

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

Tuesday, June 12, 2018

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 12, 2018.

Present were:

Bruce Ashcraft

Alan Howe

Chadd McKitrick

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

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: Bruce Ashcraft, Alan Howe, Chadd McKitrick and TJ Rhodeback were present. Rob Platte was not present.

First on the Agenda, remove from table, Variance Application VA-18-007.

Mr. McKitrick made a motion to remove Variance Application VA-18-007 from the table. Seconded by Mr. Howe. Mr. Howe, Ms. Rhodeback, Mr. McKitrick and Mr. Ashcraft voted yes, The motion was approved.

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

Mr. Fulton gave an overview of the Staff Report, noting the applicant is requesting variances to reduce the setback from the right-of-way for a parking lot from 40 feet to 25, replace the L2 landscaping requirement along the right-of-way with flower beds and to waive the requirement for curbed landscaping in the parking lot.

Jeanne Cabral, 2939 Bexley Park Road, Columbus, was placed under oath.

Ms. Cabral noted wanting to be good neighbors. Stating not wanting a big car lot and will fix up the house.

Saso Damceski, 145 Trail East, Pataskala, was placed under oath.

Mr. Damceski had no questions.

Virginia Jones, 128 Summit Ridge North, Reynoldsburg, was placed under oath.

A discussion was had regarding the location of 14778 East Broad Street.

Findings of Facts were discussed.

Mr. Howe made a motion to approve Variance Application VA-18-007 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 any improvements to the property.
3. The proposed ground sign shall not be permitted as its proximity to the roadway poses a safety concern.
4. The applicant shall provide plans to the City for review and approval for the piping of the existing drainage ditch and associated improvements.
5. All trees removed from the property shall comply with the tree replacement ratio pursuant to Section 1283.03.

Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. Howe, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved. Thirty-day appeal process was noted.

Next on the Agenda, Variance Application VA-18-012.

Mr. Fulton gave an overview of the Staff Report, noting the applicants are proposing to construct a five (5) foot fence around their back yard, which is a corner lot and the Code considers the property to have two front yards.

Todd VanHorn, 1400 Hoovler Way, was placed under oath.

Mr. VanHorn stated constructing the fence for privacy from the street.

A discussion was had regarding neighboring fences.

Findings of Facts were discussed.

Mr. McKitrick made a motion to approve Variance Application VA-18-012 with the following supplementary conditions:

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.

Seconded by Mr. Howe. Ms. Rhodeback, Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved. Thirty-day appeal process was noted.

Next on the Agenda, Variance Application VA-18-013.

Mr. Fulton gave an overview of the Staff Report, noting the applicants are requesting a variance from Section 1225.05(C)(2) of the Pataskala Code to allow for the construction of a home that would fail to meet the minimum required side yard setbacks. Mr. Fulton further noted in 2016 the Board of Zoning Appeals approved a variance to allow the reduction of the required side yard setbacks from 50 feet to 30 feet via a variance. The variance was approved with a condition that the variance would be valid for one (1) year from the date of approval. The home was not constructed within the one-year period and the variance expired in May of 2017.

Mr. Fulton further stated the applicants are requesting the same set back that was approved in 2016. Kristin and William Harris' email was noted.

A discussion was had regarding soil testing for a household sewage treatment system.

A discussion was had regarding the original five-acre lot split in 2008.

Philip and Susan Griffith, 1115 Taylor Glen Boulevard, Pataskala, was placed under oath.

Mr. and Mrs. Griffith noted purchasing the property in June of 2016 and had not been informed the variance expired in May 2017.

Elaine Bobbit, 5513 Headleys Mill Road, was placed under oath.

Ms. Bobbitt asked the Board to table the application due to the Harris' being unavailable to speak at tonight's hearing.

Mr. Fulton stated a Board Member would need to make a motion to table the application.

Mr. Ashcraft inquired as to the septic system.

Mr. Fulton stated the household sewage approval through Licking County Health Department will be required for new construction.

Ms. Rhodeback asked the Board if they would like to table the application.

Mr. Ashcraft stated seeing no reason to table the application.

Ms. Rhodeback asked a second time if the Board would like to table the application.

Mr. McKitrick inquired as to when neighbor notifications were sent out.

Mr. Fulton noted 12 days prior to hearings.

Ms. Rhodeback asked a third time if the Board would like to table the application.

No tabling request was made.

Ms. Bobbit noted her concerns of a 3,500 square foot home being on a narrow lot. Ms. Bobbit stated adjoining properties would suffer a substantial detriment as a result of the variance and noted concerns of the driveway being on the property line.

