



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-18-011

Applicant:	Justin Wilson
Owner:	Justin Wilson
Location:	0 Cable Road (PID 063-149586-00.000)
Acreage:	0.9 acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting variances from Section 1221.05(B)(1) of the Pataskala Code to allow for the construction of an accessory building that would exceed the maximum permitted size and Section 1221.05(D)(4) of the Pataskala Code to allow an accessory building to be located on a lot without a principal structure.

Description of the Request:

The applicant is seeking variances to construct a 48-foot by 40-foot (1,920 square foot) accessory building that would exceed the maximum permitted size and would be located on a lot without a principal structure.

Staff Summary:

The unimproved property on Cable Road is Lot 8 of the Woodside Acres subdivision and is currently vacant. The applicant purchased the property in December of 2017 with the intent of constructing a pole barn to store personal property including several functioning vehicles. The applicant became aware of the zoning requirements for accessory buildings when filling out the accessory building permit application.

The applicant is proposing to construct a 48-foot by 40-foot (1,920 square foot) accessory building. The maximum permitted size for a property less than two (2) acres is 1,320 square feet. The proposed accessory building would exceed the maximum permitted size by 600 square feet or approximately 45 percent. The applicant's narrative indicates a maximum of 720 square feet; however, the accessory building regulations were updated and the applicant's calculation is based on the previous requirements.

Section 1221.05(D)(4) states that an accessory structure shall not be located on a lot without a principal structure. As stated above, the property is vacant therefore there is no principal structure on the lot to which the pole barn could be accessory to. The applicant's narrative references the former section of the Code, which as mentioned, has since been updated.

The height of the proposed pole barn was not mentioned in the application, so staff does not know if the pole barn will meet the height requirements for accessory buildings. Pursuant to Section 1221.05(C)(1)

the maximum permitted height for accessory buildings of lots less than two (2) acres in size is 18 feet. It appears that the proposed pole barn would meet all other requirements for accessory buildings.

According to the applicant, the property is not suitable for construction of a home due to several springs or sources of water on the property that contribute to standing water on the property. Therefore, the applicant believes that the only functional use of the property is the pole barn.

In addition to the pole barn, the applicant is proposing to:

- a) Construct a 10-foot wide drive way from Cable Road to the pole barn.
- b) Install fencing on the north, east and west sides of the pole barn.
- c) Install a buffer zone on the side of the property consisting of over a dozen evergreen trees and bushes.
- d) Construct a culvert and collection pond to handle the standing water from the springs.
- e) Install buried utility lines from Cable Road to the pole barn.

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

The proposed driveway, if installed, would require both a driveway permit and a right-of-way permit. These permits would be obtained from the Planning and Zoning Department and Public Service Department respectively.

The proposed fencing does not include the height; however, because the applicant's narrative indicates that it would be a privacy fence, staff is assuming that it would be six (6) feet in height. Section 1279 states that a fence not exceed six (6) feet may be constructed behind the front building setback line for the principal structure. Because there no principal structure, there is no front building setback line; therefore, a six (6) foot fence on the property would require a variance. If the fence is four (4) feet or shorter, no variance is required.

The proposed buffer zone is not shown on the site plan. No permit is required for the installation of the landscaping as described.

The culvert and collection pond do not require a permit and is permissible so long as the changes to the drainage cannot adversely impact neighboring properties. The Public Service Director mentioned a natural swale traverses the property.

The utility connection from Cable Road would likely require an address to be issued to the property as the utility companies typically require an address. The Planning and Zoning Department would be responsible for issuing the property an address if required.

Possible supplementary conditions have been added below to address these issues.

Surrounding Area:

Direction	Zoning	Land Use
North	RR – Rural Residential	Farm Field
East	R-87 – Medium-Low Density Residential	Single-family home
South	R-87 – Medium-Low Density Residential	Single-family home
West	R-87 – Medium-Low Density Residential	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-18-011:

- 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

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 accessory building shall be a maximum of 18 feet in height or a variance shall be granted by the Board of Zoning Appeals.
4. The proposed fence shall meet all requirements of Chapter 1279 or a variance shall be granted by the Board of Zoning Appeals.
5. The applicant shall provide for tree preservation and replacement pursuant to Section 1283.03 of the Pataskala Code prior to removal of any trees on the property.
6. The culvert and collection pond shall not adversely impact neighboring properties.

