



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 10, 2018

Variance Application VA-18-015

Applicant:	Eric and Amanda Fashano
Owner:	Eric and Amanda Fashano
Location:	11 Meadow Way SW
Acreage:	0.60 acres
Zoning:	R-20 – Medium Density Residential
Request:	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 six (6) foot fence in front of the building setback line which would exceed the maximum permitted height.

Staff Summary:

The property currently contains a 2,240-square foot home constructed in 2016. The applicants had a six (6) foot fence constructed 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 two (2) feet.

The applicants indicated that the fence company was responsible for obtaining the fence permit and constructing the fence according to the regulations. Because the fence company did not obtain a permit, the fence was constructed contrary to the regulations unbeknownst to the applicants. The applicants believe the six (6) foot fence is necessary for privacy and safety reasons as more fully explained in the narrative included with the application.

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-20 – Medium Density Residential	Single-Family House
East	R-20 – Medium Density Residential	Single-Family House
South	R-20 – Medium Density Residential	Single-Family House
West	R-20 – Medium 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-18-015:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD – 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 obtain all necessary permits from the City of Pataskala for the fence as constructed.

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-18-015 ("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: 11 Meadow Way SW Pataskala, OH 43062	
Parcel Number: 063-144012-00,000	
Zoning: R-20	Acres: 0.60
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	

Staff Use
Application Number: VA-18-015
Fee: \$ 300
Filing Date: 6-15-18
Hearing Date: 7-10-18
Receipt Number: 22821

Applicant Information		
Name: Eric + Amanda Fashano		
Address: 11 meadow Way SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 419-619-1772	Email: asmendoza@4@gmail.com	
610-739-0632	efashano@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: Same as Above		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): Pataskala codified ordinances chapters 1279 + 1297: Fence Regulations: Properties with frontage on two (2) streets will be considered to have two (2) front yards.
Describe the Project: Installation of a 6 ft. cedar fence around the sides and back of yard. Our lot is located on the corner of two streets so the side yard by Summit Glen Rd. is considered a front yard.

Fences located in the front yard cannot exceed four (4) feet in height.

Revised January 1, 2018

Additional Information on Back of Page

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

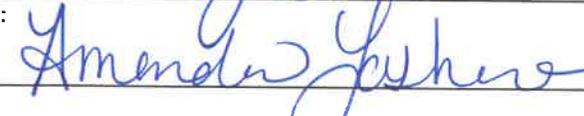
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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: 5/22/18

Property Owner (Required):  Date: 5/22/18

Variance Application for:
Eric and Amanda Fashano
11 Meadow Way SW
Pataskala, OH 43062

5/16/2018

To: The City of Pataskala Planning and Zoning Department

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

1. The reason the variance is necessary:

We contracted Mae Fence Company to install a six (6) foot privacy fence around the back of our property. Part of our agreement with them was that they would obtain the necessary permits and regulations for installing the fence. They told us that there were no regulations preventing us from installing the fence we contracted them to install. After installation begin, we were notified by the City of Pataskala Zoning Inspector, that not only did the company fail to obtain the proper permit, but that we could not have a six (6) foot fence on the south side of our property because it was next to the street and considered a front yard. We are requesting approval to have a six (6) foot privacy fence built around the sides and back of our yard. Since we are located on a corner lot, the side yard next to Summit Glen Rd. is considered a front yard with a regulation that the fence cannot exceed four (4) feet in height. We are requesting the approval for a six (6) foot fence on all sides for privacy and safety reasons. My husband and I both work for law enforcement, I work for the Columbus Division of Police and my husband works for the State Highway Patrol, and testify in court for civil and criminal cases on a regular basis, so both privacy and safety are extremely important to us for ourselves and our family. My husband is also applying to be a Federal Agent, is in the final steps of becoming an agent, which would require him to be in Maryland for three months for training, and wants to get into canine work. Having a minimum of six (6) feet for a fence would be important for the protection and safety of the canine. We also have another dog at home already that would benefit from the safety of a six (6) foot fence. We also just had our first child last month and want the fence for their safety and privacy, and my privacy in being able to breastfeed on our back patio. Having a six (6) foot fence around the entire back of the property would also be more aesthetically pleasing for both the property and the neighborhood, instead of having one side two feet shorter. The fence is also set back far enough from the corner of Summit Glen Rd. and Meadow Way Rd. that it would not cause any safety concerns or obstruction for drivers. Among these reasons, we have had issues with deer, coyotes, thefts/burglaries, and individuals peeping into windows of houses in the neighborhood, so having the privacy fence installed will also help prevent safety issues that could arise under those circumstances as well.

