



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

November 13, 2018

Variance Application VA-18-021

Applicant:	Jeff Wyrick
Owner:	Jeff Wyrick
Location:	Unimproved property on Jefferson St. (PID: 064-311850-00.000)
Acreage:	0.13
Zoning:	R-7 Village Single-Family Residential
Request:	Requesting a variance from Sections 1221.05(B)(1), 1221.05(D)(1), and 1221.05(D)(4) of the Pataskala Code to allow for the construction of a 2-car garage that would exceed the maximum permitted accessory building square footage, be located in the front yard, and be located on a lot without a principal structure.

Description of the Request:

The applicant is seeking a variance to allow for the construction of a 2-car garage on a lot without a principal structure, will exceed the maximum permitted accessory building square footage, and be located within the front yard.

Staff Summary:

The 0.13-acre property currently contains no structures. The applicant owns the adjacent 0.09-acre lot to the north, 25 Atkinson Street, which is occupied by a 1,416-square foot house constructed in 1930. The applicant is proposing to construct a 24' x 24' (576-square foot) 2-car garage that will exceed the maximum permitted accessory building size by 180-square feet, or 45.45%. According to Section 1221.05(B)(1) of the Pataskala Code, the maximum square footage for accessory buildings on lots less than two (2) acres shall be determined by multiplying the gross acreage of the lot by 600, adding 120, and multiplying by 2. With the lot being 0.13 acres in size that equation would be:

$$((0.13) \times 600) + 120 \times 2 = 396\text{-square feet.}$$

The proposed garage would also be constructed on a lot that is without a principal structure. Section 1221.05(D)(4) of the Pataskala Code prohibits accessory structures from being located on a lot without a principal structure. Section 1221.05(D)(1) of the Pataskala Code requires that an accessory building shall be located even with or behind the front of a principal structure within the side or rear yard. As this lot does not have an existing principal structure, and is adjacent to an existing city Right-of-way, the proposed garage is by default located in the front yard, and non-conforming with this section of code.

As proposed, the garage will meet all other requirements of the Pataskala Code.

According to the narrative, the applicant states that there is not enough square footage available on the 0.09-acre lot where the house is located to build a 2-car garage. The applicant believes the proposed garage will not negatively affect neighboring properties, or city services. The narrative further states that there are already neighboring properties with 2-car garages.

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

Staff would like to note that the applicant could combine the lots, which would negate the need for a variance from Section 1221.05(D)(4). Doing so would increase the maximum allowable accessory building square footage from 396-square feet to 504-square feet. Doing this however, they would still be over the maximum permitted square footage, and the applicant would still require a variance from sections 1221.05(B)(1) and 1221.05(D)(1). Staff also agrees with the applicant’s statement that there is not enough room on the 0.09-acre lot for a garage of this size.

The applicant mentioned in the narrative that there are existing 2-car garages on neighboring properties. A quick review by Staff showed that the property to the north of the 0.09-acre lot, at 398 Main St., has an existing detached 2-car garage which exceeds the maximum permitted accessory building square footage. To the south, off Jefferson St., there is a garage on a lot without a principal structure.

The City Engineer has commented that the applicant should insure the current drainage pattern is not altered with the improvements. Full comments attached.

Surrounding Area:

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Single-Family House
East	R-7 – Village Single Family Residential	Fire Station
South	R-7 – Village Single Family Residential	Police Station
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-18-021:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – Attached, see Staff Review
- 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 prior to construction of the garage.
2. The applicant shall insure the proposed garage will not alter current drainage pattern.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve variance application VA-18-021 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Jim Roberts](#); [Lisa Paxton](#)
Subject: 11-13-2018 BZA
Date: Monday, November 05, 2018 9:14:50 AM

Jack

VA-18-021

1. The applicant shall ensure there are no negative drainage impacts on any abutting properties.

We appreciate the opportunity to provide this service for the city. Please let us know if there are any questions or concerns or if we can help in any other way.

Thanks

Scott R. Haines, P.E., CPESC

Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 740-344-8659

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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:	25 Atkinson St Pataskala OH, 43062
Parcel Number:	064-311850-00.000
Zoning:	R-7
Acres:	0.13
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-18-021
Fee:	\$300
Filing Date:	10-8-18
Hearing Date:	11-13-18
Receipt Number:	499515

Applicant Information		
Name:	JEFF WYRIK	
Address:	25 Atkinson Street	
City:	Pataskala	State: Ohio
Zip:	43062	
Phone:	614-353-5105	Email: MATASCOATERWING29@gmail.com

Property Owner Information		
Name:	JEFF WYRIK	
Address:	25 Atkinson Street	
City:	Pataskala	State: Ohio
Zip:	43062	
Phone:	614-353-5105	Email: MATASCOATERWING29@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

Variance Information
Request (Include Section of Code):
Front setback 1237.05 (c)(1)
Size of lot 1221.05 (B)(1)
Describe the Project:
Building a new detached 2 car garage on attached lot. 24'x24'x8'
13' tall

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:

9-20-2018

Property Owner (Required):

Date:

9-20-2018

From: [jeff.wyrick](#)
To: [Jack Kuntzman](#)
Subject: Re: Pataskala Variance Application VA-18-021
Date: Tuesday, October 16, 2018 3:09:49 PM

Please apply the changes as indicated to our application. If anything else is needed please feel free to contact me. Thanks!

On Tue, Oct 16, 2018, 10:05 AM Jack Kuntzman <jkuntzman@ci.pataskala.oh.us> wrote:

Good morning Mr. Wyrick,

My name is Jack Kuntzman, and I am the City Planner for Pataskala. Dan Wetzl dropped off a variance application last week requesting a few variances to allow you to build a 2 car garage. I think there may have been a miscommunication with Mr. Wetzl in regards to what sections of the code you will need to request a variance from. The ones listed on the Application were:

-Front setback 1237.05(C)(1)

-Size of lot 1221.05 (B)(1)

The variances you will need to request are:

-1221.05(B)(1) requesting a variance for exceeding the maximum permitted accessory building size by 180 square feet.

-1221.05(D)(1) requesting a variance to allow an accessory building to be located in the front yard.

-1221.05(D)(4) requesting a variance to allow an accessory building to be built on a lot without a principal structure.

I would also ask that you provide me with the height of the garage as it was not listed on the plans. That would be from ground to the top of the roof ridge.

You may either stop by the office to correct the application, or you can respond to this email requesting that the changes be made and I can attach it to the application.

I will follow up with a phone call later today to confirm you have received this email if no response has been sent. As a reminder, the hearing will be at 6:30PM on November 13, 2018, and you or representative will have to be present.

Thank you.

JACK KUNTZMAN

City Planner

City of Pataskala

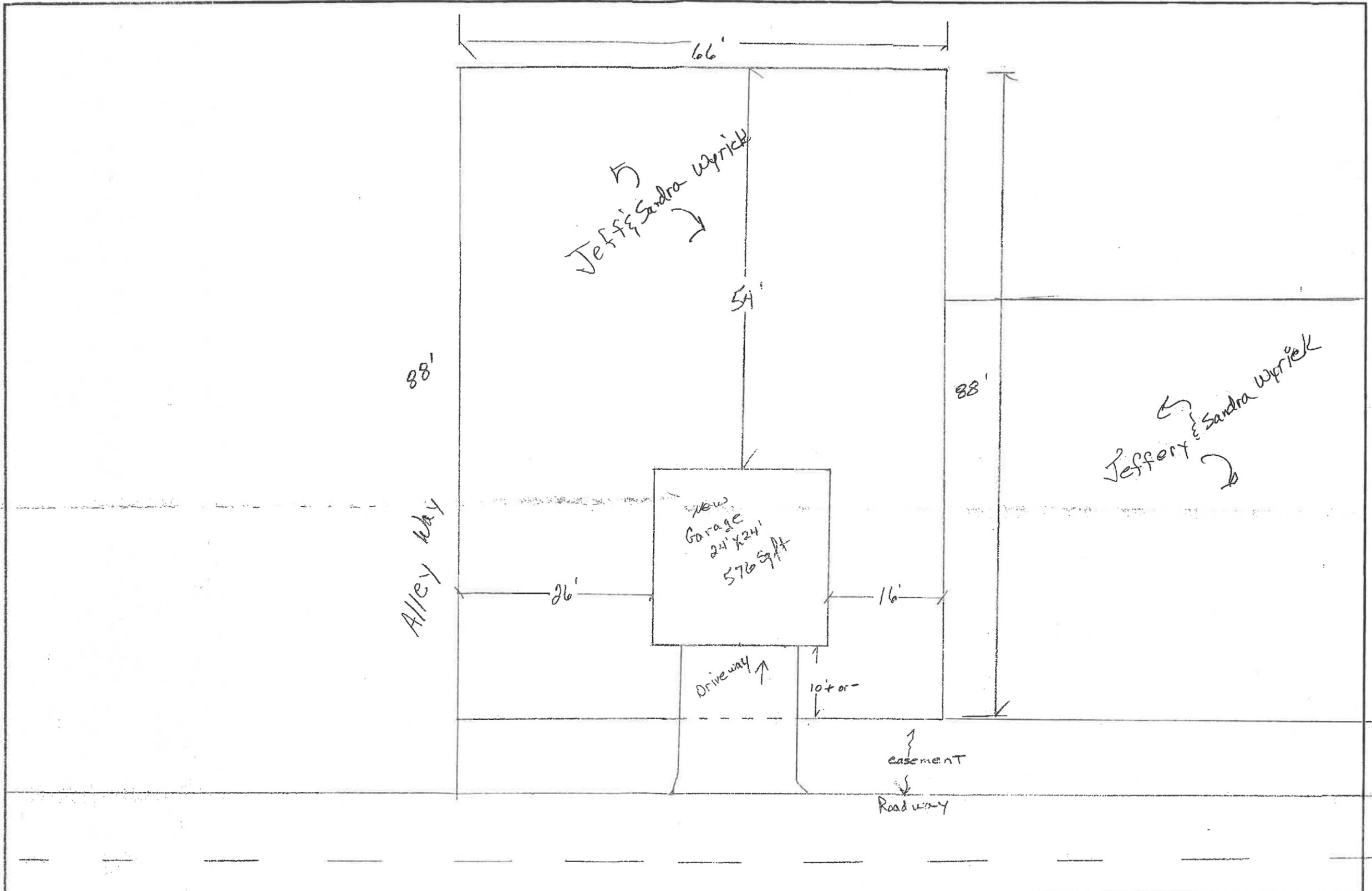
621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

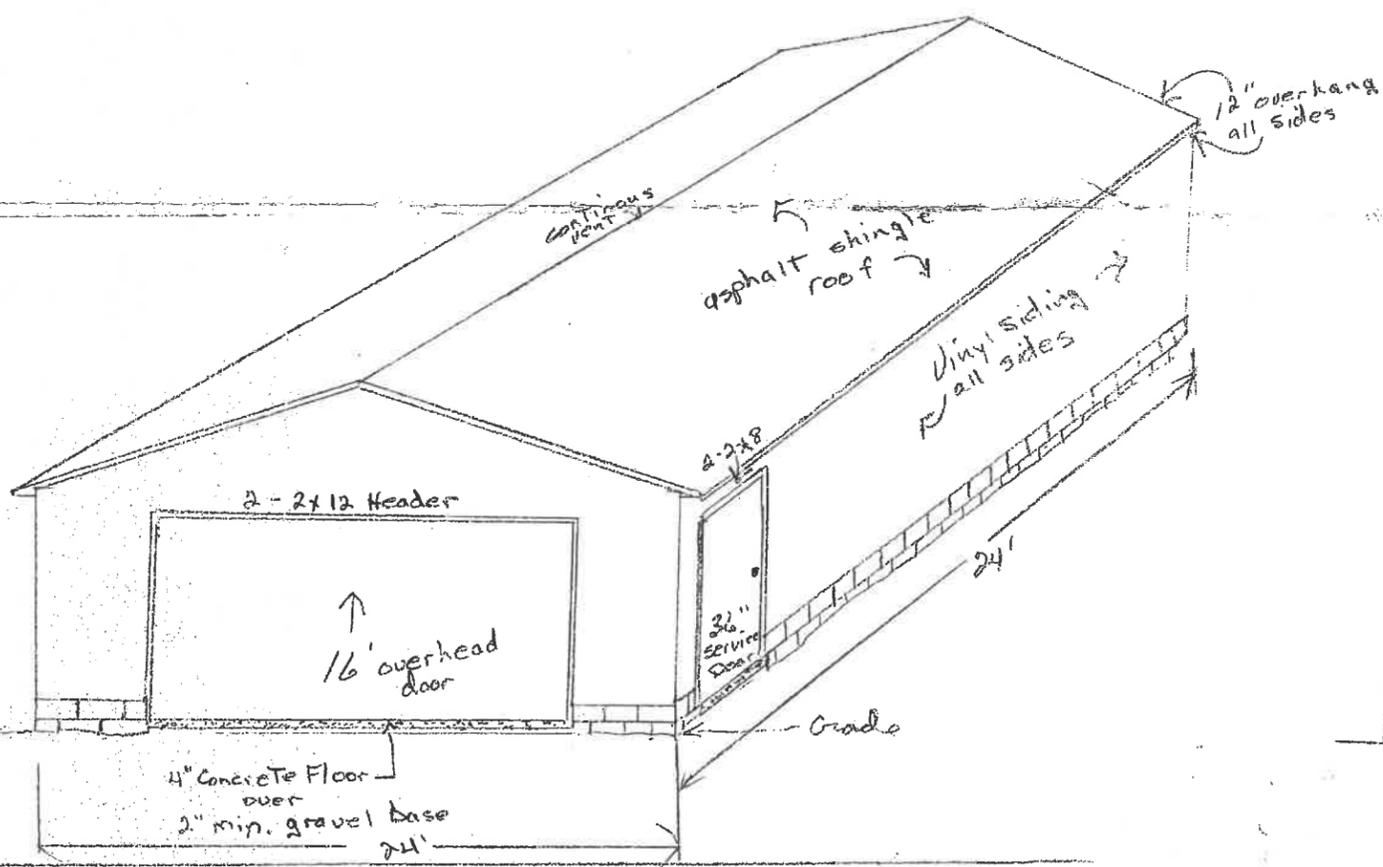
Phone: 740-964-1316

We are applying for a variance so that we can put a 2 car garage lot back from the property line. We need a 2 car garage and the property does not have the square footage required for a 2 car garage. We believe it will have no effect on our neighbors who like and appreciate the work we have done to the house and property - thus far.

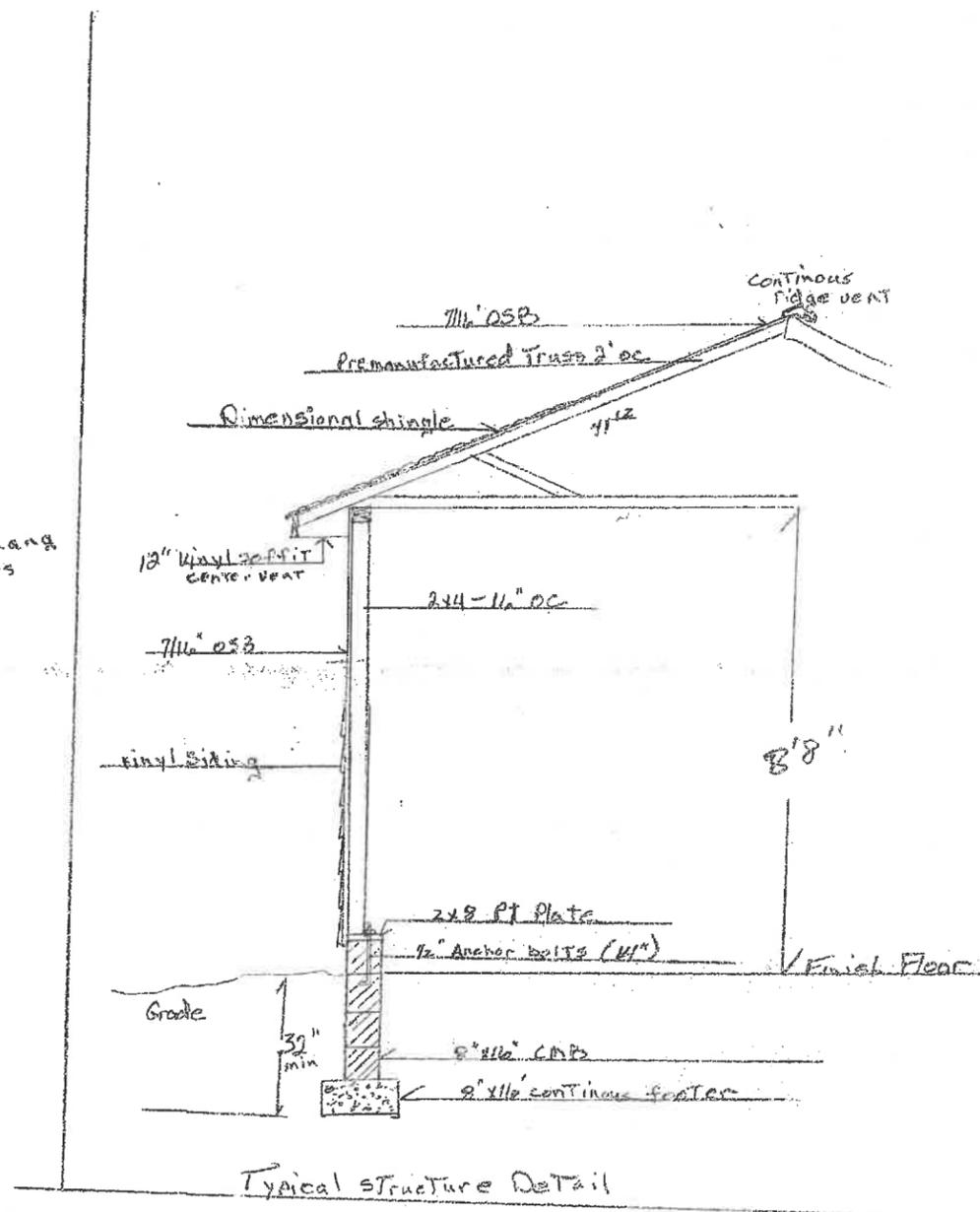
A garage will increase the value of our property which increases the neighbors property values. We have to adjoining neighbors who have a 2 car garages and they have no ill effects on the area. The garage effect on any city services and would not effect the adjacent properties access to city services. We were not aware that there would be any problem putting a garage next to our house. We see no other way to put a garage on our property without a variance, our intention is to increase our properties value and make our lives easier with no effect on any of our neighbors.



Site Plan for new garage		
SCALE: 1/8" = 1'	APPROVED BY:	DRAWN BY:
DATE:		REVISD
Jeff Wyrick		DRAWING NUMBER
125 Atkinson St		



East's North Elevation



Typical Structure Detail

Jeff Wyrick		
SCALE:	APPROVED BY:	DRAWN BY:
DATE:		REVISED:
45 Atkinson St		DRAWING NUMBER:

Taxes Due July 18th

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

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

Licking County, Ohio, US - OnTrac - Michael L. Smith and Olivia C. Parkinson

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



Search by
Address
Search for

Trouble Searching?



064: 311844-00,0000
WYRICK JEFFREY M &
SANDRA K
25 ATKINSON ST
PATASKALA, OH 43062

Acres: 0.09
LOT 55 PT

Land: \$18,700
Improv: \$53,400
Total: \$72,100

Sale Date: 02/14/2017
Amount: \$92,500
Conveyance: 291
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions.
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DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
JMK 2-13-17



201702160003100
Pgs: 1 \$28.00 T20170003343
02/16/2017 3:11PM BXHAYES
Bryan A. Lons
Licking County Recorder

TRANSFERRED
Date February 14 2017
Michael L. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: *ML* 277.50

FIDUCIARY DEED
STATUTORY FORM
(O.R.C. 5302.09)

KNOW ALL MEN BY THESE PRESENTS:

That, **John R. McGowan**, as Trustee of the McGowan Family Trust, dated April 15, 2015, for Ninety Two Thousand Five Hundred Dollars (\$92,500.00), grants with fiduciary covenants to **Jeffrey M. Wyrick** and **Sandra K. Wyrick**, husband and wife to be held for their joint lives, remainder to the survivor of them, whose tax mailing address is 25 Atkinson Street, Pataskala, OH 43062, the following real property:

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

Being Lots Number Fifty-one (51) and Fifty-three (53), excepting Twenty-Two and one-half (22 1/2) feet off the west end, of record in Plat Book 1, Page 26, Recorder's Office, Licking County, Ohio.

Being two parcels as more fully described below:

Parcel One: Being Lot No. Fifty-three (53) in the City of Pataskala, Ohio, formerly known as Village of Conine, as delineated on the plat thereof of record in Plat Book 1, page 26, Recorder's Office, Licking County, Ohio, excepting however, twenty-two and one-half (22 1/2) feet off of west end thereof.

Parcel Two: Being Lot No. Fifty-one (51) of the Village of Conin, now Pataskala, as numbered and delineated upon the recorded plat thereof of record in Plat Book 1, page 26 Plat Records, Recorder's Office, Licking County, Ohio.

Prior Deed Reference: Instrument Number 20150817001734A, Recorder's Office, Licking County, Ohio
Also known as: 25 Atkinson Street, Pataskala, OH 43062
Auditor's Parcel #064-311850-00.000 and 064-311844-00.000

Excepting conditions, easements, rights-of way, zoning and other government regulations of record and taxes which are not yet due and payable which the grantee herein agrees to assume as a part of the consideration herein.

Executed this 3rd day of February, 2017.

John R. McGowan
John R. McGowan, as Trustee of the McGowan Family Trust, dated April 15, 2015

STATE OF OHIO
COUNTY OF LICKING SS:

The foregoing instrument was acknowledge before me this 3rd day of February 2017, by John R. McGowan, as Trustee of the McGowan Family Trust, dated April 15, 2015.



LAURIE WELLS, ATTORNEY AT LAW
This document is a public record.
has no expiration date.
Section 147.02 R.C.
HAYES
LAW OFFICES, INC.
A Legal Professional Association

Laurie Wells
NOTARY
 MELINDA G. SEEDS
 C. DANIEL HAYES
 LAURIE R. WELLS
 WILLIAM SCOTT HAYES
 SHEENA A. SJÖSTRAND-POST

