

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

Tuesday, July 10, 2018

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

Present were:

Bruce Ashcraft

Chadd McKittrick

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, Chadd McKittrick and TJ Rhodeback. Alan Howe and Robert Platte were not present.

First on the Agenda, Variance Application VA-18-015 – 11 Meadow Way

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is requesting a variance to allow for the construction of a fence that would exceed the maximum permitted height in front of the building setback line. Mr. Fulton further noted the fence company, Mae Fencing, constructed the fence without obtaining a permit.

Eric Fashano, 11 meadow Way, was placed under oath.

Mr. Fashano stated the six-foot fencing is for privacy and safety.

Mr. McKittrick asked if the Applicant had any knowledge regarding the fence height requirement of four feet in front yards.

Mr. Fashano indicated he was not aware of the fence height requirement.

Ms. Rhodeback asked if there has been a lot of fence permit requests from Mae Fencing.

Mr. Fulton stated there have not been many fence permit requests from Mae Fencing. Mr. Fulton noted the steps and fee to obtain a permit; however, the Applicant had paid considerably more than the actual fence permit cost.

Mr. McKittrick made a motion to approve Variance Application VA-18-015 with the following supplementary conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala for the fence as

constructed.

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

Next on the agenda, Conditional Use Application CU-18-002.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is requesting a conditional use to allow for the construction of a two-family residential dwelling at the corner of 3rd Avenue and Beeson Avenue. Mr. Fulton noted the Applicant is reconfiguring the site plan and will request to table Variance Applicant VA-18-015.

Ms. Rhodeback indicated there being speaker requests for Applications CU-18-002 and VA-18-015.

Connie Klema, PO Box 991, Pataskala, Ohio, representing the Applicant, was placed under oath.

Ms. Klema stated, regarding speaker requests, that under Ohio Law, public opinion is not to be considered for a conditional use and further noted Zoning permits duplexes as a conditional use.

Ms. Klema reviewed the application, noting each unit will be 1350 square foot, ranch style duplexes with a one-car garage and a second parking space in the driveway.

A discussion was had regarding lot size.

A discussion was had pertaining to public opinions for conditional uses under Ohio Law regarding administrative adjudicatory hearings.

Chris Weber, 91 3rd Avenue was placed under oath.

Mr. Weber noted his concerns regarding brush and concrete had accumulated on the lot. Mr. Weber also noted safety concerns for pedestrians walking along the street, as there are no sidewalks.

Julie Linden, 61 3rd Avenue, was placed under oath.

Ms. Linden noted traffic concerns, no sidewalks, adding two more driveways, and cars parking on Beeson Avenue.

Greg Nevil, 73 3rd Street, was placed under oath.

Mr. Nevil noted concerns regarding the duplex being too close to the road. Mr. Nevil stated he has no problem with building at this location, but feels there's not enough room on the lot.

A discussion was had regarding conditional uses and variances.

Findings of Fact were reviewed.

Mr. McKitrick made a motion to approve Conditional Use Application CU-18-002. Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Next on the agenda, Variance Application VA-18-016, Beeson Avenue and 3rd Avenue.

Mr. McKitrick made a motion to table Variance Application VA-18-016, as requested by the Applicant. Seconded by Mr. Ashcraft. Mr. McKitrick, Ms. Rhodeback and Mr. Ashcraft voted yes. The motion was approved.

Next on the agenda, Findings of Fact.

Variance Application VA-18-015

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 Fact for Variance Application VA-18-015. Seconded by Mr. Ashcraft. Ms. Rhodeback, Mr. McKitrick and Mr. Ashcraft voted yes. The motion was approved.

Conditional Use Application CU-18-002

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. Ashcraft made a motion to approve Findings of Fact for Conditional Use Application CU-18-002. Seconded by Mr. McKitrick. Mr. McKitrick, Ms. Rhodeback and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence for Rob Platte from the June 12, 2018 Hearing.

Mr. McKitrick made a motion to approve the absence of Mr. Platte from the June 12, 2018 hearing. Seconded by Mr. Ashcraft. Ms. Rhodeback, Mr. McKitrick and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, approval of the June 12, 2018 regular meeting minutes.

Mr. McKitrick made a motion to approve the June 12, regular meeting minutes. Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. McKitrick 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 Mr. McKitrick. Mr. Ashcraft, Mr. McKitrick and Ms. Rhodeback voted yes. The meeting was adjourned at 7:15 p.m.

Minutes of the July 10, 2018 meeting were approved on

_____, 2018.
