



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 8, 2018

Variance Application VA-18-010

Applicant:	Nathan Tripp
Owner:	Nathan Tripp
Location:	5434 Headleys Mill Road
Acreage:	4 acres
Zoning:	AG – Agriculture
Request:	Requesting a variance from Section 1221.05(D)(1) of the Pataskala Code to allow for the construction of an accessory building in front of the principal structure.

Description of the Request:

The applicant is seeking a variance to construct a 30-foot by 32-foot (960 square foot) accessory building that would be located in front of the existing home on the property.

Staff Summary:

The property located at 5434 Headleys Mill Road contains a 2,416-square foot single-family home constructed in 1983. The applicant is proposing to construct a 30-foot by 32-foot (960 square foot) accessory building in front of the home adjacent to the existing driveway. Section 1221.05(D)(1) of the Pataskala Code states that all accessory buildings “shall be located even with or behind the front of a principal structure within the side or rear yard”. Based upon the applicant’s plans it appears that all other requirements for accessory buildings have been met (height, setbacks, etc.)

According to the applicant, the accessory building cannot be constructed in the rear yard due to space limitations and a steep slope. The applicant states that construction of the accessory building in the side yard would limit access to the well and septic lines. The proposed accessory building would be used for storage.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from the summary.*

The Planning and Zoning Department agrees with the applicant that the most feasible place to construct the accessory building would be in the location proposed. There appears to be a creek running through the property on the north side of the house that would hinder construction in the northern side yard. The applicant’s site plan indicates the well and septic in the southern side yard. The rear yard does slope considerably, so the rear yard does not appear practical either.

The Licking County Health Department has indicated that they do not have an existing file nor record for the subject property, but stated that well head and any part of the household sewage treatment system must be a minimum of 10 feet from any structure.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Single-family home
East	AG – Agricultural	Single-family home
South	AG – Agricultural	Single-family home
West	AG – Agricultural	Golf Course

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-18-010:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Health Department – See attached
- Police Department – No comments
- West Licking Joint Fire District – No comments
- South West 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 construction of the accessory building.
3. The well head and any part of the household sewage treatment system shall be a minimum of 10 feet from 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 a variance from Section 1221.05(D)(1) of the Pataskala Code for variance application VA-18-010 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

Lisa Paxton VA-18-010

From: Chris Hill <chill@lickingcohealth.org>
Sent: Wednesday, April 18, 2018 10:01 AM
To: Lisa Paxton
Subject: RE: Pataskala Board of Zoning Appeals - Review Memo

Hello Lisa,

The LCHD does not have any existing file or record for 5434 Headleys Mill Rd. The well head and any part of the household sewage treatment system must be a minimum of 10 feet from any structure.

Have a good day!

Chris Hill, RS, REHS
Public Health Sanitarian II
Licking County Health Department
675 Price Road
Newark, Ohio 43055
740-349-6503

Find LCHD on Social Media:



From: Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Sent: Tuesday, April 17, 2018 4:07 PM
To: Chris Hill <chill@lickingcohealth.org>
Subject: Pataskala Board of Zoning Appeals - Review Memo
Importance: High

Hi, Chris!

Attached are review memos for two applications to be heard before the Board of Zoning Appeals on Tuesday, May 8. Please have comments to myself of Scott Fulton on or before Friday, April 27, 2018.

Thank you!

Lisa ~



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 5434 HEARLEY'S MILL RD SW	
Parcel Number: 61-152766-00-000	
Zoning: AG	Acres: 4.00
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

Applicant Information		
Name: NATHAN TRIPP		
Address: 5434 HEARLEY'S MILL RD SW		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614-309-7553	Email: ntripp@gmail.com	

Property Owner Information		
Name: SAME		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code):
1221.05 (D)(1) - Front of House
1221.05 (E)(2) - Set back (10' min)
Describe the Project:
POLE BARN 30x32x12

Staff Use
Application Number:
VA-18-010
Fee:
\$ 300
Filing Date:
4-13-18
Hearing Date:
5-8-18
Receipt Number:
20898

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"/> Area Map

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 (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of 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 from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

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 (Required):

Date:

4/9/18

Property Owner (Required):

Date:

4/9/18

To whom it may concern,

I am requesting a variance at 5434 Headleys Mill Rd SW, Pataskala, OH 43062. I am requesting to build a pole barn with the dimensions of 30'X32'X12' in front of my house. The majority of my property sits in front of my house which sits approximately 550 ft back from the roadway. Building the pole barn on the side of my house would limit access to the well and septic lines. Building in the rear of my house is not possible due to the steep hill grade. I am in need of a pole barn due to the lack of storage room I currently have. Thank you for your time.