Resolution:

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

"I move to approve variances from Section 1221.05(B)(1) and Section 1221.05(D)(4) of the Pataskala Code for variance application VA-18-011 ("with the following supplementary conditions" if conditions are to be placed on the approval)."



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: No formal address - Cable Rd Pataskala Ohio 43062		
Parcel Number: 063-149586-00.000		
Zoning: Residential <u>R-87</u>	Acres: 0.9	
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: <u>VA-18-011</u>
Fee: <u>\$300</u>
Filing Date: <u>4-16-18</u>
Hearing Date: <u>5-8-18</u>
Receipt Number: <u>20901</u>

Applicant Information		
Name: Justin Wilson		
Address: 2503 Round Rock Drive		
City: Columbus	State: Ohio	Zip: 43219
Phone: 717-919-6489	Email: Justinryanwilson@ymail.com	

Property Owner Information		
Name: Justin Wilson		
Address: 2503 Round Rock Drive		
City: Columbus	State: Ohio	Zip: 43219
Phone: 717-919-6489	Email: Justinryanwilson@ymail.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"/> Area Map

Variance Information
Request (Include Section of Code): <u>1221.05(B)(1)</u>
<u>1221.05.A.1</u> : Code restricts accessory building to 720 sq ft . Requesting a variance to allow an accessory structure of 1,920 sq ft.
<u>1221.05.D.1</u> : Code restricts accessory building to be located even with or behind the front of a principal structure. Requesting a variance to the construction of an accessory building without a principal structure. <u>1221.05(D)(4)</u>
Description:
Property was purchased to build a 48' x 40' pole barn without knowledge of the zoning restrictions. Pole barn to be used as a place of storage.
Please see Appendix A: Narrative Document.

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:

4/17/18

Property Owner (Required):

Date:

4/17/18

The parcel at 063-149586-00.000 was purchased for the purpose of building a 48' x 40' pole barn. This property was purchased without the knowledge of existing ordinances that restrict its construction due to **a)** square footage – current code requires an accessory structure on lots of 1 acre to be equal or less than 720 sq ft and **b)** the location of the pole barn in relation to a principal structure. The code reads that an accessory structure must be behind or beside a principal structure but this property currently does not have a principal structure. The existence of these codes only came to light when completing the accessory building permit application.

The proposed size of the accessory structure allows for the storage of personal property, which is the intended use of this property. Some of this personal property includes several fully functioning vehicles that would be kept on the premises with or without the accessory building. The pole barn allows for the vehicles to be stored without creating blight in the neighborhood. The location of this accessory building allows for the construction of a large principal building at least 100' from the front property line in the future. The build plan allows for the continued use of the land in the future and it avoids impairing the use of the land in accordance of the code. The only functional use for the land to me is for an accessory building at this point in time.

A major impairment to the normal functional use of this parcel is that it contains several springs or sources of water which are not included in the flood plan but do contribute to several inches of standing water on a larger portion of the parcel. This property is the basin of the watershed from most of the surrounding properties. The elevated water table in this parcel does impede the construction of a normal residential structure without significant investment.

The addition of the pole barn will increase the value of this parcel since it will be done in a tasteful manner. It will not negatively impact the neighborhood in character or value. The accessory structure will not be visible to the neighborhood since a buffer zone will be created on the side of the property and the front of the property will remain wooded. The buffer zone will consist of over a dozen evergreen trees and bushes along with the installation of a privacy fence on the property boundary. The deviation as proposed does not constitute any substantial change that would negatively affect neighbors. Please reference Appendix B for a contextualization of the neighborhood.

The variances do not affect the delivery of government services. The variance, if granted, would represent the minimum variance to afford relief with the least modification of the requirement, while holding to the spirit and intent of the zoning requirements.

