



## 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-18-013

<b>Applicant:</b>	Phillip C. Griffith II and Susan H. Griffith
<b>Owner:</b>	Phillip C. Griffith II and Susan H. Griffith
<b>Location:</b>	5500 Headleys Mill Road SW
<b>Acreage:</b>	2.0 acres
<b>Zoning:</b>	AG - Agricultural
<b>Request:</b>	Requesting a variance from Section 1225.05(C)(2) of the Pataskala Code to allow for the construction of a home that would fail to meet the minimum required side yard setbacks.

#### Description of the Request:

The applicants are seeking a variance to construct house that would fail to meet both side yard setbacks requirements by 20 feet.

#### Staff Summary:

The two (2) acre property was created by a lot split in approximately 2008 and is currently vacant. In May of 2016 the Board of Zoning Appeals approved a variance to allow the reduction of the required side yard setbacks from 50 feet to 30 feet via variance application VA-16-008. The variance was approved with a condition that the variance would be valid for one (1) year from the date of approval. Because the home was not constructed within the one (1) year period, the variance expired in May of 2017.

The applicant is requesting to reduce the side yard setbacks from 50 feet to 30 feet, the same request that was approved in 2016, so that they may construct an approximately 3,500 square foot home on the property. As proposed, the home would meet the other zoning requirements of the AG – Agricultural district.

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

The Health Department mention that they do not have any soil test results or design plans for the property for the household sewage treatment system. Because the lot is narrow, the Health Department expressed concerns that it may be difficult to construct a household sewage treatment system that would meet current code requirements.

**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-18-013:

- a) *To permit any yard or setback less than the yard or setback required by the applicable regulation*

**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
- Southwest Licking Schools – 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 house 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 house.

**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 1225.05(C)(2) of the Pataskala Code for application VA-18-013 ("with the following supplementary conditions" if conditions are to be placed on the approval).

**From:** Chris Hill  
**To:** [Scott Fulton](#)  
**Subject:** RE: Pataskala BZA review memo  
**Date:** Thursday, May 17, 2018 9:58:52 AM  
**Attachments:** [image002.png](#)

---

Hello and Good morning,

The only issue that I see is that we do not have any soil test results or design plans for 5500 Headleys Mill Road for the household sewage treatment system(HSTS). The lot is narrow and could cause an issue with designing a HSTS that meets current code requirements.

Respectfully,

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:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Sent:** Tuesday, May 15, 2018 4:25 PM  
**To:** Chris Hill <[chill@lickingcohealth.org](mailto:chill@lickingcohealth.org)>  
**Cc:** Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>  
**Subject:** Pataskala BZA review memo

Chris,

Attached is the review memo for the June 12, 2018 Board of Zoning Appeals hearing. If you have any questions, please let me know.

Thanks,

**SCOTT FULTON**  
Director of Planning  
City of Pataskala  
621 West Broad Street, Suite 2-A  
Pataskala, Ohio 43062  
Phone: 740-927-2168  
Cell: 614-440-5222

---

CONFIDENTIALITY NOTICE:

This e-mail, including any attachments, is intended for the sole use of the intended recipient and may contain privileged, sensitive, or protected health information. If you are not the intended recipient, be advised that any unauthorized use, disclosure, copying, distribution, or action taken in reliance on the contents of this communication is prohibited. If you have received this e-mail in error, please notify the sender via telephone or return e-mail and immediately delete this e-mail.



# 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: 5500 Headleys Mill Rd, Pataskala, OH 43062	
Parcel Number: 064-152766-00.005	
Zoning: <b>AG - Agricultural</b>	Acres: <b>2.0</b>
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: <b>VA-18-013</b>
Fee: <b>\$300.00</b>
Filing Date: <b>5-10-18</b>
Hearing Date: <b>6-12-18</b>

Applicant Information		
Name: Philip C Griffith II & Susan H Griffith		
Address: 1115 Taylor Glen Blvd W		
City: Pataskala	State: OH	Zip: 43062
Phone: P: 339-368-1805	Email: philipg2@psgriffith.us	
S: 339-368-1320		cellosue331@psgriffith.us

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: Philip C Griffith II & Susan H Griffith		
Address: 1115 Taylor Glen Blvd W		
City: Pataskala	State: OH	Zip: 43062
Phone: P: 339-368-1805	Email: philipg2@psgriffith.us	
S: 339-368-1320		cellosue331@psgriffith.us

Variance Information
Request (Include Section of Code): <b>Requesting a variance from Section 1225.05(C)(2) to allow for the construction of a home that will fail to meet the required side yard setbacks.</b>
Describe the Project: <b>see attached description</b>

## 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.lcounty.com/rec](http://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.

