



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

July 10, 2018

#### Conditional Use Application CU-18-002

<b>Applicant:</b>	Connie J. Klema
<b>Owner:</b>	Front Porch Investments, LLC
<b>Location:</b>	Corner of Beeson Avenue and 3 <sup>rd</sup> Avenue
<b>Acreage:</b>	0.16 acres
<b>Zoning:</b>	R-15 – Medium-High Density Residential District
<b>Request:</b>	Requesting a conditional use pursuant to Section 1233.04(7) of the Pataskala Code to allow for the construction of a two-family residential dwelling.

#### Description of the Request:

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

#### Staff Summary:

The property is currently vacant and is Lot 16 of the Beeson Subdivision which was platted in 1954. The applicant is proposing to construct a duplex on the property that would front onto 3<sup>rd</sup> Avenue. The duplex would be one story and would contain 2,695 square feet of living area. Each unit would have its own garage.

It should be noted that variances would be required for the duplex as proposed (variance application VA-18-016); however, the applicant has requested to table that application as they are currently in the process of reconfiguring the site plan. Therefore, the only consideration for the Board, at this time, is the appropriateness of the property to be used for a two-family residential dwelling pursuant to the conditional use request.

In October of 2016 the Board of Zoning Appeals approved a conditional use to allow for the construction of duplexes on the two properties immediately north of the subject property on Beeson Avenue. Setback variances were also granted at that time front and side yard setbacks. The approved duplexes are two stories and approximately 2,900 square feet in size.

#### 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 current Comprehensive Plan recommends Mixed Use for the subject property. Based upon that recommendation, the proposed duplex would be in harmony with the Comprehensive Plan.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential	Duplex
East	R-15 – Medium-High Density Residential	Single-Family Home
South	R-7 – Village Single Family Residential	Single-Family Home
West	R-15 – Medium-High Density Residential	Single-Family Home

**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-18-002:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – No comments
- 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:

- None

**Resolution:**

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

"I move to approve a conditional use pursuant to Section 1233.04(7) of the Pataskala Code for application CU-18-002 ("with the following modifications" if modifications are to be placed on the approval)."



# CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

## CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

<b>Property Information</b>		
Address: <i>LOT 16 BEESON SUBDIVISION</i>		
Parcel Number: <i>064-308436-00,000</i>		
Zoning: <i>R-15</i>	Acres: <i>~ 0.16</i>	
Water Supply:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input type="checkbox"/> On Site

<b>Staff Use</b>
Application Number: <i>CU-18-002</i>
Fee: <i>\$300.00</i>
Filing Date: <i>6-15-18</i>
Hearing Date: <i>7-10-18</i>
Receipt Number: <i>22816</i>

<b>Applicant Information</b>		
Name: <i>CONNIE J. KLEMT ATTORNEY</i>		
Address: <i>PO BOX 991</i>		
City: <i>PATASKALA</i>	State: <i>OH</i>	Zip: <i>43062</i>
Phone: <i>614 374 8488</i>	Email: <i>ckklemattorney@gmail.com</i>	

<b>Documents</b>
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

<b>Property Owner Information</b>		
Name: <i>FRONT PORCH INVESTMENTS LLC</i>		
Address: <i>5667 YORK RD SW</i>		
City: <i>PATASKALA</i>	State: <i>OH</i>	Zip: <i>43062</i>
Phone: <i>614 374 8488</i>	Email: <i>RENTALSD@FRONTPORCHINVESTMENTS.COM</i>	

<b>Conditional Use Information</b>	
Request (Include Section of Code): <i>Conditional Use</i>	
<i>(R-15) 1233.04(7) TWO-FAMILY RESIDENTIAL DWELLING</i>	
Describe the Project:	
<i>TO CONSTRUCT A TWO-FAMILY RESIDENTIAL DWELLING IN THE R-15 DISTRICT</i>	

## Documents to Submit

**Conditional Use Application:** Submit 1 copy of the conditional use application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
  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 this 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 not 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 interference with traffic on surrounding public thoroughfares.*
  9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.