Mr. Fulton stated the driveway on the site plan does not appear to be on the property line. Mr. Fulton also noted there's no minimum setback requirement for non-platted lots.

Ms. Bobbit noted different designs that would fit better, and would comport more to the esthetics of the lot. Ms. Bobbit noted the spirit and intent would not be observed as the property is zoned agricultural and not a development.

A discussion was had regarding the house south of the subject property.

Mr. Ashcraft asked if the Griffiths' were open to changing the plans.

Mr. and Mrs. Griffith noted issues of reducing the size or changing location of the home.

Ms. Rhodeback noted issues regarding split zoning in the Agricultural District.

A discussion was had regarding the previous variance.

Findings of Facts were discussed.

Mr. Ashcraft made a motion to approve Variance Application VA-18-013 with the following supplementary conditions:

1. The applicant shall construct the house 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 house.
3. Septic System Approval through the Licking County Health Department

Mr. Howe seconded the motion. Mr. McKitrick, Mr. Howe, Mr. Ashcraft voted yes. Ms. Rhodeback voted no. The motion was approved. Thirty-day appeal process was noted.

Next on the Agenda, Variance Application VA-18-014.

Mr. Fulton gave an overview of the Staff Report, noting the applicant is requesting a variance from Section 1121.13 of the Pataskala Code to allow for the construction of a driveway that would fail to meet the minimum required side yard setback. The property is currently vacant, a New Residential Construction permit was approved in May to allow for the construction of a new single-family home. The approved permit indicated that the driveway would be constructed entirely on Lot 20; however, it was later determined that a portion of the driveway would need to encroach onto the property to the north due to topographical issues.

A discussion was had regarding the topography of Lots 20 and 21 and a shared driveway.

Kathleen Fornes, 133 Highland Hollow Drive, was placed under oath.

Ms. Fornes noted her concerns regarding building two homes on the properties due to two ravines.

Mark Miriello, 4519 Queen Anne Street, New Albany, Ohio, representing Thomas and Jennifer Salmon, was placed under oath.

Mr. Miriello noted the site is a scenic preserve, allowing access to streams and ravines. Mr. Miriello noted the issues with two driveways and noted the applicants are not asking for the driveways to make it easier for a lot split in the future. The applicant bought both lots to build the one house. Mr. Miriello noted it's the intention of the property owner and desire of the community that it is just one lot.

A discussion was had regarding easements and replating.

Findings of Facts were discussed.

Mr. Ashcraft made a motion to approve Variance Application VA-18-014 with the following supplementary modifications:

1. The applicant shall submit revised plans to amend zoning permit application 18-216.
2. An access easement shall be prepared and recorded allowing the driveway to encroach onto the neighboring property.

Seconded by Mr. Howe. Ms. Rhodeback, Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved. Thirty-day appeals process was noted.

Next on the Agenda, Findings of Facts.

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-18-007. Seconded by Mr. McKitrick. Mr. Ashcraft, Mr. Howe, Ms. Rhodeback and Mr. McKitrick voted yes. The motion was approved.

Variance Application VA-18-007:

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 Findings of Facts for Variance Application VA-18-012. Seconded by Mr. Ashcraft. Mr. Howe, Mr. Ashcraft, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-18-012

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 Findings of Facts for Variance Application VA-18-013. Seconded by Mr. Ashcraft. Mr. McKitrick, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Variance Application VA-18-013

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 Findings of Facts for Variance Application VA-18-014. Seconded by Mr. Ashcraft. Ms. Rhodeback, Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Variance Application VA-18-014

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 Chadd McKitrick from the May 8, 2018 Hearing:

Mr. Ashcraft made a motion to approve the absence of Mr. McKitrick from the May 8, 2018 hearing. Seconded by Mr. Howe. Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. Mr. McKitrick abstained. The motion was approved.

Next on the Agenda, approval of the May 8, 2018 regular meeting minutes.

Ms. Rhodeback made a motion to approve the May 8, 2018 regular meeting minutes. Seconded by Mr. Ashcraft. Mr. Howe, Mr. Ashcraft and Ms. Rhodeback voted yes. Mr. McKitrick Platte, Mr. Ashcraft and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Other Business.

Comprehensive plans were noted.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Mr. Howe. Mr. Ashcraft, Mr. McKitrick, Mr. Howe, and Ms. Rhodeback voted yes. The meeting was adjourned at 8:15 p.m.

Minutes of the June 12, 2018 meeting were approved on

_____, 2018.