**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](http://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:



Date:

5/19/2018

Owner:



Date:

5-10-2018

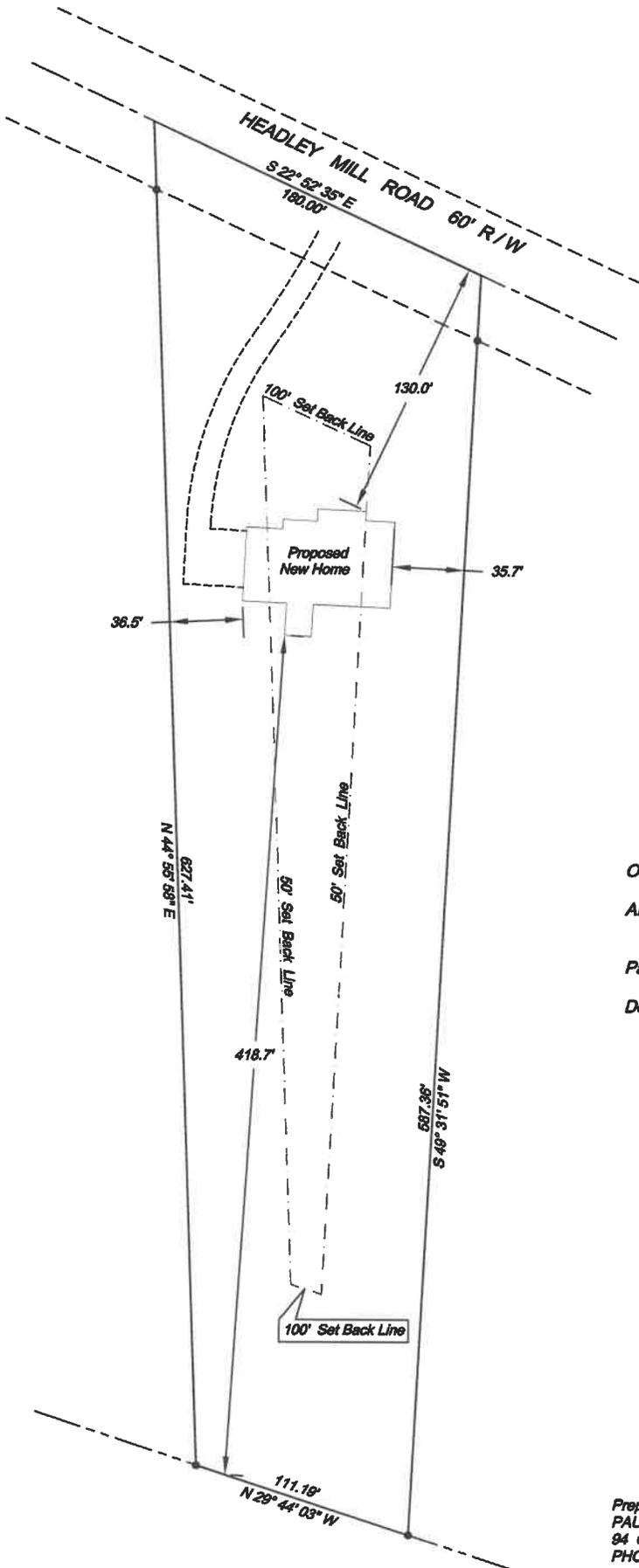
**Project Description:**

2 Acre Lot Parcel #064-152766-00.005

In December 2008 this 2-acre lot was split from master parcel 064-153766-00.002 with the intention of a home being built on this land. In May of 2016, a prior zoning variance was granted based on BZA Application number VA-16-008. Our purchase of the lot in June 2016 was contingent on the granting of that variance. (The previously variance application requested a reduction from 50 feet to 20 feet; it was approved at 30 feet.) However, at the time of purchase, we were not notified that the variance expired one year after the date of approval, nor were we provided a copy of the variance approval. Due to the narrow shape of the lot, and current AG zoning requirements, we are requesting a variance so we would be able to build our dream home in the City of Pataskala.

Our request is to reduce side set backs on the property from 50 feet to 30 feet, to accommodate a two-story, 4 bedroom/3.5 bath home, approximately 3500 square feet with a 2-car garage. The home will have a driveway from the street curving between trees to save as many large trees as possible. We are pleased with the site plan as proposed by Paul J Boeshart, PLS.

