



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

October 11, 2016

#### Variance Application VA-16-021

<b>Applicant:</b>	Matthew Hollenbaugh
<b>Owner:</b>	Matthew Hollenbaugh
<b>Location:</b>	5252 Mink St. SW
<b>Acreage:</b>	0.59 Acres
<b>Zoning:</b>	RR – Rural Residential District
<b>Request:</b>	Requesting a variance from Section 1221.05 of the Pataskala Code to allow an accessory building to exceed the maximum permitted size.

#### Description of the Request:

The applicant is seeking a variance to replace the existing 24' x 54' (1,344 square feet) structure with a larger 30' x 60' (1,800 square feet) steel structure that exceeds the maximum permitted size.

#### Staff Summary:

The property currently contains a 1,028 square foot home constructed in 1974. The applicant is proposing to remove the existing 1,296 square foot pole barn and construct an 1,800 square foot steel structure. The structure would be setback 12 feet from the rear property line and 20 feet from the left and right side property lines. According to Section 1221.05 of the Pataskala Code, the applicant has a maximum accessory building square footage of 474 square feet. The proposed structure exceeds the limit by 1,326 square feet. All other requirements 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.*

There is one neighbor located three properties south of the location with a roughly 1,600 square foot accessory building on a smaller lot.

**Surrounding Area:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	RR – Rural Residential	Single-Family House
East	AG – Agriculture	Single-Family House
South	RR – Rural Residential	Single-Family House
West	RR – Rural Residential	Single-Family House

**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-16-021:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – 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 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.

**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) variance from Section 1221.05(B)(1) of the Pataskala Code for variance application VA-16-021 ("with the following modifications" if modifications are to be placed on the approval)."



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## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

RR

<b>Property Information</b>		
Address: 5252 Mink Street Southwest		
Parcel Number: 063-141654-09.000		
Zoning: 063 Pataskala LK Heights	Acres: .59	
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 checked="" type="checkbox"/> South West Licking	<input type="checkbox"/> On Site

<b>Staff Use</b>	
Application Number: VA-16-021	
Fee: \$300 <sup>00</sup>	
Filing Date: 09-16-16	
Hearing Date: 10/11/16	

<b>Applicant Information</b>		
Name: Matthew Hollenbaugh		
Address: 5252 Mink Street Southwest		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-620-1929	Email: MHOLLENBAUGH@hotmail.com	

<b>Documents</b>	
<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

<b>Owner Information</b>		
Name: Matthew Hollenbaugh		
Address: 5252 Mink Street Southwest		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-620-1929	Email: MHOLLENBAUGH@hotmail.com	

<b>Variance Information</b>	
Request (Include Section of Code): Replace Existing Building structure due to repair expenses and increase size of Building from 24'x54' to 30'x60'. 1211.07	
Describe the Project: Replace current Barn Structure with Steel structured metal building. Old building 24'x54' I am wanting to increase to 30'x60' with 4 garage doors on East wall and a man door Old Building 9'F Ceilings new building 12'F <del>ceiling</del> ceilings	

1221.05(B)(1)

