



# CITY OF PATASKALA BOARD OF ZONING APPEALS

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

## STAFF REPORT

June 12, 2018

### Variance Application VA-18-012

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | Todd and Jeannie VanHorn  |
| <b>Owner:</b>     | Todd and Jeannie VanHorn  |
| <b>Location:</b>  | 1400 Hoover Way   |
| <b>Acreage:</b>   | 0.26 acres  |
| <b>Zoning:</b>    | R-10 – High Density Residential   |
| <b>Request:</b>   | Requesting a variance pursuant to Section 1279.03(A)(3) of the Pataskala Code to allow for the construction of a fence that would exceed that maximum permitted height in front of the building setback line. |

#### Description of the Request:

The applicant is seeking a variance to construct a five (5) foot fence in front of the building setback line which would exceed the maximum permitted height.

#### Staff Summary:

The property currently contains a 2,336-square foot home constructed in 2008. The applicants are proposing to construct a five (5) foot tall wooden fence around their back yard. Because the property is a corner lot, the Code considers the property to have two front yards. As a result, the maximum permitted height for a fence in the front yard is four (4) feet. The applicant is requesting a variance for one (1) foot.

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

The Planning and Zoning Department has no concerns regarding the applicants' request.

#### Surrounding Area:

| Direction | Zoning                          | Land Use            |
|-----------|---------------------------------|---------------------|
| North     | R-10 – High Density Residential | Single-Family House |
| East      | R-10 – High Density Residential | Single-Family House |
| South     | R-10 – High Density Residential | Single-Family House |
| West      | R-10 – High 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-18-012:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – 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 fence as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to construction of the fence.

**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 pursuant to Section 1279.03(A)(3) of the Pataskala Code for variance application VA-18-012 ("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: 1400 Hoover Way                              |  |
| Parcel Number: 064-068124-00-045                      |  |
| Zoning: R-10  | Acres: .26   |
| Water Supply:   |  |
| <input checked="" type="checkbox"/> City of Pataskala | <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site |
| Wastewater Treatment:                                 |  |
| <input checked="" type="checkbox"/> City of Pataskala | <input type="checkbox"/> South West Licking <input type="checkbox"/> On Site |

| Staff Use                        |
|----------------------------------|
| Application Number:<br>VA-18-012 |
| Fee:<br>\$ 300                   |
| Filing Date:<br>5-9-18           |
| Hearing Date:<br>6-12-18         |
| Receipt Number:<br>20948         |

| Applicant Information        |                                 |            |
|------------------------------|---------------------------------|------------|
| Name: Todd & Jeannie Vanhorn |                                 |            |
| Address: 1400 Hoover Way     |                                 |            |
| City: Pataskala              | State: OH                       | Zip: 43062 |
| Phone: 614-565-0240          | Email: jeannievanhorn@gmail.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    |

| Property Owner Information   |                                 |            |
|------------------------------|---------------------------------|------------|
| Name: Todd & Jeannie Vanhorn |                                 |            |
| Address: 1400 Hoover Way     |                                 |            |
| City: Pataskala              | State: OH                       | Zip: 43062 |
| Phone: 614-565-0240          | Email: jeannievanhorn@gmail.com |            |

| Variance Information  |
|---|
| Request (Include Section of Code):<br>1279.03(A)(1) 5' Fence in front of principal structure. |
| Describe the Project:<br>5' wood fence  |
|   |
|   |
|   |
|   |

(1400 Heaver rd)

### 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):

*Jeannie VanHorn*

Date:

5-9-18

Property Owner (Required):

*Jeannie VanHorn*

Date:

5-9-18

To Whom it may concern,

This proposal letter is to request permission of a Variance for a residence at 1400 Hoovler Way in Pataskala. The Variance requested is relatively minor and clearly meets all the parameters to support a finding in favor of the Variance. The petitioner requests a Variance allowing a fence to be built around the residential property, generally following the property line, apart from one area which is well inside the property line. It is this side of the fence that faces the street. The variance is to have the existing fence which is 4 feet high to be replaced with a 5-foot fence. The requested Variance would provide more of a security barrier for our children who enjoy playing in the yard.