STATE of OHIO  
 LICKING COUNTY  
 CITY of PATASKALA  
 T-1-N, R-15-W, QTR. 1  
 U.S. MILITARY LANDS  
 PART of LOT 21



OWNERS : Phillip C. (II) & Susan H. Griffith

ADDRESS : 5500 Headley Mill Road  
 Pataskala, OH 43062

Parcel No. 064-152766-00.005

Deed - Instr. No. 201606270013166

• = Existing Iron Pin as noted



SCALE : 1" = 80'

Dwg. No. 18 - 5300  
 DATE : MAY 9, 2018

Prepared by:  
 PAUL J. BOESHART, PLS REGISTRATION NO. S-6512  
 94 CANYON VILLA DRIVE, HEBRON, OH 43025  
 PHONE: 740-828-4130 CELL: 740-618-0812  
 EMAIL: pjboeshart@hotmail.com

DESCRIPTION APPROVED  
WILLIAM C LOZIER  
LICKING COUNTY ENGINEER  
APPROVED BY  
*W.C. Lozier* 6-24-16

TRANSFERRED  
Date JUNE 27, 2016  
*M. Smith*  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY: *PL* 210.00

  
201606270013166  
Pgs: 3 \$36.00 T20160015388  
06/27/2016 11:20AM MEPFIRST OHIO  
Bryan A. Long  
Licking County Recorder

## SURVIVORSHIP DEED

File # 32360

KNOW ALL MEN BY THE PRESENTS THAT; Philip V. Smith and Constance A. Smith, Husband and Wife, Grantor(s), for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to Philip C Griffith II and Susan H Griffith, Husband and Wife, Grantee(s), for their joint lives, remainder to the survivor of them, whose Tax Mailing Address will be 1115 Taylor Glen Blvd W Pataskala OH 43062.

The following described real property:

SEE ATTACHED EXHIBIT "A"

Parcel Number: 064-152766-00.005  
Known as: Headleys Mill Rd  
Pataskala, OH 43062

FIRST OHIO TITLE INSURANCE BOX (1)

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

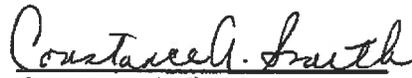
Excepting therefrom taxes and assessments if any, now a lien and thereafter due and payable.

Prior Instrument Number: Instrument Number 200812030025734; Instrument Number 200812020025578; OR Book 18 Pages 935-937, of the Records of the office of the Recorder, Licking County, Ohio

  
01150761100000002100

Witness his/her/their hand(s) this 17th day of June, 2016.

  
Philip V. Smith

  
Constance A. Smith

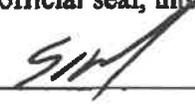
State of Ohio )  
County of Licking ) SS

**BEFORE ME**, a Notary Public in and for said County and State, personally appeared the above named Philip V. Smith and Constance A. Smith, Grantor(s) 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 17th day of June, 2016.



JORDAN L. BRADFORD  
Notary Public, State of Ohio  
My Commission expires Dec 28, 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 # 32360

## **EXHIBIT "A"**

**Situated in the City of Pataskala, County of Licking and State of Ohio, and being part of Township 1N, Range 15W, 1st Quarter, Lot 21 and part of a 4.0 ac. parcel conveyed to Phillip & Constance Smith as recorded in Vol. 18, Pg. 937 of the Official Records of Licking County, and further bounded and described as follows:**

**Beginning at the intersection of SR 310 (Hazleton Etna Rd) and Headleys Mill Rd; Thence N 72° 24' 14" W 122.27 ft along the centerline of Headleys Mill Rd. to a point of curvature; Thence along a curve to the right, with radius of 150.00 ft, length 153.86 ft and chord bearing and distance of N 43° 01' 10" W, 147.20 ft to a point at the end of the curve; Thence N13° 38' 07" W, 809.09 ft along the centerline of Headleys Mill Rd. to a point at the southeast corner of the aforementioned Phillip & Constance Smith parcel; Thence N 13° 38' 07" W, 41.76 ft along the centerline of Headleys Mill Rd. and east line of the Smith parcel, to a RR Spike found; Thence N 22° 52' 35" W, 137.52 ft along the centerline of Headleys Mill Rd and east line of the Smith parcel to a point, said point being the True Point of Beginning for the parcel hereafter described:**

**Thence S 44° 55' 58" W, 627.41 ft, across the Smith parcel, to an iron pin set passing an iron pin set at 32.40 ft said point also being on the east line of the Matthew & Tracy Dixon tract as recorded in 200212030045894 of the Instrument Records;**

**Thence N 29° 44' 03" W, 111.19 ft, along the aforementioned Dixon tract, to an iron pin found at the northwest corner of the Smith parcel and southwest corner of the Kipp Kubbs tract as recorded in Vol. 490, Pg. 182 of the Official Records;**

**Thence N 39° 50' 00" E, 668.64 ft along the aforementioned Smith and Kubbs common line, to a RR Spike found in the centerline of Headleys Mill Rd., passing an iron pin set at 634.88 ft;**