**Site Plan:** Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of 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 conditional use request

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**Area Map:** Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

## 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 conditional use request.

Applicant (Required):

*Louis J. Klen attorney*

Date:

*6/14/18*

Property Owner: (Required):

*Louis J. Klen attorney on behalf of owner*

Date:

*6/14/18*

## **Conditional Use Application**

### **Lot 16 Beeson Subdivision**

#### **Zoned R-15**

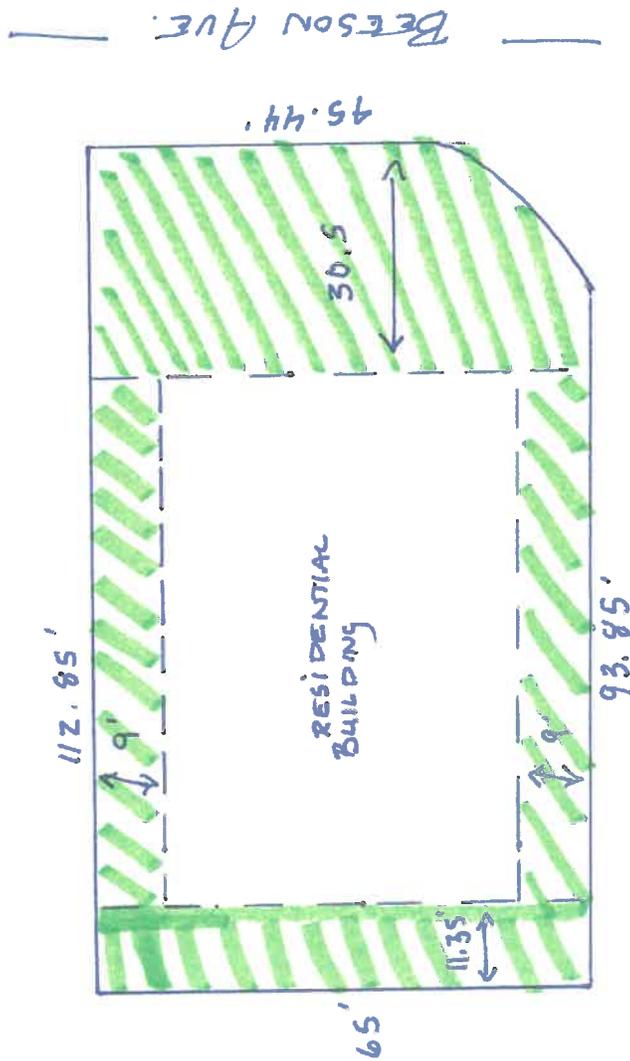
Lot 16 is zoned R-15, which permits a two-family residential dwelling as a conditional use.

#### Narrative Statement:

The Owner wishes to build a two-family dwelling on Lot 16. The Owner requested and received conditional uses to build a two-family dwelling on the two adjacent lots in 2016.

- 1) R-15 permits a two-family dwelling as a conditional use (1233.04(7)).
- 2) Lot 15 is in the Beeson Subdivision where there is a mix of single family and two-family dwellings.
- 3) The residential structure is designed and will be operated, maintained and harmonious in appearance with the neighborhood.
- 4) The residences will not be hazardous to neighboring residential uses.
- 5) Lot 16 is served adequately by public facilities.
- 6) The residences will not create excessive additional requirements at public cost and will not be detrimental to the economic welfare of the community.
- 7) The residences will not involve uses or conditions that will be detrimental to people, property, or the general welfare.
- 8) Lot 16 will have vehicular approaches designed to not create interference with traffic on surrounding public thoroughfares.
- 9) Lot 16 was platted to be developed for residential use. The residences will not destroy or damage a natural, scenic, or historical feature of major importance.

