



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

December 11, 2018

Conditional Use Application CU-18-006

Applicant:	Randy Almendinger, Joe Kerner, and Ronald Kinietz
Owner:	Randy Almendinger, Joe Kerner, and Ronald Kinietz
Location:	350 Main Street
Acreage:	0.09 acres
Zoning:	DB – Downtown Business
Request:	Requesting approval of a conditional use pursuant to Section 1245.04(3) of the Pataskala Code to allow for One, two, three, or four-family residential dwelling units within the existing building.

Description of the Request:

The applicant is seeking a conditional use to allow two (2) apartments to be located in a commercial building in the DB – Downtown Business district pursuant to Section 1245.04(3).

Staff Summary:

The property located at 350 Main Street contains a two-story commercial building of an unknown size constructed in 1910. The office building currently houses a tax service, but from appearances it does not appear that any other commercial space is occupied. At some point, two apartments were created from the vacant commercial space, which according to the applicants, one apartment being located upstairs while the second apartment is located downstairs in the back of the building. No further information was provided about the apartments or any vacant commercial space.

The applicants have indicated that the apartments are to “assist homeless individuals who have medical problems”. The applicants have also stated that the apartments will be “in accordance with the laws of Pataskala.”

The DB – Downtown Business district requires a conditional use for one, two, three, or four dwelling residential units pursuant to Section 1245.04(3)

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 Zoning Inspector has indicated, at the time of this writing, that there have been three code violations on the property. The violations related to the trash have been remedied. The remaining violation is for the absence of a Conditional Use, which is being addressed via this application.

The Zoning Inspector has also indicated there have been, at the time of this writing, 18 police calls over a period of three (3) months to the property. Some calls required assistance from the West Licking Joint Fire District medics. The police calls have been for issues such as drug overdose, disorderly conduct, menacing, theft and domestic violence. A neighboring business has also had to call the police regarding the tenants of this property. The summary of these issues provided by the Zoning Inspector is attached.

The Planning and Zoning Department does find it commendable that the applicants would assist people with medical problems with nowhere else to go by providing them housing. However, the amount of issues created by the tenants of these apartments is concerning. While it could be argued that the tenants are the problem and not the apartments, the applicants apparent lack of oversight is troubling. One would think that an average of six (6) police calls to the property per month would give cause for the applicants to step in and address the issue, possibly with eviction. However, staff has no indication that the applicants are doing anything to address this issue.

The applicants have not provided information as to where parking is located for the tenants of the apartments. Section 1291.16 indicates that a minimum of two (2) parking spaces are required for apartments or multi-family dwellings. While Section 1291.17 waives minimum parking and loading requirements for the DB – Downtown Business district, it is only for permitted uses. As the apartments are a conditional use, Section 1291.17 does not apply.

The Comprehensive Plans designates the property for Mixed Use; therefore, the proposed apartments would be in line with the recommendations of the Plan.

Surrounding Area:

Direction	Zoning	Land Use
North	DB -Downtown Business	Barber Shop
East	DB -Downtown Business	Parking Lot
South	DB -Downtown Business	Bank
West	DB -Downtown Business	Vacant

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-18-006:

G. Miscellaneous - Administrative

1. *The Board of Zoning Appeals may, at its discretion, require that, upon the issuance of a conditional use permit, the conditions of the permit be subject to periodic review to insure compliance with the terms of the permit.*
 - Due to property's recent history with code violations and police calls, the Planning and Zoning Department feels that a review of the conditional use, if approval, would be appropriate.

Department and Agency Review

- Zoning Inspector – See attached
- 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

Conditions:

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

1. The applicants shall have the apartments inspected and approved by the Licking County Building Code Department.

2. The applicant shall have the apartments inspected and approved by the West Licking Joint Fire District.
3. The apartments shall not be hazardous or disturbing to existing or future neighboring uses.
4. The apartments shall 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.
5. The Board of Zoning Appeals shall review the conditions of the conditional use permit to insure compliance with the conditions of the permit in one (1) year from the date of approval.

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 1245.04(3) of the Pataskala Code for application CU-18-006 (“with the following conditions” if conditions are to be placed on the approval).”