**Thence S 22° 52' 35" E, 180.00 ft along the centerline of Headleys Mill Rd to the True Point of Beginning.**

**Containing 2.000 acres.**

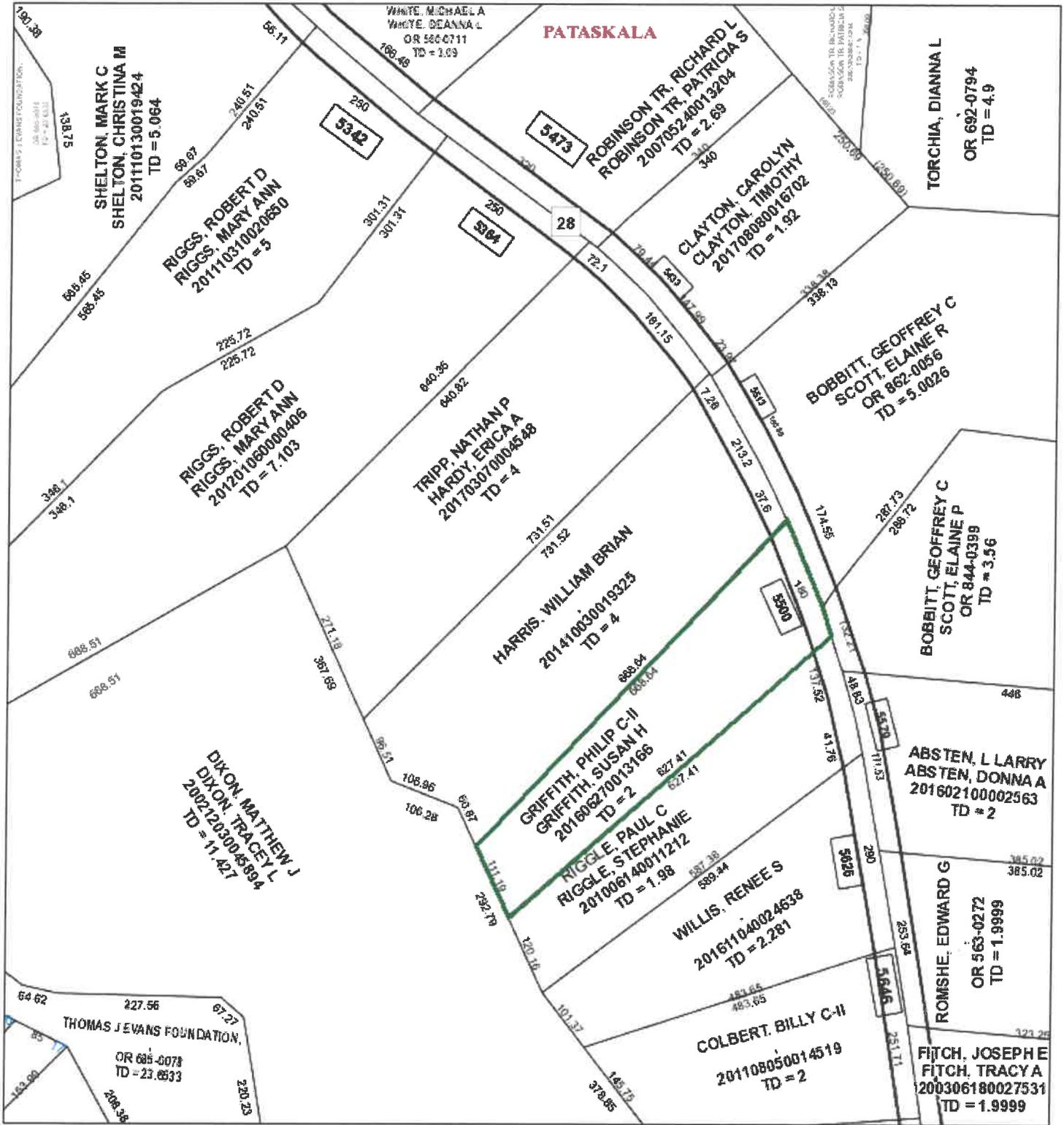
**Bearings herein are based on the bearing taken from the Phillip & Constance Smith deed, North line, as recorded in Vol. 18, Pg. 937 of the Official Records of Licking County.**

**The above description is the result of a survey by Todd D. Willis, Reg. Surveyor No. 7996, in March 2006. All iron pins set are 5/8" dia. rebar with orange ID cap.**

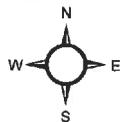
**Subject to all easements, rights of way, legal highways and zoning ordinances of record.**