Lot 16

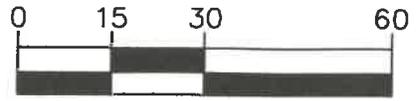


— THIRD STREET —

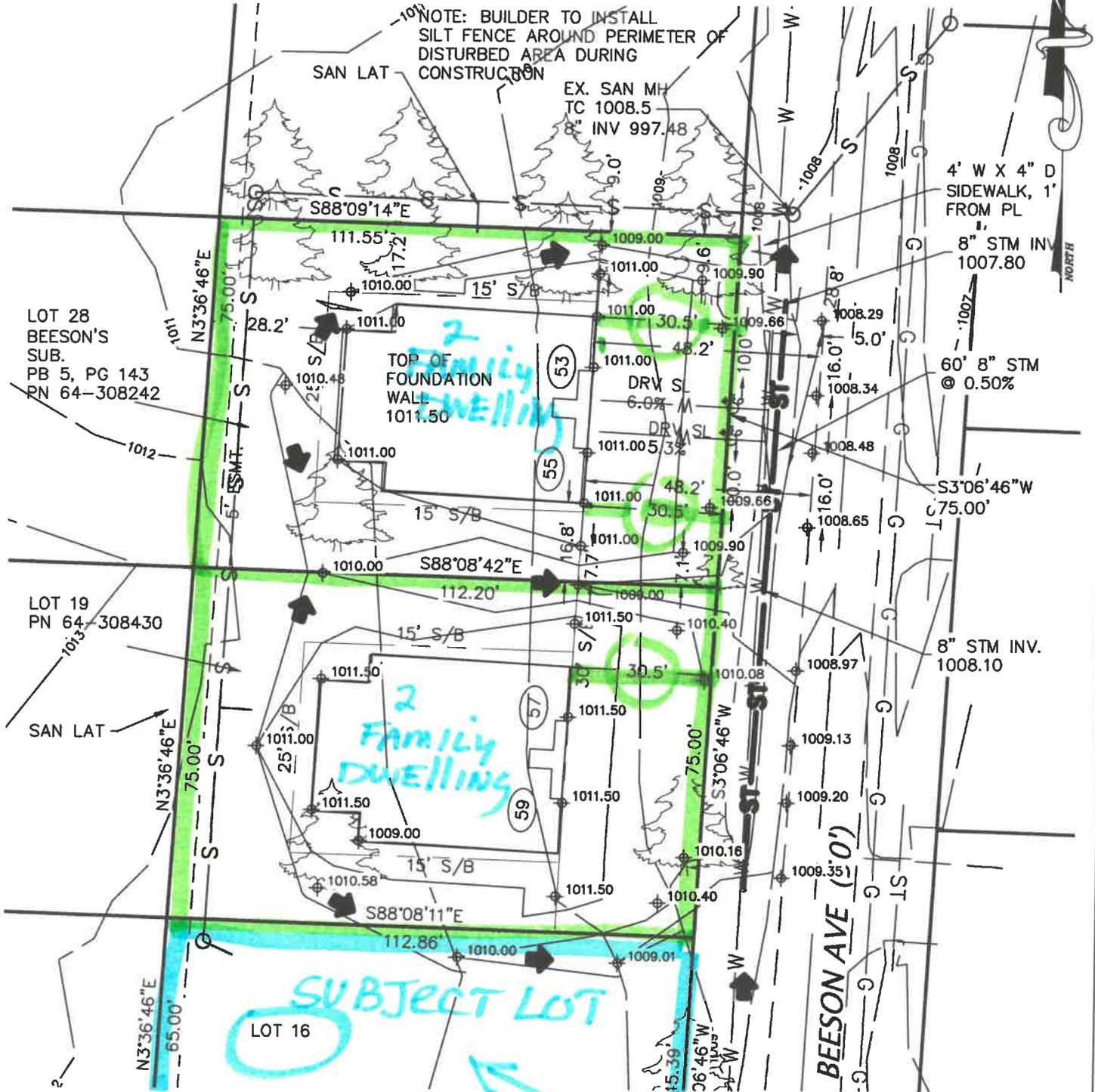
# PLOT PLAN

ADDRESS: 53 & 55 BEESON AVE, PATASKALA  
 COUNTY: Licking STATE: Ohio  
 OWNER: Front Porch Investments, LLC  
 JOB NO.: 16286 DATE: 12/13/16

## BAR SCALE



( IN FEET )  
 1 inch = 30 ft.



Todd D. Willis, PS  
 Reg. No. S-7996  
 Willis Engineering & Surveying  
 740-739-4030

LOT AREA & COVERAGE  
 LOT: 8388 SF  
 HOUSE, DRIVE & SIDEWALK: 3530 SF

ALL UTILITIES SHALL BE UNDERGROUND

DESCRIPTION APPROVED  
**WILLIAM C LOZIER**  
 LICKING COUNTY ENGINEER  
 APPROVED BY  
 JC 11-18-16

201611180025638  
 Pgs: 2 \$28.00 T20160829453  
 11/18/2016 12:55PM BXHAYES  
 Bryan A. Long  
 Licking County Recorder

TRANSFERRED  
 Date NOV 18 2016  
*Mark Smith*  
 Licking County Auditor  
 SEC. 319.202 COMPLIED WITH  
 MICHAEL L. SMITH, AUDITOR  
 BY: 35 144.00

