CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

STAFF REPORT

October 11, 2016

Conditional Use Application CU-16-008

Applicant:	Front Porch Investments, LLC
Owner:	Annie Nixon
Location:	Beeson Ave. – 064-308430-00.000, 064-308424-00.000
Acreage:	0.19 Acres & 0.19 Acres
Zoning:	R-15 – Medium-High Density Residential District
Request:	Requesting a conditional use pursuant to Section 1233.04(7) of the Pataskala Code to allow for the construction of two (2), Two-Family Residential Dwellings.

Description of the Request:

The applicant is seeking a conditional use to construct a Two-Family Residential dwelling on each lot. Two-Family dwellings require a conditional use pursuant to Section 1233.04(7).

Staff Summary:

The two properties located between W. Broad St. and 3rd Ave. are currently vacant. The applicant is proposing to construct a Two-Family dwelling on each lot. Each structure would be two stories and roughly 2,900 square feet. Each unit (four units total) would have one garage and one off-street parking spot. If the setback variance application VA-16-024 is approved, all other requirements by the code would be met.

Staff Review:

The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

The comprehensive plan's future land use for these properties are designated at Mixed-Use, which Two-Family dwellings would conform to. No problem.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Vacant
East	R-15 – Medium-High Density Residential GB – General Business	Single-Family House Vacant
South	R-15 – Medium-High Density Residential	Single-Family House
West	R-15 – Medium-High Density Residential	Single-Family House

Conditional Use Requirements:
According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

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.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-16-008:

- None

Department and Agency Review
- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Pataskala Utilities – See attached
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking School District – No comments

Modifications:
Should the Board choose to approve the applicant's request, the following modifications may be considered:

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.

Resolution:
For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to (approve/disapprove) a conditional use pursuant to Section 1233.04(7) of the Pataskala Code for application CU-16-008 ("with the following modifications" if modifications are to be placed on the approval)."

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Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1213)

Property Information		
Address: Beeson Ave Lots.		
Parcel Number: 064-308430-00.000, 064-308424-00.000		
Zoning: R-15	Acres: 0.19 / 0.19	
Water Supply:		
☒ City of Pataskala	☐ South West Licking	☐ On Site
Wastewater Treatment:		
☒ City of Pataskala	☐ South West Licking	☐ On Site

Staff Use
Application Number: CU-16-008
Fee: $300
Filing Date: 9-19-16
Hearing Date: 10-11-16

Applicant Information		
Name: Front Porch Investments, LLC		
Address: 5667 York Rd SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-758-5790	Email: rentals@frontporchinvestments.com	

Documents
☑ Application
☑ Fee
☑ Narrative
☑ Site Plan
☑ Deed
☑ Address List
☑ Area Map

Owner Information		
Name: Annie B. Nixon		
Address: 50 Vine St.		
City: Pataskala	State: OH	Zip: 43062
Phone:	Email:	

Conditional Use Information
Request (Include Section of Code): 1233.04(7)
See Attached
Describe the Project:
see Attached

Revised January 1, 2015

Documents to Submit

Variance Application: Submit 14 copies of the variance application.

Narrative Statement: Submit 14 copies of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
  - *a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
  - *b) Whether there are unique physical circumstances or conditions that prohibit the property from 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 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 governmental 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.*

Site Plan: Submit 14 copies of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- All existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

Address List: Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

Area Map: Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at www.lcounty.com/taxparcelviewer/default.

Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant: member / Front Porch Investments, LLC	Date: 9/16/16
Owner: See Attached.	Date:

Conditional Use Request Narrative

The subject lots are currently zoned Medium-High Density Residential District (R-15).

Front Porch Investments, LLC, Intends to construct two(2), Two-Family Residential Dwellings with one(1) building being erected per lot. The townhomes will be of contemporary design and in keeping with the general feel of architecture that exists throughout the City of Pataskala. Each townhome will be a two story, three bedrooms, two and a half baths with approximately 1450 square feet (per side). These dwellings will be developed in the spirit and intent of the conditionally permitted uses in section 1233.04 of the current Zoning Code and will serve as a transition from the commercially developed parcels of Broad street to the residential neighborhood beyond. These townhomes will also be consistent with other Two-Family Dwellings that currently occupy this zone.