**This description is based on a survey by Todd D. Willis, PS Registered Surveyor No. 7996, on October 22, 2008.**

# 5500 Headleys Mill Rd



April 28, 2018



LICKING COUNTY TAX MAP

# Property Report

<b>Address</b>		
<b>PHILIP C-II GRIFFITH -- 5500 HEADLEYS MILL RD</b>		
<b>Engineer's Pin</b>	<b>Owner</b>	<b>Auditor's PIN</b>
01150761100000002100	PHILIP C-II GRIFFITH	064-152766-00.005
<b>Tax Acreage</b>	<b>Deed Acreage</b>	<b>Official Record</b>
2	2	201606270013166

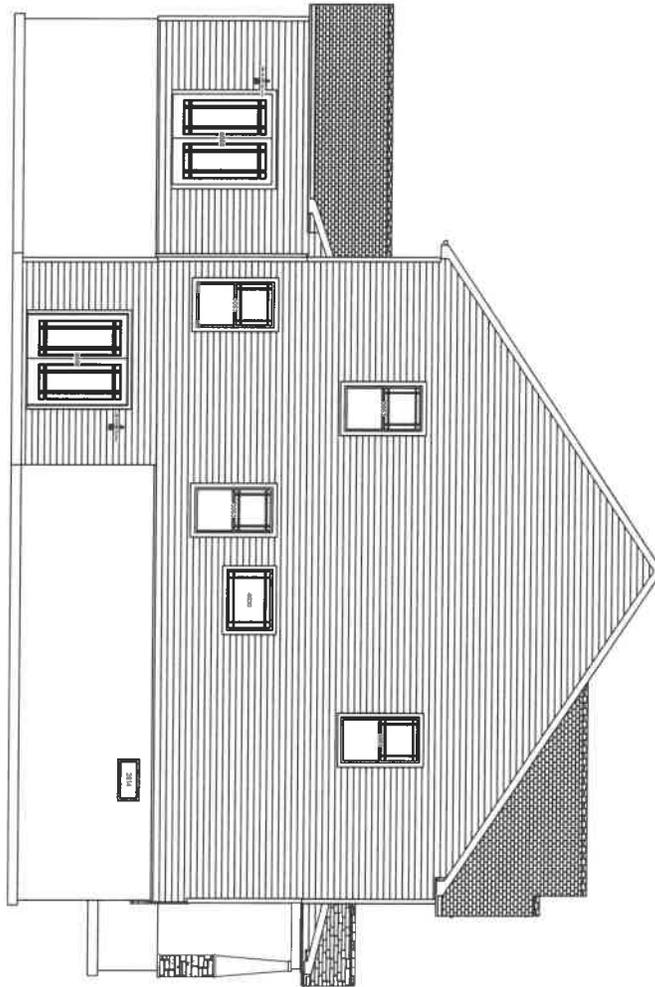


SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**FRONT ELEVATION**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023

PAGE  
**1**

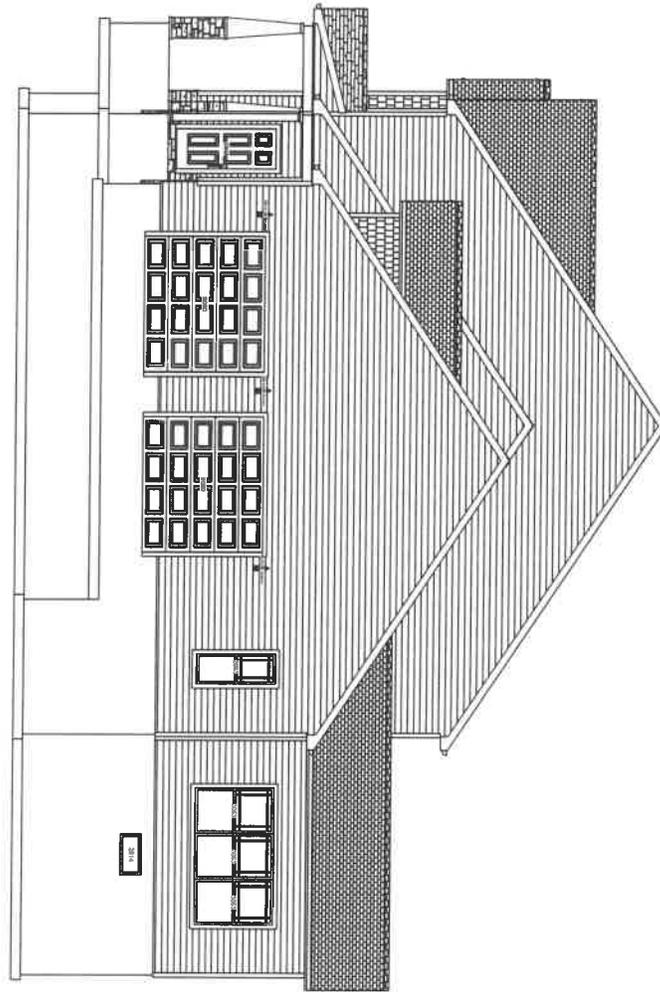


SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**LEFT ELEVATION**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023

