



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-18-014

Applicant:	On Site Management
Owner:	Thomas and Jennifer Salamon
Location:	33 Highland Court
Acreage:	8.159 acres
Zoning:	PDD – Planned Development District
Request:	Requesting a variance from Section 1121.13 of the Pataskala Code to allow for the construction of a driveway that would fail to meet the minimum required side yard setback.

Description of the Request:

The applicant is seeking a variance to construct a driveway where a portion would encroach onto the neighboring property.

Staff Summary:

The property located at 33 Highland Court is Lot 20 of the Highland Estates subdivision which was platted in 1991. Although the property is currently vacant, a New Residential Construction permit was approved in May to allow for the construction of a new single-family home. The approved permit indicated that the driveway would be constructed entirely on Lot 20; however, it was later determined that a portion of the driveway would need to encroach onto the property to the north due to topographical issues.

The property to the north is Lot 21 of the Highland Estates subdivision and is also owned by the Salamon's. This property is also vacant and no zoning permits have been submitted for the property.

Section 1121.13 of the Pataskala Code requires that driveways in platted subdivision be a minimum of three (3) feet from adjacent properties. Because a portion of the driveway would fully encroach onto the adjacent property, the variance request would be for three (3) feet.

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

Although both properties are currently under the same ownership, the Planning and Zoning Department feels that an access easement should be created if one of the properties is ever sold. This easement would deter potential issues regarding the driveway encroachment in the future.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Vacant
East	PDD – Planned Development District	Single-Family House
South	PDD – Planned Development District AG -Agricultural	Single-Family Homes
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-18-014:

- 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
- 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 submit revised plans to amend zoning permit application 18-216.
2. An access easement shall be prepared and recorded allowing the driveway to encroach onto the neighboring property.

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 1121.13 of the Pataskala Code for variance application VA-18-014 ("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: 33 Highlang Ct. Pataskala, OH 43062	
Parcel Number: #064-152976-00.019	
Zoning: 000 Residential lot	Acres: 8.159
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: WA-18-014
Fee: \$ 300
Filing Date: 5-14-18
Hearing Date: 5-14-18
Receipt Number: 20958

Applicant Information		
Name: On Site Management		
Address: 5195 Hampsted Village Center Way		
City: New Albany	State: OH	Zip: 43054
Phone: 614-738-8830	Email: mjm@on-site-mgmt.com	

Property Owner Information		
Name: Thomas & Jennifer Salaman		
Address: 7770 Pembroke Pass		
City: New Albany	State: OHIO	Zip: 43054
Phone: 614-620-2019	Email: tomsalaman@gmail.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code): 1121.13
Describe the Project:
<p>Owner owns both lots and driveway is placed on both lot as it is the only place to put it because of topo and shape of lots. Drive is as central as possible to also maintain as much distance from adjacent property owners</p>

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:

5/14/2018

Property Owner (Required):

Date:

On behalf of property owner





Michael L. Smith

Auditor, Licking County, Ohio

SALAMON JENNIFER & THOMAS
33 HIGHLAND CT

Parcel #: 064-152976-00.019
 Rt #: 064-001.00-087.000

1 of 1



Tax District: 064 - PATASKALA SW-LK LSD-WLJFD
 School District: SOUTHWEST LICKING LSD
 Neighborhood: 07401 Pataskala-Highland Estates
 Classification: 500 Residential Platted Vacant Lot
 Acreage:
 Property Desc: HIGHLAND ESTATES PART II LOT 20 8.159 AC

ATTRIBUTES

Story Height:
 Exterior Wall:
 Heating:
 Cooling:
 Basement:
 Attic:

 Total Rooms:
 Bedrooms:
 Family Rooms:
 Dining Rooms:

 Full Baths:
 Half Baths:
 Other Fixtures:

 Year Built:
 Finished Living Area:

 Fireplace Openings:
 Fireplace Stacks:

 Basement Garage(s):
 Basement Finished: No

AREA

First Floor:
 Upper Floor:
 Attic:
 Half Story:
 Crawl:
 Basement:

VALUES (by tax year)		Land	Improvement	Total
2017	Market CAUV	150,100	0	150,100
		0	0	0
2016	Market CAUV	192,700	0	192,700
		0	0	0
2015	Market CAUV	192,700	0	192,700
		0	0	0

SALES HISTORY

Pcl #	Instrument Type	Sale Price	Conv #	V	LO	Previous Owner
09/27/2017	2 JS - JOINT SURVIVORSHIP	250000.00	3064	Y	Y	PARKER GEORGE E JR & VIVIAN

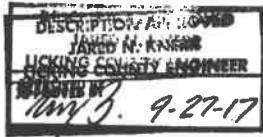
IMPROVEMENTS

Description	Yr Built	SqFt	Value
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TAXES