1233.04 CONDITIONALLY PERMITTED USES.

A conditional use permit may be issued in accordance with Chapter 1215, and the other provisions of these regulations provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 1215.04 as well as any additional standards in accordance with any or all of those standards found in Section 1215.05 or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. Home occupations. Refer to Section 1215.05B.2. and Chapter 1267.
2. Daycare facilities, institutions, or nursing homes located not less than 50 feet from any other lot in any R-District. Refer to Section 1215.05B.10. and E.8. (as applies).
3. Religious institutions.
4. Public and private schools for academic instruction either state accredited or approved by the Board of Zoning Appeals. Refer to Section 1215.05A. and E. (as applies).
5. Libraries, museums, art galleries, and recreational facilities. Refer to Section 1215.05E. as applies.
6. Governmental buildings. Refer to Section 1215.05A. and E. (as applies).
7. **Two-Family Residential Dwelling.**
8. All uses marked as "Conditional Uses" in the Medium-High Density Residential District (R-15) as listed in the NAICS Classification and Zoning District Matrix. (Ord. 2008-3843. Passed 7-21-08.)

LickingCounty

Licking County Tax Parcel Viewer

Loading...

September 7, 2016

N
W E
S

0 100 Feet
0.02 Miles

LICKING COUNTY TAX MAP

Licking County, OH
2013/2014

To Whom It May Concern:

I, Annie B. Nixon authorize Front Porch Investments, LLC to pursue a zoning variance(s), with the City of Pataskala Board of Zoning Appeals, on the following parcel numbers:

064-308424-00.000,
064-308430-00.000,
064-308436-00.000

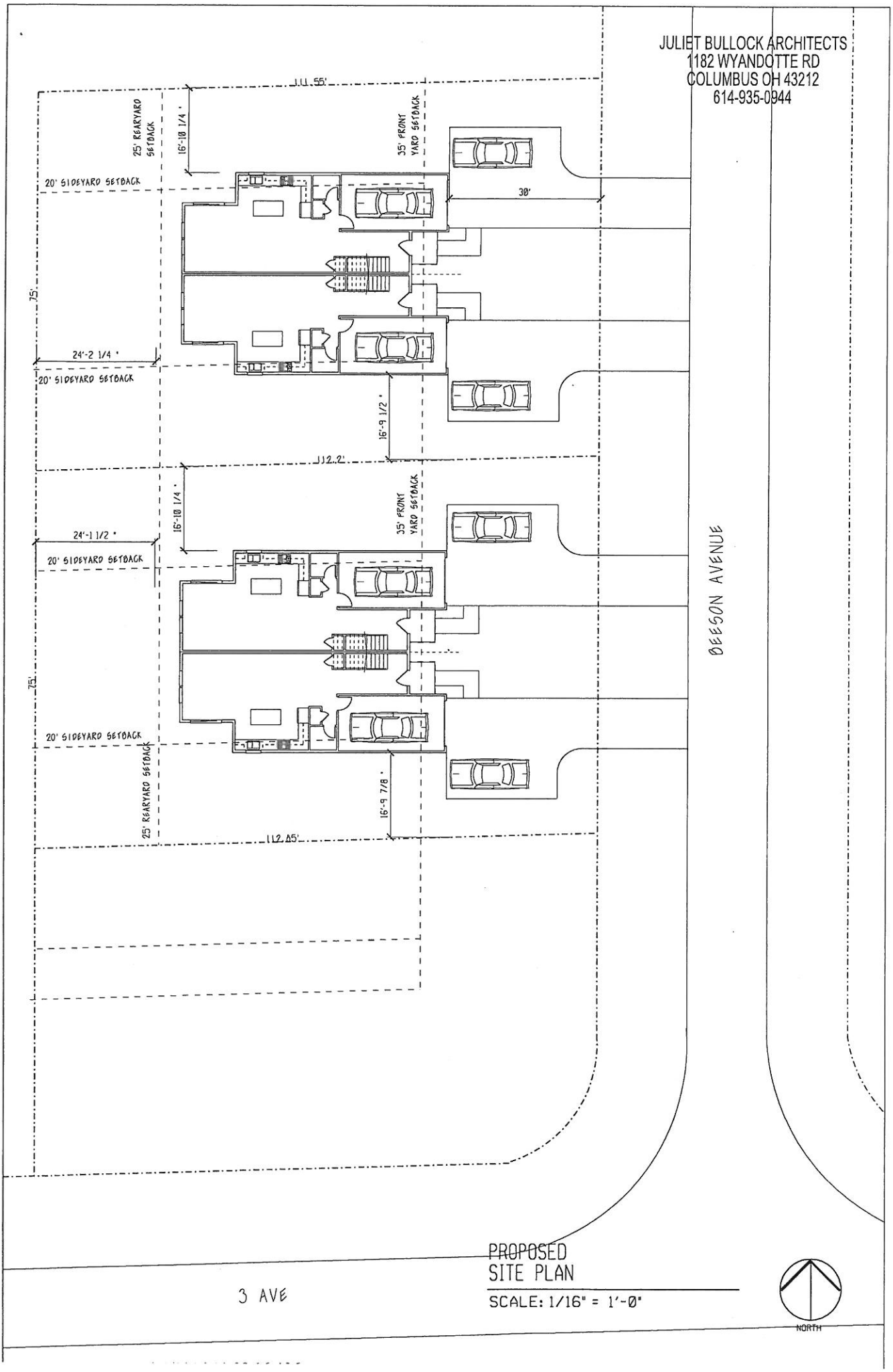
Sincerely,

Annette Truex - POA for Annie B. Nixon

Annie B. Nixon (POA: Annette Truex)

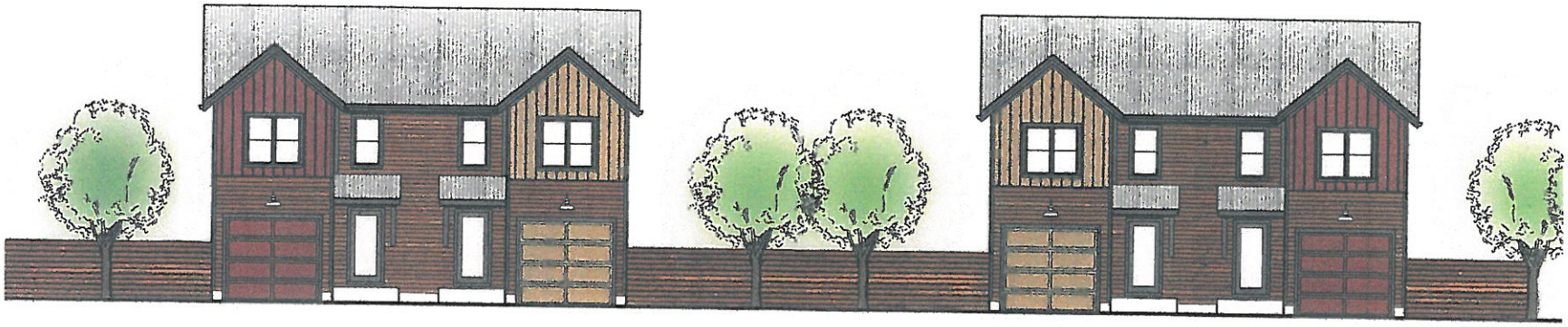
9-16-16

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-935-0944



PROPOSED
SITE PLAN

SCALE: 1/16" = 1'-0"



PROPOSED EAST ELEVATION

ESTATE OF Charlie Paul Nixon aka C. Paul Nixon **, DECEASED**

CASE NO. 20150293

201505050008436
Pgs: 2 $28.00 T20150010346
05/05/2015 12:36PM BXHAYES LAW
Bryan A. Long
Licking County Recorder

CERTIFICATE OF TRANSFER

NO. 1

TF
Da
Licking County Auditor
SEC 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY

[Check one of the following]

☐ Decedent died intestate.

☒ Decedent died testate.

Decedent died on 04/02/2015 owning the real property described in this certificate. The persons to whom such real property passed by devise, descent or election are as follows:

Name	Residence Address	Transferee's share of decedent's interest
Annie B. Nixon	50 Vine Street Pataskala, OH 430632	Entire

DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER
APPROVED BY 5-5-15

011505846051430010 00

011505846051430020 00

011505841051430160 00

011505846051430080 00

011505841051430170 00

[Complete if applicable] The real property described in this certificate is subject to a charge of $_____ in favor of decedent's surviving spouse, Annie B. Nixon in respect of the unpaid balance of the specific monetary share which is part of the surviving spouse's total intestate share.