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

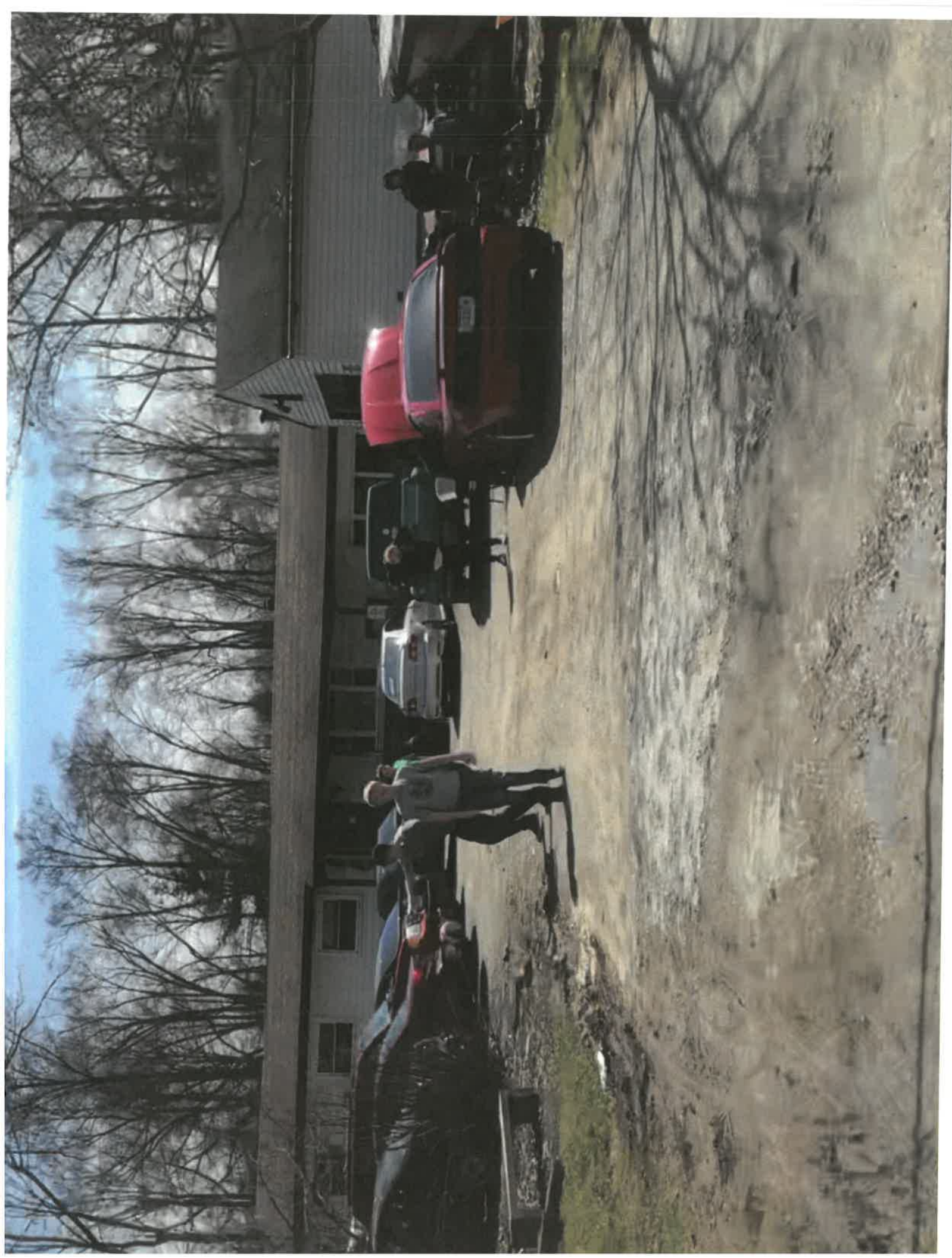
Examples of structures with the variances as proposed within 1 mile.

