



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

October 9, 2018

#### Variance Application VA-18-020

<b>Applicant:</b>	Faith Seed Investments
<b>Owner:</b>	Faith Seed Investments
<b>Location:</b>	21 Benton Street
<b>Acreage:</b>	0.13 acres
<b>Zoning:</b>	R-7 – Village Single Family Residential
<b>Request:</b>	Requesting a variance from Section 1221.05(B)(1) of the Pataskala Code to allow for an accessory building that would exceed the maximum permitted size.

#### Description of the Request:

The applicant is seeking a variance to allow for an Accessory Building permit to be issued for a 10' x 14' (140-square feet) shed which fails to meet the maximum permitted accessory building size.

#### Staff Summary:

The property currently contains a 1,216-square foot home in the Northeast corner that was constructed in 1900, and a 675-square foot garage in the Southwest corner that was built in 1960. The applicant has constructed a 140-square foot shed next to the existing 675-square foot garage for a total of 815-square feet. Section 1121.05(B)(1) of the Pataskala Code limits the maximum square footage for accessory buildings on lots less than 2 acres in size. This is determined by the following formula:

$$((\text{Gross acreage of lot}) \times 600) + 120) \times 2$$

The applicant's lot is 0.13 acres in size, using the equation  $((0.13) \times 600) + 120) \times 2 = 396$ -square feet. The shed and garage exceed the maximum permitted square footage by 419-square feet, or by 49%. The site plan as submitted does not include a distance to the south property line, however, according to the application and narrative, the applicant has built a roof on top of the fence that was previously approved. This fence is on the applicant's property line, which gives the shed a setback of 0 feet.

The applicant also stated in the narrative that the purpose of the shed is to serve as a shelter for his Great Danes.

The applicant had initially constructed a fence and was cited for not obtaining a Fence Permit by the Zoning Inspector. After a court summons and order was issued, the fence permit was applied for. During the final inspection of the fence, the Zoning Inspector discovered a shed was also built. The Zoning Inspector informed the applicant that an Accessory Building Permit was required for the shed. The applicant did not take any action towards applying for a permit and was issued a court summons and

order again. When the applicant submitted the Accessory Building Permit Application, staff determined that the shed exceeded the maximum permitted square footage for accessory buildings, and a variance would be required. When no variance application was submitted, the applicant was again issued a court summons and an order.

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

In addition to the requested variance, staff has identified a need for a side yard setback variance. The constructed shed sits even with the fence, which was built on the property line. Section 1221.05(E)(1) requires a 5-foot setback of accessory buildings from property lines on lots less than two acres. The Board of Zoning Appeals may choose to grant this variance along with the requested variance in this application. In this case, the variance request will be for the full 5 feet, with a side yard setback of 0 feet.

When staff visited the property to photograph the shed for the purposes of this variance on September 26, a man performing electrical work in the shed and garage confirmed that the shed was built for housing the dogs. This gentleman also stated that there is a pass-through built into the shed and garage to allow for the dogs to go in between the two structures, and that he estimates there to be approximately a dozen dogs housed on the property. Staff witnessed five dogs in the enclosed yard and were told by the man present on the property that these were the puppies, and that the two parents were inside the structure, for a total of at least seven dogs.

Online inquiries by the Zoning Inspector have supplied several online advertisements for Great Dane puppies. The first, posted on February 22, 2018 lists the applicant's phone number and was posted under the username "danesrrfarms". As of October 1, 2018, there were 6 puppies for sale under the username "danesrrfarms". Also included are 10 violations from the Licking County Dog Warden for failure to register dogs. 4 violations on March 31, 2017, 4 violations on October 12, 2017, and 2 violations on October 13, 2017. Each violation constitutes an offense for a separate dog. sThere was also one citation from the City of Pataskala Police for dogs running at large, and several recent complaints for dogs running loose and defecating on neighboring properties. The Zoning Inspector has also commented on several previous, and current code violations. Full comments are attached.

Section 1203.03 defines a Kennel (Private) as "Any lot or premises on which five or more domesticated dogs or cats, of more than four months of age, are housed, groomed, bred, boarded, trained, or sold". The online advertisements, citations from the Licking County Dog Warden, and information provided to staff during the visit to the property gives staff reason to believe a kennel is being operated on the premises. Kennels are neither a permitted or conditional use within the R-7 Zoning District pursuant to Sections 1237.03 and 1237.04 of the Pataskala Code.

The Licking County Building Code Department requires a building permit for any new structure or addition that is attached to an existing structure. The applicant did not state in the variance application whether the constructed shed is attached to the existing garage, however from the photographs taken of the shed on 9/26/2018 and the statement of the man performing electrical work in the shed, staff believes that the shed is attached to the existing garage. Staff contacted the Licking County Building Code Department, and they have received no building permit applications for 21 Benton St.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Church
East	R-7 – Village Single Family Residential	Single-Family House
South	R-7 – Village Single Family Residential	Single-Family House
West	R-7 – Village Single Family 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-18-020:

- None

#### **Department and Agency Review**

- Zoning Inspector – See Attached
- 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 obtain all necessary permits from the City of Pataskala and the Licking County Building Department.
2. Accessory Buildings shall not be used for commercial activity pursuant to 1221.05(6) to include Kennels both Private and Commercial.
3. Applicant shall receive a variance for side yard setback pursuant to 1221.05(E)(1).

#### **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 1221.05(B)(1) of the Pataskala Code for variance application VA-18-020 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

Alternatively, if the Board of Zoning Appeals so chooses to include a variance from the required side yard setback with this application, the following resolution may be considered by the Board of Zoning Appeals:

"I move to approve a variance pursuant to Sections 1221.05(B)(1) and 1221.05(E)(1) of the Pataskala Code for variance application VA-18-020 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

Re: Variance Request 18-020  
21 Benton Street  
Faith Seed Investments LLC / Paul Collins

#### Zoning Inspector Summary

During the inspection of the fence in February 2018, I observed the Accessory Building on the property which a variance request is now before the board. There was no permit for the Accessory Building at the time of my inspection. A Court summons and order was required to have Mr. Collins comply with Accessory Building permit requirement.

Mr. Collins had also failed to apply for the required permits on the fence on his property in April 2017 and a Court summons and order was also required to have Mr. Collins comply with Fence permit requirement.

Area neighbors have complained concerning Mr. Collins failure to maintain his property, contain his dogs, the dogs defecating on neighboring properties and the safety concerns for residents, especially elderly and children with these dogs running loose. These dogs are Great Danes weighing from 100 to up to 200 pounds.

- Pataskala Police cited Mr. Collins on 2-24-2017 for dogs running at large.
- Licking County Dog Warden cited Mr. Collins Failure to confine dogs on 3 separate occasions in late 2017 including 10 violations for Failure to Register Dogs. (see attached documents)

Mr. Collins stated during my fence inspection the shed was built for his dogs. On line inquiries indicate recent puppy sales by danesrrfarms associated with Mr. Collins by evidence of Mr. Collins phone number being listed. (see attached documents). 21 Benton street is in the R-7 Zoning and Dog Kennels are not a permitted use.

#### Recent complaints include:

- 9-24-2018 Area church on dogs running loose, safety of church members, especially elderly and children. Dogs defecating on parking lot. Trash on his property.
- 8-20-2018 Trash, vehicles on property and dogs running loose and dogs using neighboring properties as "dumping grounds" daily.
- 6-25-2018 complaint on trash, dogs running loose, 3-4 adult dogs plus puppies on property.
- 4-9-2018 Neighbor complaint regarding dogs and trash.
- 3-28-2018 Trash, dogs loose and odor.

As of 9-27-2018 warning notices were sent to Mr. Collins regarding 3 current Code Violations: Trash, Inoperable vehicles (5 total) and Commercial Vehicle Parked in Residential

Since 2016 to present, Mr. Collins has had 9 cases in Pataskala Mayor's Court including 4 which involved failure to obtain the required zoning permits after being notified.

A total 32 pre-summons notifications and 13 Mayor's Court Summons have been issued to Mr. Collins since 2016 to present.

Steven Blake  
Zoning Inspector  
City of Pataskala

## SUMMARY ~ TR/CR CASE 17CRB02365

[New Lookup](#)

**Warning:**

**PAYMENTS DUE**

**Name:** COLLINS, PAUL D, JR  
**Address:** 21 BENTON ST.  
**City, State Zip:** PATASKALA, OH 43062  
**DOB:** 04/18/1968  
**Insurance:** U

**Case:** 17CRB02365  
**File Date:** 11/03/2017  
**Incident:**  
**Status:** CAPITAL RECOVERY SYSTEM  
**Next Date:** 03/06/2018  
**Next Time:** 11:52AM

Violation Case	Offense	Violation Date	Unpaid Amount
<a href="#">17CRB02365-A</a>	FAIL TO REGISTER DOG/KENNEL	10/13/2017	\$327.50
<a href="#">17CRB02365-B</a>	FAIL TO REGISTER DOG/KENNEL	10/13/2017	\$75.00
<a href="#">17CRB02365-C</a>	FAILURE TO CONFINEDOG	10/13/2017	\$75.00

# SUMMARY ~ TR/CR CASE 17CRB02211

[New Lookup](#)

Warning:

PAYMENTS DUE

**Name:** COLLINS, PAUL D, JR  
**Address:** 21 BENTON ST.  
**City, State Zip:** PATASKALA, OH 43062  
**DOB:** 04/18/1968  
**Insurance:** U

**Case:** 17CRB02211  
**File Date:** 10/16/2017  
**Incident:**  
**Status:** CAPITAL RECOVERY SYSTEM  
**Next Date:** 01/30/2018  
**Next Time:** 04:05PM

Violation Case	Offense	Violation Date	Unpaid Amount
<a href="#">17CRB02211-A</a>	CONFINEMENT OF DOGS	10/12/2017	\$187.50
<a href="#">17CRB02211-B</a>	FAIL TO REGISTER DOG/KENNEL	10/12/2017	\$0.00
<a href="#">17CRB02211-C</a>	FAIL TO REGISTER DOG/KENNEL	10/12/2017	\$0.00
<a href="#">17CRB02211-D</a>	FAIL TO REGISTER DOG/KENNEL	10/12/2017	\$0.00
<a href="#">17CRB02211-E</a>	FAIL TO REGISTER DOG/KENNEL	10/12/2017	\$25.00

**SUMMARY**  
~ TR/CR CASE 17CRB01119

[New Lookup](#)

<b>Name:</b>	COLLINS, PAUL D, JR
<b>Address:</b>	21 BENTON ST.
<b>City, State Zip:</b>	PATASKALA, OH 43062
<b>DOB:</b>	04/18/1968
<b>Insurance:</b>	U

<b>Case:</b>	17CRB01119
<b>File Date:</b>	06/06/2017
<b>Incident:</b>	
<b>Status:</b>	PLACED THIS DATE IN ARCHIVES
<b>Next Date:</b>	06/26/2017
<b>Next Time:</b>	

Violation Case	Offense	Violation Date	Unpaid Amount
<a href="#">17CRB01119-A</a>	CONFINEMENT OF DOGS	05/31/2017	\$0.00
<a href="#">17CRB01119-B</a>	FAIL TO REGISTER DOG/KENNEL	05/31/2017	\$0.00
<a href="#">17CRB01119-C</a>	FAIL TO REGISTER DOG/KENNEL	05/31/2017	\$0.00
<a href="#">17CRB01119-D</a>	FAIL TO REGISTER DOG/KENNEL	05/31/2017	\$0.00
<a href="#">17CRB01119-E</a>	FAIL TO REGISTER DOG/KENNEL	05/31/2017	\$0.00



# North Coast Auto Mall

Down Payments Starting At 99¢, 100% Guaranteed Financing. Call Us Today To get Approved  
ncautoauction.com

(/c/message?username=danesrrfarms&listing\_id=tjflU)

[Send a Message](#)

akc registered great dane female



(/big/YRoUJYNvkR.jpg)

Blue Merle female. Sire 50% Euro, Dam American. Vet checked, wormed and first shots done. 11 weeks old and ready to go. Call/text **614-753-9552** for details.

## Listing Details

Price	\$1,600
Location	Pataskala, Ohio
Category	Great Dane (/0/1788/0/)
Posted	Feb 22 2018
Updated	Mar 13 2018
	report ad

## Member Details

Username	danesrrfarms (/members/danesrrfarms/)
Member Since	Jul 04 2015

# Fuzzz Playground

The Real Vacation for your dog #WeSpeakDog fuzzzplayground.com



(/c/message?listing\_id=wLbKn)  
Blue harlequin Great Dane

Send a Message



(/big/xgnQWyTHAF.jpg)



(/big/TKkhrdwlv.jpg)



(/big/S0Vs8oFy0I.jpg)



(/big/INUp6auJd.jpg)



(/big/KMTb6zgXgx.jpg)



(/big/BCbuR3xEcy.jpg)

Blue harlequin female. AKC Registered. Champion bloodlines. Family raised and socialized. Dam- black American Dane, Sire harlequin 50% euro. Vet checked and first set of shots. Shipping arrangements can be made on an individual basis.

## Listing Details

Price \$1,500

Location Pataskala, Ohio

Category Great Dane (/0/1788/0/)

Posted Jul 19 2018

Updated Aug 08 2018

report ad

## Member Details






Username danesrrfarms  
(/members/danesrrfarms/)

Member Since Jul 04 2015

## Gorgeous Puppies for Sale

Huge Selection of Breeds on Special Now, Affordably Priced, 30 to 70 percent off petlandpickerington.com

OPEN

danessrrfarms's listings			
Pic	Headline	Posted	Price
	Harlequin great dane (/uRcMZ/harlequin-great-dane.htm)	renewed 1 month	\$1,500
	Blue harlequin Great Dane (/wLbKn/blue-harlequin-great-dane.htm)	renewed 1 month	\$1,500
	blue merle great dane (/coylL/blue-merle-great-dane.htm)	renewed 1 month	\$1,000
	blue great dane (/yK3MQ/blue-great-dane.htm)	renewed 1 month	\$1,200
	black great dane (/u63JD/black-great-dane.htm)	renewed 1 month	\$600

### Member Details

Username danessrrfarms  
 Joined Jul 04 2015  
 Last Seen Aug 26 2018  
 Home Area Pataskala, Ohio



# 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: 21 Benton St. Pataskala, OH 43062

Parcel Number: RA 064-309378-00.000

Zoning: R-7 Acres: 0.13

#### Water Supply:

☒ City of Pataskala ☐ South West Licking ☐ On Site

#### Wastewater Treatment:

☒ City of Pataskala ☐ South West Licking ☐ On Site

### Staff Use

Application Number:

VA-18-020

Fee:

\$300

Filing Date:

9-14-18

Hearing Date:

10-9-18

Receipt Number:

22986

### Applicant Information

Name: ~~Pat Collins~~ Faith Seed INC

Address: 21 Benton St Pataskala

City: Pataskala State: OH Zip: 43062

Phone: 614-753-952 Email:

### Documents

☒ Application

☐ Fee

☐ Narrative

☒ Site Plan

☒ Deed

☒ Area Map

### Property Owner Information

Name: Faith Seed INC

Address: SAME

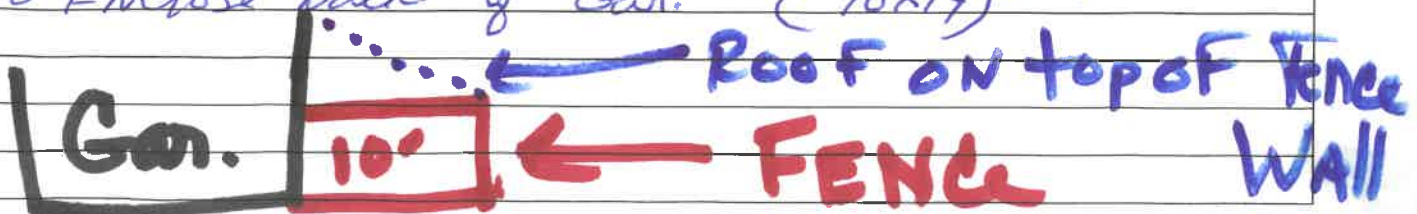
City: State: Zip:

Phone: Email:

### Variance Information

Request (Include Section of Code): Putting a Roof on top of Fence  
1221.05 (B) (1)

Describe the Project: wanted a roof on top of fence  
to Enclose back of Gar. (10x14)



## 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:

9-14-18

Property Owner (Required):

Date:

8-14-18



Narrative

The Reason Variance is square footage allowed on this parcel is only 396 sqft per existing code the gap is 675 the addition is 140 sqft this totals 815 sqft this is 419 sqft over allowed per Code.

This 10'x14' structure is part of the permitted fence that was built this year and we wanted a roof on part of the fence we have Great Dane Dog and this is Shelter

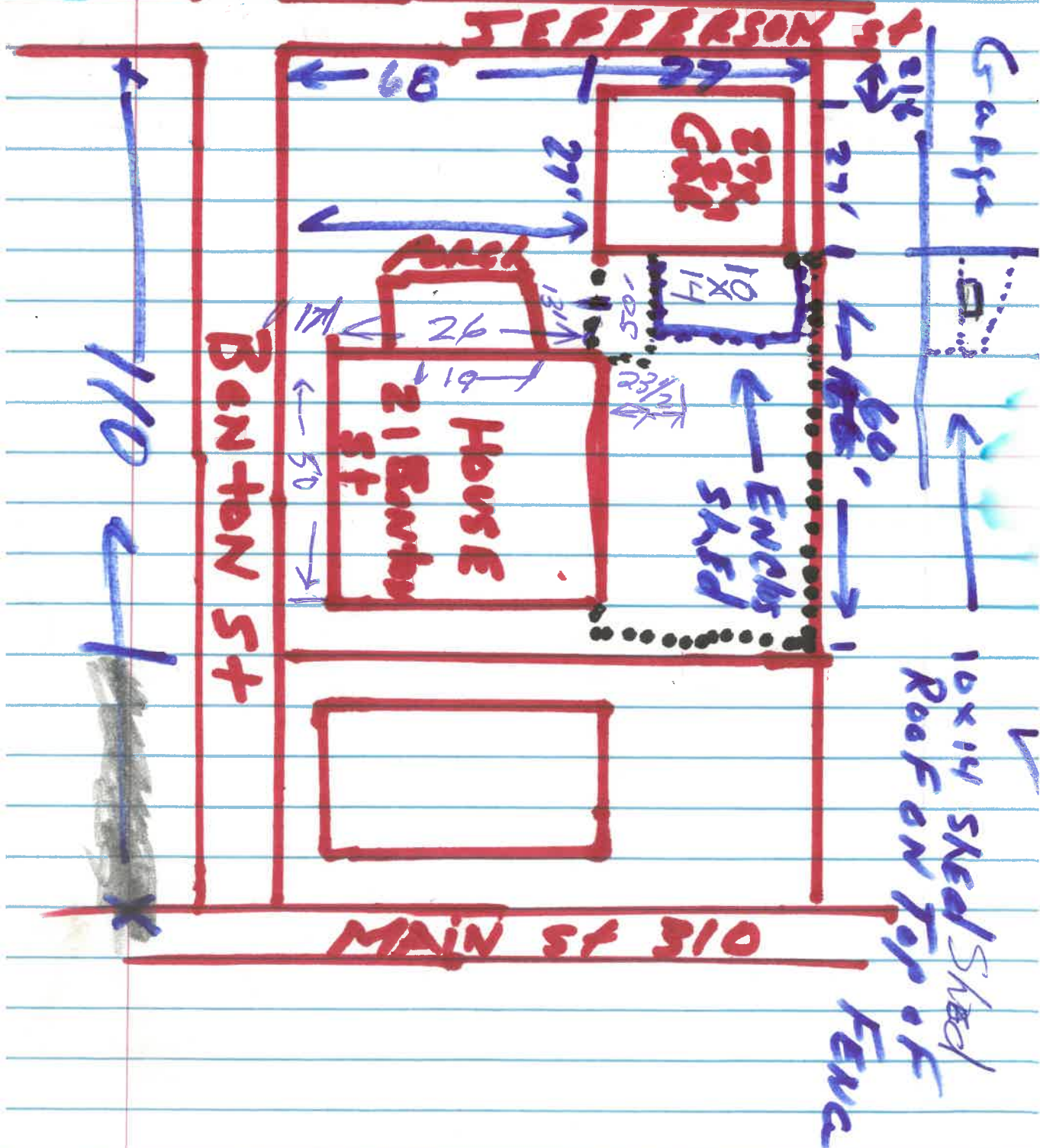
for them to be out of  
the weather for this reason  
we ask that you would  
approved this application

Thank You

Faith Seed IVV

A stylized handwritten signature in blue ink, appearing to be 'R. J. J.' or similar, written over the printed name 'Faith Seed IVV'.

" Faith Seed Inv  
Site Plan  
21 BENTON ST





DESCRIPTION APPROVED WILLIAM C LOZIER LICKING COUNTY ENGINEER	
APPROVED BY <i>[Signature]</i>	
TRANSFERRED	3-15-16
Date	March 16, 2016
<i>[Signature]</i> Licking County Auditor	
SEC. 319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR	
BY: <i>[Signature]</i>	

201603160005009  
 Pgs: 2 \$29.00 T20160005815  
 03/16/2016 12:50PM BXALL OHIO  
 Bryan A. Long  
 Licking County Recorder

## Limited Warranty Deed

O.R.C. 5302.07

Faith Seed Investments, LLC, an Ohio limited liability company, for valuable consideration paid, grants with limited warranty covenants, to Faith Seed Investments, LLC and Paul D. Collins, Sr., whose tax mailing address is 21 Benton St Pataskala OH 43062, the following real property:

Situated in the State of Ohio, County of Licking and City of Pataskala (fka Village of Pataskala), and bounded and described as follows:

Being Lot Number Forty Nine (49) in said City of Pataskala (formerly known as the Village of Pataskala and also formerly known as the Town of Conine), as shown on the plat of "Town of Conine, Ohio" recorded in Volume 1 at page 126, Plat Records, Recorder's Office, Licking County, Ohio.


Prior Instrument Reference: Instrument Numbers 2016 0316 0005006,  
2016 0316 0005007, 2016 0316 0005008, Recorder's  
 Office, Licking County, Ohio  
 Property Address: 21 Benton Street, Pataskala, Ohio 43062  
 Parcel Number: 064-309378-00.000

Subject to all valid and existing building and other restrictions and conditions of record, to all valid and existing zoning restrictions, to all valid and existing easements of record, and taxes and assessments due and payable after the date of execution hereof.

01150582601026037000

Executed this 10 day of March, 2016.

FAITH SEED INVESTMENTS, LLC,  
an Ohio limited liability company

By:   
Paul Collins, its sole member

State of Ohio            }  
County of Licking       } ss:

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of March, 2016 by Paul Collins, the sole member of Faith Seed Investments, LLC, an Ohio limited liability company, for and on behalf of the company.



BETH H. MACKLEY  
Notary Public, State of Ohio  
My Commission Expires 01-14-2020

  
Notary Public

was prepared by:  
Caitlin M. Baird, Esq.  
FISHER, SKROBOT, & SHERAW, LLC  
471 East Broad Street, Suite 1810  
Columbus, Ohio 43215  
(614) 233-6950

File # 1610067

ALL OHIO TITLE AGENCY, LLC  
P.O. Box 973  
Pataskala, Ohio 43062-0973

