

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

Tuesday, October 11, 2016

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Tuesday, October 11, 2016.

Present were:

Matt Dixon, Chairman

Catherine Baird, Vice Chairwoman

Kathleen Hasson

Steve Valentine

City of Pataskala Planning and Zoning Department staff:

Zack Cowan, City Planner

Lisa Paxton, Zoning Clerk

Chairman Dixon opened the hearing at 6:32 p.m., followed by the Pledge of Allegiance. Roll call was made. Present were: Matt Dixon, Catherine Baird, Kathleen Hasson and Steve Valentine. TJ Rhodeback and Scott Fulton were not present.

First on the Agenda, **Variance Application VA-16-020.**

Alex Yazdani was placed under oath.

Mr. Yazdani reviewed his variance request.

Mr. Dixon inquired as to the Homeowners' Association.

Mr. Yazdani noted the Association allows up to five-foot fencing.

Mr. Cowan gave an overview of the Staff Report, noting the Applicant is seeking a variance to construct an accessory building, and a five-foot fence in the front yard, as the Applicant's parcel has a corner lot. Mr. Cowan noted comparable properties and a recent variance that had been approved in the same subdivision.

Mr. Baird asked if there were any concerns from neighbors.

Mr. Yazdani noted no concerns.

Mr. Cowan noted no concerns were received.

Mr. Valentine made a motion to approve from Section 1279.03(A)(1) and 1221.05(D)(1) of the Pataskala Code, for Variance Application VA-16-020 with the following modifications:

1. The applicant shall construct the accessory building addition 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 addition.

Ms. Hasson seconded the Motion. Mr. Dixon, Ms. Hasson, Mr. Valentine and Ms. Baird voted yes. The Motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, **Variance Application VA-16-021.**

Mr. Hollenbaugh was placed under oath.

Mr. Hollenbaugh reviewed his variance request.

Mr. Cowan gave an overview of the Staff Report, noting the Applicant is seeking to replace the existing 24' x 54' structure with a larger 30' x 60' steel structure that exceeds the maximum permitted size.

Ms. Baird asked if there were any concerns expressed by neighbors.

Mr. Hollenbaugh noted no concerns.

Ms. Hasson asked if the accessory building would be for personal use.

Mr. Hollenbaugh answered in the affirmative.

Ms. Baird made a motion to approve Variance Application VA-16-021 with the following modifications:

1. The applicant shall construct the accessory building addition 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 addition.

Ms. Hasson seconded the motion. Ms. Baird, Ms. Hasson, Mr. Valentine and Mr. Dixon voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the agenda, **Variance Application VA-16-022.**

Tom Wilhelm was placed under oath.

Mr. Wilhelm reviewed his variance request.

Mr. Cowan gave an overview of the Staff Report, noting the Applicant is requesting to construct a 1,100 square foot addition to the corner of an existing garage. Mr. Cowan noted the proposed addition would exceed the

maximum permitted size by 1,268 square feet.

Mr. Wilhelm noted the garage would be hidden by pine trees.

Mr. Valentine made a motion to approve from Section 1221.05(B)(1) of the Pataskala Code, Variance Application VA-16-022 with the following modifications:

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

Seconded by Ms. Baird. Ms. Hasson, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the agenda, **Variance Application VA-16-023**.

Dan Fry was placed under oath.

Mr. Fry reviewed his variance request.

Mr. Cowan gave an overview of the Staff Reporting, noting the Applicant is requesting a variance to allow an accessory building to exceed the maximum permitted size and exceed the maximum permitted height. Mr. Cowan stated the proposed accessory building would exceed the maximum square footage by 1,650 square feet and exceed the height limit by seven feet. Mr. Cowan noted the Applicant owns a 2.079 acre lot directly behind the property, and stated if the two lots were combined, the maximum available square footage would increase to 1,367 square feet and the maximum available height would increase to 25 feet; however, a variance would still be needed.

Ms. Hasson inquired as to combining both the lots.

Mr. Cowan noted the lots could be combined; however, it is a lengthy process and a variance is quicker and less timely option.

Ms. Baird asked if there were any neighbor concerns

Mr. Fry indicated there were none.

Ms. Hasson asked if the building would be used only for personal use.

Mr. Fry indicated in the affirmative.

Ms. Baird made the motion to approve the variances from Section 1221.05(B)(1) and Section 1221.05(C)(1)(a) of the Pataskala Code for Variance Application VA-16-023 with the following modifications:

1. The applicant shall construct the accessory building addition 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 addition.

Seconded by Ms. Hasson. Ms. Baird, Ms. Hasson, Mr. Valentine and Mr. Dixon voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, Conditional Use Application CU-16-00, Front Porch Investments, LLC.

Mike Kirkwood and Randy Colvin were placed under oath.

Mr. Colvin reviewed his conditional use request, also stating the dwellings would be an upscale, luxury project.

