



## 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-16-023

<b>Applicant:</b>	Dan Fry
<b>Owner:</b>	Dan Fry
<b>Location:</b>	333 Woodbridge Place
<b>Acreage:</b>	.89 Acres
<b>Zoning:</b>	R-20 – Low-Medium Density Residential District
<b>Request:</b>	Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size. Requesting a variance from Section 1221.05(C)(1)(a) of the Pataskala Code to allow an accessory building to exceed the maximum permitted height.

#### Description of the Request:

The applicant is seeking a variance to construct a 36 x 64 x 25' (2,304 square feet) barn which would exceed the maximum permitted size and height.

#### Staff Summary:

The property currently contains a 1,304 square foot home constructed in 1997 as well as a 192 square foot detached shed constructed in 2009. The applicant is proposing to construct a 2,304 square foot pole barn. According to Section 1221.05 of the Pataskala Code, the applicant has an available maximum accessory building square footage of 654 square feet. The proposed pole barn would exceed the limit by 1,650 square feet. The maximum height available for the property according to Section 1221.05(C)(1) is 18 feet. The barn would exceed that limit by seven (7) feet. All other requirements of 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 property owner also owns a 2.079-acre lot located directly behind his property. If the two lots were combined, the maximum available square footage would increase to 1,367 square feet and the maximum available height would increase to 25 feet.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family House
East	R-20 – Medium Density Residential	Single-Family House
South	R-20 – Medium Density Residential	Vacant
West	R-20 – Medium Density 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-16-023:

- 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) and Section 1221.05(C)(1)(a) of the Pataskala Code for variance application VA-16-023 ("with the following modifications" if modifications are to be placed on the approval)."



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Pataskala, Ohio 43062

## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 333 Woodbridge Pl	
Parcel Number: 63-14083225	
Zoning: R-20	Acres: 1
Water Supply:	
<input checked="" 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

Staff Use
Application Number: VA-16-023
Fee: \$ 300 <sup>0/11</sup> 20252
Filing Date: 9-16-16
Hearing Date: 10-11-16

Applicant Information		
Name: Dan Fry		
Address: 333 Woodbridge Place		
City: Reynoldsburg	State: OH	Zip: 43068
Phone: 614 774 6947	Email: dfry@columbus.rr.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: Same		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): 1221.05(B)(1)
Describe the Project: Barn to stone camper, tractor, and antique vehicles size 40x36x16
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:
	<i>Sept 2<sup>nd</sup> 2016</i>
Owner:	Date:

~~#16-~~

VA-16-023

This letter is written to provide an explicit typewritten statement as to the nature and intent of the variance that is being requested by Daniel Fry. The property involved is located at 333 Woodbridge PL SW Reynoldsburg, Ohio 43068 a 1 acre lot # 48 parcel number: 063-140832-25.000 and adjoining 2 acre lot # 29 parcel number # 063-141504-00.000.

I am asking for a variance for over height and to be over square footage granted for a 36' x 64' pole barn to be built on lot # 48 to house collector cars, antique tractor a camper and a workshop. We currently have two of our cars stored inside and 4 vehicles 1 tractor and skid steer sitting outside. I am aware there is a square footage restriction but I would prefer to house my vehicles inside to protect them from the harsh elements of our weather and to give a better visual appearance from the road. I just want to keep my property tidy.

The design of this barn will have the look of a vintage barn giving the overall look of a farm house and barn. The barn will mostly be covered by trees along my driveway. The building will be set back of the current house and garage. This building is for personal use only.