- 063-146238-00.000
- 063-141498-00.000

APPENDIX B: NEIGHBORING PROPERTIES ON CABLE RD

PICTURES OF NEIGHORING PROPERTIES ON THE SAME STREET

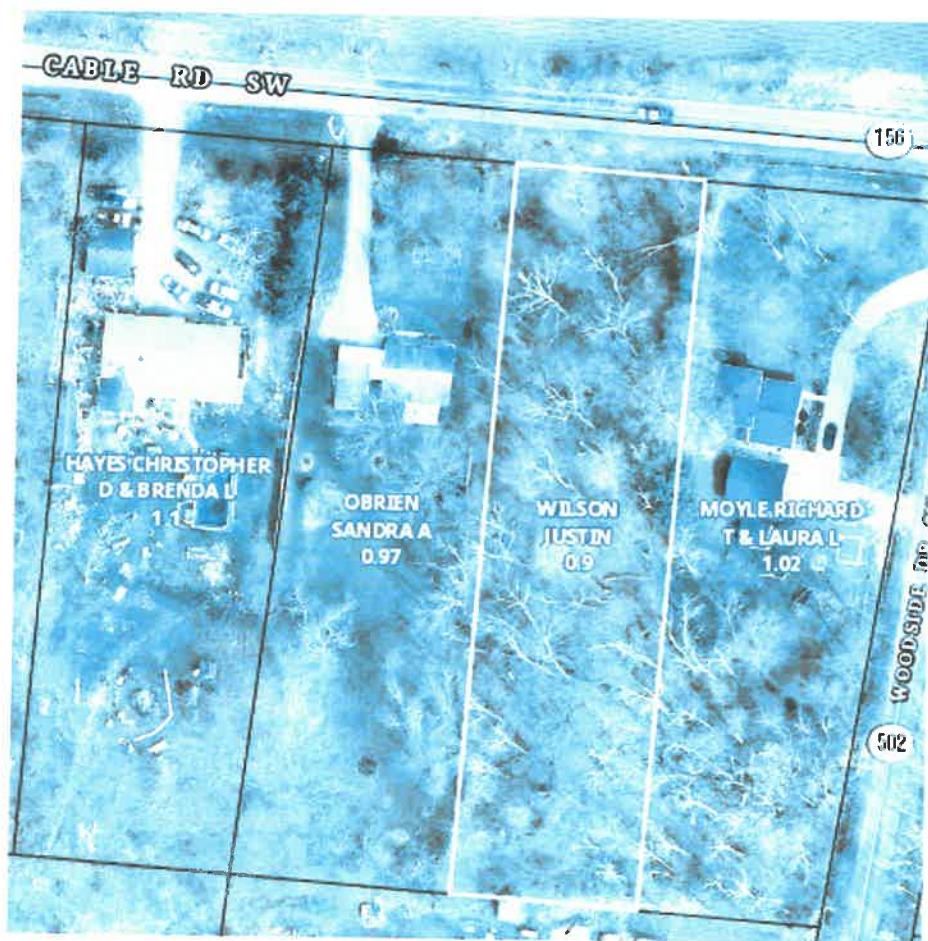
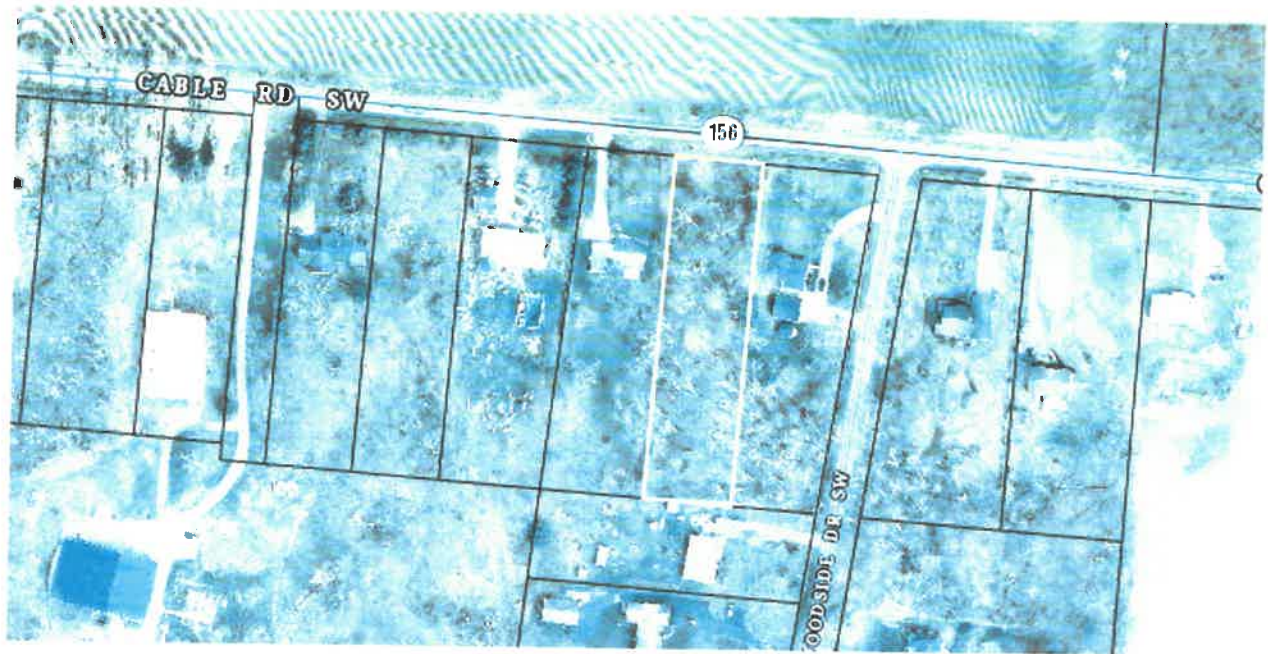