It is the absolute intent of the petitioner (for his own personal architectural preferences as well as the needs of the Zoning Administrator/Planning Commission) to create a fence that specifically blends in with not only the existing landscape, but is also in complete harmony with the neighboring fence types and appearances:

- The proposed fence shall be constructed of “pressure treated” wood in an identical manner as several neighboring properties’ fences.
- The proposed fence shall be finished in the identical manner (paint/stain/varnish, etc.) as several neighboring properties’ fences.
- The fence shall not incorporate any “standout” features such as concrete pillars or visually attention-getting decorative protrusions
- The proposed fence is desired, intended, and shall be built specifically to be unobtrusive and “low key”, blending in with the neighborhood

Additionally, the proposed fence and gate that this Variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor’s quality of life, property value, or peaceful co-existence would be negatively affected.

Respectfully submitted,

Todd W. Van Horn  
1400 Hoovler Way  
614-634-8228



Taxes Due July 18th

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

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064-068124-00.045  
**VANHORN TODD W & JEANNIE L**  
1400 HOOVLER WAY  
PATASKALA, OH 43062

Acres: 0.26  
LEGACY ESTATES PHASE  
1 LOT 36

Land: \$37,700  
Improv: \$166,800  
Total: \$204,500

Sale Date: 09/25/2008  
Amount: \$185,823  
Conveyance: 2361  
Valid Sale: No

Homestead: No

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200809250021300  
 Pgs: 1 \$28.00 T20080928349  
 09/25/2008 10:34AM BXSTACOL BOX  
 Bryan A. Long  
 Licking County Recorder

1072

**WARRANTY DEED**  
 By a Corporation

KNOW ALL MEN BY THESE PRESENTS, That Maronda Homes Inc. of Ohio, an Ohio corporation hereinafter referred to as GRANTOR, in consideration of the sum of \$1.00 and other good and valuable consideration, to it paid by Todd W. VanHorn and Jeannie L. Vanhorn\* hereinafter referred to as GRANTEE, the receipt whereof is hereby acknowledged, does hereby GRANT, BARGAIN, SELL AND CONVEY with general warranty covenants to the said GRANTEE, its successors and assigns forever, the following described real estate:

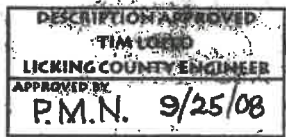
**\*For their joint lives remainder to the survivor of them**  
 Situated in the State of Ohio, County of Licking, and in the City of Pataskala:

Being Lot Number Thirty-six (36) in LEGACY ESTATES PHASE 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, pages 142 through 145, both inclusive, Recorder's Office, Licking County, Ohio.

Prior Instrument Reference: Instrument No. 200209260036035, filed for record on 01/22/2008  
 Parcel Number: 064-068124-00.045  
 Property Address: 1400 Hoover Way, Pataskala, Ohio 43062  
 Tax Billing Address: MFC Mtg 851 Trafalgar Ct 320W Maitland, FL 32751

TO HAVE AND TO HOLD SAID PREMISES, with all the privileges and appurtenances thereunto belonging to the said GRANTEE, its successors and assigns forever. And the said GRANTOR for itself and its successors, does hereby covenant with the said GRANTEE, its successors and assigns, that the said premises are FREE AND CLEAR FROM ALL ENCUMBRANCES WHATSOEVER except conditions, restrictions and easements of record.

23080013  
 Stewart Title Agency  
 of Columbus Box



Executed this 19th day of September, 2008.

Maronda Homes Inc. of Ohio

By: John Oberlin  
 Vice-President

STATE OF OHIO,  
 COUNTY OF FRANKLIN, ss:

BE IT REMEMBERED, that on this 19th day of September, 2008, before me, the subscriber, personally came the above named Maronda Homes Inc. of Ohio, the GRANTOR in the foregoing warranty deed by John Oberlin, its Vice-President and as such Vice-President, acknowledged the signing of the same to be his voluntary act and deed for and as the act and deed of said Corporation, for the uses and purposes therein mentioned.

