



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

December 11, 2018

Variance Application VA-18-024

Applicant:	Brett Hatcher
Owner:	Brett Hatcher
Location:	14135 E Broad Street
Acreage:	1.99 acres
Zoning:	GB – General Business
Request:	Requesting a variance from Section 1295.09(b)(2)(C) of the Pataskala Code to allow for a freestanding ground sign that exceeds the maximum permitted sign face area.

Description of the Request:

The applicant is seeking a variance to allow for a permit to be issued for a 59.785-square feet freestanding ground sign that has installed. The sign exceeds the maximum permitted sign face area by 27.785-square feet.

Staff Summary:

The 1.99-acre property is operated in conjunction with the adjacent 1.00-acre parcel to the east (14067 E Broad Street) as a storage facility. Currently occupying the property are several storage buildings ranging from approximately 1,300-square feet to 9,200-square feet measured using tools available on the Licking County Auditor's website, as no additional information regarding the sizes of the buildings was available on the property card, also available via the Auditor's website.

The applicant has replaced the sign face on the existing freestanding frame with a sign the measures 119.57 inches x 72 inches, or 59.785-square feet. This exceeds the maximum permitted freestanding ground sign area of 32-square feet as stated in Section 1295.09(b)(2)(C) by 27.785-square feet, which is the amount for which a variance will be required.

In October of 2018 the Zoning Inspector discovered that a new sign had been installed the location. The property owner was notified that they were in violation of the Zoning Code for failing to obtain a zoning permit for the new sign. When the applicant submitted the zoning permit application, Staff discovered that the sign that had been installed exceeded the maximum permitted square footage for a freestanding ground sign, and the applicant submitted a variance request to allow for a permit to be issued for the sign.

According to the narrative statement supplied by the applicant, the existing sign and frame has been present on the property for over 10 years. The sign was refaced by the new management company to give

the property a more appealing look, and they feel that the variance will not be detrimental to the public or affect any government services. The applicant also included a photo of the previous sign, which shows the sign for the storage business, as well as 3 other spaces available for signage. The sign is not illuminated.

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 have potentially avoided the need for a variance by consulting with Staff prior to installing the sign and by installing a sign that met the 32-square feet maximum size. However, staff also understands the desire to use the existing sign frame, and having a sign face that uses the entire available area rather than having vacant sign space.

No other comments were submitted by any of the applicable agencies or departments that the application was routed to.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Vacant
East	GB – General Business	Single-Family House
South	LB – Local Business	Vacant
West	GB – General Business	Apartments

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-18-024:

- To increase the maximum allowable height or area of signs on a lot (it is suggested that the same should not be increased by more than 25%)

A 25-percent increase over the 32-square foot maximum would be 40-square feet. As constructed, the applicant's sign is an approximately 53-percent increase over the maximum permitted square footage.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Health Department – 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 conditions may be considered:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department for the sign.

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 from 1295.09(b)(2)(C) of the Pataskala Code for variance application VA-18-024 ("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: 14135 Broad Street SW		
Parcel Number: 063-147282-00.000		
Zoning: GB	Acres: 1.99	
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

Applicant Information		
Name: Brett Hatcher		
Address: 230 West Street		
City: Columbus	State: OH	Zip: 43215
Phone: 614-360-9034	Email: cory.bonda@marcusmillichap.com	

Property Owner Information		
Name: same as above		
Address:		
City:	State:	Zip:
Phone:	Email:	

Staff Use
Application Number: VA-18-024
Fee: \$300
Filing Date: 11-16-18
Hearing Date: 12-11-18
Receipt Number: 49952.5

Documents
<input type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code): Sign Variance per Section 1295.09 of City Code for maximum sign face area by 27 feet above the maximum 32
Describe the Project: Please 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:

11.15.18

**Pataskala Storage
Variance Application Narrative – Sign**

Per Section 1295.09(b)(2)(A) of the City of Pataskala Code, Pataskala Storage is requesting a variance for the maximum face area of a pole sign. The requested variance is to exceed the maximum face area by 27 feet. This pole sign has been on the property for over 10 years. In September 2018 the sign was refaced to give the front of the property a more appealing look. The sign is a non-illuminated sign & has a mostly white face with a natural blue & minor amounts of teal. We feel this sign is not detrimental to the public welfare and will not affect any governmental services. When taking over management of this property, the current owner was not aware that the existing sign face could not be fully used for the storage facility. We wanted to improve the appearance of the face of the property by repainting & repairing the sign at the front of the property. We feel this variance can not be obviated through some method other than a variance. The variance is the minimum variance that will afford relief & represent the least modification possible of the requirement at issue. This sign is in the middle of our parcel & does not impair the appropriate use of development of adjacent property. We appreciate your consideration on this variance request.