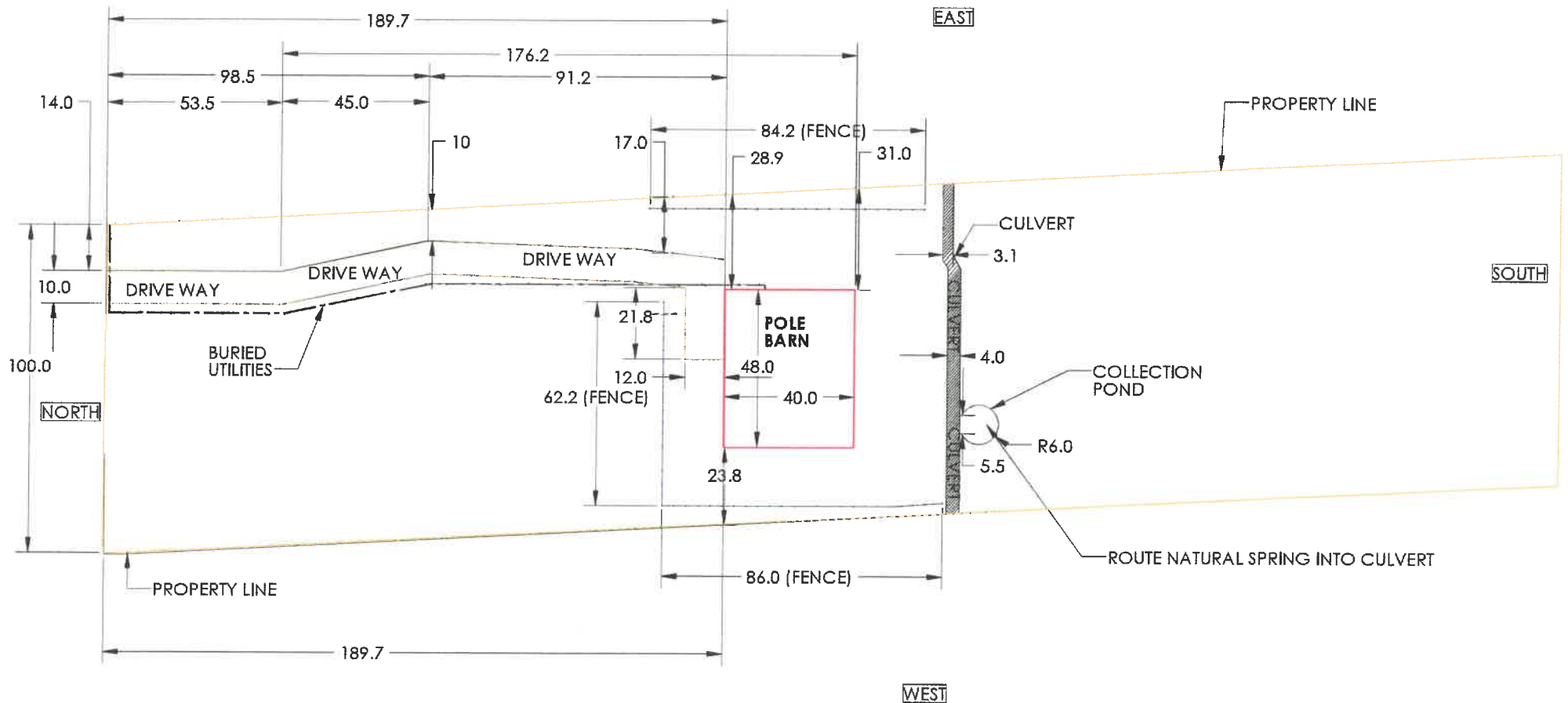


Appendix C: Parcel: 063-149586-00.000









PROPRIETARY AND CONFIDENTIAL
 THE INFORMATION CONTAINED IN THIS DRAWING IS THE SOLE PROPERTY OF JUSTIN WILSON. ANY REPRODUCTION IN PART OR AS A WHOLE WITHOUT THE WRITTEN PERMISSION OF JUSTIN WILSON IS PROHIBITED.

NOTES:		UNLESS OTHERWISE SPECIFIED:		NAME	DATE
ALL AREAS STAKED TO COLOR CODE NOTED IN LEGEND		DIMENSIONS ARE IN FEET		DRAWN	JW
				CHECKED	2/23/18
				BY APPR.	
				MFG APPR.	