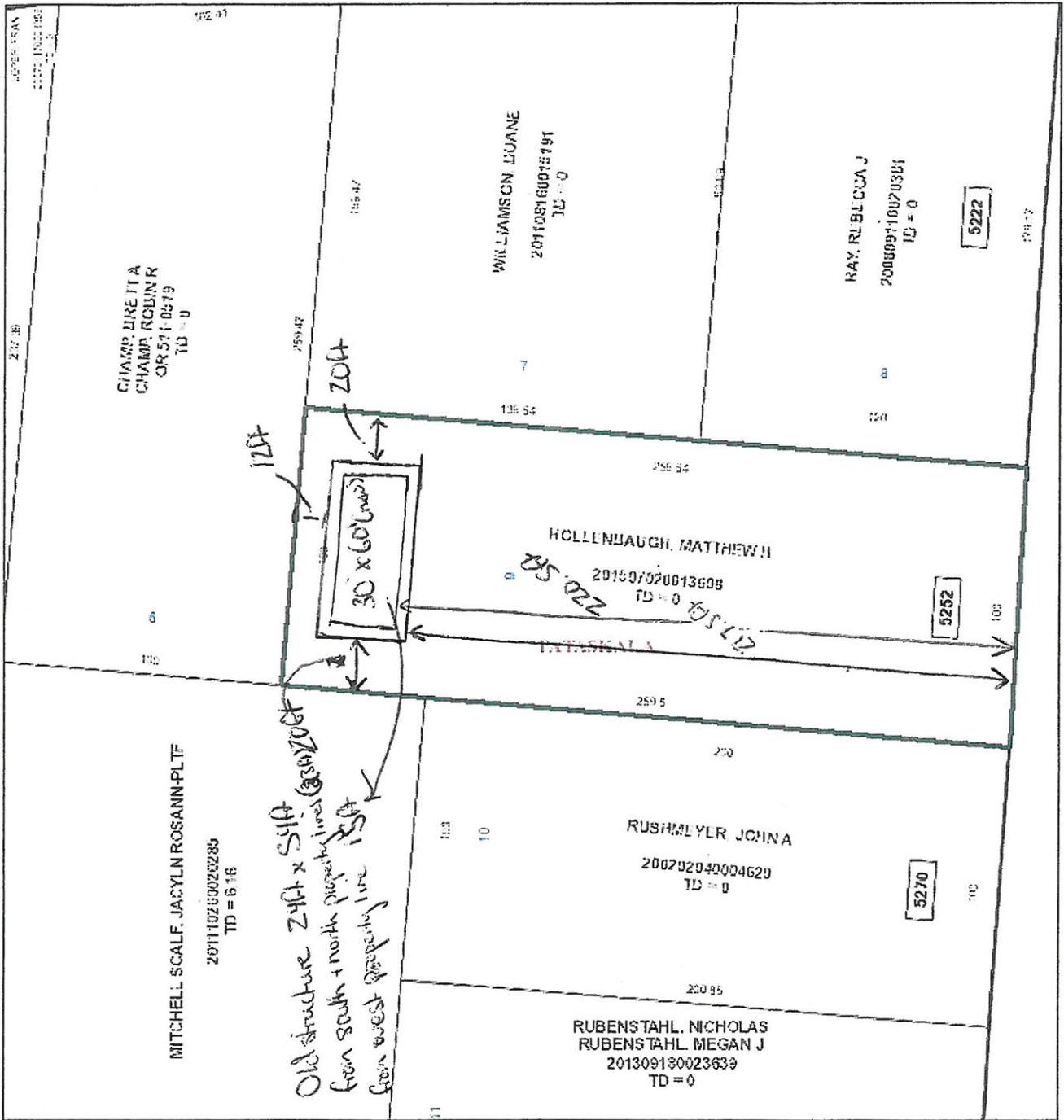
<b>Documents to Submit</b>
<b>Variance Application:</b> Submit 14 copies of the variance application.
<p><b>Narrative Statement:</b> Submit 14 copies of a narrative statement explaining the following:</p> <ul style="list-style-type: none"> <li>• The reason the variance is necessary</li> <li>• The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code: <ul style="list-style-type: none"> <li>a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</i></li> <li>b) <i>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;</i></li> <li>c) <i>Whether the variance requested is substantial;</i></li> <li>d) <i>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;</i></li> <li>e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i></li> <li>f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i></li> <li>g) <i>Whether the variance, if granted, would adversely affect the delivery of governmental services;</i></li> <li>h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i></li> <li>i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i></li> <li>j) <i>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,</i></li> <li>k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i></li> </ul> </li> </ul>
<p><b>Site Plan:</b> Submit 14 copies of a site plan to scale of the subject property indicating the following:</p> <ul style="list-style-type: none"> <li>• All property lines and dimensions</li> <li>• All existing and proposed buildings and structures.</li> <li>• Setbacks from property lines for all existing and proposed buildings, structures and additions</li> <li>• Easements and rights-of-way</li> <li>• Driveways</li> <li>• Floodplain areas</li> <li>• Location of existing wells and septic/aerator systems.</li> <li>• Any other information deemed necessary for the variance request</li> </ul>
<p><b>Deed:</b> Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at <a href="http://www.lcounty.com/rec">www.lcounty.com/rec</a>.</p>
<p><b>Address List:</b> 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.</p>
<p><b>Area Map:</b> 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 <a href="http://www.lcounty.com/taxparcelviewer/default">www.lcounty.com/taxparcelviewer/default</a>.</p>

<b>Signatures</b>	
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: 9-12-16
Owner: 	Date: 9-12-16