2. 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;

Yes, but we believe the variance would be more beneficial than not having it.

- 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;

No, but we believe the variance increases privacy and safety of the property.

- c) Whether the variance requested is substantial;

Yes, both the privacy and safety of our family and future owners would benefit from this variance.

- 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;

No, it would add value to the neighborhood.

- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;

No.

- f) Whether the variance, if granted, will be detrimental to the public welfare;

No.

- g) Whether the variance, if granted, would adversely affect the delivery of governmental services;

No.

- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;

No, we were unaware of the zoning restriction until we applied for the fence permit.

- i) Whether the property owner's predicament can be obviated through some other method than variance;

Not that we are aware of after speaking with the Zoning Inspector.

- 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,

Yes, we believe that approving the variance to extend the fence two (2) additional feet would be the minimum modification required to meet our request.

- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes since we are only requesting a minor deviation from one of the stated fence regulations, the spirit and intent behind the zoning requirement would still be observed and we would be granted the additional privacy and safety we are requesting from the approval of the variance.

Thank you for your consideration in this matter.



Eric Fashano-Soltis



Amanda Fashano

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:

LifeStyle Real Estate Services/Huntington Bank

Legal Description: Situated in The State of Ohio, County of Licking, City of Pataaskala Being Lot 61 Broad Main Heights, Plat Book 7

Page 50

Applicant: Eric & Mandy Fashano

Posted Address: 0 Meadow Way, Pataskala, Ohio

Apparent Encroachments: 1) Blacktop Over Property Line.

40' 20' 0' 40'



Scale 1" = 40'
Date: 12/28/2015

Note
See License For Encroachment
document dated June 13, 2013.
To be recorded.



MEADOW WAY 50'



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

Myers Surveying Co., Inc.

By *Albert J. Myers*
Professional Surveyor

Myers Order No. - 6-1222/2015

Rec.	Field	DWG	Ltr.	CK
------	-------	-----	------	----

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
614-235-8677 FAX:614-235-4559

A Mortgage Location Survey prepared for and certified to:
LifeStyle Real Estate Services/Huntington Bank

Legal Description: Situated in The State of Ohio, County of Licking, City of Pataskala Being Lot 61 Broad Main Heights, Plat Book: 7
Page 50

