



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

July 11, 2017

#### Variance Application VA-17-015

<b>Applicant:</b>	Christopher & Velvet Dean
<b>Owner:</b>	Christopher & Velvet Dean
<b>Location:</b>	10500 McIntosh Road
<b>Acreage:</b>	2.533 Acres
<b>Zoning:</b>	AG - Agriculture
<b>Request:</b>	Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow for the construction of an accessory building that would exceed the maximum size requirement.

#### Description of the Request:

The applicant is seeking a variance to construct a 40' x 70' (2,800 square feet) accessory building that would be exceed the maximum permitted size by 1,160 square feet.

#### Staff Summary:

The applicant owns a 2.533-acre lot that contains a 1,987 square foot home built in 2002. The applicant is proposing to construct at 2,800 square foot garage that would be located roughly 5 feet from the side property line sitting in front of the principle structure. This application was tabled at the June 13, 2017 Board of Zoning Appeals meeting due to the applicant not completing a lot combination where the proposed accessory building is located.

According to Section 1221.05(B)(1) of the code, the applicant has a maximum of 1,640 square feet for accessory buildings based on the current lot size. According to the applicant's narrative, the accessory building is needed to ensure the safety and care for their equipment is secured in a building and that they have endured theft of their equipment due to it being left outside.

The applicant has submitted variance application VA-17-016 requesting a variance in order to construct the accessory building less than the required 10 feet from the side property line and for the accessory building to be located in front of the principle structure. The requested variance does not have an effect on application VA-17-016.

**Staff Review:**

*The following review does not constitute recommendations but merely conclusions and suggestions based on the summary*

Based on the applicant’s lot size, the maximum accessory building square footage available is 1,640 square feet. The proposed 2,800-square foot pole barn would exceed the maximum by 1,160 square feet, or by 141%. Per Section 1211.07(2) of the code, it is suggested that the maximum gross floor area should not be increased by more than 25% of the requirement.

At the June 13<sup>th</sup> Board of Zoning Appeals meeting, a neighbor to the property expressed concern about the possibility of the property owner using the accessory building for commercial activity. According to Section 1221.05(G), no commercial use shall be permitted from an accessory building. A possible condition has been placed to address the concern.

Staff has received a comment from the City Engineer stating that he does not take exception to the request from an engineering perspective and also that the city should require that drainage from the new structure be approved by the Public Service director to ensure no future problems are created. A possible supplementary condition has been placed to address the comment.

**Surrounding Area:**

Direction	Zoning	Land Use
North	AG – Agriculture	Single Family Home
East	AG – Agriculture	Single Family Home
South	AG – Agriculture	Single Family Home
West	AG - Agriculture	Single Family Home

**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-17-015:

*h) To increase the maximum gross floor area of any use so limited by the applicable regulation (it is suggested that the same should not be increased by more than 25%)*

- As proposed, the increase would be 141%

#### **Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking School District – No comments

#### **Supplementary Conditions:**

Should the Board choose to approve the applicant's request, the following supplementary conditions 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 constructing the accessory building.
3. The proposed accessory building shall not adversely affect neighboring properties pursuant to Section 1221.05(H).
4. No commercial activity shall be permitted from the accessory building pursuant to Section 1221.05(G).
5. The height of the accessory building shall not exceed 25 feet pursuant to Section 1221.05(C).

**Resolution:**

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

“I move to approve variance from Section 1221.05(B)(1) of the Pataskala Code for variance application VA-17-015 (“with the following supplementary conditions” if supplementary conditions are to be placed on the approval).”