				G.A.	
				CONTACT:	
				JUSTIN WILSON	
				2803 ROUND ROCK DRIVE	
				COLUMBUS, OH 43219	
				PHONE 1: 717-919-4489	
				PHONE 2: 614-283-4846	
				EMAIL: JUSTINRYANWILSON@GMAIL.COM	
				TITLE:	
				SITE PLAN FOR LOT 8 CABLE ROAD	
				40.0270490, -82.7409680	
				PARCEL 063-149586-00.000	
				PATASKALA, OH 43062	
		SIZE	DWG. NO.	REV	
		B	LOT 8 CABLE RD	4	
		SCALE: 1:768		SHEET 1 OF 1	

5

4

3

2

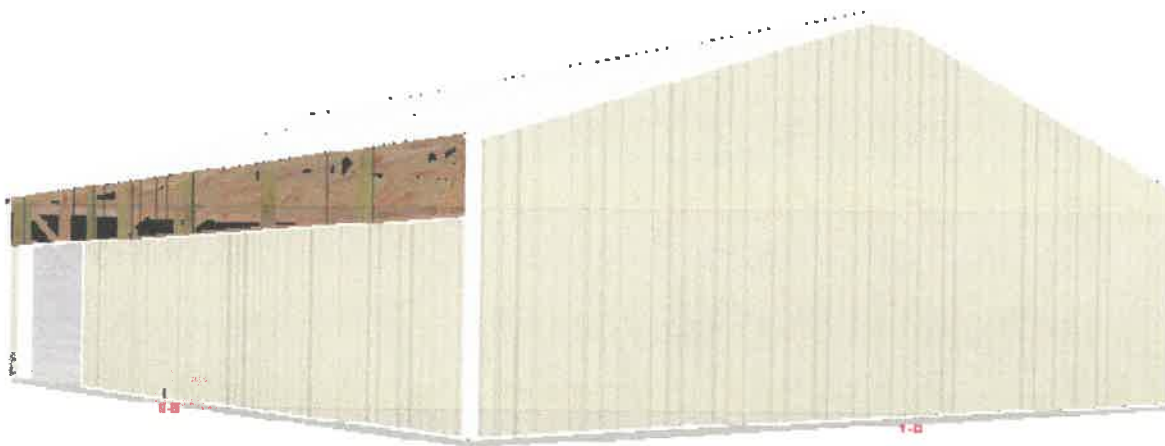
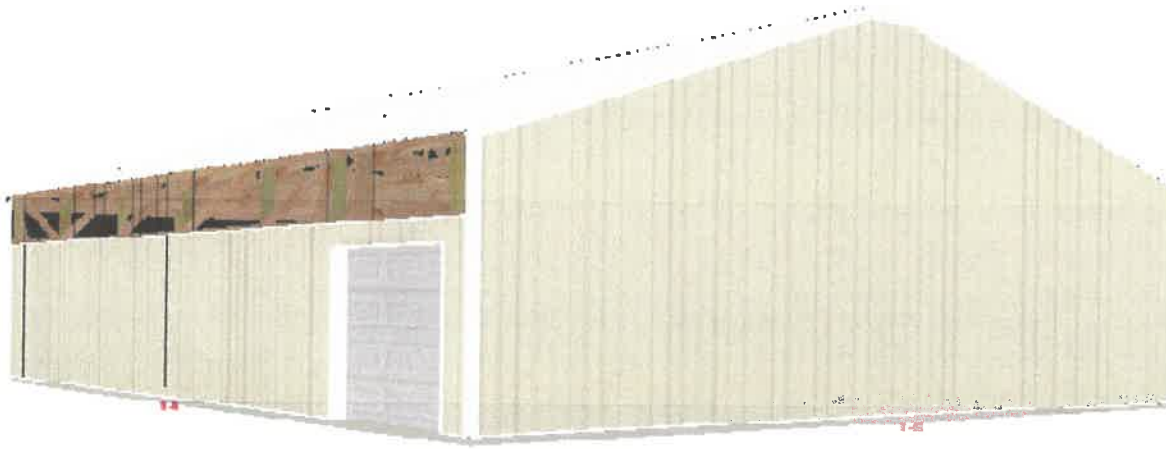
1

