CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 14, 2017

Variance Application VA-17-004

Applicant:	Sunspace of Central Ohio, LLC
Owner:	William & Bonnie Cook
Location:	419 Oak Meadow Drive
Acreage:	0.18 Acres
Zoning:	R-7 - Village Single Family Residential
Request:	Requesting a variance from Section 1221.09(B) of the Pataskala Code to allow a porch to extend into the minimum rear setback of the property.

Description of the Request:
The applicant is seeking a variance to construct a 12' x 12' (144 square feet) rear porch that exceeds the minimum rear setback requirement of 35 feet.

Staff Summary:
The property contains a 0.18-acre lot that contains an 1,848 square foot house built in 1996. The applicant is proposing to construct a 12' x 12' (144 square foot) porch located behind the house that would extend three (3) feet into the minimum rear setback of 35 feet. The porch would be 7.5 feet from the side property line and 32 feet from the rear property line. Per the narrative, the porch is intended to cover their hot tub and to be able to sit outside with no bugs.

Staff Review:
The following review does not constitute recommendations but merely conclusions and suggestions based on the summary
Staff would like to clarify that the "approximate location of easement restriction" labeled on the submitted site plan by the applicant is a terminology error as there is no easement located in the rear property. The "approximate location of easement restriction" is intended to represent the 35-foot setback location.

According to Section 1211.07(2) of the code, no reduction should exceed 20% of the requirement. The proposed setback would exceed just 8.0% of the reduction. Staff has not received any input from neighbors of the property.

Surrounding Area:

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Single-Family House
East	R-7 – Village Single Family Residential	Single-Family House
South	R-7 – Village Single Family Residential	Single-Family House
West	R-7 – Village Single Family 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 con 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-17-004:

> *b) To permit the use of a lot or lots for a use other prohibited solely because of the insufficient area or width of the lot or lots (it is suggested that no reduction should exceed 20% of the requirement)*
>
> - *Rear setback: 8.0% reduction*

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Utility Department – 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 porch 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 porch.

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 1221.09(B) of the Pataskala Code for variance application VA-17-004 ("with the following modifications" if modifications are to be placed on the approval)."

8:00-4:00

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Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		
Address: 419 Oak Meadow Drive Pataskala, Ohio 43062		
Parcel Number: 064-152940-00.005 R-7		
Zoning: City OF Pataskala	Acres: Lot 4 Broadview Crossing	
Water Supply: ☑ City of Pataskala	☐ South West Licking	☐ On Site
Wastewater Treatment: ☑ City of Pataskala	☐ South West Licking	☐ On Site

Staff Use
Application Number: VA-17-004
Fee: $300.00
Filing Date: 1/31/17
Hearing Date: 3/14/17

Applicant Information		
Name: Sunspace of Central Ohio, LLC		
Address: 376 Morrison Rd. Suite G		
City: Columbus	State: Ohio	Zip: 43213
Phone: 614-626-8306	Email: sunspacecentralohio@yahoo.com	

Documents
☑ Application
☑ Fee
☑ Narrative
☑ Site Plan
☑ Deed
☑ Address List
☑ Area Map

Owner Information		
Name: William E Cook & Bonnie K. Cook		
Address: 419 Oak Meadow DRIVE		
City: Pataskala	State: Ohio	Zip: 43062
Phone: Bill 614-314-1029	Email: bonnfire@bellsouth.net	

Variance Information
Request (Include Section of Code): The variance pertains to an easement restriction to the rear of property by 35'. 1237.05 (C)(3)
Describe the Project: This is for porch/sunroom addition that will encroach upon the easement restriction by approximately three (3) foot +/-. It will be built atop a composite deck that will also be above existing concrete hardscape that is currently not encroaching the easement.

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy 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 1 copy 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. – There is none
- 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 1 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. – Received

Area Map: Submit 1 copy 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: Mary Ford.	Date: 1-31-2017
Owner: William E Cook	Date: 1-31-2017

Michael L. Smith
Auditor, Licking County, Ohio

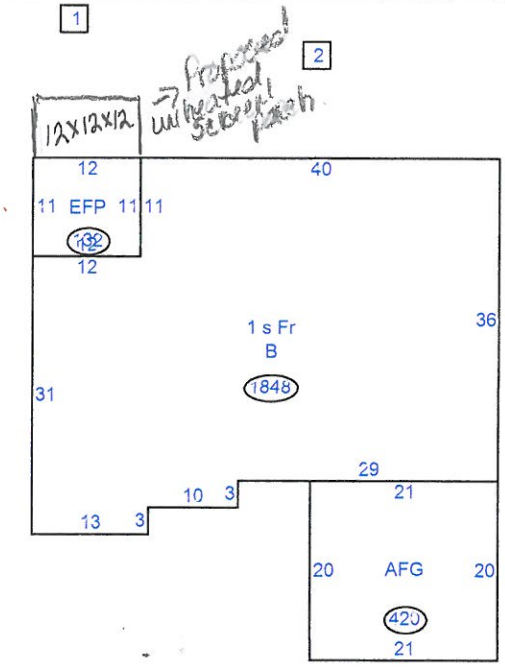
COOK WILLIAM E & BONNIE K
419 OAK MEADOW DR