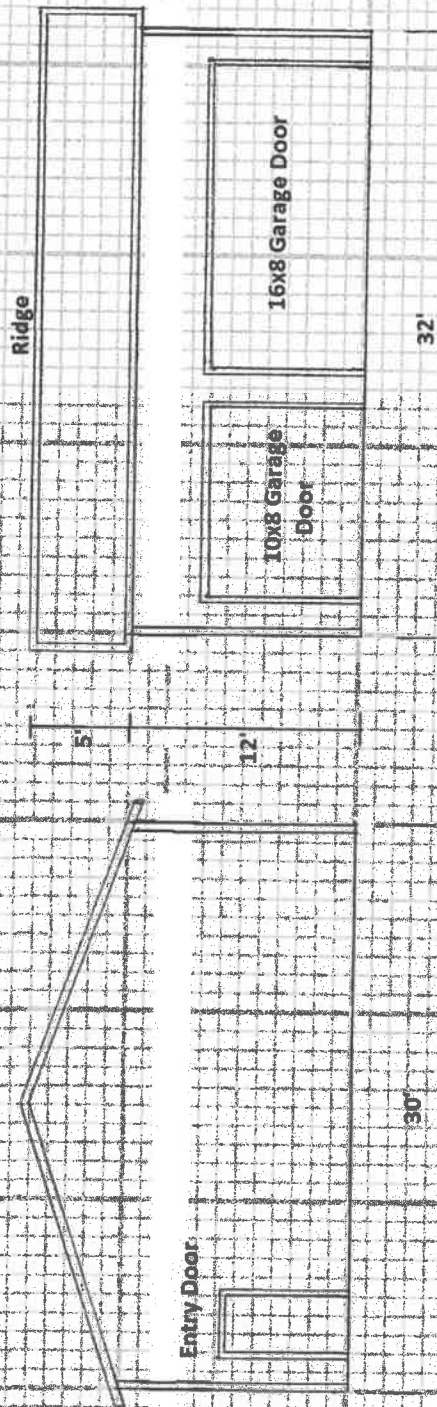
Sincerely,



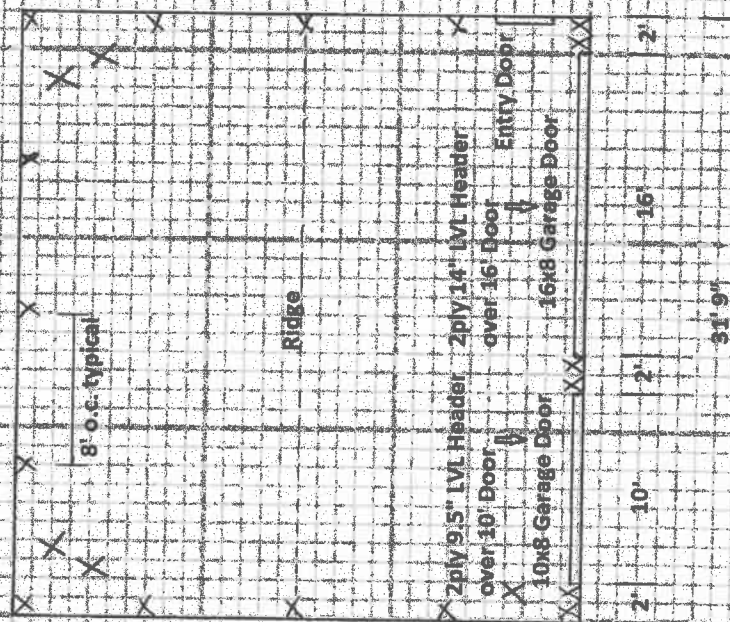
Nathan Tripp

Side Wall Elevation

Scale: 1" = 10'



End Wall Elevation



Floor Plan

X = Post

X = Bracing

Taxes Due July 18th

Michael L. Smiley Auditor
Olivia C. Parkinson, Treasurer
Log License Downloads Forms GIS Homestead Taxes Other

- Map
- BOR
- Card
- CAUV
- Documents
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- Parcel
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- Sketch
- Street View
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064-152766-00.000

NT

5434 HEADLEYS MILL RD
PATASKALA, OH 43062

Acres: 4.00

15-1-1 LOT 21 PT 4.00 A C

Land: \$81,000

Improv: \$149,000

Total: \$230,000

Sale Date: 03/07/2017

Amount: \$359,000

Conveyance: 547

Valid Sale: Yes

Homestead: No

Owner Occ: Yes

Foreclosure: No

Well 1
Septic
Behind
house

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our Mobile

Taxes Due July 18th

Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other

- Map
- BOR
- Card
- CAUV
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Land: \$81,000
Improv: \$149,000
Total: \$230,000

Sale Date: 03/07/2017
Amount: \$359,000
Conveyance: 547
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

35' from property line
Well / Septic South & Side of House



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Taxes Due July 18th

Michael L. Smith
Olivia C. Parkinson, Treasurer



Dog License



Downloads



Forms



GIS



Homestead



Taxes



Other

Map

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Card

CAUV

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064-152766-00.000

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201703070004548

Page: 3 \$36.00 T20170005066
03/07/2017 1:10PM MEPFIRST OHIO
Bryan A. Long
Licking County Recorder



01150761600000004000

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
JAMES H. KIRBY, LICKING COUNTY ENGINEER

Amf(C) 3-6-17
For beginning point

TRANSFERRED	
Date	<i>March 7, 2017</i>
<i>Michael Smith</i> Licking County Auditor	
SEC. 319.202 COMPLIED WITH MICHAEL SMITH, AUDITOR	
BY:	<i>12/10/17</i>

SURVIVORSHIP DEED

File # 38197

KNOW ALL MEN BY THE PRESENTS THAT; Adrian David Warren and Joni Lee Warren, Husband and Wife, Grantor(s), for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to Nathan P. Tripp, Unmarried and Erica A. Hardy, Unmarried, Grantee(s), for their joint lives, remainder to the survivor of them, whose Tax Mailing Address will be NOIC, PO Box 721, Sylvania, OH 43560.