Design #: 328055909208
Store: COLUMBUS OH EAST



Post Frame Building Estimate
Date: Apr 9, 2018 12:18:47 AM

Elevation Views





Date: Apr 9, 2018 12:18:47 AM
Store: COLUMBUS OH EAST
6800 E. BROAD STREET
COLUMBUS, OH 43213
Ph: 614-501-1654



Design #: 328055909208

Estimated price: \$11,177.89 *

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

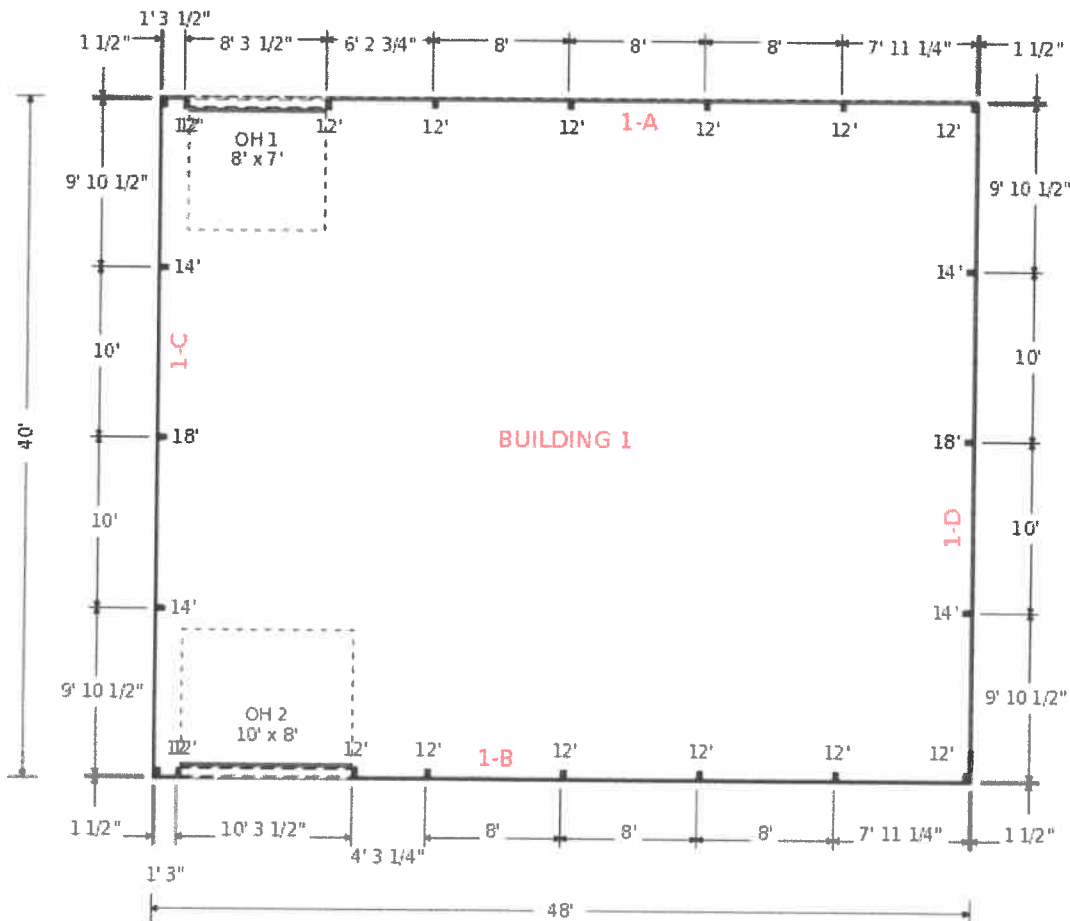
How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into The Post Frame Request Form on the Midwest Manufacturing website.
3. Apply the design to System V to create the material list.
4. Take the SOC to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