From: [Steven Blake](#)
To: [Scott Fulton](#)
Cc: [BJ King](#); [Jack Kuntzman](#); [Lisa Paxton](#)
Subject: Re: CU-18-006 Conditional Use Application 350 S. Main Street
Date: Monday, December 03, 2018 3:08:48 PM
Importance: High

Code Violations sited at this property:

- 10/04/2018 Unauthorized Accumulation of Trash/Debris 953.03 City Code
10/04/2018 Notice posted on property 10/04/2018 Violation Corrected
- 10/04/2018 Failure to Provide Refuse/Garbage Containers (953.02(A)(B1,3)(D) City Code
10/04/2018 Notice posted on property 10/04/2018 Violation Corrected
- 10/04/2018 Failure to obtain Conditional Use Permit prior occupancy 1245.04(3) City Code.
10/04/2018 Notice posted on property 10/12/2018 Courtesy Letter sent
10/19/2018 Violation Letter sent 11/01/2018 Mayor's Court
Summons sent
11/15/2018 Mayor's Court Hearing Status: Mayor's Court continued
to 01/10/2019

Pataskala Police calls from September 6th to December 2nd 2018 to 350 Main street involving current tenants.

1. 09/06/2018 Tenant regarding daughter drug use
2. 09/08/2016 Drug Overdose tenant's daughter WLFM Medic called
3. 09/09/2018 Disorderly Conduct / intoxication on tenant
4. 09/12/2016 Drug Overdose tenant's daughter WLFM Medic called
5. 09/12/2018 Criminal Trespass complaint by landlord against tenant's daughter
6. 09/22/2013 Tenant intoxicated WLFM Medic called
7. 10/03/2018 Menacing complaint by tenant's daughter against other building tenant
8. 10/03/2018 Tenant assault by neighbor from upstairs apartment
9. 10/03/2018 Disorderly Conduct-Fighting between tenants- 2 arrest made
10. 10/04/2018 Civil dispute between tenants on trash
11. 10/08/2014 Domestic Violence complaint
12. 10/09/2018 Theft complaint by tenant against other tenant in same building
13. 10/09/2018 Coffee Shop call on 350 Main tenant: Menacing, Disorderly Conduct, Criminal Trespass 1 arrest
14. 10/14/2018 Theft of services (cab) by tenant's daughter WLFM Medic called
15. 11/11/2018 Disorderly conduct by tenant
16. 11/30/2018 Theft charge by tenant against other tenant in same building
17. 12/02/2018 Coffee Shop call on 350 Main Street tenants (2) Menacing, Disorderly Conduct, Trespassing
18. 12/02/2018 Theft complaint by tenant against other tenant in same building

Total 18 Police responses to 350 Main with WLFD Medics dispatched on 4 of the 18 calls

Steven Blake
Zoning Inspector
City of Pataskala



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: <i>350 S. Main St. Pataskala</i>	
Parcel Number: <i>064302720-00-0000</i>	
Zoning: <i>DB</i>	Acres: <i>0.09</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

Staff Use
Application Number: <i>CU-18-006</i>
Fee: <i>\$ 300.00/yr</i>
Filing Date: <i>11-15-18</i>
Hearing Date: <i>12-11-18</i>
Receipt Number: <i>499560</i>

Applicant Information		
Name: <i>Randy Almendinger, Joe Kerney, Ronald Kerney</i>		
Address: <i>350 S. Main St.</i>		
City: <i>Pataskala</i>	State: <i>OH</i>	Zip: <i>43062</i>
Phone: <i>614-583-0922</i>	Email: <i>JKerney@taxhold.org</i>	

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

Property Owner Information		
Name: <i>Same as above</i>		
Address:		
City:	State:	Zip:
Phone:	Email: <i>Dinger@ohiopublisher.com</i> <i>Randy 740 964 6226</i>	

Conditional Use Information
Request (Include Section of Code): <i>1245-04(3)</i>
Describe the Project: <i>2 Rental Units; one up & one down back.</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.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(B) 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/paxworld/>

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):

Joseph Kerner *Dana Almendinger*

Date:

11-15-18

Property Owner: (Required):

[Signature] *Joseph Kerner*

Date:

11-15-18

1.) Is to assist to homeless individuals - who both have medicinal problem.