**GENERAL WARRANTY DEED**

Annie B. Nixon, unmarried, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to *Front Porch Investments, LLC* whose tax mailing address is 5667 York Road SW, Pataskala, OH 43062, the following real property:

*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), Nineteen (19), and Twenty-eight (28), 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.*

Prior Deed Reference:. Instrument Number 201505050008436 in the Licking County, Ohio Records  
 Also known as: 0 Beeson Ave, Pataskala, OH 43062  
 Auditor's Parcel #064-308424-00.000, #064-308436-00.000, #064-308430-00.000

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

Executed this 14<sup>th</sup> day of November, 2016.

*Annie B Nixon by*  
*Annette Truex - Attorney in*  
 Annie B. Nixon, by her Attorney-in-fact, *fact*  
 Annette Truex

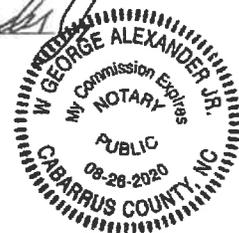
State of Ohio  
 County of Licking SS:

The foregoing instrument was acknowledged before me this 14 day of November 2016 by Annie B. Nixon, by her Attorney-in-fact, Annette Truex.

*W George Alexander Jr*  
 NOTARY

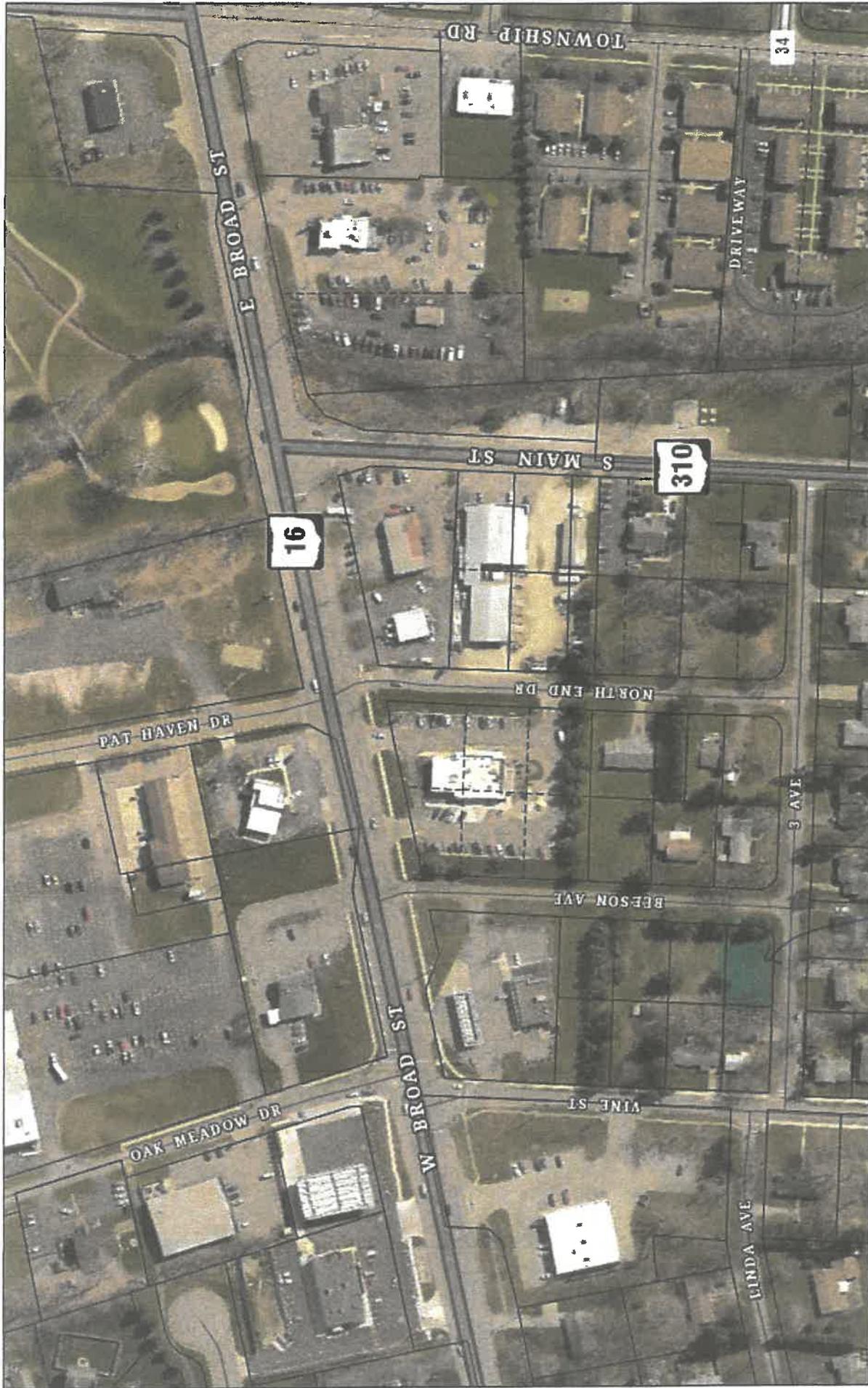
This document prepared by:

**HAYES**  
 LAW OFFICES, INC.  
 A Legal Professional Association



- WILLIAM C. HAYES
- MELINDA G. SEEDS
- C. DANIEL HAYES
- Laurie R. Wells
- W. Scott Hayes
- Sheena A. Sjöstrand-Post

# OnTrac Property Map



May 23, 2018

Centerlines\_0315

Interstate/US/State Route  
 County Road  
 Township Road  
 Municipal Road  
 Other Road Type

188 Feet  
 0.04 Miles

Interstates  
 Municipal Corporations  
 Jurisdictional Townships

Historical Townships Line  
 County Boundary  
 Ohio Counties

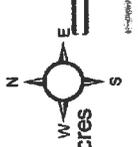
Licking County Auditor GIS

LICKING COUNTY TAX MAP

# OnTrac Property Map



May 23, 2018



Owner Name & Acres

County Road  
Township Road  
Municipal Road

Other Road Type  
Interstates  
Municipal Corporations

Jurisdictional Townships  
Historical Townships Line  
County Boundary

Centerlines\_0315

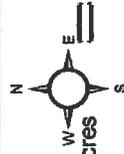
LICKING COUNTY TAX MAP

Licking County Auditor GIS

# OnTrac Property Map



May 23, 2018



- Owner Name & Acres
- Centerlines\_0315
- Interstate/US/State Route
- County Road
- Township Road
- Municipal Road