Variance Narrative:

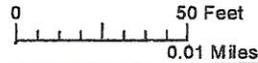
With the approval of this variance it enables a reasonable return because the building would be replaced with is much more appealing building and is crafted much better than the existing structure ( steel vs wood). Without this approval I would have to invest more money in this building than what it would cost me to put up a new one. The size of the building is exceeded the maximum allowable size of accessory building allowed on this size lot. Since the building was built before Pataskala became in cooperated it is grandfathered in. I ask only to increase the size of the building by 3 ft in all directions of the existing structure (existing 24x54x9, new 30x60x12). The character of the neighborhood would not be affected in a negative impact this is because it will be in the same location as the existing building and the new structure would be a much more appealing building to look at. If the variance is accepted this would not have any substantial impact of any development of any adjacent properties this is because the building is well within the setback requirements of an accessory building of 5 ft. The new building it would be 12ft from the rear property line and 20ft from the side property lines. This variance request would not have any effect on public welfare in this area because it will be used for storage, also it would not have any effect on delivery of governmental services because it is not near any roadways or water ways. I purchased this property not intending to replace the current building but after realizing the amount of money to fix the repairs needed, and finish it to how I would like it is not logical to invest the funds in repairing it that is why I am asking for permission to replace. In talking with the zoning department this is when I found out that I was required to have a variance. To the best of my knowledge a variance is the only way the only way that it would be possible to obtain permission to replace this building with a larger one due to current zoning restrictions. This would be the least amount of modification required to provide relief to the issue at hand. This is because the steel building I have available to me is 30x60x12 any other size and it would be a hard ship to me because I would have to purchase a building and not be able to use what I have available at hand. The intent here is to make the property worth a little bit more money possibly but also to have a nice place to store my cars, motorcycles, etc. Also to provide a better looking building for my neighbors to look at rather than one that is in distress. I hope that you will consider my requests and look forward to meeting with you.

Matthew Hollenbaugh



September 11, 2016

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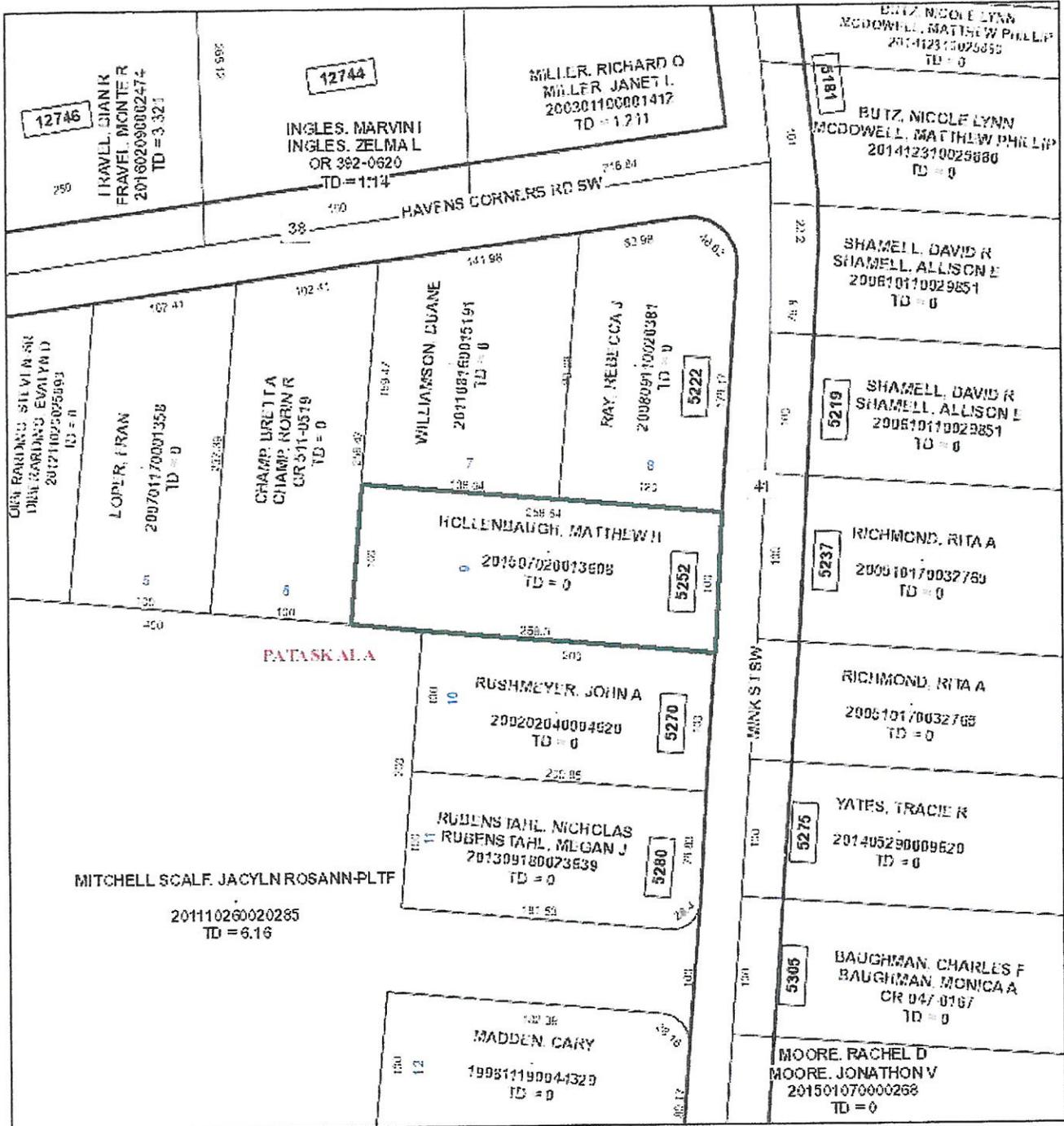