Mr. Dixon asked if the homes will be rentals or for sale.

Mr. Colvin indicated rentals.

Mr. Cowan reviewed the Staff Report, noting the Applicants are proposing to construct two-family dwellings on lots located between Broad St. and 3rd Ave. Mr. Cowan noted there would be four units total and each unit would have one garage and one off-street parking spot.

Mr. Colvin noted the price range for the units will average \$1,400 a month.

A discussion was had regarding the corner, third lot.

Mr. Colvin indicated they will come back in the future to request a similar use for the corner lot.

Mr. Cowan reviewed the Review Memo Responses regarding utilities and sidewalks.

Further discussion was had regarding sidewalks.

Ms. Hasson asked if there were any neighbor concerns.

Mr. Cowan noted there being no complaints.

Melody LeKandis, 55 North End Drive, was placed under oath.

Ms. Lekandis asked if the rental properties would be Section 8.

Mr. Colvin noted no discrimination; however, the price point exceed the ranked allotment from Section 8.

Mr. Valentine made the motion to approve a conditional use pursuant to Section 1233.04(7) of the Pataskala Code for Conditional Use Application CU-16-008, with the following modifications:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction.
2. The applicant shall construct the dwellings as submitted within one (1) year of the date of approval.
3. No off-street parking space, or portion thereof, shall be located closer than 10 feet to any established street right-of-way pursuant to Section 1291.05(A)(1) of the Pataskala Code.

Ms. Baird seconded the motion. Ms. Hasson, Mr. Valentine, Mr. Dixon and Ms. Baird voted yes. The motion was approved.

Next on the Agenda, **Variance Application VA-16-024**.

Randy Colvin was previously placed under oath.

Mr. Colvin reviewed his variance request.

Mr. Cowan gave an overview of the Staff Report, noting the Applicants are requesting front yard setbacks of 30 feet and side yard setbacks of 15 feet on both sides of each structure. Mr. Cowan noted Section 1223.05 of the Pataskala Code, the front yard setback requirement is 35 feet while the side yard setback requirement is 20 feet.

Mr. Kirkwood reviewed the site maps, measurements, comparable and average setbacks with the Board.

Mr. Cowan gave an overview of the parking.

Ms. Baird inquired as to Ms. Nixon's adjacent property.

Mr. Kirkwood noted Ms. Nixon will maintain her other properties.

Ms. Baird made the motion to approve a variance from Section 1233.05(C) of the Pataskala Code for Variance Application VA-16-024 with the following modifications:

1. The applicant shall construct the dwellings 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 dwellings.

Mr. Valentine seconded the motion. Ms. Hasson, Mr. Valentine, Mr. Dixon and Ms. Baird voted yes. The motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, **Conditional Use Application CU-16-008.**

Ms. Baird made the motion to table Conditional Use Application CU-16-008 to the November 8, 2016 hearing. Seconded by Ms. Hasson. Ms. Hasson, Mr. Dixon, Ms. Baird and Mr. Valentine voted yes. The motion was approved.

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

Ms. Hasson made a motion to accept **Findings of Fact A through K for Variance Application VA-16-020.** Ms. Baird seconded the motion. Mr. Valentine, Ms. Baird, Mr. Dixon and Ms. Hasson voted yes. The motion was approved.

Ms. Baird made a motion to accept **Findings of Fact A through K for Variance Application VA-16-021.** Ms. Hasson seconded the motion. Mr. Dixon, Mr. Valentine, Ms. Hasson and Ms. Baird voted yes. The motion was approved.

Ms. Hasson made a motion to accept **Findings of Fact A through K for Variance Application VA-16-022.** Ms. Baird seconded the motion. Ms. Hasson, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Ms. Baird made a motion to accept **Findings of Fact A through K for Variance Application VA-16-023.** Ms. Hasson seconded the motion. Mr. Valentine, Ms. Baird, Mr. Dixon and Ms. Hasson voted yes. The motion was approved.

Ms. Hasson made a motion to accept **Findings of Fact A through K for Variance Application VA-16-024.** Mr. Valentine, Ms. Baird, Ms. Hasson and Mr. Dixon voted yes. The motion was approved.

Ms. Baird made a motion to accept **Findings of Fact 1 through 9 for Conditional Use Application CU-16-008.** Mr. Valentine seconded the motion. Ms. Hasson, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

No other business was presented.

Ms. Baird made a motion to approve the September 13, 2016 regular meeting minutes. Seconded by Mr. Valentine. Ms. Hasson, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Ms. Baird made the motion to adjourn the meeting. Seconded by Mr. Valentine. Mr. Dixon, Ms. Baird, Ms. Hasson, Mr. Valentine voted yes. The meeting was adjourned at 7:29 p.m.

Minutes of the October 6, 2016 Board of Zoning Appeals Meeting were approved on

_____, 2016.

Chairman Matt Dixon