PAGE  
**2**

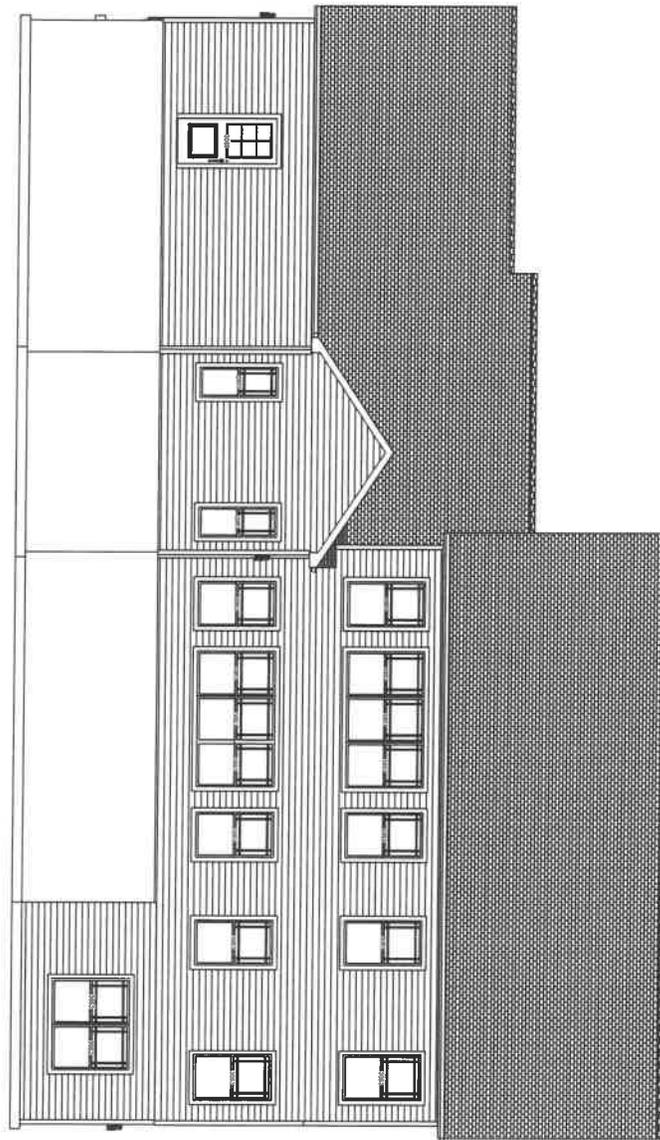


SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**RIGHT ELEVATION**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023