LICKING COUNTY TAX MAP

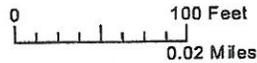
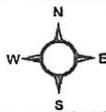
**Property Report**

Address		
MATTHEW H HOLLENBAUGH -- 5252 MINK ST SW		
Engineer's Pin	Owner	Auditor's PIN
01150741913010003000	MATTHEW H HOLLENBAUGH	063-141654-09.000
Tax Acreage	Deed Acreage	Official Record
0	0	201507020013608

# Variance Application



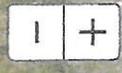
September 11, 2016

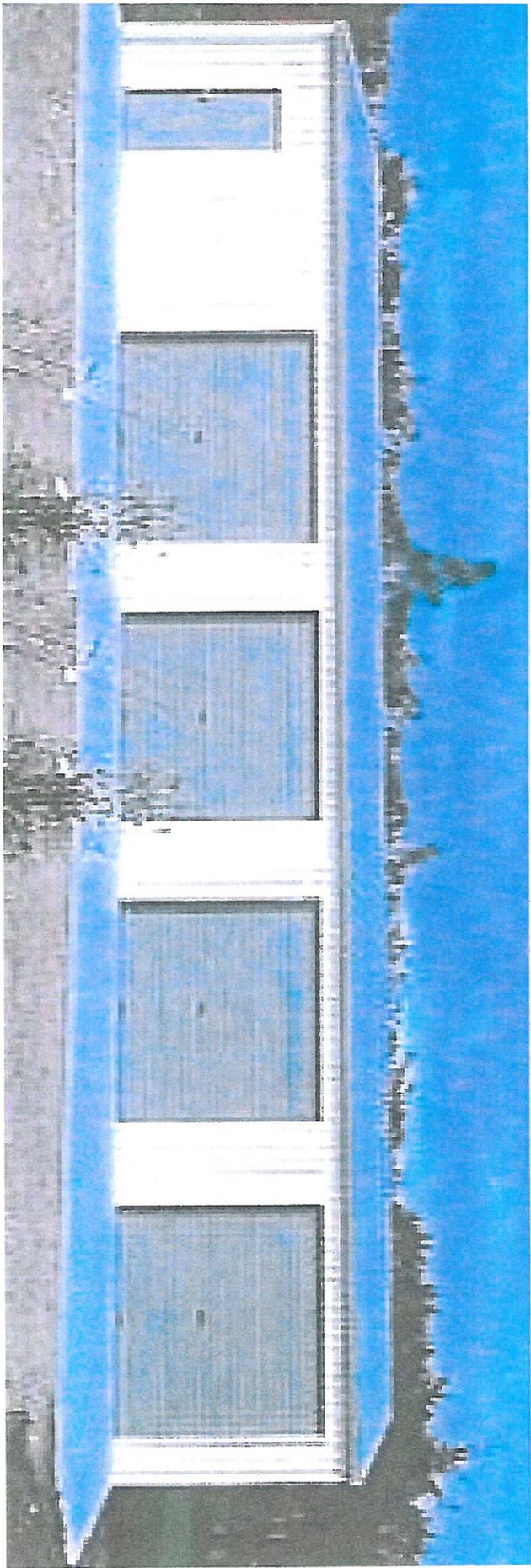


LICKING COUNTY TAX MAP

## Property Report

Address		
<b>MATTHEW H HOLLENBAUGH -- 5252 MINK ST SW</b>		
<b>Engineer's Pin</b>	<b>Owner</b>	<b>Auditor's PIN</b>
01150741913010003000	MATTHEW H HOLLENBAUGH	063-141654-09.000
<b>Tax Acreage</b>	<b>Deed Acreage</b>	<b>Official Record</b>
0	0	201507020013608





OnTrac<sup>®</sup> Summary Information For The 2015 Tax Year

**Parcel Number:** 063-141654-09.000

**Owner:** HOLLENBAUGH MATTHEW H

**Address:** 5252 MINK ST PATASKALA 43062

**Tax District:** 063 PATASKALA LK HGHTS LSD-WLJFD

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

**Land Use:** 510 Single family platted lot

**Class:** Residential

**Legal Description:** LOT 9 SKYLINE COUNTRY EST 1

**Owner Mailing Address:** HOLLENBAUGH MATTHEW H

5252 MINK ST

PATASKALA OH 43062

**Tax Mailing Address:** CORELOGIC TAX SERVICES

ESCROW REPORTING MAIL CODE DFW 4-3

1 CORELOGIC DR

WESTLAKE TX 76262

**Market Land Value:** \$25,100

**Market Improvement Value:** \$90,000

**Total Market Value:** \$115,100

**Sale Date:** 7/2/2015

**Sale Amount:** \$159,900.00

**Deed Type:** WD - WARRANTY

**Conveyance Number:** 1761

**Valid Sale:** Yes

**Foreclosure:** No

**Homestead/Disability:** No

**Owner Occupied Reduction:** 2016

**On Contract:** No

**Tax Lien Sold:** No

DESCRIPTION APPROVED  
WILLIAM C LOZIER  
LICKING COUNTY ENGINEER  
APPROVED BY  
*Wm C. 7-1-15*

  
201507020013608  