PerfectForm F4-45

(Reverse of Form 12.1)

CASE NO. 20150293

The legal description of decedent's interest in the real property subject to this certificate is: **[use extra sheets, if necessary].**

Situated in the State of Ohio, County of Licking, former Township of Lima, now by merger the City of Pataskala and being further bounded and described as follows:
Being Lots No. Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty-eight (28), and Twenty-nine (29), of Beeson's Subdivision in said Township of Lima (now City of Pataskala), as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 5, pages 143 and 144, Plat Records, Recorder's Office, Licking County, Ohio.
Subject to all planning, zoning and other governmental land use regulations and restrictions, if any, and all easements, leases, street and highway rights of way and any and all other conditions of record, if any, especially, but not limited to the restrictions agreement recorded Vol. 461, page 151; easements recorded in Vol. 598 page 262 and Vol. 617 page 111 and Vol. 617 page 123, Recorder's Office, Licking County, Ohio.

01150584605143009000

Prior Instrument Reference: Instrument Number 201305140012434, 201305140012435, 201305140012436, Official Records and Volume 571, Page 435, Deed Records, Licking County, Ohio
Parcel No: 064-310872-00.000, 064-310878-00.000, 064-308436-00.000, 064-308430-00.000, 064-308424-00.000, 064-309330-00.000
This instrument was prepared by W. Scott Hayes

ISSUANCE

This Certificate of Transfer is issued this 24 day of April, 20 15.

Robert H. Hoover

Robert H. Hoover, Judge

AUTHENTICATION

I certify that this document is a true copy of the original Certificate of Transfer No. 1 issued on 4/24/15 and kept by me as custodian of the official records of this Court.

APR 24 2015
Date

TRANSFERRED
Date: May 5, 2015

JUDGE ROBERT H. HOOVER
Robert H. Hoover, Judge

By
Deputy Clerk

From:	Scott Fulton
To:	Zachary Cowan
Subject:	FW: October 11 BZA Packet
Date:	Monday, September 26, 2016 4:10:15 PM

SCOTT FULTON
Director of Planning
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062
Phone: 740-927-2168
Cell: 614-907-6151
Fax: 740-927-0228

From: Jim Roberts [mailto:jroberts@hullinc.com]
Sent: Sunday, September 25, 2016 5:23 PM
To: Scott Fulton <sfulton@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>
Cc: Scott Haines <shaines@hullinc.com>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: October 11 BZA Packet

Scott, JHA has spent some time reviewing the cases on the agenda for the October 11, 2016 Board of Zoning Appeals hearing.

Most of the cases are more zoning related and require no engineering comments. I would mention that many of the cases seem to involved accessory buildings that are larger than permitted, so we would point out as a general comment that all of those cases need to ensure no drainage concerns are created for any abutting properties with the projects.

We do have a comment on cases VA-16-024 and CU-16-008, which both apply to the propery on Beeson Avenue. These two cases concern placing duplexes on single lots, and both show adding two drives to each lot. In addition, the drives as drawn do not have widened approaches. While we did not see a prohibition of having two drives on a single lot, this it typically not permitted. The lots are not wide, so the drive spacing would also not be acceptable.

We are happy to discuss these concerns if you wish to pursue them further with us. Just let us know and we can talk by phone or in person.

Let us know if we can help in any other way. Thanks!

Jim

James G. Roberts, P.E.
PRESIDENT

Jobes Henderson

From: Nathan Coey
To: Zachary Cowan; Scott Fulton
Subject: Review Memo
Date: Thursday, September 22, 2016 11:00:47 AM

VA-16-020 : No comments

VA-16-024 & CU-16-008 : Just FYI to the owner. If approved we will need to have a discussion with the owner about water and sewer connection fees. At minimum we will require a 1 inch water tap for each building at a total capacity fee cost of $16,050 plus $1000 meter fee. Sewer capacity fee based on 1 inch water service will be $13,910. Estimate based on 2, 1 inch water services and 2 sewer service taps for a grand total of $30,960 for 2 units. I want them to be aware of this cost as they start through the process so there are no surprises. We will meter and bill each building, we will not provide sub metering for each unit.

CU-16-007 : Onsite private well needs abandoned. A water backflow prevention device will need to be installed per regulations. Water service will not be reinstated until these items are complete.

Nathan W. Coey
Utility Director
City of Pataskala
621 W. Broad Street
Suite 1-D
Pataskala, Ohio 43062
Office: 740-927-4134
ncoey@ci.pataskala.oh.us

"Integrity is doing the right thing, even when no one is watching."
C.S. Lewis