



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 12, 2016

Variance Application VA-16-017

Applicant:	Tom Nighland
Owner:	Tom Nighland
Location:	14441 Broad Street
Acreage:	2.43 acres
Zoning:	R-87 – Medium Low Density Residential
Request:	Requesting a variance from Section 1221.05 (B)(1) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size.

Description of the Request:

The applicant is requesting a variance to construct a 30 foot by 50 foot (1,500 square foot) accessory building that would exceed the maximum square footage permitted by 402 square feet.

Staff Review:

The property currently contains a 2,172 square foot home constructed in 1864 and a 480 square foot detached garage constructed in 1900. The applicant is proposing to construct a 30 foot by 50 foot (1,500 square foot) accessory building to the south east of the existing garage. Based upon the acreage of the property, the Code allows a maximum of 1,578 square feet that can be combined amongst two (2) accessory building. When combined, the existing detached garage and the proposed accessory building total 1,980 square feet; 402 square feet over the maximum permitted square footage for accessory buildings on this property. According to the applicant, the proposed accessory building would be used to store the applicant’s recreational vehicles and boat.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Single-Family House
East	GB – General Business R-87 – Medium Low Density Residential	Single-Family House
South	R-87 – Medium Low Density Residential	Vacant
West	R-M – Multi-Family Residential	Apartment Complex

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- 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.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-16-017:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Southwest Licking Water and Sewer – No comments
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights 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 construct the accessory building 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.

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) variances from Section 1221.05(B)(1) of the Pataskala Code for variance application VA-16-017 ("with the following modifications" if modifications are to be placed on the approval)."



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VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 14441 East Broad	
Parcel Number: 063-150558-01.000	
Zoning: GB / R-87	Acres: 2.43
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site

Staff Use
Application Number: VA-16-017
Fee: \$300
Filing Date: 6-20-16
Hearing Date: 7-12-16

Applicant Information		
Name: Tom Nighland		
Address: 14441 East Broad		
City: Reynoldsburg	State: Ohio	Zip: 43068
Phone: 614 9466210	Email: TNTWINS2@YAHOO.COM	

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

Owner Information		
Name: Tom Nighland		
Address: 14441 East Broad		
City: Reynoldsburg	State: Ohio	Zip: 43068
Phone: 614 9466210	Email: TNTWINS2@YAHOO.COM	

Variance Information
Request (Include Section of Code): Build a Garage larger than allowed on property Build 10' off property line due to septic leach field
Describe the Project: Building a 30x50 Garage

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

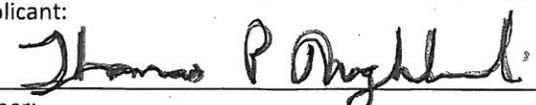
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

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: 	Date: 6-15-16
Owner: 	Date: 6-15-16