Pgs: 3 \$36.00 T20150015401  
07/02/2015 2:14PM BXCROWN  
Bryan A. Long  
Licking County Recorder

TRANSFERRED  
Date *July 2, 2015*  
*Michael L. Smith*  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY: *KAZZ 47970*

Order Number: 185181

Crown - TTA - P ①

### GENERAL WARRANTY DEED

Beverly A. Plants, unmarried, of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants to Matthew H. Hollenbaugh whose tax mailing address is Union Savings Bank 8534 E. Kemper Road, Cincinnati, Ohio 45249 the following real property:

“See Exhibit “A” attached hereto and made a part hereof....”

Parcel Number: 063-141654-09.000

Property Address: 5252 Mink Street SW, Pataskala, Ohio 43062

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: 201106290011988, Recorder’s Office, Licking County, Ohio.

  
01150741913010003000

GW-without Rel

Witness my hand(s) this 25th day of June, 2015.

Beverly A. Plants  
Beverly A. Plants

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State of Ohio  
County of Fairfield ss:

Be It Remembered, that on this 25th day of June, 2015, before me, a Notary Public in and for said State, personally appeared the above named Beverly A. Plants, the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



CARYL N. CAITO  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES NOVEMBER 26, 2016

Caryl N. Caito  
Notary Public

This instrument prepared by Magnuson & Barone, Attorneys at Law

GW-without Rel

# EXHIBIT 'A'

185181-TTA

## LEGAL DESCRIPTION

Situated in the City of Pataskala, County of Licking, State of Ohio, and is described as follows:

Being Lot Number Nine (9) in SKYLINE COUNTRY ESTATES NO. 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, Page 10, Recorder's Office, Licking County, Ohio.

For informational Purposes only:

Property Address: 5252 Mink Street SW Pataskala, Ohio 43062

Parcel No.:063-141654-09.000