PAGE  
**3**



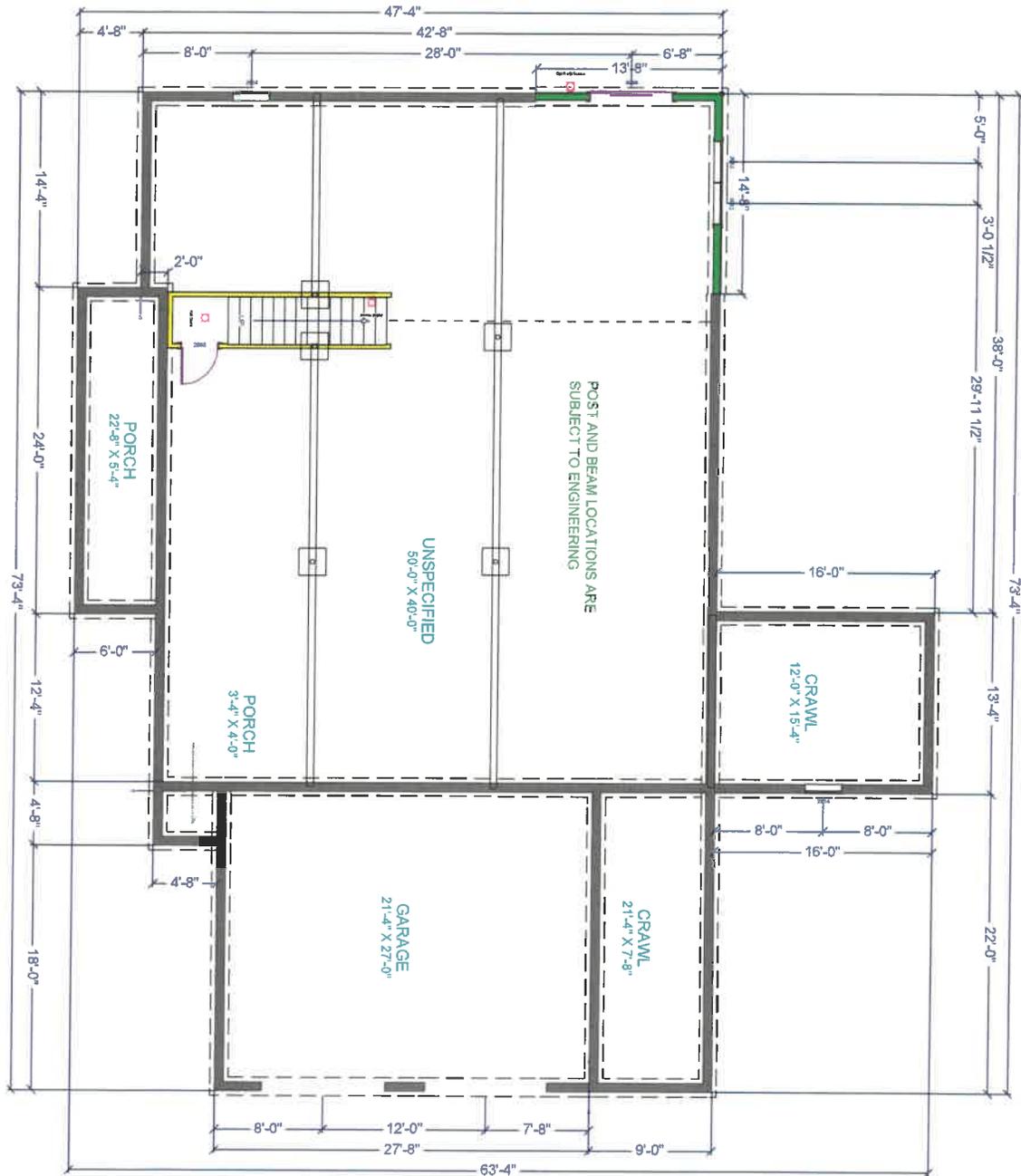
SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**REAR ELEVATION**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023

PAGE  
**4**

LIVING AREA  
2553 SQ. FT.