Applicant: Eric & Mandy Fashano

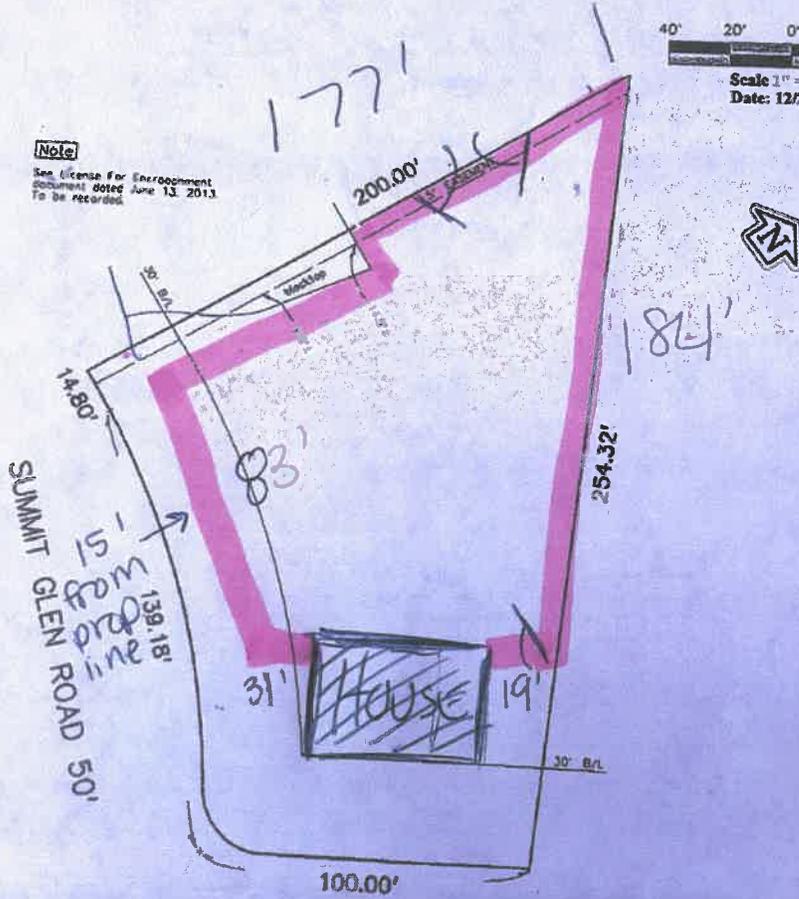
Posted Address: 0 Meadow Way, Pataskala, Ohio

Apparent Encroachments: 1) Blacktop Over Property Line.

Note
See License for Encroachment
document dated June 13, 2013
To be recorded.



Scale 1" = 40'
Date: 12/28/2015



MEADOW WAY 50'



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

Myers Surveying Co., Inc.

By *Albert J. Myers*
Professional Surveyor

TRANSFERRED
 Date April 6, 2016
Michael S. Smith
 Licking County Auditor
 SEC. 318.202 COMPLIED WITH
 MICHAEL L. SMITH, AUDITOR
 BY: TH 50.70

DESCRIPTION APPROVED
 WILLIAM C. LOEGER
 LICKING COUNTY ENGINEER
 APPROVED BY
W.C. 4-6-16

201604060006562
 Pgs: 4 \$64.00 T20160207/1
 04/06/2016 10:11AM RECEIVED AND A
 Bryan A. Long
 Licking County Recorder

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Richard G. Slone, Married Susan L. Johnson, Married and Joseph W. DeBellis, Married, the Grantor(s), for valuable consideration paid, grants with general warranty covenants to: Eric J. Pashano-Soltis and Amanda S. Pashano

tax mailing address is:

The following REAL PROPERTY:

See Exhibit "A"

Subject to taxes and assessments which are now or hereafter become liens on said premises and except conditions, restrictions and easements and oil and gas leases, if any, contained in former instruments of record for said premises, subject to all of which this conveyance is made.

Parcel No: 063-144012-00.00
 Property Address: 0 Meadow Way, Pataskala OH 43062
 Prior Instrument# 201601110000499

Julie A. Slone, Wife of the grantor releases all rights of dower herein.
 Douglas K. Johnson, Husband of grantor releases all rights of dower herein.
 Kellie L. DeBellis, Wife of grantor releases all rights of dower herein.

Signed this 24th day of March, 2016

160200046

Richard G. Slone
 Richard G. Slone
Julie A. Slone
 Julie A. Slone
Susan L. Johnson
By: Richard G. Slone - Her Attorney in Fact
 Susan L. Johnson
 By: Richard G. Slone
 Her Attorney in Fact
Douglas K. Johnson
 Douglas K. Johnson
Joseph W. DeBellis
By: Richard G. Slone - His Attorney in Fact
 Joseph W. DeBellis
 By: Richard G. Slone
 His Attorney in Fact
Kellie L. DeBellis
 Kellie L. DeBellis

01150550507050011000

OnTrac Property Map



May 16, 2018



- Owner Name & Acres
- Centerlines_0315
- Interstate/US/State Route
- County Road
- Township Road
- Municipal Road
- Other Road Type
- Interstates
- Municipal Corporations
- Jurisdictional Townships
- Historical Townships Line
- County Boundary



Licking County Auditor/GIS

LICKING COUNTY TAX MAP

Taxes Due July 18th

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

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

- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values

- Help
- My OnTrac
- My Email
- My Parcels
- My Password
- Lists/Reports
- Logout



Search by:
Owner

Search for:

Search

Trouble Searching?