June 17, 2016

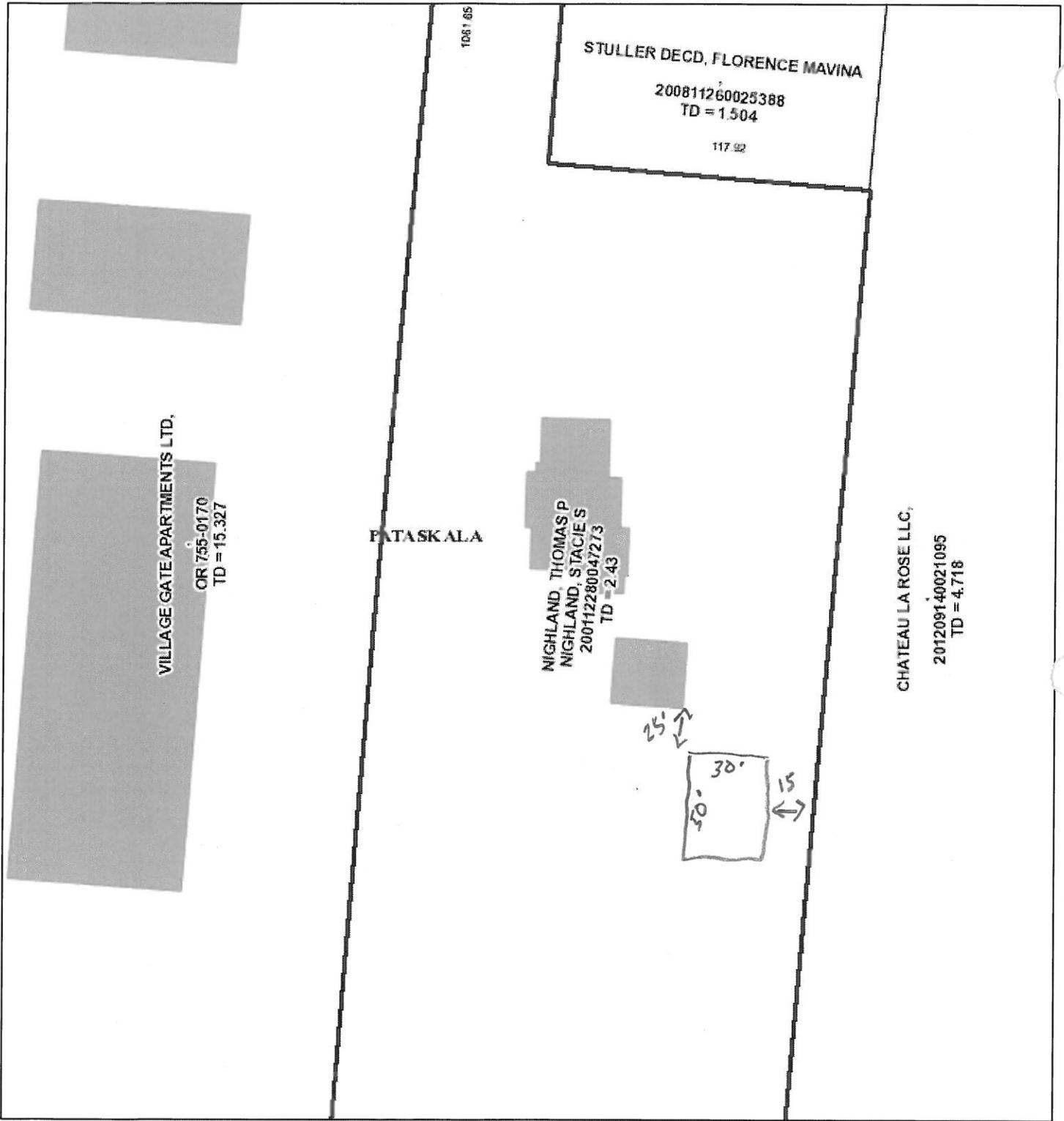
Dear Board Members:

I am submitting a variance application for my property at 14441 East Broad St, Reynoldsburg, OH. To accommodate my recreational vehicles which are inundated by the extreme weather condition we have here in Central Ohio. Currently my recreation vehicles and boat are housed in the elements and have been damaged several times. Having a new structure will insure the safety of my assets.

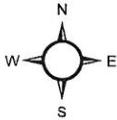
Thanks for your time and consideration of my application.

Sincerely yours,

Thomas Nighland



June 1, 2016



LICKING COUNTY TAX MAP

OnTrac[®] Summary Information For The 2015 Tax Year



Parcel Number: 063-150558-01.000

Owner: NIGHLAND THOMAS P & STACIE S

Address: 14441 E BROAD ST REYNOLDSBURG 43068

Tax District: 063 PATASKALA LK HGHTS LSD-WLJFD

2015 Rates: 85.32000 (Full) / 74.75612 (Effective)

Land Use: 511 Single family unplatted 0-09.9

Class: Residential

Legal Description: 015-01-03 LOT 30 2.43A

Mailing Address: NIGHLAND THOMAS P & STACIE S

14441 E BROAD ST

REYNOLDSBURG OH 43068

Market Land Value: \$59,400

Market Improvement Value: \$58,800

Total Market Value: \$118,200

Sale Date: 12/28/2001

Sale Amount: \$115,000.00

Deed Type: WD - WARRANTY

Conveyance Number: 04284

Valid Sale: Yes

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: Yes

On Contract: No

Tax Lien Sold: No

GENERAL WARRANTY DEED

Russell L. Stuller and **Ruby Jane Stuller**, husband and wife, of Licking County, Ohio, for valuable consideration paid, grant with general warranty covenants to **Thomas P. Nighland** and **Stacie S. Nighland**, husband and wife for their joint lives, remainder to the survivor of them, whose tax mailing address is 14441 E. Broad St., Reynoldsburg, OH 43068 the following real property:

Situated in the County of Licking, in the State of Ohio and in the former Township of Lima, now by merger, City of Pataskala:

Further bounded and described on the attached Exhibit "A", incorporated herein by reference.

Prior Deed Reference: Volume 801, Page 760, Deed Records, Licking County, Ohio.

Also known as: 14441 Broad St., Pataskala, OH 43062
Auditor's Parcel # 63-150558-01.000

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.

Grantors hereby release all rights of dower therein.

Witness our hands this 21st day of December, 2001.