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



KELLY J. BEATTY  
 Notary Public, State of Ohio  
 Pickaway County  
 My Commission Expires 8/21/10

Kelly J Beatty  
 Notary Public

This Instrument prepared by: Steven H.O. Fireman, Attorney-at-Law  
 259 West Schrock Rd.  
 Westerville, OH. 43081

File No. 230080013

SEC.319.202 COMPLIED WITH  
 J. TERRY EVANS, AUDITOR  
 BY BF 9/27/08

TRANSFERRED  
 Date September 25, 2008  
 J. Terry Evans  
 Licking County Auditor



01140584517142036000

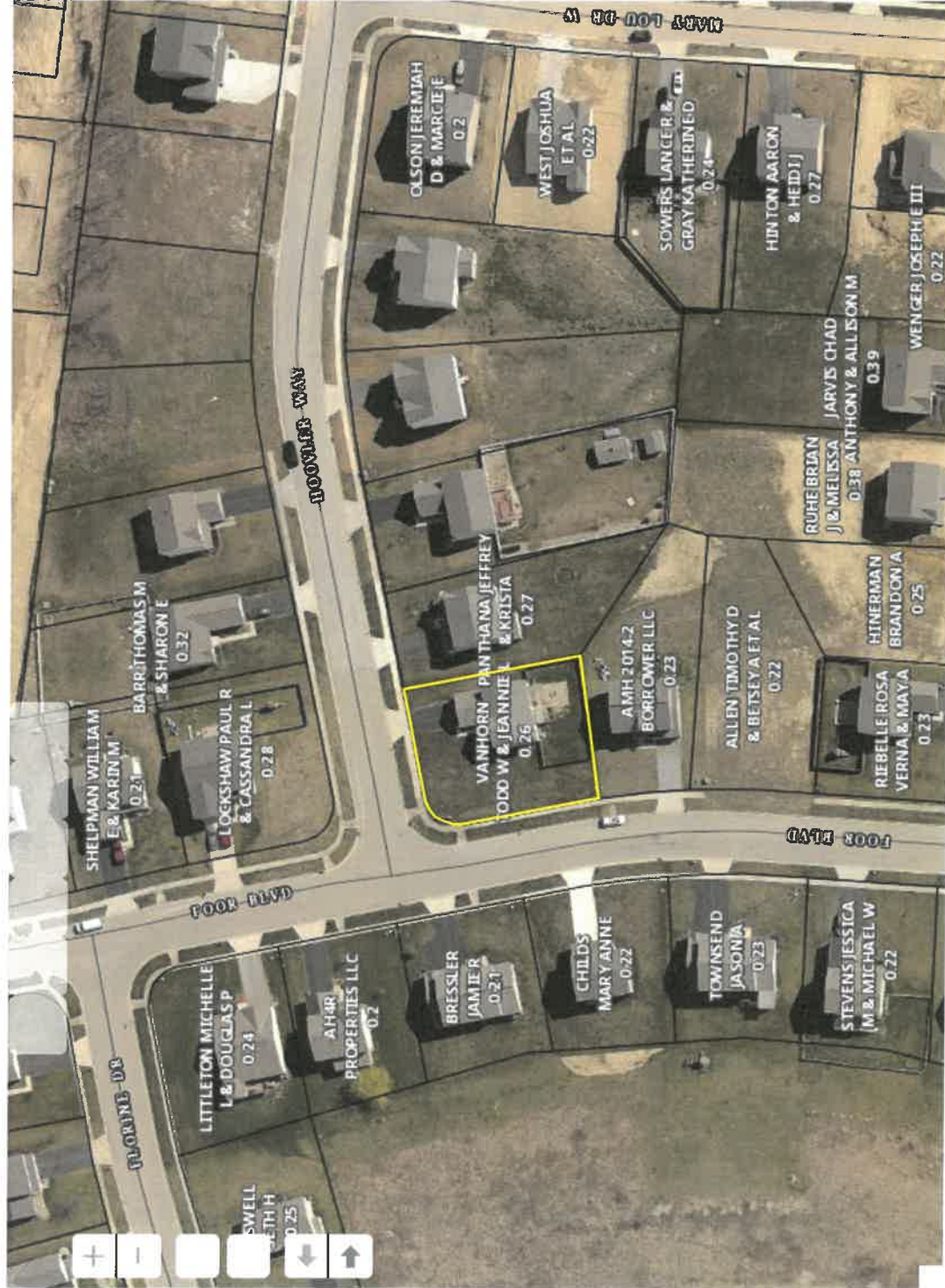


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Michael L. Smith, Auditor  
Olivia C. Parkinson, Treasurer

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