063-144012-00.000
FASHANO-SOLTIS ERIC J
& FASHANO AMANDA S
11 MEADOW WAY
PATASKALA, OH 43062

Acres: 0.60
LOT 61 BROAD MAIN HTS

Land: \$43,900
Improv: \$170,200
Total: \$214,100

Sale Date: 04/06/2016
Amount: \$16,900
Conveyance: 84
Valid Sale: Yes



*Planning and Zoning
Department*

NOTICE OF PUBLIC HEARING

You received this notice because you own property in close proximity to the property requesting a variance.

The Pataskala Board of Zoning Appeals will hold a public hearing on Tuesday, July 10, 2018 at 6:30 p.m., First Floor Council Chambers, Pataskala City Hall, located at 621 West Broad Street. The Board of Zoning Appeals will discuss the following application:

Variance Application VA-18-015: Eric and Amanda Fashano are 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 the maximum permitted height in front of the building setback line for property located at 11 Meadow Way.

The application is available for review at the Pataskala Planning and Zoning Department, located at 621 West Broad Street, Suite 2A, and will be available on our website July 5, 2018:

<http://www.cityofpataskalaohio.gov/government/boards-and-commissions/board-of-zoning-appeals/>

If you plan to attend, you may contact the Zoning Clerk at 740-927-4910 the day of the hearing to confirm the application has not been postponed or rescheduled.

Planning and Zoning office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

Mailed 6-28-18

ADKINS L D & GLADYS L
7672 SUMMIT RD S W
PATASKALA, OH 43062

BLOSSER GERRI M
80 MEADOW WAY DR
PATASKALA, OH 43062

COLLELI MARK
5801 LOGANWOOD RD
COLUMBHUUS, OH 43229

DIEDRICH SHERRI A
12 SUMMIT GLEN RD
PATASKALA, OH 43062

GREEN MARK T & MARCY D
14060 REFUGEE RD SW
PATASKALA, OH 43062

NEWELL PAUL E
54 SUMMIT GLEN DR
PATASKALA, OH 43062

RAVER BRYON M
4 SUMMIT GLEN RD
PATASKALA, OH 43062

TIBERI RICHARD & HOLDERBY SARA E
7647 SUMMIT RD
PATASKALA, OH 43062

AVERY TANYA L
7450 MCGUR RD
GUYSVILLE, OH 45735

BUSSEY MICHAEL A & TERESA L
15 SUMMIT GLEN RD
PATASKALA, OH 43062

COOK GARY & BURNS PHYLIS A
4502 HIDDEN CREEK DR
GAINESVILLE, GA 30504

FASHANO-SOLTIS ERIC J & FASHANO
AMANDA S
11 MEADOW WAY
PATASKALA, OH 43062

LOAR LISA MCCALLA
14046 REFUGEE RD
PATASKALA, OH 43062

PATRICK ADAM M TRUSTEE
85 MEADOW WAY
PATASKALA, OH 43062

SCHNEIDER MICHAEL
7713 SUMMIT RD
PATASKALA, OH 43062

BAILEY JULIA C
47 MEADOW WAY
PATASKALA, OH 43062

BUSSEY RICHARD & NANCY A
40 MEADOW WAY SW
PATASKALA, OH 43062

DAVIS ROBERT W
65 MEADOW WAY
PATASKALA, OH 43062

GENTZEL GEORGE L TRUSTEE & SWICK
MARTHA M
29 MEADOW WAY
PATASKALA, OH 43062

MARKS JUDY L & DAVID J
30 SUMMIT GLEN RD
PATASKALA, OH 43062

PIERCEFIELD KRISTYN N & SEAN W
47 SUMMIT GLEN DR
PATASKALA, OH 43062

THORNTON HARRY LEON
PO BOX 131
SUMMIT STATION, OH 43073

VA-18-015