Parcel #: 064-152940-00.005
Rt #: 064-075.15-003.000
1 of 1

Tax District:	064 - PATASKALA SW-LK LSD-WLJFD
School District:	SOUTHWEST LICKING LSD
Neighborhood:	08000 Harrison-Ap Blos-Pat Map 10-11
Classification:	510 Single family platted lot
Acreage:	
Property Desc:	LOT 4 BROADVIEW CROSSING SUBDIVISION

ATTRIBUTES

Story Height:	1
Exterior Wall:	Frame
Heating:	Central Warm Air
Cooling:	Central
Basement:	Full Basement
Attic:	None
Total Rooms:	5.0
Bedrooms:	3.0
Family Rooms:	
Dining Rooms:	0.0
Full Baths:	2.0
Half Baths:	1.0
Other Fixtures:	0.0
Year Built:	1996
Finished Living Area:	1,848
Fireplace Openings:	0.0
Fireplace Stacks:	0.0
Basement Garage(s):	0.0
Basement Finished:	No



AREA

First Floor:	1,848
Upper Floor:	0
Attic:	0
Half Story:	0
Crawl:	0
Basement:	1,848

CURRENT VALUES

	Land	Improvement	Total
Market	34,400	127,400	161,800
CAUV	0	0	0

SALES HISTORY

	Pcl #	Instrument Type	Sale Price	Conv #	V	LO	Previous Owner
10/05/2016	1	EX - EXEMPT CONVEYANCE	0.00	99999	N	N	COOK WILLIAM E & BONNIE K
12/21/2015	1	WD - WARRANTY	187000.00	3779	Y	N	BEVINS JAMES C & TERRI J
06/22/2015	1	JS - JOINT SURVIVORSHIP	186000.00	1625	Y	N	MCKELVEY ROBERT V
11/21/2012	1	EX - EXEMPT CONVEYANCE	0.00	99999	N	N	MCKELVEY ROBERT V & REBECCA J

IMPROVEMENTS

	Description	Yr Built	SqFt	Value
2	SHEDNV - Shed No Value	1900	0	0
1	SHEDP - Shed - Pers Prop	1900	0	0

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LANDMARK
Survey Group

POWERED BY
STARS
SURVEY TRACKING AND RETRIEVAL SYSTEM
www.surveystars.com

PROPERTY ADDRESS: 419 OAK MEADOW DRIVE PATASKALA, OHIO 43062

SURVEY NUMBER: 177462

STATE OF OHIO
SCOTT D. GRUNDEI
S-8047
REGISTERED PROFESSIONAL SURVEYOR

Scott D. Grundei

THIS PLAT IS NOT TO BE USED TO ERECT FENCES OR OTHER STRUCTURES, AND MAY NOT SHOW ALL EASEMENTS AFFECTING THE SUBJECT TRACT

LSGI#: 177462

10 20 30 60

SCALE: 1" = 30'