- Other Road Type 47 Feet
- Interstates
- Municipal Corporations

- Jurisdictional Townships
- Historical Townships Line
- County Boundary

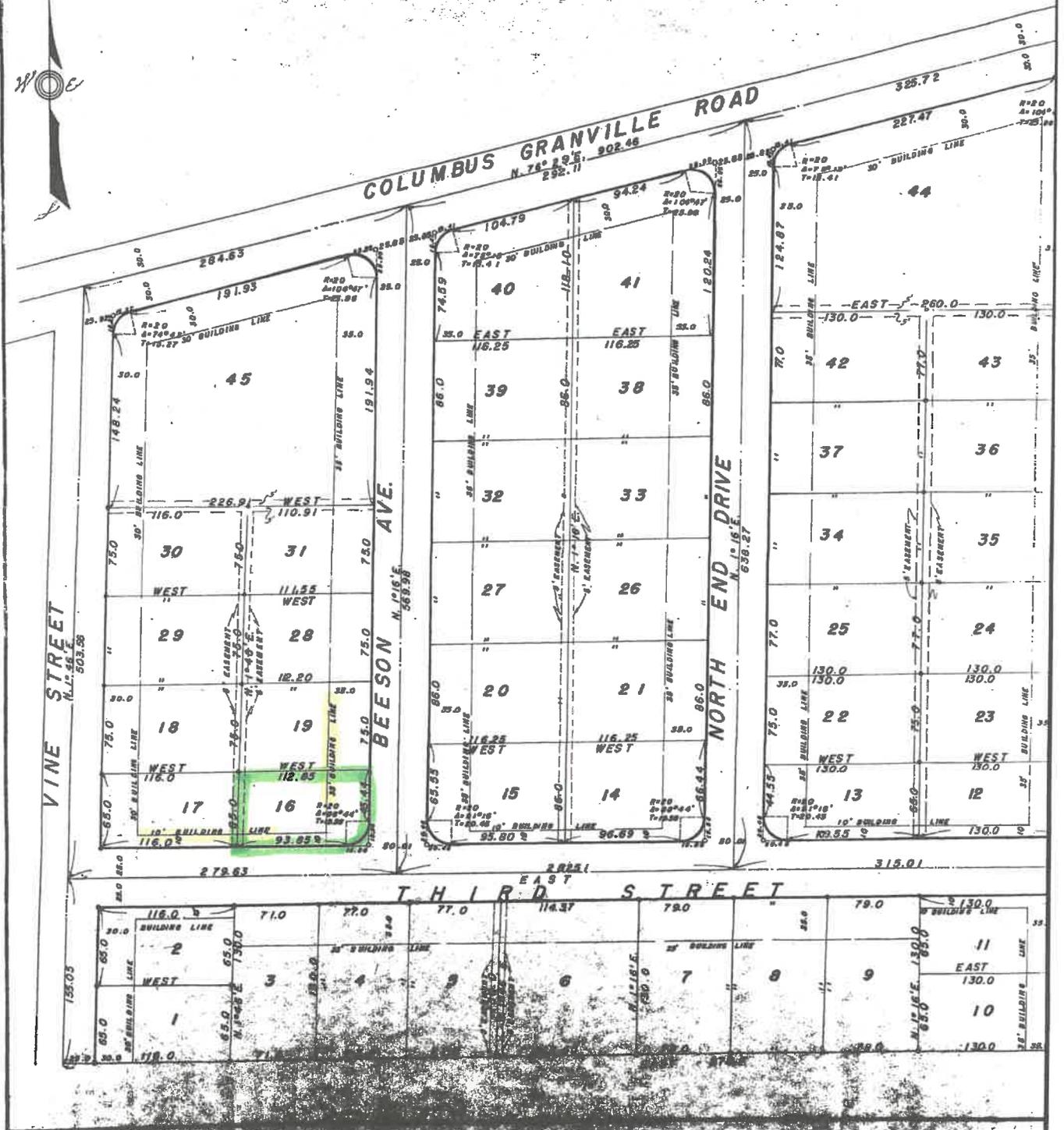
Licking County Auditor GIS

LICKING COUNTY TAX MAP

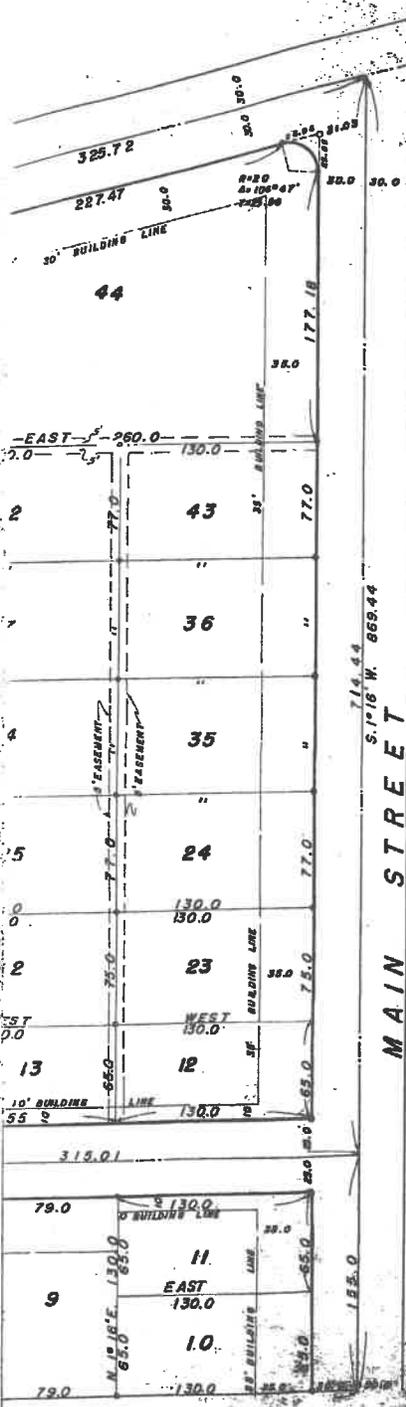


143

# BEESON'S SUBDIVISION



# DIVISION



Shelton in County of Licking, State of Ohio, Township of Lima, a part of Quarter Township 4,  
 Township of Lima, Licking County, Ohio, BEESON and PEARL BEESON, his wife owners of a certain tract conveyed  
 to us by deed of record in Deed Book 347, Page 556, Recorder's Office, Licking County, Ohio, GLEN  
 STEMMER and ZEPHYRUS W. TRESNER, his wife, owners of a 0.477 acre tract, now Lots 12 & 23, conveyed  
 by deed of record in Deed Book 347, Page 135 and a 0.594 acre tract, now Lots 12 & 23, conveyed  
 by deed of record in Deed Book 400, Page 135, all in Recorder's Office, Licking County, Ohio,  
 DWIGHT BEESON, owner of a certain tract, now Lots 12 & 23, deeded to me by deed of record in  
 Deed Book 410, Page 480, Recorder's Office, Licking County, Ohio, WAYNE TRESNER and  
 MARYE TRESNER, his wife, owners of a 0.210 acre tract, now Lot 17 of record in Deed Book  
 453, Page 403, Recorder's Office, Licking County, Ohio, DAVID BEESON, MARY ELLEN BEESON,  
 his wife, owners of a 0.085 acre tract, now Lots 29 & 30, of record in Deed Book 410, Page 458, Licking County Records,  
 do hereby certify that the attached plat correctly represents our "BEESON'S SUBDIVISION"  
 do hereby accept this plat of same and dedicate to public use as such all or parts of  
 the road, drive, streets and avenues shown hereon & not heretofore dedicated.  
 Easements are reserved where indicated on the plat for public utility purposes above and  