Taxes Due February 20th

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

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

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



RP OHIO
INVESTMENTS LLC
0.9

Search by:
Address
Search for:

Trouble Searching?



063-147282-00.000
PATASKALA STORAGE
LLC

14135 E BROAD ST
PATASKALA, OH 43062

Acres: 1.99
1.992 AC LOT 20 R15 T1
Q3

Land: \$280,500
Improv: \$247,000
Total: \$527,500

Sale Date: 08/07/2018
Amount: \$0
Conveyance: 99999
Valid Sale: No

Homestead: No
Owner Occ: No

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

BAIRO
JUDITH Y
0.75

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.
Using a low screen resolution? Try our Mobile Version.

<https://www.lickingcountyohio.us/>



Old Sign

72.in

119.57 in



Proposed Sign

OnTrac Property Map



November 8, 2018

Owner Name & Acres



County Road

Township Road

Other Road Type

Driveway

Interstates

Municipal Corporations

County Boundary

Jurisdictional Townships

Historical Townships Line

County Boundary

Licking County Auditor GIS

Centerline Labels

Interstate/US/State Route

LICKING COUNTY TAX MAP

* Sign Location

TRANSFERRED
Date AUGUST 7, 2018
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: CAO AK-M



201808070016202
Pg:3 \$36.00 T20180011255
8/7/2018 11:09 AM RXMITT BELL
Bryan A. Long Licking County Recorder

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
8-3-18 JW



18593682-TCM

FIDUCIARY DEED

Talon Title - C

KNOW ALL MEN BY THESE PRESENTS, that Rosemary Morgan, Trustee ("Grantor"), for valuable consideration paid, grants, with fiduciary covenants, to PATASKALA STORAGE LLC, an Ohio limited liability company, whose tax mailing address is _____, the following real property situated in the City of Pataskala, County of Licking and State of Ohio, and being more particularly described as follows:

See Exhibit "A" attached hereto and made a part hereof

Tax Parcel Numbers: 063-145914-00.000; 063-141402-00.000; 063-147282-00.000
Property Addresses: Summit Road, Pataskala OH 43062; 14067 East Broad Street, Pataskala, OH 43062; 14135 East Broad Street, Pataskala, OH 43062
Prior Instrument References: 20031020000043; 200301020000044; 200301020000045, Recorder's Office, Licking County, Ohio

Subject to real estate taxes and assessments; zoning ordinances; public right-of-ways; and restrictions, conditions and easements of record, and real estate taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, the said Grantor has caused this Deed to be executed and subscribed this 31st day of July, 2018.

Rosemary Morgan
Rosemary Morgan, Trustee

STATE OF OHIO :
: ss.
COUNTY OF DELAWARE :

The foregoing fiduciary deed was acknowledged before me this 31st day of July, 2018, by Rosemary Morgan, Trustee.

Matthew J. Roda
Notary Public
My Commission Expires: _____



MATTHEW J. RODA, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

This Deed Prepared By: Kayne Law Group, Co. P.A., 612 Park Street, Suite 100, Columbus, OH 43215



EXHIBIT AParcel 1: 14135 East Broad Street, Pataskala, OH 43062 (Parcel # 063-147282-00.000)

Situated in the State of Ohio, County of Licking, City of Pataskala, being located in Lot 20, Quarter Township 3, Township 1, Range 15, United States Military Lands and being Parcel 1 and Parcel 2 as conveyed to Rosemary Morgan by deed of record in Official Record 79, Page 490, all references being to records of the Recorder's Office, Licking County, Ohio and being more particularly described as follows:

Beginning at a point in the centerline of State Route 16 (East Broad Street), being located North 77 degrees 48' 45" East, a distance of 444.40 feet from a railroad spike at the centerline intersection of Summit Station Road;

thence North 77 degrees 48' 45" East, being along the centerline of said State Route 16 (East Broad Street), a distance of 176.42 feet to a point at the northeasterly corner of said Parcel 1;

thence South 4 degrees 07' 34" West, leaving said centerline and being along the easterly line of said Parcel 1, a distance of 542.31 feet to an iron pin at the southeasterly corner of said Parcel 1;

thence North 85 degrees 56' 54" West, being along the southerly line of said Parcels 1 and 2, a distance of 165.80 feet to an iron pin at the southwesterly corner of said Parcel 2;

thence North 3 degrees 43' 02" East, being along the westerly line of said Parcel 2, a distance of 492.99 feet to the place of beginning, containing 1.992 acres of land, more or less.

Parcel 2: 14067 East Broad Street, Pataskala, OH 43062 (Parcel # 063-145914-00.000)

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

Being the following described Real Estate:

Beginning at a point in the center line of East Broad Street and being North 73° 43' East 620.82 feet from a spike at the intersection of the center line of said road with the center of Summit Station Road; thence along the center line of East Broad Street, North 73° 43' East 81.98 feet to a point; thence along the west line of the Todd tract, South 0° 07' West (passing an iron pin at 31 feet) 565.02 feet to an iron pin; thence along the South line of the Clyde Layton tract, North 89° 53' West 78.69 feet to an iron pin; thence North 0° 07' East (passing an iron pin at 511.1 feet) 542.1 feet to the place of beginning, containing 1 acre more or less.

Parcel 3: Summit Road, Pataskala, OH 43062 (Parcel # 063-141402-00.000)

Situated in the County of Licking, State of Ohio, City of Pataskala, being located in the northwest part of Lot No. 19, Township 1, Range 15, United States Military Lands, and being more particularly described as follows:

Beginning for reference, at a spike found at the centerline intersection of Summit Road (60 feet in width, Twp. Rd., No. 26) and East Broad Street (State Route 16);

Thence South 00° 23' 08" West 368.20 feet to a spike found marking the northwest corner of said Lot 19, the southwest corner of a one acre tract conveyed to Old Summit Towne Restaurant & Motel (O.R. 704, pg. 722) and the principle point of beginning of the herein described tract;

Thence South 89° 13' 01" East 1455.50 feet, passing an iron pipe found at 30.0 feet, along the north line of said Lot 19, the south line of said 1 acre tract, a 1.663 acre tract conveyed to K. & P. Gelsner (O.R. 315, pg. 78S) and a south line of a 56 acre tract conveyed to B. M. Dixon (O.R. 257, pg. 755) to an iron pipe found in the west line of said 56 acre tract;

Thence South 00° 27' 01" West 576.20 feet along the west line of said 56 acre tract to an iron pipe found marking the northeast corner of 19.25 acre tract conveyed to V. E. Schoenborn as Parcel No. 1 (O.R. 102, pg. 328);

Thence North 89° 13' 01" West 1454.85 feet, passing an iron pipe set at 1424.85 feet, along the north line of said Parcel No. 1 to an iron pin found in the west line of said Lot 19 and the centerline of said Summit Road;

Thence North 00° 23' 08" East 576.20 feet along the centerline of said Summit Road to the principle point of beginning containing 19.248 acres more or less. Subject to all rights-of-way, easements and restrictions of record.

The basis of bearings for the above described tract is the north line of a 6.423 acre tract conveyed to the Summit Baptist Church (Deed Book 662, pg. 17a). All deeds and plats referenced are on file at the Licking County Recorder's Office. All iron pipes set are capped 'S.A.S. 7243'. Surveyed by Steven A. Solomon P.S. 7243 in December, 1991.