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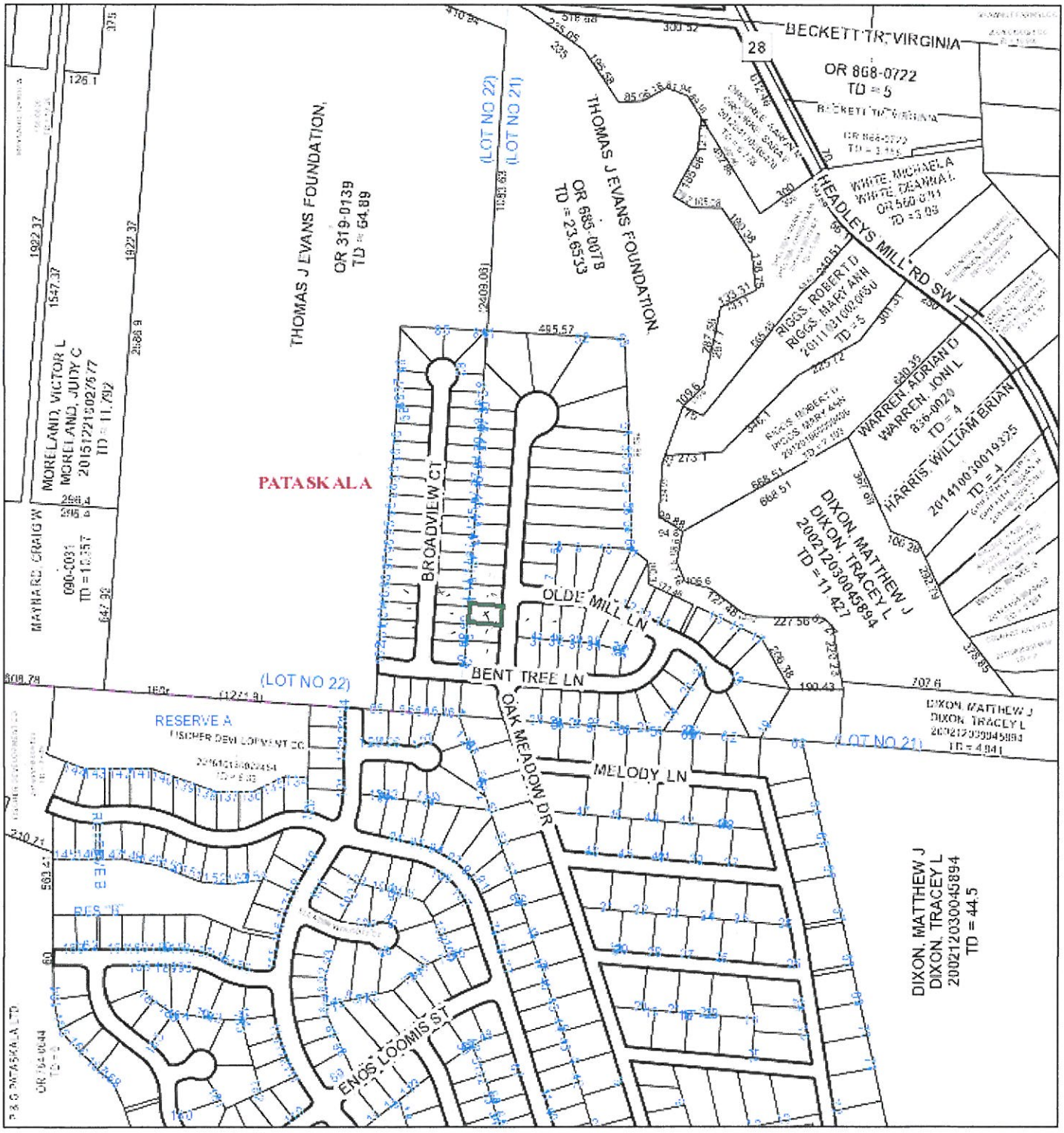
LickingCounty
lcounty.com: Your Link to Licking County Services

Licking County Tax Parcel Viewer

Area Map.



