



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

Wednesday, December 11, 2018

Variance Application VA-18-023

Applicant:	Alan Hinson
Owner:	Terry Hamilton
Location:	Unimproved properties off Headleys Mill Rd SW. (PID: 063-140064-00.000 and 063-140064-00.002)
Acreage:	31.059 acres
Zoning:	AG – Agricultural
Request:	Requesting a variance from Section 1225.05(b) of the Pataskala Code to allow for a minor subdivision that will fail to meet the minimum required lot width for the AG zoning district.

Description of the Request:

The applicant is seeking a variance to allow a for the creation of a lot that would fail to meet the required minimum lot width of 250 feet for the AG – Agricultural district.

Staff Summary:

The property owner owns two (2) lots located between Old Maids Lane and Headley Mill Road. Both properties are bisected by the South Fork Licking River resulting in portions of the properties containing 100-year flood plain.

The northern lot is approximately 27.3 acres in size and contains a 2,580 square foot barn constructed in 1967. The applicant is proposing to split this lot along the river creating an approximately 18.4-acre lot with a width of 586.51 feet along Old Maids Lane and a 10.001-acre lot with a width of 756.85 feet along Headleys Mill Road. The proposed split meets the requirements of the Code and does not require a variance.

The southern lot is approximately 31 acres and is currently vacant. The applicant is proposing to split the lot creating an approximately 11.4 acre-lot with a width of 654.36 feet along Headleys Mill Road and an approximately 18.5-acre lot with a width of 53.77 feet along Old Maids Lane. The AG – Agriculture district requires a minimum lot width of 250 feet; therefore, the proposed 18.5-acre lot would fail to meet the minimum lot width by 196.23 feet.

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

The applicant could utilize additional width from the northern lot to bring the proposed 18.5-acre lot into compliance with the requirements of the AG – Agriculture district; however, in doing so it would create two (2) oddly shaped lots. Staff questions the value of splitting the property in this manner.

Surrounding Area:

Direction	Zoning	Land Use
North	AG - Agricultural	Single-family home
East	AG - Agricultural	Single-family homes
South	AG - Agricultural	Single-family home Farm Field
West	AG - Agricultural	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-18-023:

- None

Department and Agency Review

- Zoning Inspector – No comments
- City Engineer – No comments
- Public Service – No comments
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The applicant shall follow the Minor Subdivision regulations pursuant to Chapter 1115 of the Pataskala Code.

Resolution:

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

"I move to approve a variance from Section 1225.05(b) of the Pataskala Code for variance application VA-18-023 ("with the following 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:	0 Old Maids Lane Pataskala Oh 43062	
Parcel Number:	063-140064-00.000	
Zoning:	AG	
Acres:	31.059	
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site
Wastewater Treatment:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site

Staff Use
Application Number:
VA-18-029
Fee:
\$ 300
Filing Date:
11-16-18
Hearing Date:
12-11-18
Receipt Number:
499502

Applicant Information	
Name:	Alan Hinson
Address:	7518 Ogden Woods Blvd
City:	New Albany
State:	Oh
Zip:	43054
Phone:	(614) 348-8000
Email:	alanh@newalbanyrealty.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:	Terry Hamilton
Address:	3209 Headleys Mill Rd
City:	Pataskala
State:	Ohio
Zip:	43062
Phone:	(239) 223-1722
Email:	tjetpoet2@gmail.com

Variance Information
Request (Include Section of Code):
1225.05(b) 250' of frontage is required
Describe the Project:
owner is selling this parcel after the split. owner wants to keep 11.396 acres of stream and woods to protect his view from his residence at 3209 Headleys mill and sell the other 18.472 acres.

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; *no*
 - 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; *yes*
 - c) Whether the variance requested is substantial; *no*
 - 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*
 - 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; *yes*
 - i) Whether the property owner's predicament can be obviated through some other method than variance; *no*
 - 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*
 - k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. *yes*

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. ✓ x
- 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:

11-15-18

Property Owner (Required):



Date:

11/15/18

Narrative Statement

1. This 31.06 acre parcel currently has frontage on Headleys Mill Road and Old Maids Lane. The variance is required because the owner is selling the 18.472 acres west of the creek and the only access to the parcel would be from the existing 53.77 feet of frontage on Old Maids Lane. It should be noted that the part of the parcel that lies west of the creek has never been accessed from the east. The parcel is zoned agricultural and the total parcel has always been divided by the creek and flood plain with no east-west egress.
2. With regard to items (a) through (k)
 - a) No, there will not be a beneficial use without the variance. Access to this property has always been from the west.
 - b) Yes, the unique condition of the existing 53.77 feet of frontage for this parcel makes it impossible to have 250 feet of frontage on Old Maids Lane. The current frontage on Headleys Mill Road offers no egress to the west side of the parcel.
 - c) No, the variance is not excessive. The Old Maids Lane frontage already exists at 53.77 feet.
 - d) No, the essential character of the neighborhood would not be altered nor would adjoining properties suffer a detriment. The condition of 53.77 feet of frontage on Old Maids Lane already exists.
 - e) No, a granted variance would not impair the appropriate use or development of adjacent property. The condition of 53.77 feet of frontage on Old Maids Lane already exists.
 - f) No, a granted variance would not be detrimental to the public welfare. The condition of 53.77 feet of frontage on Old Maids Lane already exists.
 - g) No, a granted variance would not adversely affect the delivery of governmental services. The condition of 53.77 feet of frontage on Old Maids Lane already exists.
 - h) No, the owner was not aware that if this parcel was split that 250 feet of frontage was required. The existing 53.77 feet of frontage for this parcel makes it impossible to have 250 feet of frontage on

Old Maids Lane. The current frontage on Headleys Mill Road offers no egress to the west side of the parcel.

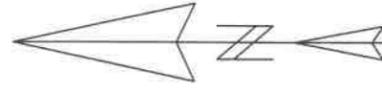
- i) No, the issue can't be obviated through another method than variance.
- j) Yes, a granted variance would be the minimum that would afford relief.
- k) Yes, substantial justice would be done by granting the variance. The existing 53.77 feet of frontage for this parcel makes it impossible to have 250 feet of frontage on Old Maids Lane. The current frontage on Headleys Mill Road offers no egress to the west side of the parcel.

VANCE SURVEYING LTD.

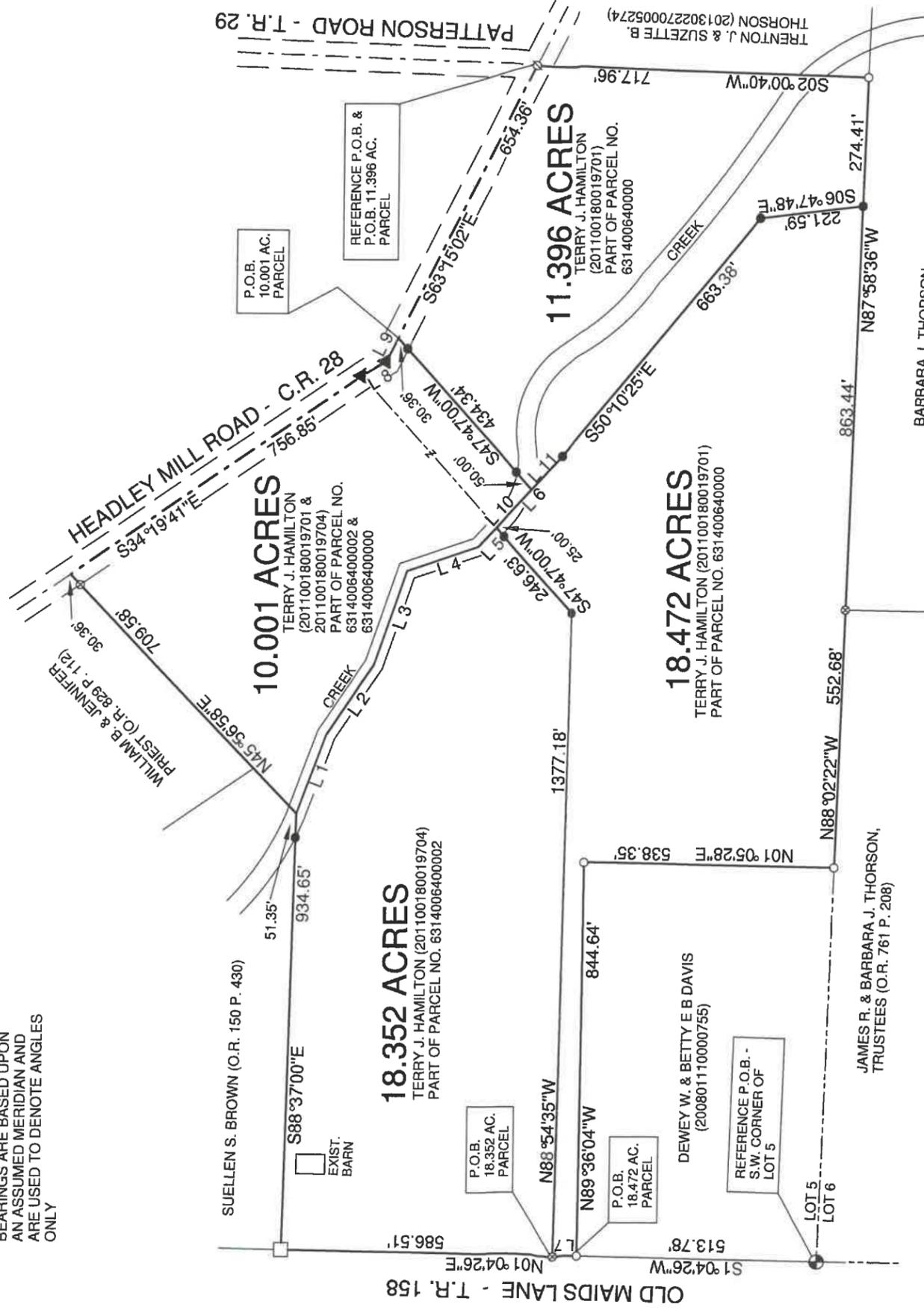
15071 HYATT ROAD
MOUNT VERNON, OHIO 43050
PH. (740) 397-6296
FAX (740) 397-6032
vancesurveying@gmail.com

TERRY HAMILTON

SURVEY FOR
RANGE 15W, TOWNSHIP 1N, QUARTER TOWNSHIP 1, LOT 5, USML,
CITY OF PATASKALA, LICKING COUNTY, OHIO



BEARINGS ARE BASED UPON
AN ASSUMED MERIDIAN AND
ARE USED TO DENOTE ANGLES
ONLY



Line	Bearing	Distance
1	S69°38'10"E	180.16'
2	S56°02'27"E	180.95'
3	S71°08'23"E	212.84'
4	S18°50'09"E	162.02'
5	S47°13'13"E	56.56'
6	S47°13'13"E	208.92'
7	N1°04'26"E	53.77'
8	S31°13'00"E	60.64'
9	S63°15'02"E	56.13'
10	N47°13'13"W	168.90'
11	N47°13'13"W	96.58'

PERTINENT DOCUMENTS:
LICKING COUNTY GIS
ALL DEEDS AS SHOWN



- LEGEND**
- 5/8" IRON PIN FOUND
 - ⊗ 3/4" IRON PIPE FOUND
 - MAG NAIL FOUND
 - ⊕ STONE FOUND
 - ⊘ RAILROAD SPIKE FOUND
 - ▲ MAG NAIL SET
 - 5/8" x 30" IRON PIN SET W/ PLASTIC CAP STAMPED "VANCE 7922"

BARBARA J. THORSON,
TRUSTEES (201103040004365)

JAMES R. & BARBARA J. THORSON,
TRUSTEES (O.R. 761 P. 208)

CERTIFICATION: WE HEREBY CERTIFY THAT THE FOREGOING SURVEY WAS PREPARED FROM ACTUAL FIELD MEASUREMENTS, IN ACCORDANCE WITH CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE.

Samuel R. Vance

DESCRIPTION APPROVED
WILLIAM C. LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
10/17/11 AJL

201110180019701
Pgs: 2 \$28.00 T23110020552
10/18/2011 11:09AM BXALL OHIO BO
Bryan A. Long
Licking County Recorder

0115PA00100000078000

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

TRANSFERRED
Date: October 18, 2011
M. J. Smith
Licking County Auditor

SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR. 00
BY MW 550

FIDUCIARY DEED

ELIZABETH R. ARGO, Trustee under the J. Richard Argo Family Trust dated April 8, 2004 of 3123 Old Maids Lane, Pataskala, Ohio 43062, as Grantor, by the power conferred by Article Fifteen, Section 15.16 of said Trust Agreement, granting the Trustee the power to sell at public or private sale, convey, purchase, exchange, lease for any period, mortgage, manage, alter, improve and in general deal in and with real property in such manner and on such terms and conditions as the Trustee deems appropriate, for the sum of \$275,000.00 paid, Grants, with fiduciary covenants to

TERRY J. HAMILTON, married, the Grantee, whose tax-mailing address is 3209 Headleys Mill Road, Pataskala, Ohio 43062, the following real property:

Situated in the County of Licking and State of Ohio, and City of Pataskala: See Exhibit A attached hereto and incorporated by reference, being 31.033 acres, more or less, also known as Licking County Auditor's Parcel No. 063-140064-00.000.

Subject to the following: The lien of any taxes and assessments not now due and payable; all planning, zoning or other governmental land use ordinances and regulations; leases, street and highway rights of way of record; and restrictions, conditions, reservations and easements of record; if any.

Prior Instrument Reference: Official Instrument # 200710180027175, #200801110000755, and #201110180019699, Recorder's Office, Licking County, Ohio
201110180019700

Street Address of Property: Headleys Mill Road, Pataskala, Ohio 43062

In Witness Whereof, the Grantor, Elizabeth R. Argo, Trustee under the J. Richard Argo Family Trust dated April 8, 2004 has hereunto set her hand this 14 day of October in the Year of Our Lord and Savior Jesus Christ, Two Thousand Eleven and in the Two Hundred Thirty-sixth year of the Independence and Sovereignty of the United States of America.

Elizabeth R. Argo, Trustee
ELIZABETH R. ARGO Trustee

EXHIBIT A

Situated in the State of Ohio, County of Licking, and in the City of Pataskala formerly the Township of Lima:

Being situated in Lot Five (5), Township One (1) North, Range Fifteen (15) West, Quarter Township One (1), United States Military Lands, City of Pataskala, formerly Lima Township, Licking County, State of Ohio. Being part of that land deeded to Elizabeth R. Argo, Trustee of the J. Richard Argo Living Trust of record in Instr. No. 200710180027175 in the Licking County Recorder's Office and being more particularly described as follows;

Beginning for reference at a stone found at the Southwest corner of Lot 5 in Old Maids Lane (Township Road 158); thence North 01° 04' 49" East, along Old Maids Lane, a distance of 513.78 feet to a 5/8 inch iron pin set and being the true point of beginning;

Thence from the true place of beginning, North 01° 04' 49" East, along the West line of Lot 5, along Old Maids Lane, a distance of 53.77 feet to an iron pin found;

Thence, South 88° 54' 35" East, along the Southerly boundary of Elizabeth R. Argo Living Trust (Instr. No. 200710180027174), a distance of 1377.18 feet to an iron pin found;

Thence, North 47° 47' 00" East, along the Southerly boundary of said Argo, a distance of 682.19 feet to a point in the centerline of Headley's Mill Road (County Road 28);

Thence, South 31° 13' 00" East, along the centerline of Headley's Mill Road, a distance of 60.64 feet to a point;

Thence, South 63° 10' 00" East, along the centerline of Headley's Mill Road, a distance of 712.70 feet to a point;

Thence, South 02° 03' 30" West, along the Westerly boundary of Suzette B. Thorson (Instr. No. 200608160017503), a distance of 718.36 feet to a point;

Thence, North 87° 55' 30" West, along the Northerly boundary of James R. and Barbara J. Thompson, Trustees (O.R. 731, page 916 and O.R. 761, page 208), a distance of 1691.50 feet to a 5/8 inch iron pin set;

Thence, North 01° 04' 49" East, a distance of 538.49 feet to a 5/8 inch iron pin set;

