.

Mr. Rhodeback noted the applicant stated it would be his own personal vehicles.

Ms. O'Brien noted the applicant stated a home was not being built because the lot was not wide enough.

Ms. Rhodeback noted the applicant seems to have researched what the code allows regarding construction of homes.

Mr. Platte noted his concerns regarding an accessory building without a principal structure.

Findings of Facts were reviewed.

Mr. Platte made a motion to disapprove a variance from Section 1221.05(b)(1) and 1221.05(d)(4) for Variance Application VA-18-011. Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Howe, Mr. Rhodeback and Mr. Platte voted yes. The motion was approved.

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

**Variance Application VA-18-009:**

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.*

**Variance Application VA-18-010**

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.*

**Variance Application VA-18-011**

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.*

***Next on the Agenda, Excuse of Absence for TJ Rhodeback from the April 10, 2018 Hearing:***

Mr. Platte made a motion to approve the absence of Ms. Rhodeback from the April 10, 2018 hearing. Seconded by Mr. Ashcraft. Mr. Platte, Mr. Ashcraft and Mr. Howe voted yes. Ms. Rhodeback abstained. The motion was approved.

***Next on the Agenda, approval of the April 10, 2018 regular meeting minutes.***

Mr. Howe made a motion to approve the April 10, 2018 regular meeting minutes. Seconded by Mr. Ashcraft. Mr. Howe, Mr. Platte, Mr. Ashcraft and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, Other Business.***

No other business was noted.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Platte, Mr. Howe, and Ms. Rhodeback voted yes. The meeting was adjourned at 8:00 p.m.

Minutes of the May 8, 2018 meeting were approved on

\_\_\_\_\_, 2018.

\_\_\_\_\_