 beneath the ground.

Witness: William E. Schraft Signed: Wayne Tresner  
Edward Robinson Marye Tresner  
John A. Stevens  
John B. Beck  
David Beeson  
Mary Ellen Beeson  
Dwight Beeson

COUNTY OF LICKING  
 STATE OF OHIO SS

Before me a Notary Public, in and for said county, personally came the  
 above named persons, who acknowledged the signing of the foregoing instrument  
 to be their voluntary act and deed for the uses and purposes herein expressed.  
 In witness whereof, I have hereunto set my hand and affixed my official seal this  
7th day of May, 1954.

24354

NOTARY PUBLIC, LICKING COUNTY, OHIO  
 My Commission expires April 18, 1954

Approved and accepted this 6th day of May, 1954

Byron Van Hille  
William W. Reynolds  
Ed. L. Jones  
 COMMISSIONERS, LICKING COUNTY, OHIO

Transferred this 7 day of May, 1954.

Roe Morrow  
 AUDITOR, LICKING COUNTY, OHIO

Filed this 7 day of May, 1954, at 3:15 P.M.

Recorded this 10 day of May, 1954 in Plat Book 5, Page 143 + 144

Fee \$ 9.36

# 65637 See O R  
 Vol. 197 Pg 534

Lowell W. Vermilion  
 RECORDER, LICKING COUNTY, OHIO

SURVEYED & PLATTED  
 BY  
**EVANS & MECHWART**  
 CIVIL ENGINEERS & SURVEYORS  
 GANAHNA, OHIO  
 SCALE: (1"=50')

We do hereby certify that we have surveyed the above premises, prepared the plat of  
 that said plat is correct.

Lowell W. Vermilion  
 Recorder

Taxes Due July 18th

Michael L. Smith, Auditor  
Olivia C. Parkinson, Treasurer

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other

- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values

- Help
- My OnTrac
- My Email
- My Parcels
- My Password
- Lists/Reports
- Logout



Search by:  
  
 Search for:

Trouble Searching?