FLOOR PLAN





Building Information

1. Building Use:	Code Exempt
2. Width:	40 ft
3. Length:	48 ft
4. Inside Clear Height:	10 ft
5. Floor Finish:	Concrete
6. Floor Thickness:	4 in
7. Post Foundation:	Secured To Concrete

Wall Information

1. Post Type:	Posts
2. Post Spacing:	8 ft
3. Girt Type:	Flat
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Light Stone
6. Trim Color:	White
7. Sidewall A Eave Light:	3 ft
8. Sidewall B eave light:	3 ft
9. Wall Fastener Location:	In the Flat
10. Bottom Trim:	Yes
11. Eave Trim:	No
12. Gradeboard Type:	2x6 Fusion Centermatch
13. Sidewall A Rows:	1 row = 5"
14. Sidewall B Rows:	1 row = 5"
15. Sidewall C Rows:	1 row = 5"
16. Sidewall D Rows:	1 row = 5"

Interior Finish

1. Wall Insulation Type:	None
2. Wall Liner Type:	None
3. Roof Insulation:	No

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	8 ft
3. Heel Height:	7 7/8 in
4. Roof Type:	Pro-Rib
5. Roof Color:	White
6. Ridge Options:	Universal Ridge Cap
7. Roof Fastener Location:	On the Rib
8. Endwall Overhangs:	0 ft
9. Sidewall Overhangs:	0 ft
10. Skylight Size:	None
11. Ridge Vent Quantity:	None
12. Ceiling Liner Type:	None
13. Purlin Placement:	On Edge
14. Ceiling Insulation Type:	None

Accessories

1. Outside Closure Strip:	Economy Vented
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	Yes
7. Snow Guard:	Yes
8. Mini Print:	Hardcopy and E-mail



Doors & Windows

Name	Size	Wall
Overhead Door	8' x 7'	1-A
Overhead Door	10' x 8'	1-B

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

TRANSFERRED
Date Dec. 19, 2017
Michael L. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: HL 60.00

201712190027869
Pgs:3 \$36.00 T20170028342
12/19/2017 2:56 PM MEP240 FRANKI.
Bryan A. Long Licking County Recorder

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
12-19-17 JK



WARRANTY DEED

File # 82019

Know all men by the presents that Aka Richard D. Sheets Richard D. Sheets Sr., Unmarried, Grantor(s) for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to Justin Wilson, Unmarried, Grantee, whose Tax Mailing Address will be 2503 Round Rock Drive Columbus OH 43219.

The following described real property:

SEE ATTACHED EXHIBIT "A"

FIRST OHIO TITLE INSURANCE BOX

Parcel Number: 063-149586-00.000
Known as: 0 Cable Rd Lot 8
Pataskala, OH 43062

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: Instrument Number 200902200003390 and DB 607, Page 515, of the Records of the office of the Recorder, Licking County, Ohio

Witness his/her/their hand(s) this 11th day of December, 2017


Richard D. Sheets Sr.

State of Ohio

)

) SS

County of Licking

)

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Richard D. Sheets Sr., who acknowledged that they/he/she did sign this Warranty Deed and the same is their/his/her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, this 11th day of December, 2017.



JOHN ROBEY

Notary Public, State of Ohio

My Commission Expires May 18, 2018

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 # 82019

Escrow File No.: 82019

EXHIBIT "A"

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

Being Lot Number Eight (8), of Woodside Acres Subdivision No. 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, Page 216, Recorder's Office, Licking County, Ohio.