EXCEPTING THEREFROM THE FOLLOWING TWO (2) TRACTS:

Tract 1:

Situated in the State of Ohio, County of Licking, City of Pataskala, f.k.a. Township of Lima, being located in part of Lot No. 19, Township 1, Range 15, United States Military Lands, and being part of that 19.248 acre tract of land conveyed to Rosemary Morgan by deed of record in Official Record 421, page 19, all references being to records of the Recorder's Office, Licking County, Ohio and being more particularly described as follows:

Beginning for reference at a railroad spike found in the centerline intersection of East Broad Street (State Route 16) and Summit Road (Township Road 26);

Thence along the centerline of said Summit Road, South 0° 23' 00" West, a distance of 368.20 feet to a railroad spike found at the intersection of Lots 19, 20, 29 and 30 at the northwest corner of said 19.248 acre tract;

Thence continuing along the said centerline and being along the westerly line of said 19.248 acre tract and the westerly line of said Lot 19, South 0° 23' 08" West, a distance of 288.20 feet to a railroad spike set at the true point of beginning for the tract herein intended to be described;

Thence leaving said centerline and said westerly lines and crossing said 19.248 acre tract, being a line north of and parallel to the southerly line of said 19.248 acre tract, South 89° 13' 01" East (passing an iron pin set at 30.00 feet), a distance of 756.50 feet to an iron pin set;

Thence continuing across said 19.248 acre tract, being a line east of and parallel to the said centerline and said westerly line of Lot 19 and said westerly line of said 19.248 acre tract, South 0° 23' 08" West, a distance of 288.00 feet to an iron pin set in the northerly line of that 19.25 acre tract, First Parcel, conveyed to Vincent E. Schoenborn, et al., by deed of record in Official Record 102, Page 328, being in the southerly line of said 19.248 acre tract;

Thence being along the northerly line of said 19.25 acre tract, along the southerly line of said 19.248 acre tract, North 89° 13' 01" West, a distance of 756.50 feet (passing an iron pin found at 726.50 feet) to an iron pin found in the centerline of said Summit Road on the westerly line of said Lot 19 and on the westerly line of said 19.248 acre tract;

Thence leaving the northerly line of said 19.25 acre tract and being along the centerline of said Summit Road and along the westerly lines of said Lot 19 and said 19.248 acre tract, North 0° 23' 08" East, a distance of 288.00 feet to the true

point of beginning, containing 5.002 acres of land, of which 0.198 acre lies within the present right-of-way of Summit Road, leaving a net acreage of 4.804 acres of land, more or less.

Tract 2

Situated in the Township of Lima, (now City of Pataskala 1996), County of Licking, State of Ohio, and being a part of Lot No. 19, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows:

Being a survey of a part of an original 19.248 acre parcel conveyed to Rosemary Morgan, as recorded in Official Record Volume 543, Page 157, in the Licking County Official, and further described as follows:

Commencing at a railroad spike found in the centerline of Summit Road (Twp. Road 26) marking the Northwest corner of said 19.248 acre parcel of which this description is a part, and being on the North line of Lot 19; said spike bears S 00° 23' 08" W 368.20 feet from a railroad spike found marking the intersection of the centerline of Summit Road and E. Broad Street (State Route 16);

Thence S 89° 13' 01" E 1304.30 feet leaving the centerline of Summit Road with the North line of said 19.248 acre parcel, the same being the North line of Lot 19, to an iron pin set on the South line of a parcel conveyed to B. Madeline Dixon, as recorded in Official Record Volume 257, Page 755, being the principle place of beginning of the tract herein to be described, and passing over a 5/8" iron pin found at 30.00 feet;

Thence S 89° 13' 01" E 151.20 feet continuing with the North line of said 19.248 acre parcel and Lot 19, the same being the South line of said parcel conveyed to Dixon, to a 2" iron pipe found marking the Northeast corner of said 19.248 acre parcel;

Thence S 00° 27' 01" W 576.20 feet with the East line of said 19.248 acre parcel, the same being the West line of said parcel conveyed to Dixon, to a 2" iron pipe found marking the Northeast corner of a 19.25 acre parcel conveyed to James O. Morgan, Trustee, ETAL, as recorded in Official Record Volume 612, page 222;

Thence N 89° 13' 01" W 151.20 feet with the North line of said 19.25 acre parcel, the same being the South line of said 19.248 acre parcel of which this description is a part, to an iron pin set;

Thence N 00° 27' 01" E 576.20 feet with a line across said 19.248 acre parcel, to the place of beginning, and containing 2.000 acres, more or less, and is subject to all legal easements and right of ways of record.

The bearings of the above description are based on the North line of Lot 19 as S 89° 13' 01" E.

Net acreage remaining: 12.248 acres, more or less