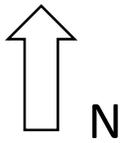
Thank You

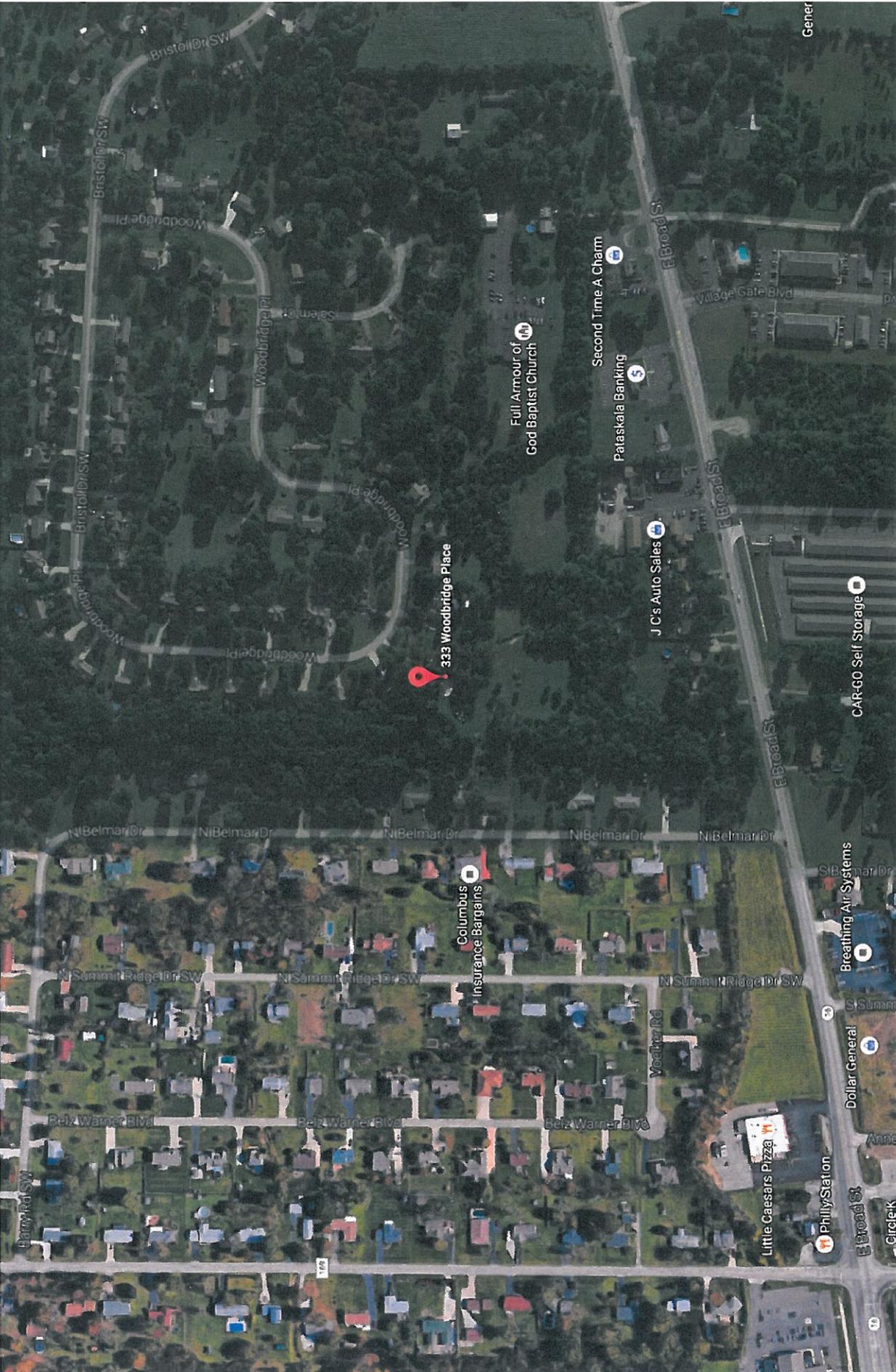
Dan & Laura Fry

333 Woodbridge PL

Reynoldsburg, Ohio 43068

614-774-6447





333 Woodbridge Place

Full Armour of God Baptist Church

Second Time A Charm

Pataskala Banking

J C's Auto Sales

Columbus Insurance Bargains

Breathing Air Systems

Dollar General

Little Caesars Pizza

Philly Station

E Broad St

Circle K

CAR-GO Self Storage

Gener

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

**Parcel Number:** 063-140832-25.000

**Owner:** FRY DANIEL L & LAURA

**Address:** 333 WOODBRIDGE PL REYNOLDSBURG 43068

**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 48 OAK MEADOWS S .00A

**Mailing Address:** FRY DANIEL L & LAURA

333 WOODBRIDGE PL

REYNOLDSBURG OH 43068

**Market Land Value:** \$32,800

**Market Improvement Value:** \$146,500

**Total Market Value:** \$179,300

**Sale Date:** 10/5/2000

**Sale Amount:** \$192,000.00

**Deed Type:** JS. - JOINT SURVIVORSHIP

**Conveyance Number:** 03410

**Valid Sale:** No

**Foreclosure:** No

**Homestead/Disability:** No

**Owner Occupied Reduction:** Yes

**On Contract:** No

**Tax Lien Sold:** No



WARRANTY DEED  
(Survivorship)

See Sections 5302.05 and 5302.06 Ohio Revised Code

Instr: 200010050031624 10/05/2000  
Pages: 1 Fee: \$14.00 8:57AM  
Patty Albery T20000029945  
Licking County Recorder MEPLANDAME

KNOW ALL MEN BY THESE PRESENTS: That Randy E. Back and Karen J. Back, both unmarried, of the Township of Lima, County of Licking, State of Ohio, GRANTOR(S), in consideration of the sum of \$1.00 and other consideration, to them paid by Daniel L. Fry and Laura Fry, of the Township of Lima, County of Licking, State of Ohio, GRANTEE(S), the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey, with General Warranty Covenants, to the said GRANTEE(S), Daniel L. Fry and Laura Fry, for their joint lives, remainder to the survivor of them, the following described real estate:

Situated in the County of Licking in the State of Ohio and in the ~~Township of Lima:~~ City of Patawaka

Being Lot Number Forty-Eight (48) of OAK MEADOWS SUBDIVISION SECTION 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, page 13, Recorder's Office, Licking County, Ohio.