Signed and acknowledged
in the presence of:

Allison S. Keller
Allison S. Keller

Russell L. Stuller
Russell L. Stuller

Lawrence F. Kretzmann
Lawrence F. Kretzmann

Ruby Jane Stuller
Ruby Jane Stuller

State of Ohio
County of Licking SS:

The foregoing instrument was acknowledged before me this 21st day of December, 2001 by Russell L. Stuller and Ruby Jane Stuller.

Lawrence F. Kretzmann
NOTARY

LAWRENCE F. KRETZMANN
Notary Public, State of Ohio
My commission expires 7-26-04

This Document Has Been Prepared By:
Hayes Law Offices

195 E. Broad Street*PO Box 958*Pataskala, Ohio 43062-0958*(740) 927-2927*(800) 536-8678*Fax:(740) 927-3060
www.hayesoffices.com

EXHIBIT "A"

located in the State of Ohio, County of Licking and in the former Township of Lima, now by merger, City of Lima, Ohio:

situated in Lot Thirty (30), Quarter Township Three (3), Township One (1), Range Fifteen (15) of the States Military Lands, Lima Township, Licking County, State of Ohio and being part of that land described in Deed Volume 702, Page 196 in the Licking County Recorder's Office, and being more particularly described as follows:

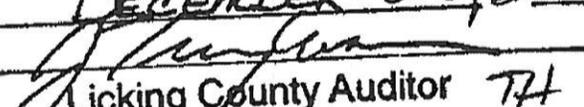
beginning at a point in the centerline of Columbus Road (State Route 16) bearing South 74° 08' 05" West a distance of 1339.40 feet from the center line intersection with Summit Road (Township Road 26); thence South 0° 02' 25" East a distance of 540.00 feet (passing over an iron pin at 40.56 feet from the beginning); thence South 89° 36' 00" East a distance of 117.92 feet to an iron pin; thence South 0° 09' 11" East a distance of 533.30 feet to the westerly boundary of Cerardo and Giuseppina Cugini (D.B. 698 Page 263) a distance of 533.30 feet to an iron pin; thence North 89° 36' 00" West along a northerly boundary of Vaughn B. and Helen D. Mantel (D.B. 396 P. 80) a distance of 158.97 feet to a stone; thence North 0° 02' 25" West along the easterly boundary of Gletzer and George Waldman (D.B. 724 page 484) a distance of 1061.65 feet (passing over an iron pin at 7.52 feet) to a point in the centerline of Columbus Road; thence North 74° 08' 05" East along the centerline of Columbus Road a distance of 41.57 feet to the place of beginning containing 2.430 acres, more or less.

The foregoing description based on a survey and plat made in March 1980 by Samuel W. Vance, Registered Professional Engineer, License No. 6553.

This plat is subject to all planning, zoning and other governmental land use regulations and restrictions, if any, and all other conditions, leases, street and highway rights of way and any and all other conditions and restrictions of record.

No. 63-150558-01.000

DESCRIPTION APPROVED TIM LOLLO LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO 55-24	APPROVED BY 

Transferred
Date DECEMBER 28, 2001

Licking County Auditor TH

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY TH 230.00

STAPLES

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
label size 1" x 2 5/8" compatible with Avery® 5160/8160

THE FULL ARMOR OF GOD BAPTIST
CHURCH,
14454 E BROAD ST
REYNOLDSBURG, OH 43068

GRZECHOWIAK, JOHN E
14444 E BROAD ST
REYNOLDSBURG, OH 43068

PATASKALA BANKING CO,
354 S MAIN ST
PATASKALA, OH 43062

ROGERS, NADA
7815 OAK VALLEY RD
REYNOLDSBURG, OH 43068

OBRIEN, DAVID
5140 SHARPS CT
WESTERVILLE, OH 43081

OBRIEN, DAVID
5140 SHARPS CT
WESTERVILLE, OH 43081

CHATEAU LA ROSE LLC,
11518 FOREST LN
PICKERINGTON, OH 43147

STULLER DECD, FLORENCE MAVINA
5226 GLADE CT
CAPE CORAL, FL 33909

VILLAGE GATE APARTMENTS LTD,
536 S WALL ST STE 300
COLUMBUS, OH 43215

MANTOR, GREGORY E-SUC-TR
6470 KITZMILLER RD
NEW ALBANY, OH 43054

ANDREWS, DOUGLAS V
2291 HAZELTON-ETNA RD
PATASKALA, OH 43062

NIGHLAND, THOMAS P
14441 E BROAD ST
REYNOLDSBURG, OH 43068

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