**From:** Jim Roberts  
**To:** [Zachary Cowan](#)  
**Cc:** [Alan Haines](#); [Scott Fulton](#); [Scott Haines](#); [Lisa Paxton](#)  
**Subject:** Review of June 13 BZA Agenda  
**Date:** Friday, May 19, 2017 7:38:20 AM

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Zack, per the request of the City of Pataskala, Jobes Henderson & Associates, Inc. has reviewed the agenda items for the June 13 Board of Zoning Appeals hearing. We offer the following engineering related comments:

- Case VA-17-010
  - We have no engineering comments on this application
- Case VA-17-011
  - This case is located within the Kylemore Subdivision, which has been identified as an area with drainage problems. Therefore, our only comment is this project cannot contribute to or add to any drainage issues in the area.
- Case VA-17-012
  - This is a new development that JHA has reviewed the engineering plans for already. We do not take exception to this reduced centerline radius for this roadway.
- Case VA-17-013
  - We do not have any engineering comments on this section. Our only observation would be to consider a possible Lot Combination to eliminate the issue.
- Case VA-17-014
  - Because the existing property is a church, parking should be adequate for this use.
  - Traffic to this facility will be during normal peak hour traffic (as opposed to the peak traffic time for the church operations). Therefore, the city needs to ensure no traffic or safety issues will occur as a result of this variance.
- Case VA-17-015 and VA-17-016
  - If the circumstances described are accurate, we do not take exception to this request from the engineering perspective.
  - The city should confirm the hardship tied to the setback request.
  - The city should require that drainage from the new structure be approved by the Service Director to ensure no future problems are created.
- Case VA-17-008
  - It appears the site will have adequate space for parking. However, how will parking be defined and will there be parking accommodations for ADA compliance?
  - While traffic to the facility may not be heavy, the city needs assurance that no safety issues will occur with heavier traffic flow into this driveway.

Please let us know if you have any questions or we can assist in any other way. We appreciate

the opportunity to work with the city on this issue.

Jim

**James G. Roberts, P.E.**

PRESIDENT

**Jobs Henderson**

A HULL COMPANY

59 Grant Street | Newark, Oh 43055

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# CITY OF PATASKALA BOARD OF ZONING APPEALS

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

## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 10500 McIntosh Rd. Pataskala OH 43062	
Parcel Number: 2015 08100016827	
Zoning: agricultural	Acres: 2.95
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" 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-17-015
Fee: 300.00
Filing Date: 5/12/17
Hearing Date: 6/13/17
Receipt Number: 20506

Applicant Information		
Name: Christopher & Velvet Dean		
Address: 10500 McIntosh Rd.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614.778.9151	Email: cheis@deanmotor <del>express</del> .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: Christopher + Velvet Dean		
Address: 10500 McIntosh Rd.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614.327.6894	Email: cheis@deanmotor <del>express</del> .com	

Variance Information
Request (Include Section of Code): Size 40 x 70 1221.05(B)(1)
Describe the Project: Installation of a new accessorial building of a pole barn to house construction equipment + accessories. Requesting a size variance of 40 x 70 to secure our equipment.

## 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.
- 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.lcountv.com/rec](http://www.lcountv.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.

**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.lcountv.com/taxparcelviewer/default](http://www.lcountv.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:

*Valmet S. Dean*

Date:

*5/12/17*

Owner:

*Valmet S. Dean*

Date:

*5/12/17*

## Size Variance Request

**Date:** May 12, 2017

**Applicant:** Christopher and Velvet Dean

**Address:** 10500 McIntosh Rd., Pataskala, Ohio 43062

**Location:** 1500 McIntosh Rd., Pataskala, Ohio 43062; Parcel #201508100016827

**Zoning:** Agricultural

**Request:** To increase the size to a 40x70 = 2800 sq. ft. from 1950 square foot.

**Narrative Statement:** This is a variance request to increase the size of our building to ensure the safety and care for our equipment in a secured building.

### Responses to Narrative Statement

- a) The property is currently being used for residential purposes and this is a continuation of the current use.
- b) The situation is all of our equipment is left outside and we have endured theft where we have had to file police reports on the equipment stole on the property and instances where our vehicles have been stolen. The equipment is also short-lived due weather conditions that are damaging our equipment with a secured environment.
- c) The request is not substantial because the placement of the pole barn is against a 20 acre field.
- d) The character of the neighborhood and adjoining properties will not have any detrimental alterations because the community is agricultural farm land.
- e) The variance will not eliminate or change the use of the properties adjacent to the construction.
- f) The variance will not be detrimental to public welfare.
- g) The variance will not adversely affect the delivery of governmental services.
- h) The owner purchased the subject property with knowledge of the zoning regulations.
- i) A variance is the only appropriate way to solve the situation. The well, septic system, and utility and drainage line restrictions make the variance necessary.
- j) The request is the minimum variance needed to allow for the construction for the equipment and accessories in a secured building.
- k) The spirit and intent of the zoning ordinance will be upheld by the granting of this variance. The use of the property remains residential and the community will not endure a negative impact.