2.) yes

1.) yes

2.) DB, purpose to assist 2 individuals - will be serviced in accordance with the laws of Pataskala.

3.) Absolutely.

4.) yes. - other buildings have apartments in them as well.

5.) yes

6.) no

7.) no

8.) no

9.) no

Taxes Due February 20th
Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

Licking County, Ohio, US - OnTrac - Michael L. Smith and Olivia C. Parkinson

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064-307770-00.000
PATASKALA
PROFESSIONAL
BUILDING LLC
350 MAIN ST
PATASKALA, OH 43062

Acres: 0.09
LOT 64 PT & 62 PT
Land: 561.000
Improv: 589.000
Total: \$150,000

Sale Date: 05/22/2007
Amount: \$129,000
Conveyance: 1364
Valid Sale: Yes

Homestead: No
Owner Occ: No
Foreclosure: No
Certified Delq: 2016

On Contract: No
Bankruptcy: No
Tax Lien: Yes

General Warranty Deed

(pursuant to O.R.C. §5302.01 through O.R.C. §5302.06)

Woods/Caw Family LLC, an Ohio limited liability company, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants, to Pataskala Professional Building, LLC, an Ohio limited liability company, whose tax mailing address is PO Box 722 Pataskala OH, the following real property:

Situated in the State of Ohio, County of Licking and in the City of Pataskala, formerly Village of Pataskala, having been declared to be a City on January 19, 1997:

Being part of Lots Numbers 62 and 64 in the Village of Pataskala, Ohio, (now City of Pataskala) and being all of said Lot Number 62 EXCEPT 52 feet taken off of the south side thereof by parallel lines from east to west; and being all of said Lot Number 64 EXCEPT 49 feet taken off of the north side thereof by parallel lines from east to west, the land herein intended to be conveyed being 31 feet frontage on Main Street, be the same more or less.

Said Lots being numbered and delineated upon the recorded plat of the Town of Conine (now Pataskala) dated October 22, 1851, and recorded in Vol. 1, page 26 of the Plat Records, Recorder's Office, Licking County, Ohio.

Property Tax ID: 064-307770-00.000
Property Address: 350 South Main Street
Pataskala, Oh 43062

Prior Instrument Reference: Instr. No. 200502110004238, Recorder's Office, Licking County, Ohio.

Subject to all valid and existing building and other restrictions and conditions of record, to all valid and exiting zoning restrictions, to all valid and existing easements of record, and taxes and assessments due and payable after the date of execution hereof.

ALL OHIO TITLE AGENCY, LLC
P.O. Box 973
Pataskala, Ohio 43062-0973

Executed this 17th day of May, 2007.

Woods/Caw Family, LLC, an Ohio limited liability company

TRANSFERRED
Date May 22 2007
[Signature]
Licking County Auditor

By: [Signature]
Melanie J. Caw Woods, member & President

By: _____

State of Ohio)
County of Licking)

SEC. 319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY [Signature]

The foregoing instrument was acknowledged this 17th day of May, 2007, by Melanie J. Caw Woods, member, on behalf of Woods/Caw Family, LLC.

[Signature]
Notary Public

This instrument was prepared by:
David A. Skrobot, Esq.
Fisher, Skrobot, & Sheraw, LLC
471 East Broad Street, Suite 1810
Columbus, Ohio 43215
(614) 233-6950