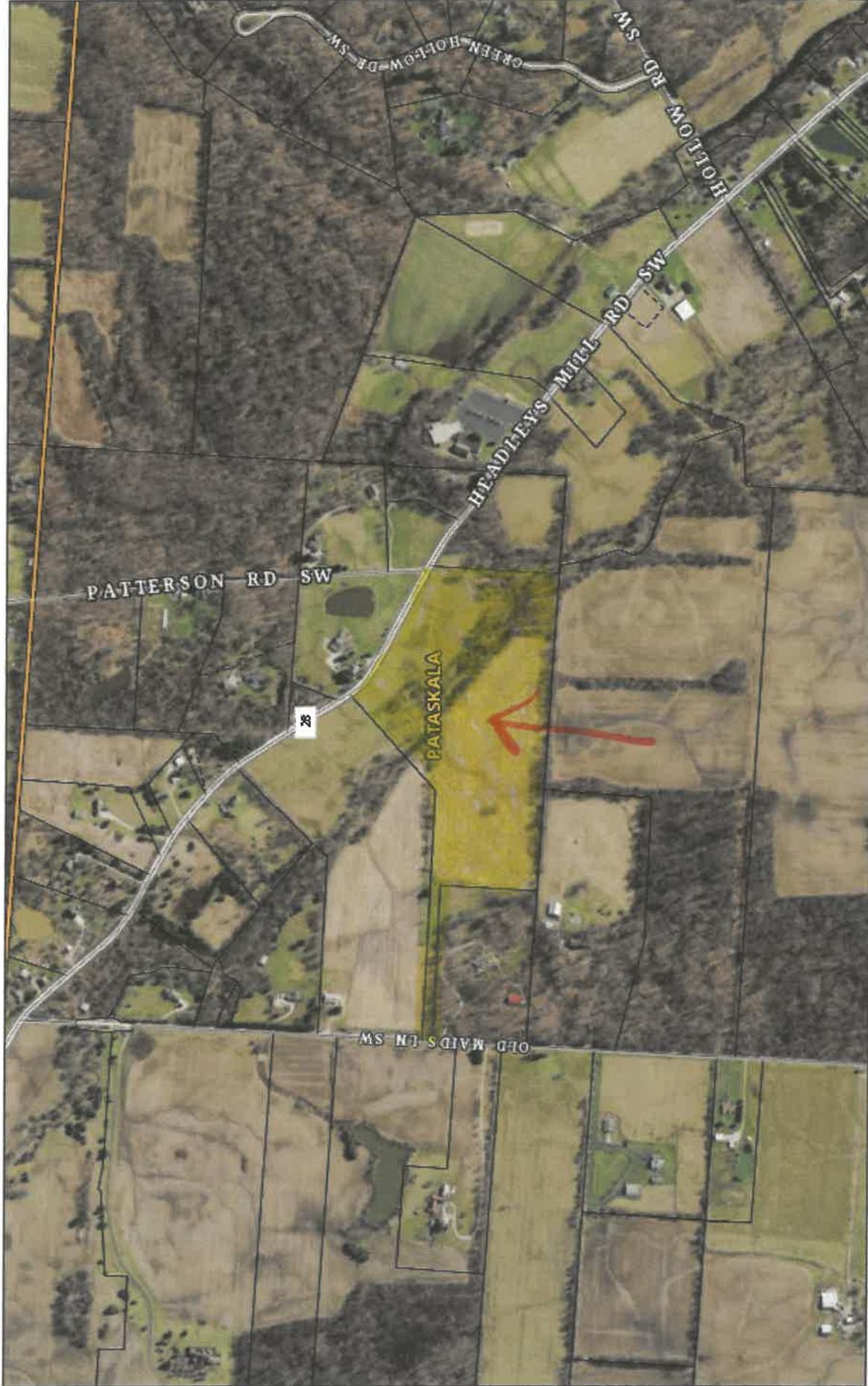
Thence, North 89° 36' 03" West, a distance of 844.55 feet to a place of beginning- **CONTAINING 31.033 ACRES**, more or less.

The above described tract was prepared by Samuel W. Vance, Registered Surveyor No. 6553 in November, 2007. Bearings Basis from Instr. No. 200710180027174. All pins set are 5/8 inch by 30 inch rebar with plastic caps stamped "Vance 6553".

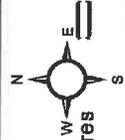
Property Address: Old Maids Lane, Pataskala, Oh 43062

Parcel Number: 063-140064-00-000

OnTrac Property Map



November 16, 2018



Owner Name & Acres

752 Feet
0.14 Miles

Jurisdictional Townships

Historical Townships Line

County Boundary

LICKING COUNTY TAX MAP

Centerline Labels

Interstate/US/State Route

Other Road Type

Municipal Corporations

County Boundary

Historical Townships Line

County Boundary

Licking County Auditor/GIS