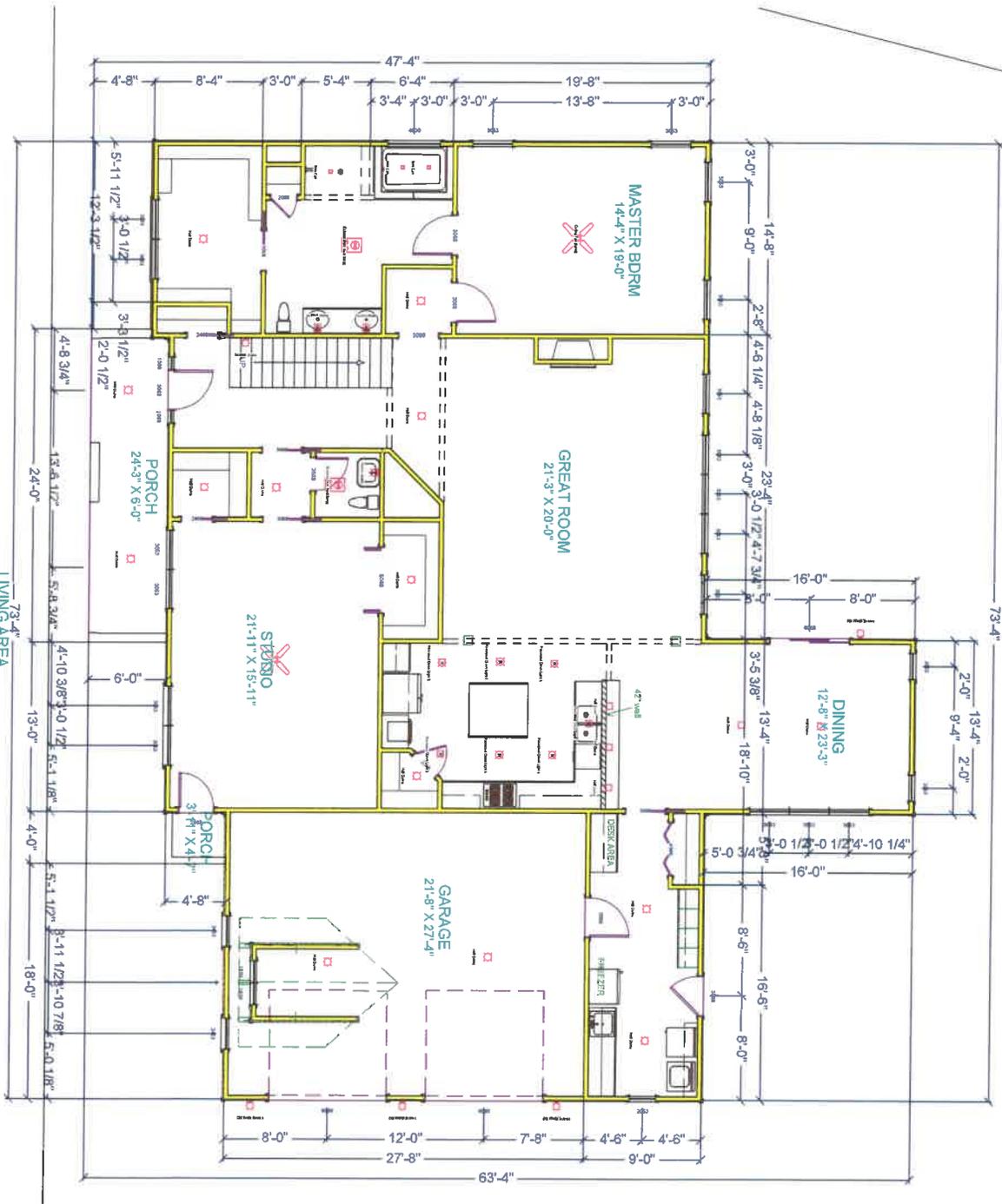


SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**FOUNDATION**  
1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
P.O. BOX 414  
GRANVILLE OH 43023

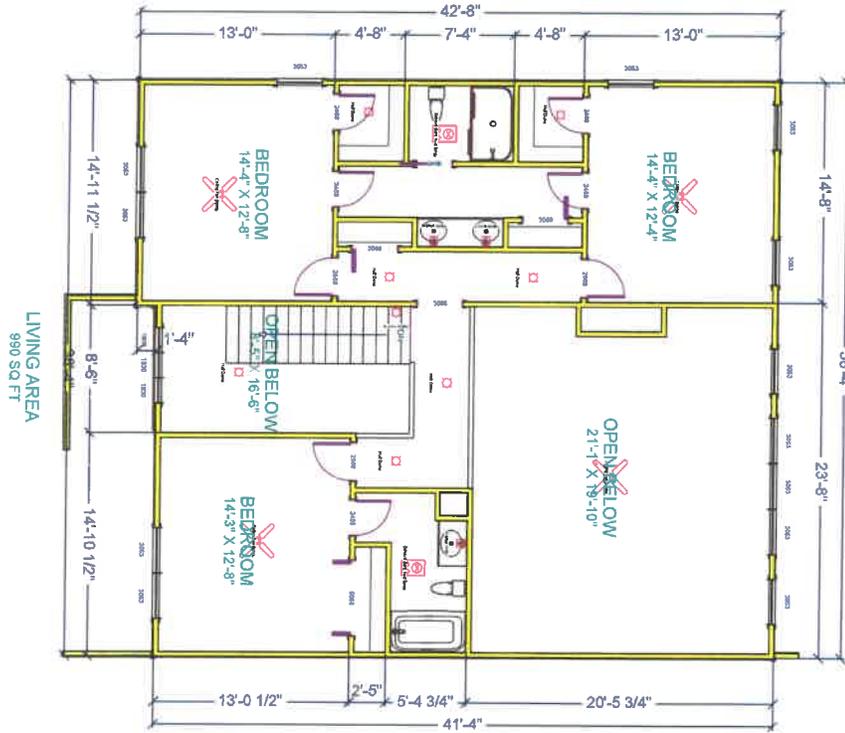
PAGE  
**5**



SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**FIRST FLOOR**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023



SALES PLAN	DATE	BY
REVISED		
REVISED		
REVISED		

THE GRIFFITH HOME  
**SECOND FLOOR**  
 1/8" = 1'

DRAWN BY  
**MONOGRAM HOMES**  
 P.O. BOX 414  
 GRANVILLE OH 43023

PAGE  
**7**

Paul C & Stephanie Riggle  
5508 Headleys Mill Rd  
Pataskala, OH 43062

Renee S Willis  
5626 Headleys Mill Rd  
Pataskala, OH 43062

William Brian Harris  
5474 Headleys Mill Rd  
Pataskala, OH 43062

Nathan P Tripp & Erica A Hardy  
5434 Headleys Mill Rd  
Pataskala, OH 43062

Matthew J & Tracey L Dixon  
5694 Headleys Mill Rd  
Pataskala, OH 43062

Geoffrey C Bobbitt &  
Elaine R Scott  
5513 Headleys Mill Rd  
Pataskala, OH 43062

L Larry & Donna A Absten  
5579 Headleys Mill Rd  
Pataskala, OH 43062