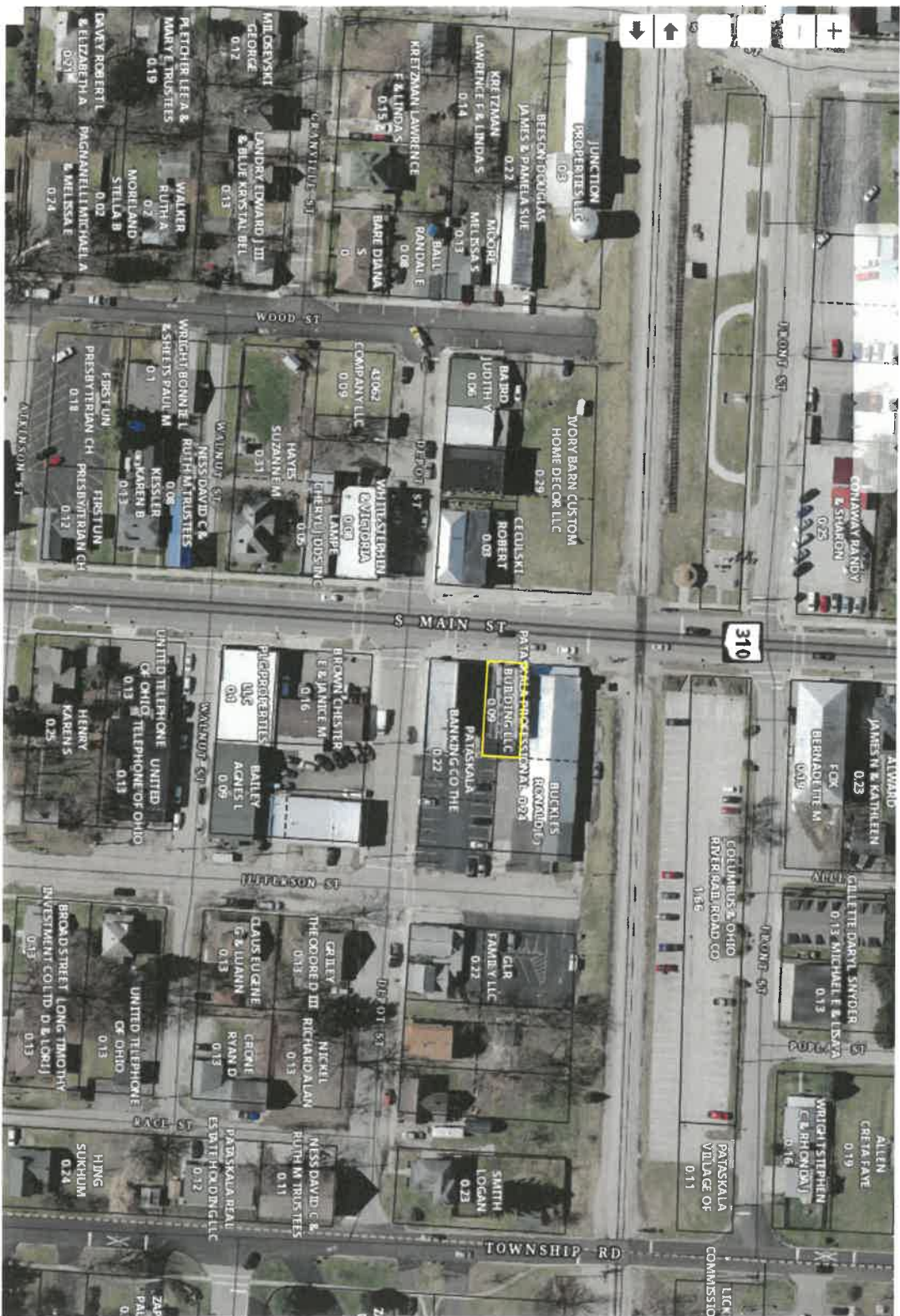
JUDITH Y. BAIRD
Notary Public, State of Ohio
My Commission Expires
April 2, 2010

Taxes Due February 20th

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

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064-307770-00000
PATASKALA
PROFESSIONAL
BUILDING LLC
350 MAIN ST
PATASKALA, OH 43062

Acre: 0.09
LOT 64 PT & 62 PT
Land: \$61,000
Improv: \$89,000
Total: \$150,000

Sale Date: 05/22/2007
Amount: \$129,000
Conveyance: 1364
Valid Sale: Yes

Homestead: No
Owner Occ: No
Foreclosure: No
Certified Delq: **2016**
On Contract: No
Bankruptcy: No
Tax Lien: Yes

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions.