



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

August 14, 2018

Variance Application VA-18-016

Applicant:	Connie J. Klema
Owner:	Front Porch Investments, LLC
Location:	Corner of Beeson Avenue and 3 rd Avenue
Acreage:	0.16 acres
Zoning:	R-15 – Medium-High Density Residential District
Request:	Requesting variances from Section 1233.05(C)(2) and Section 1233.05(C)(4) of the Pataskala Code to allow for the construction of a two-family dwelling that would fail to meet the minimum required front and side yard setbacks.

Description of the Request:

The applicant is seeking to construct a duplex on the property which would require two front yard setback variances of 5 and 20 feet and a side yard setback variance of 12 feet.

Staff Summary:

The property is currently vacant and is Lot 16 of the Beeson Subdivision which was platted in 1954. The applicant is proposing to construct an approximately 2,900 square foot, two story duplex on the property.

Because the property is a corner lot, the Code requires two front yard setbacks. In the R-15 district, the front yard setback is 35 feet. As proposed the setback from Beeson Avenue would be 30 feet and the setback from 3rd Avenue would be 15 feet. Therefore, the applicant is requesting a variance of 5 feet for the front yard setback from Beeson Avenue and a 20-foot variance for the front yard setback from 3rd Avenue.

The minimum side yard setback of the R-15 district is 20 feet. The applicant is proposing a side yard setback of 7 feet 11 inches, a variance of approximately 12 feet.

In October of 2016 the Board of Zoning Appeals approved a conditional use to allow for the construction of duplexes on the two properties immediately north of the subject property on Beeson Avenue. Setback variances were also granted at that time for front yard setbacks (30 feet instead of the required 35 feet) and side yard setbacks (15 feet instead of the required 20 feet). The approved duplexes are two stories and approximately 2,900 square feet in size, the same as is proposed for the subject property.

Staff Review:

**The following summary does not constitute recommendations but merely conclusions and suggestions from Staff.*
The current Comprehensive Plan recommends Mixed Use for the subject property. Based upon that recommendation, the proposed duplex would be in harmony with the Comprehensive Plan.

The Public Service Director mentioned that an existing debris pile on the property need to be removed as it has been there for some time. Additionally, the Public Service Director wants to ensure that site distance is maintained at the intersection of Beeson Avenue and 3rd Avenue.

Surrounding Area:

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential	Duplex
East	R-15 – Medium-High Density Residential	Single-Family Home
South	R-7 – Village Single Family Residential	Single-Family Home
West	R-15 – Medium-High 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-18-016:

- *To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots (it is suggested that no reduction should exceed 20% of the requirement);*
 - The proposed front yard setback from Beeson Avenue would be a reduction of 14 percent.
 - The proposed front yard setback from 3rd Avenue would be a reduction of 67 percent.
 - The proposed side yard setback would be a reduction of 60 percent.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Utilities Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- South West 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 dwelling 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 dwelling.
3. The debris pile on the property shall be removed.
4. Sight distance at the intersection of Beeson Avenue and 3rd Avenue shall be maintained.

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 1233.05(C)(2) and Section 1233.05(C)(4) of the Pataskala Code for variance application VA-18-016 (“with the following supplementary conditions” if conditions are to be placed on the approval).”

From: [Alan Haines](#)
To: [Scott Fulton](#)
Cc: [Lisa Paxton](#)
Subject: BZA - Tuesday, July 10th
Date: Tuesday, June 26, 2018 1:08:06 PM

Mr. Fulton,

I have the following comments regarding the applications for the July 10th BZA meeting:

1. VA-18-015
 - a. No comment
2. CU-18-002
 - a. No comment
3. VA-18-016
 - a. The debris pile that has been sitting on this lot for some time needs to be removed.
 - b. Sight distance must be maintained at the intersection.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad Street
Suite 2B
Pataskala, Ohio 43062

Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228



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:	Lot 16 Beeson Subdivision
Parcel Number:	064-308436-00.000
Zoning:	R-15
Acres:	~ 0.16
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:
VA-18-016
Fee:
\$300.00
Filing Date:
6-15-18
Hearing Date:
7-10-18
Receipt Number:
22816

Applicant Information		
Name: Connie J. Klema Attorney		
Address: PO Box 991		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 374 8488	Email: cklemaattorney@gmail.com	

Documents
<input 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: Front Porch Investments LLC		
Address: 5667 York Rd SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 738 5790	Email: rentas@frontporchinvestments.com	

Variance Information
Request (Include Section of Code):
See Attached
Describe the Project:
See Attached

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:

Property Owner (Required):

Date:

6/14/18

6/14/18

VARIANCE APPLICATION

Lot 16 Beeson Subdivision

Zoned R-15

BACKGROUND INFORMATION:

Lot 16 is located in the Beeson Subdivision that was platted in 1954. Lots in the Subdivision vary from 75' to 86' in width except lots located on the corners of streets which are generally only 65' wide.

Lot 16 is a corner lot that borders on Third Street and Beeson Avenue as delineated on the enclosed site plan. In the R-15 District, the front yard setback is 35', the side yard setback is 20' and the rear yard setback is 25'. Because Lot 16 is a corner lot, however, R-15 requires it to have a 35' setback along both Beeson Avenue and a 35' setback along Third Street, which leaves only 10' width for a structure if one maintained the required 20' side yard setback and only 5' width if one maintained the 25' rear yard setback. In sum, no residential structure can be developed on Lot 16 under the R-15 requirements.

The owner wishes to develop a residential structure on Lot 16. To do so, we request setback variances.

Variance Request:

- 1) 1233.05(C)(4): To permit a corner lot to have less than the minimum setback distance from all street right-of-way lines as required for the front yard in an R-15 District and to have a setback along Beeson Avenue of 30.5' and setback along Third Street of 15'.
- 2) 1233.05(C)(2): To permit the lot to have less than the side yard minimum setback distance of 20' and to have a setback 6'.

VARIANCE APPLICATION

Lot 16 Beeson Subdivision

Zoned R-15

Narrative Statement:

1211.07(A)(1): The requested setback variances are “area variances”. To be granted area variances one need not establish unnecessary hardship. It is sufficient to show practical difficulties with adhering to the required setbacks.

(a) If the setbacks required by the R-15 District were not varied, the area within which one could build a residential structure on Lot 16 would be either 5’ wide or 10’ wide. In sum, no residential structure could be constructed on Lot 16. Without the variances, there is little to no beneficial use of the property.

(b) The Beeson Subdivision was platted in 1954 prior to the current zoning code requirements. Variances are necessary to enable the reasonable use of the lot.

(c) The variance request is not substantial. The variances permit the lot to be developed for residential use.

(d) The essential character of the neighborhood will not be altered. The neighborhood has residential structures, both single and two-family dwellings, throughout the Beeson Subdivision.

(e) The development of Lot 16 with the variances will not impair the use of adjacent properties.

(f) The variances are not detrimental to the public welfare.

(g) The variances will not affect the delivery of governmental services.

(h) The property owner purchased the property with knowledge of the zoning and knowledge that other lots in the Beeson Subdivision received variances to permit development.

(i) Without the setback variances, a residential structure could be no more than 5-10’ wide.

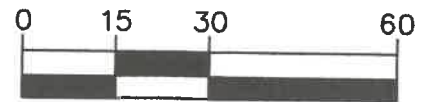
(k) The spirit and intent of the zoning requirement is to accommodate larger lots developed under the current R-15 requirements of 100’ width and 15,000 square feet area. The 1954 lot sizes were much narrower and smaller. The spirit and intent of the zoning requirement is observed and justice is done by permitting a 1954 lot to be developed with a residential use.

PLOT PLAN

ADDRESS: 53 & 55 BEESON AVE, PATASKALA
COUNTY: Licking STATE: Ohio
OWNER: Front Porch Investments, LLC
JOB NO.: 16286 DATE: 12/13

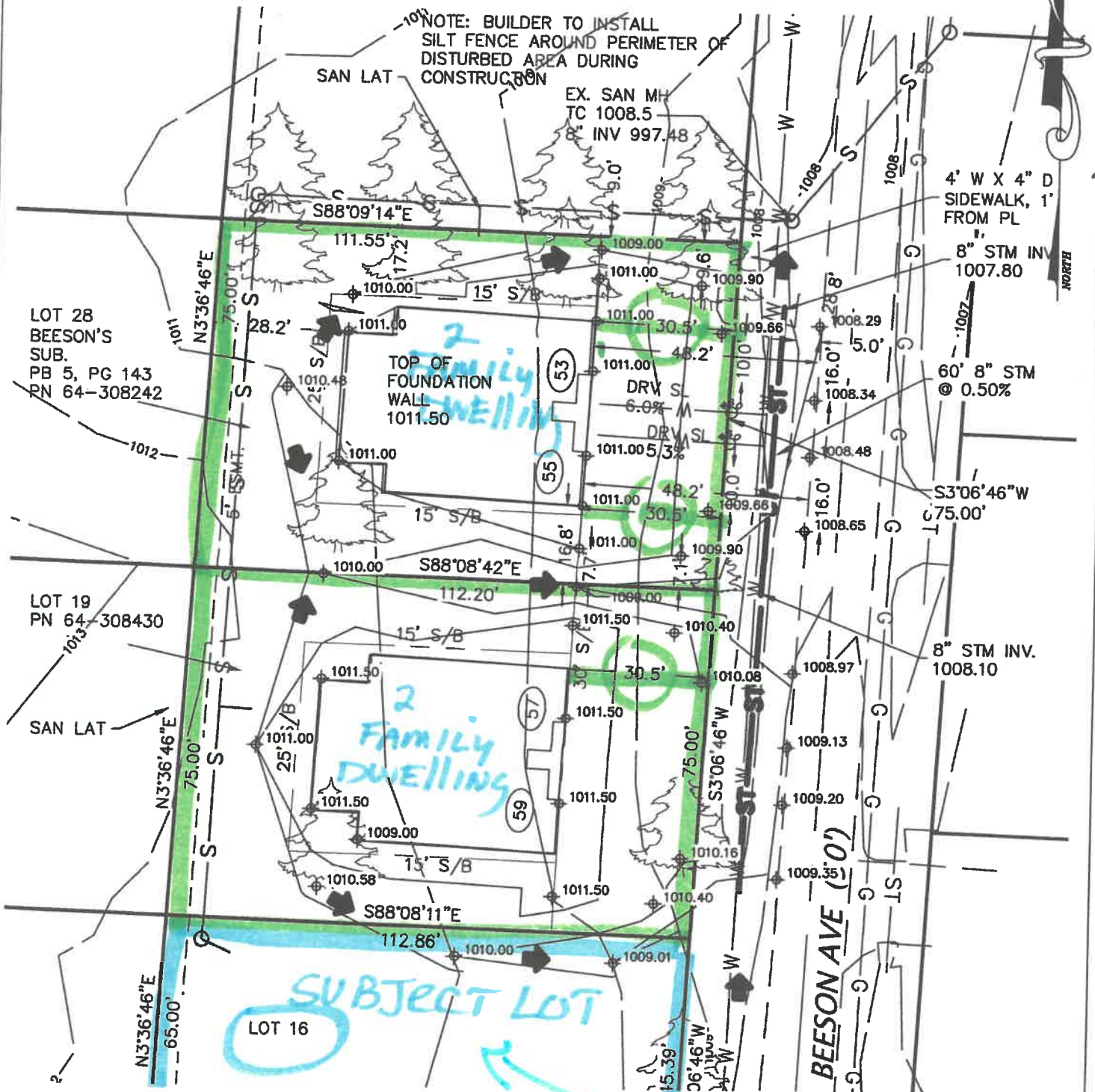
DATE: 12/13/16

BAR SCALE



(IN FEET)

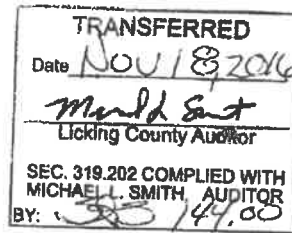
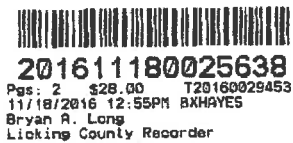
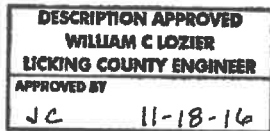
1 inch = 30 ft.



Todd D. Willis, PS
Reg. No. S-7996
Willis Engineering & Surveying
740-739-4030

LOT AREA & COVERAGE
LOT: 8388 SF
HOUSE, DRIVE & SIDEWALK: 3530 SF

ALL UTILITIES SHALL BE UNDERGROUND



GENERAL WARRANTY DEED

Annie B. Nixon, unmarried, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to **Front Porch Investments, LLC** whose tax mailing address is 5667 York Road SW, Pataskala, OH 43062, the following real property:

Situated in the State of Ohio, County of Licking, former Township of Lima, now by merger the City of Pataskala and being further bounded and described as follows:

Being Lots No. Sixteen (16), Nineteen (19), and Twenty-eight (28), of Beeson's Subdivision in said Township of Lima (now City of Pataskala), as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 5, pages 143 and 144, Plat Records, Recorder's Office, Licking County, Ohio.

Prior Deed Reference: Instrument Number 201505050008436 in the Licking County, Ohio Records

Also known as: 0 Beeson Ave, Pataskala, OH 43062

Auditor's Parcel #064-308424-00.000, #064-308436-00.000, #064-308430-00.000

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

Executed this 14th day of November, 2016.

Annie B. Nixon by Annette Truex - Attorney in fact
Annie B. Nixon, by her Attorney-in-fact, Annette Truex

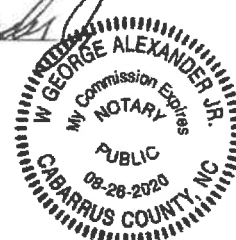
State of Ohio
County of Licking SS:

The foregoing instrument was acknowledged before me this 14 day of November 2016 by Annie B. Nixon, by her Attorney-in-fact, Annette Truex.

W. George Alexander Jr.
NOTARY

This document prepared by:

HAYES
LAW OFFICES, INC.
A Legal Professional Association



<input type="checkbox"/> WILLIAM C. HAYES	<input checked="" type="checkbox"/> LAURIE R. WELLS
<input type="checkbox"/> MELINDA G. SEEDS	<input type="checkbox"/> W. SCOTT HAYES
<input type="checkbox"/> C. DANIEL HAYES	<input type="checkbox"/> SHEENA A. SJÖSTRAND-POST

OnTrac Property Map



May 23, 2018

Centerlines_0315



Interstate/US/State Route

County Road

Township Road

Municipal Road

Other Road Type

Interstates

Municipal Corporations

Jurisdictional Townships

188 Feet

0.04 M

Historical Townships Line

County Boundary

Ohio Counties

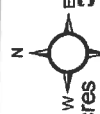
LICKING COUNTY TAX MAP

Licking County Auditor GIS

OnTrac Property Map



May 23, 2018

Owner Name & Acres ^W

Centerlines_0315



Interstate/US/State Route



Municipal Road



Other Road Type

Interstates



Municipal Corporations

Jurisdictional Townships

Historical Townships Line

County Boundary

LICKING COUNTY TAX MAP

Licking County Auditor GIS

OnTrac Property Map



May 23, 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

47 Feet

0.01 Miles

Licking County Auditor GIS

LICKING COUNTY TAX MAP



BEESON'S SUBDIVISION

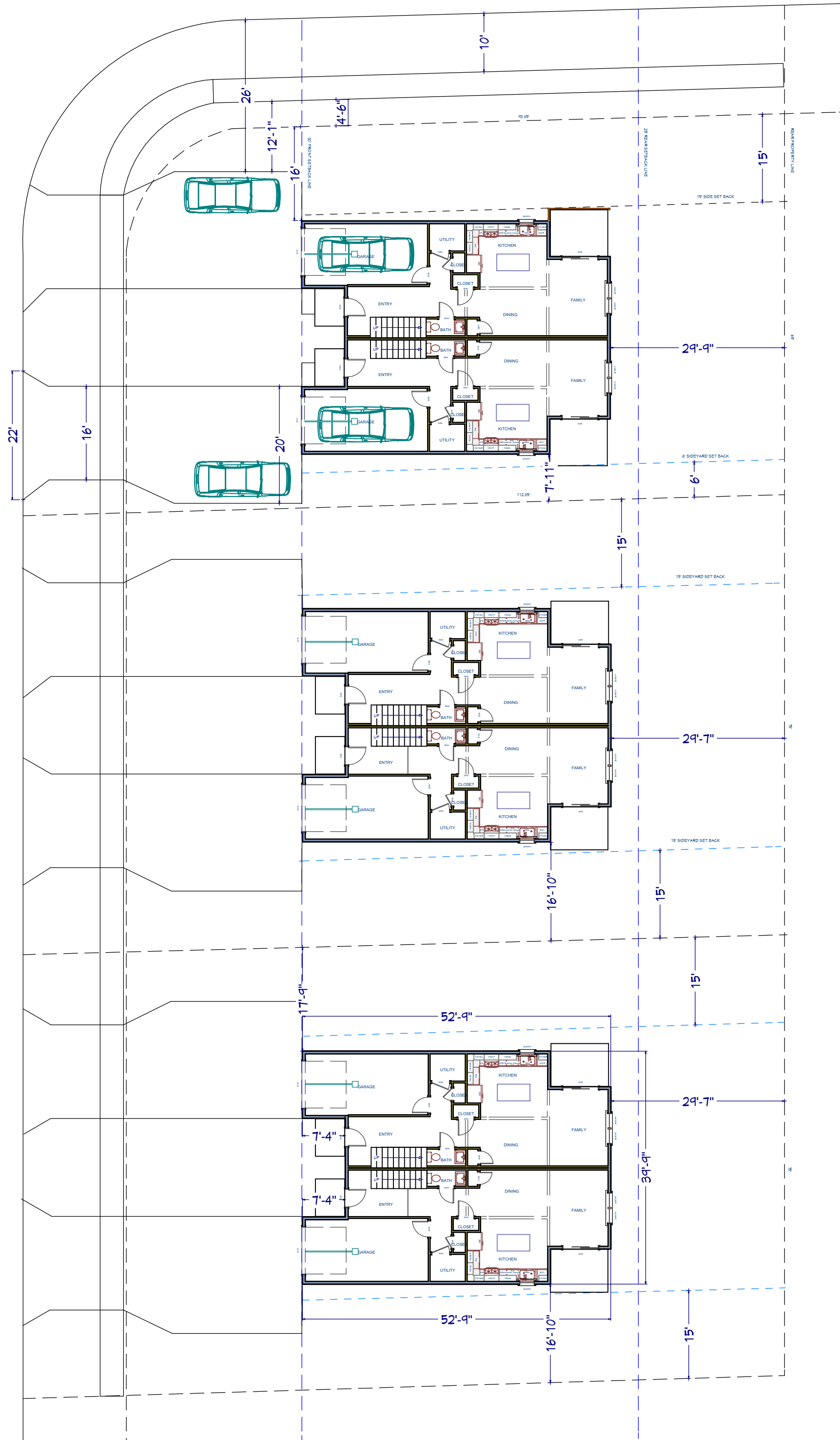


Signed

[Signature]

BEESON AVE

THIRD AVE



LEFT SIDE UNIT
FIRST FLOOR FINISHED 683 SF
GARAGE 260 SF
SECOND FLOOR FINISHED 837 SF

RIGHT SIDE UNIT
FIRST FLOOR FINISHED 683 SF
GARAGE 260 SF
SECOND FLOOR FINISHED 837 SF

NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

CONCEPT DRAWING
SITE PLAN

PROJECT DESCRIPTION:

BEESON 3

DRAWINGS PROVIDED BY:

FRONT PORCH
CUSTOM BUILDERS

DATE:

7/15/2018

SCALE:

1/16" = 1'

SHEET:

C-1



*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, August 14, 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-18-016: Connie J. Klema is requesting a variance from Section 1233.05(C)(1) and Section 1233.05(C)(2) of the Pataskala Code to allow for the construction of a two-family dwelling that would fail to meet the minimum required front and side yard setbacks, Parcel No. 064-308436-00.000, for property located on the corner of Beeson Avenue and 3rd Avenue.

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 August 9, 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.

ASHCRAFT BEVERLY ANN, LINDA JO &
LISA JO

PO BOX 833

PATASKALA, OH 43062

BEESON DOUGLAS JAMES & FLUCKE
JANE ELLEN

15 SANDALWOOD DR

NEWARK, OH 43055

FREDERICK MICAH CHARLES &
KATHERINE J-C FREDERICK

60 3RD W AVE

PATASKALA, OH 43062

HUCKINS CALEB M & JORDAN E

41 3RD ST

PATASKALA, OH 43062

LEKANIDIS MILLIE JO

55 NORTH END DR

PATASKALA, OH 43062

NIXON ANNIE B

1138 CORRINA RD

WAKE FOREST, NC 27587

PEKULA HEATHER ELAINE

76 2ND AVE

PATASKALA, OH 43062

UNITED DAIRY FARMERS INC

3955 MONTGOMERY RD

CINCINNATI, OH 45212

WINTER WILLIAM W & DONNA

P O BOX 384 58 W SECOND ST

PATASKALA, OH 43062

BEESON DAVID J

4234 WATKINS RD

PATASKALA, OH 43062

FERGUS COMPANY LLC

8377 GREEN MEADOWS DR N STE A

LEWIS CENTER, OH 43035

FRONT PORCH INVESTMENTS LLC

5667 YORK RD

PATASKALA, OH 43062

KAMMEYER PEGGY S

76 VINE S ST

PATASKALA, OH 43062

LULEI KIMBERLY & CHARLES

56 BEESON AVE

PATASKALA, OH 43062

PATASKALA PUBLIC LIBRARY

101 VINE S ST

PATASKALA, OH 43062

PETERS ROBERT M JR & MENEVA JEAN

6532 BEECHER RD

GRANVILLE, OH 43023

WEAVER RUTH ANN

BOX 542 83 W THIRD ST

PATASKALA, OH 43062

ZEUNE DOUGLAS M & CONNIE M

68 VINE ST

PATASKALA, OH 43062

BEESON DOUGLAS JAMES

4046 WATKINS RD

PATASKALA, OH 43062

FOSTER JOHN C

61 3RD ST

PATASKALA, OH 43062

HOWES LINDA LEE & H MITCHELL

3732 CROSSINGS CREST

BIRMINGHAM, AL 35242

KNILANS KYLE L

57 END N DR

PATASKALA, OH 43062

NEVIL GREGORY A

73 3RD ST PO BOX 137

PATASKALA, OH 43062

PATASKALA UN METHODIST CH

458 MAIN ST PO BOX 777 S

PATASKALA, OH 43062

THOMPSON DEBRA L

6629 WATKINS RD

PATASKALA, OH 43062

WEBER DARREN & HEATHER L

91 3RD ST

PATASKALA, OH 43062

**VA-18-016 and
CU-18-002**