Parcel No. 63-140832-25.000

TRANSFERRED  
Date October 5 2000  
J. Terry Evans  
Licking County Auditor

Last Transfer: Instrument Number 19971001000136  
Address: 333 Woodbridge Place SW  
Tax Billing: P. O. Box 5455, Mount Laurel, NJ 08054

TO HAVE AND TO HOLD SAID PREMISES, with all privileges and appurtenances thereunto belonging to the said GRANTEE(S), their heirs and assigns forever. And the said GRANTOR(S) for themselves and their heirs, do hereby covenant with the said GRANTEE(S), their heirs and assigns, that they are lawfully seized of the premises aforesaid; that the said premises are free and clear from all encumbrances whatsoever except the lien of any taxes and assessments not now due and payable; zoning ordinances and regulations; legal highways; and conditions, restrictions, reservations, and easements of record they will forever warrant and defend the same, with the appurtenances unto the said GRANTEE(S), their heirs and assigns against the lawful claims of all persons whomsoever, except as above noted.

IN WITNESS WHEREOF, the said GRANTOR(S) hereunto set their hands, this 29th day of September, 2000.

Signed and acknowledged SEC.319.202 COMPLIED WITH  
in the presence of J. TERRY EVANS, AUDITOR  
BY RM 384.00

[Signature]  
John W. Van Vorst

[Signature]  
Randy E. Back  
[Signature]  
Karen J. Back

Print Name  
[Signature]  
Chester A. Sharp Jr.  
Print Name

DESCRIPTION APPROVED  
TIA LOLLO  
LICKING COUNTY ENGINEER  
TAX MAP DRAWING NO. 55-29 APPROVED BY P.M.N.

STATE OF OHIO,  
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, that on this 29th day of September, 2000, before me, the subscriber, a Notary Public in and for said county personally appeared Randy E. Back and Karen J. Back the GRANTOR(S) in the foregoing Warranty Deed, and acknowledged the signing of the same to be their voluntary act and deed, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

[Signature]  
Notary Public

This instrument prepared by:  
Lawrence S. Press, Attorney at Law  
222 East Town Street  
Columbus, Ohio 43215  
Execution in accordance with Chapter 530



CHESTER A. SHARP, JR.  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES DEC. 16, 2003 # 00-2161-47

00-2161-47