126.14  
WELL, DENNIS C  
WELL, JENNIFER C  
503-623-8888

155

MCINTOSH RD SW

LILES, VELVETS  
DEAN, CHRISTOPHER K  
2017  
TD = 2,533

PATASKALA

BRANDI, PERRY M  
BRANDI, KATHY K  
OR 032-49364  
TD = 872

KIDD, TROYA  
200201250003312  
TD = 614

KIDD, TROYA  
200201250003312  
TD = 872

DEAN, KENNETH  
201706200012  
TD = 6,066

426.8  
143.64  
144  
185  
186  
144  
140  
46.8  
200  
10000  
10314  
200  
200

# OnTrac<sup>®</sup> Summary Information For The 2016 Tax Year



**Parcel Number:** 064-152814-02.001

**Owner:** LILES VELVET S & DEAN CHRISTOPHER K

**Address:** 10500 MCINTOSH RD PATASKALA 43062

**Tax District:** 064 PATASKALA SW-LK LSD-WLJFD

**2016 Rates:** 62.92000 (Full) / 58.16055 (Effective)

**Land Use:** 511 Single family unplatted 0-09.9

**Class:** Residential

**Legal Description:** 015-01-01 LOT 19 PT 1.00A

**Owner Mailing Address:** LILES VELVET S & DEAN CHRISTOPHER K  
10500 MCINTOSH RD  
PATASKALA OH 43062

**Tax Mailing Address:** CORELOGIC TAX SERVICES  
ESCROW REPORTING  
3001 HACKBERRY RD  
IRVING TX 75063

**Market Land Value:** \$30,000

**Market Improvement Value:** \$133,900

**Total Market Value:** \$163,900

**Sale Date:** 8/7/2015

**Sale Amount:** \$84,300.00

**Deed Type:** QC - QUIT CLAIM

**Conveyance Number:** 2230

**Valid Sale:** No

**Foreclosure:** No

**Homestead/Disability:** No

**Owner Occupied Reduction:** Yes

**On Contract:** No

**Tax Lien Sold:** No

MAYNARD, CRAIG W  
2158 MONTANA PINE DR  
HENDERSON, NV 89052

BRANDT, PERRY M  
10518 MCINTOSH RD  
PATASKALA, OH 43062

ROLLINS, PAULINE L  
10228 MCINTOSH RD  
PATASKALA, OH 43062

DEAN, KENNETH R  
10300 MCINTOSH RD  
PATASKALA, OH 43062

STRONG, LISA R  
10280 MCINTOSH RD  
PATASKALA, OH 43062

LEE, REBECCA F-TR  
10544 MCINTOSH RD  
PATASKALA, OH 43062

MORELAND, VICTOR L  
10355 MCINTOSH RD  
PATASKALA, OH 43062

MAYNARD, CRAIG W  
2158 MONTANA PINE DR  
HENDERSON, NV 89052

THOMAS J EVANS FOUNDATION,  
621 W BROAD ST STE 2B  
PATASKALA, OH 43062

SCHNEIDER, SANDRA L  
10453 MCINTOSH RD  
PATASKALA, OH 43062

POWELL, DENNIS C  
10425 MCINTOSH RD  
PATASKALA, OH 43062

KIDD, TROY A  
10314 MCINTOSH RD  
PATASKALA, OH 43062

LILES, VELVET S  
10500 MCINTOSH RD  
PATASKALA, OH 43062

NIEDZIELSKI, THOMAS J  
10284 MCINTOSH RD  
PATASKALA, OH 43062

HEILMAN, MARK P  
10451 MCINTOSH RD  
PATASKALA, OH 43062

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