064-308436-00 000  
**FRONT PORCH INVESTMENTS LLC**  
 BEESON AVE  
 PATASKALA, OH 43062

Acres: 0.16  
 LOT 16 BEESONS SUB  
 .00A

Land: \$20,100  
 Improv: \$0  
 Total: \$20,100

Sale Date: 11/18/2016  
 Amount: \$48,600  
 Conveyance: 3703  
 Valid Sale: Yes

Homestead: No



*Planning and Zoning  
Department*

### NOTICE OF PUBLIC HEARING

**You received this notice because you own property in close proximity to the property requesting a variance and conditional use.**

The Pataskala Board of Zoning Appeals will hold a public hearing on Tuesday, July 10, 2018 at 6:30 p.m., First Floor Council Chambers, Pataskala City Hall, located at 621 West Broad Street. The Board of Zoning Appeals will discuss the following applications:

**Conditional Use Application CU-18-002:** Connie J. Klema is requesting a conditional use, pursuant to Section 1233.04(7) of the Pataskala Code, to allow for the construction of a two-family residential dwelling, Parcel No. 064-308436-00.000, for property located on the corner of Beeson Avenue and 3<sup>rd</sup> Avenue.

**Variance Application VA-18-016:** Connie J. Klema is requesting a variance from Section 1233.05(C)(1) and Section 1233.05(C)(2) of the Pataskala Code to allow for the construction of a two-family dwelling that would fail to meet the minimum required front and side yard setbacks, Parcel No. 064-308436-00.000, for property located on the corner of Beeson Avenue and 3<sup>rd</sup> Avenue.

The applications are available for review at the Pataskala Planning and Zoning Department, located at 621 West Broad Street, Suite 2A, and will be available on our website July 5, 2018:

<http://www.cityofpataskalaohio.gov/government/boards-and-commissions/board-of-zoning-appeals/>

***If you plan to attend, you may contact the Zoning Clerk at 740-927-4910 the day of the hearing to confirm the application has not been postponed or rescheduled.***

Planning and Zoning office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

*Mailed 6-28-18*

ASHCRAFT BEVERLY ANN, LINDA JO &  
LISA JO

PO BOX 833

PATASKALA, OH 43062

BEESON DOUGLAS JAMES & FLUCKE  
JANE ELLEN

15 SANDALWOOD DR

NEWARK, OH 43055

FREDERICK MICAH CHARLES &  
KATHERINE J-C FREDERICK

60 3RD W AVE

PATASKALA, OH 43062

HUCKINS CALEB M & JORDAN E

41 3RD ST

PATASKALA, OH 43062

LEKANIDIS MILLIE JO

55 NORTH END DR

PATASKALA, OH 43062

NIXON ANNIE B

1138 CORRINA RD

WAKE FOREST, NC 27587

PEKULA HEATHER ELAINE

76 2ND AVE

PATASKALA, OH 43062

UNITED DAIRY FARMERS INC

3955 MONTGOMERY RD

CINCINNATI, OH 45212

WINTER WILLIAM W & DONNA

P O BOX 384 58 W SECOND ST

PATASKALA, OH 43062

BEESON DAVID J

4234 WATKINS RD

PATASKALA, OH 43062

FERGUS COMPANY LLC

8377 GREEN MEADOWS DR N STE A

LEWIS CENTER, OH 43035

FRONT PORCH INVESTMENTS LLC

5667 YORK RD

PATASKALA, OH 43062

KAMMEYER PEGGY S

76 VINE S ST

PATASKALA, OH 43062

LULEI KIMBERLY & CHARLES

56 BEESON AVE

PATASKALA, OH 43062

PATASKALA PUBLIC LIBRARY

101 VINE S ST

PATASKALA, OH 43062

PETERS ROBERT M JR & MENEVA JEAN

6532 BEECHER RD

GRANVILLE, OH 43023

WEAVER RUTH ANN

BOX 542 83 W THIRD ST

PATASKALA, OH 43062

ZEUNE DOUGLAS M & CONNIE M

68 VINE ST

PATASKALA, OH 43062

BEESON DOUGLAS JAMES

4046 WATKINS RD

PATASKALA, OH 43062

FOSTER JOHN C

61 3RD ST

PATASKALA, OH 43062

HOWES LINDA LEE & H MITCHELL

3732 CROSSINGS CREST

BIRMINGHAM, AL 35242

KNILANS KYLE L

57 END N DR

PATASKALA, OH 43062

NEVIL GREGORY A

73 3RD ST PO BOX 137

PATASKALA, OH 43062

PATASKALA UN METHODIST CH

458 MAIN ST PO BOX 777 S

PATASKALA, OH 43062

THOMPSON DEBRA L

6629 WATKINS RD

PATASKALA, OH 43062

WEBER DARREN & HEATHER L

91 3RD ST

PATASKALA, OH 43062

**VA-18-016 and  
CU-18-002**