January 25, 2017

N W E S

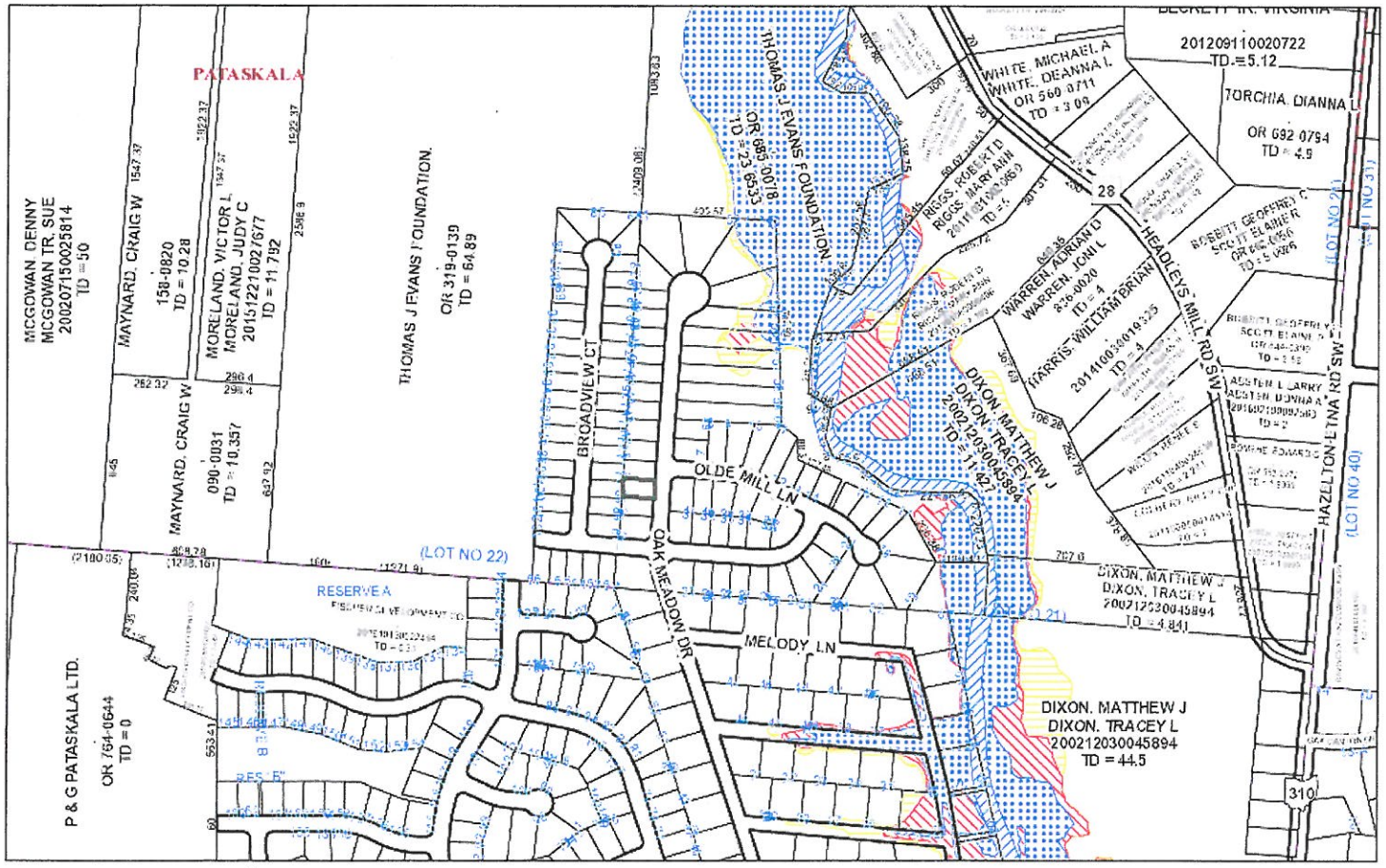
0 500 Feet
0.09 Miles

LICKING COUNTY TAX MAP

ISDEPT

Licking County, OH
2013/2014

Flood plains area.



January 26, 2017

N W E S

0 500 Feet
0.09 Miles

LICKING COUNTY TAX MAP

ISDEPT

Licking County, OH
2013/2014

Bryan A. Long
Licking County Recorder

The Licking County Recorder is proud to offer access to the Public Record via the internet. Please note that Social Security Numbers have been "masked" to protect our citizens from Identity Theft. A true & accurate copy of the Public Record can be obtained by contacting or visiting the office of the County Recorder.

Web Services Detailed Data Results Results per page: 25 50 100

Instrument: 201610050021776 **Volume Page:**
Recorded: 10/5/2016 1:15:43 PM **Prepared:**
Document Type: DEED **Consideration:**

Display Doc
Pages: 1

Grantor: COOK, WILLIAM E / COOK, BONNIE K
Grantee: COOK, WILLIAM E / COOK, BONNIE K
Legal Description: Sub: BROADVIEW CROSSING SUB PATASKALA, Lt: 4, EPIN: 011507515150650030000
Marginal:

Search Criteria: Find all documents where the Instrument Number = 201610050021776

Licking County Recorder's Support:
County Recorder recorder@lcounty.com *(740)670-5300*

Developed By:

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Property Report

Address		
WILLIAM E COOK -- 419 OAK MEADOW DR		
Engineer's Pin	**Owner**	**Auditor's PIN**
01150751515065003000	WILLIAM E COOK	064-152940-00.005
Tax Acreage	**Deed Acreage**	**Official Record**
0	0	201610050021776

LICKING COUNTY ENGINEER
APPROVED BY 10-5-16

SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: TH EXN.

201610050021770
Pgs: 1 $28.00 T20160025130
10/05/2016 1:15PM MEPWILLIAM CO
Bryan A. Long
Licking County Recorder

SURVIVORSHIP DEED

William E. Cook and Bonnie K. Cook, husband, for valuable consideration paid, grant(s), with general warranty covenants, to:

William E. Cook and Bonnie K. Cook, husband and wife, for their joint lives, remainder to the survivor of them,

whose tax mailing address is: 419 Oak Meadow Dr., Pataskala, Ohio

The following described property:

Situated in the County of Licking, in the State of Ohio, and in the City of Pataskala:

Being Lot Number Four (4) of Broadview Crossing Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 14, Page 369, replatted Plat Book 15, Page 64, Recorder's Office, Licking County, Ohio.

Parcel No.:	064-152940-00.005
Street Address:	419 Oak Meadow Dr., Pataskala, Ohio
Prior Reference:	Instrument Number 201512210027568 Licking County Recorder's Office, Licking County, Ohio.

Signed this 4th day of October, 2016.

William E. Cook

Bonnie K. Cook

STATE OF OHIO
COUNTY OF FRANKLIN, SS:

SWORN TO BEFORE ME and acknowledged in my presence this 4th day of October, 2016, by William E. Cook and Bonnie K. Cook, husband and wife.

NOTARIAL SEAL STATE OF OHIO

JULIA A. FAIST, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

Notary Public