	Prior	1st Half	2nd Half	Total
Taxes/Reductions	0.00	1465.12	1465.12	2930.24
Pen/Int/Adj	0.00	0.00	0.00	0.00
Recoupment	0.00	0.00	0.00	0.00
Specials	0.00	0.00	0.00	0.00
Gross Due	0.00	1465.12	1465.12	2930.24
Payments	0.00	1465.12	0.00	1465.12
Net Due	0.00	0.00	1465.12	1465.12

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201709270020630
 Page: 1 \$28.00 T20170923573
 9/27/2017 11:19 AM MFP142 GRANVI
 Bryan A. Long Licking County Recorder

TRANSFERRED
 Date Sept 27, 2017
Michael Smith
 Licking County Auditor
 SEC. 319.202 COMPLIED WITH
 MICHAEL L. SMITH, AUDITOR
 BY: LAC 7500

SURVIVORSHIP DEED

George E. Parker Jr. and Vivian Parker, husband and wife, for valuable consideration paid, grant(s), with general warranty covenants, to Jennifer Salamon and Thomas Salamon, for their joint lives, remainder to the survivor of them, whose tax mailing address is

7770 Pembroke Pass, New Albany, OH 43054 the following real property:

Situated in the State of Ohio, County of Licking, and in the City Pataskala Township of Lima, and being described as follows:

Being Lot Numbers 20 & 21, of HIGHLAND ESTATES PART II, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 14, Page 136, Recorder's Office, Licking County, Ohio.

Parcel: 064-152976-00.019 & 064-152976-00.020
 Property Address: 33 and 39 Highland Court, Pataskala, OH 43062

Prior deed reference: Instrument Nos. 1998061000218 and 19980, Recorder's Office, Licking County, Ohio

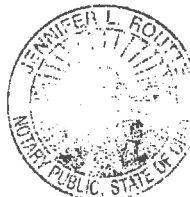
Signed this 11th day of September, 2017.

George E. Parker Jr.
 George E. Parker Jr.

Vivian Parker
 Vivian Parker

STATE OF OHIO:
 COUNTY OF FRANKLIN, SS;

SWORN TO BEFORE ME and acknowledged in my presence this 11th day of September, 2017 by George E. Parker Jr. and Vivian Parker.



JENNIFER L. ROUTE
 ATTORNEY AT LAW
 COUNTY PUBLIC
 STATE OF OHIO
 Lifetime Commission

Jennifer L. Route
 Notary Public

This instrument prepared by: Jennifer L. Route, Attorney at Law
 142 Granville Street ACS Gahanna Title Box 17-8566
 Gahanna, OH 43230



01150940614136005000



01150940614136006000

CAMERON MARY KAY TRUSTEE
4108 HAZELTON-ETNA RD
PATASKALA, OH 43062

KEG HIGH LANDS GOLF LLC
7686 FISHEL DR N STE B
DUBLIN, OH 43016

CAMERON MARY KAY TRUSTEE
4108 HAZELTON-ETNA RD
PATASKALA, OH 43062

SAROSY REBECCA & JAMES
21 HIGHLAND HOLLOW DR
PATASKALA, OH 43062

MILLER DEAN H & KRISTEN M
147 HIGHLAND HOLLOW DR
PATASKALA, OH 43062

FORNES GERALD A & KATHLEEN H
133 HIGHLAND HOLLOW DR SW
PATASKALA, OH 43062

WHITE JOHN D JR & GLORIA J
119 HIGHLAND HOLLOW DR
PATASKALA, OH 43062

BURNKRANT ROBERT E & DAVIDSON
DALE ANNE
77 HIGHLAND HOLLOW DR
PATASKALA, OH 43062

ALLEN TERRY LEE & HUMMEL THOMAS
PATRICK
63 HIGHLAND HOLLOW DR
PATASKALA, OH 43062

JANDER DONALD E & DIANA L
3949 EASTON WAY
COLUMBUS, OH 43219

LANKFORD MARK A & BETHEL STEPHEN
27 HIGHLAND CT
PATASKALA, OH 43062

SALAMON JENNIFER & THOMAS
7770 PEMBROOKE PASS
NEW ALBANY, OH 43054

SALAMON JENNIFER & THOMAS
7770 PEMBROOKE PASS
NEW ALBANY, OH 43054

ROBINSON SUZANNE M
45 HIGHLAND CT
PATASKALA, OH 43062

WHIPPS EDWARD F & MARTHA J
51 HIGHLAND CT
PATASKALA, OH 43062

HIGHLAND ESTATES HOME OWNERS
ASSOCIATION INC
10039 HOLLOW RD
PATASKALA, OH 43062

VA-18-014