The following described real property:

SEE ATTACHED EXHIBIT "A"

Parcel Number: 064-152766-00.000
Known as: 5434 Headleys Mill Rd. SW Pataskala, OH 43062
FIRST OHIO TITLE INSURANCE BOX

Subject to covenants, conditions, restrictions, easements and zoning ordinances, if any, contained in prior instruments of record.

Excepting therefrom taxes and assessments if any, now a lien and thereafter due and payable.

Prior Instrument Number: DB 836, Page 20 and DB 836, Page 18, of the Records of the office of the Recorder, Licking County, Ohio

Witness their hand(s) this 28th day of February, 2017.

Adrian David Warren
Adrian David Warren

Joni Lee Warren
Joni Lee Warren

State of Ohio)
County of Licking) SS

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Adrian David Warren and Joni Lee Warren, Grantor(s) who acknowledged that they did sign this Warranty Deed and the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, this 28th day of February, 2017.



Thomas M. McDermott, JR
Notary Public, State of Ohio
My Commission expires March 20, 2021

[Signature]
Notary Public
Commission Expiration
Date: _____

This instrument was prepared by:

Thomas J. Olix, Attorney at Law
Olix & Associates, Co., L.P.A.
2131 Pinebrook Road
Columbus, Ohio 43220

File # 38197

EXHIBIT "A"

Situated in the State of Ohio, County of Licking, City of Pataskala, being located in Lot No. 21, Quarter Section 1, Township 1, Range 15, United States Military Lands, and being 4.000 acres out of the 16.312 acre tract as conveyed to Banc One National Bank, Trustee and Patricia S. Shaffer, by deeds of record in Deed Book 815, Page 137 and Deed Book 794, Page 331, all references being to records of the Recorder's Office, Licking County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin in the centerline of Headley's Mill Road at a southeasterly corner of the 14.97 acre tract as conveyed to D.L. Ault Company, by deed of record in Deed Book 402, Page 570, said iron pin also being the northernmost corner of said 16.312 acre tract;

Thence, South 56 deg. 19'00" East, with the centerline of said Headley's Mill Road, a distance of 72.10 feet to an iron pin;

Thence South 44 deg. 44'00" East, continuing with the centerline of said Headley's Mill Road, a distance of 181.15 feet to an iron pin;

Thence South 39 deg. 50'00" West, crossing said 16.312 acre tract, a distance of 731.51 feet to an iron pin in an easterly line of the 11.427 acre tract as conveyed to Raymond H. Ellinger, by deed of record in Deed Book 633, Page 499;

Thence North 28 deg. 30'00" West, with an easterly line of said 11.427 acre tract, a distance of 271.18 feet to an iron pin in a southeasterly line of said 14.97 acre tract;

Thence North 39 deg. 50'00" East, with a southeasterly line of said 14.97 acre tract, a distance of 640.82 feet to the place of beginning, containing 4.000 acres of land, more or less.

Subject, however, to all legal rights of way and/or easements of previous record.

Owner	OwnerA	OwnerAd	Owr	OwnerA	Column1	OwnerCity	OwnerStat
RIGGS ROBERT D & MAR	5364	HEADLEYS MIL RD		5364	HEADLEYS MILL RD	PATASKAL	OH
RIGGS ROBERT D & MAR	5364	HEADLEYS MIL RD		5364	HEADLEYS MILL RD	PATASKAL	OH
CLAYTON CAROLYN & TI	5433	HEADLEYS MIL RD		5433	HEADLEYS MILL RD	PATASKAL	OH
ROBINSON RICHARD L &	5473	HEADLEYS MIL RD		5473	HEADLEYS MILL RD	PATASKAL	OH
BOBBITT GEOFFREY C & S	5513	HEADLEYS MIL RD		5513	HEADLEYS MILL RD	PATASKAL	OH
NT	5434	HEADLEYS MIL RD		5434	HEADLEYS MILL RD	PATASKAL	OH
HARRIS WILLIAM BRIAN	5474	HEADLEYS MIL RD		5474	HEADLEYS MILL RD	PATASKAL	OH
GRIFFITH PHILIP C II & SL	1115	TAYLOR GLEN BLVD		1115	TAYLOR GLEN BLVD	PATASKAL	OH
DIXON MATTHEW J & TR	5694	HEADLEYS MIL RD		5694	HEADLEYS MILL RD	PATASKAL	OH