

CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 11, 2019

Variance Application VA-19-001

Applicant: Tarek Alhesay **Owner:** Tarek Alhesay

Location: 25 West Avenue and four (4) adjacent parcels to the North

Acreage: +/- 0.46 Acres

Zoning: R-20 – Medium-Density Residential District

Request: Requesting approval of a variance from section 1291.10(1) of the Pataskala

Code to allow for three (3) commercial vehicles exceeding the maximum commercial vehicle weight to be parked on a residentially zoned lot.

Description of the Request:

The applicant is seeking a variance to allow for three (3) commercial vehicles: two (2) 26-foot box trucks and one (1) 16-foot box truck, that exceed the maximum commercial vehicle weight for a residentially zoned property to be parked and stored at 25 West Avenue.

Staff Summary:

The 0.42-acre property at 25 West Avenue is currently occupied by an approximately 1,500-square foot single-story residence built in 1999, and a small shed of unknown size. In addition to this parcel, the applicant also owns the four (4) adjacent parcels to the north (PIDs: 063-146160-00.000, 063-146148-00.000, 063-146154-00.000, 063-146166-00.000) each approximately 0.1-acres in size. A portion of these properties are occupied by a dilapidated gravel lot, with two (2) additional storage sheds of unknown size.

On January 10, 2019, Staff received a telephone call from a neighbor near 25 West Avenue, who submitted a complaint regarding bright spotlights from the property shining into their home, and moving trucks being parked on the property. The Zoning Inspector was able to visit the property and speak with the Applicant that same day.

During that site visit, the Zoning Inspector observed that the applicant had begun to re-gravel the deteriorating gravel parking lot. The Applicant was informed that the existing gravel area could be repaired, however any further expansion of the gravel lot would be in violation of the Zoning Code; and would require a permit. The Zoning Inspector also briefed the owner on the complaint, and how the property was in violation of the Zoning Code for the lights and vehicles.

Section 1291.10(1) of the Pataskala Code states that no commercial vehicles weighting 6,501-pounds or more shall be stored, parking, or allowed on a residentially zoned lot. However, 1 commercial vehicle, weighing 6,500 pounds or less, limited to a 2-axle construction which has operating characteristics similar

to those of a passenger car and/or does not infringe upon the residential character of the residentially zoned district may be permitted. A comparable 15-foot box truck from U-Haul has a Gross Vehicle Weight of 14,500-pounds.

The lights have since been adjusted, and Staff has received no further complaints regarding the lights. During that site visit, the Applicant explained that the previous owner of the property as well as the realestate agent, had stated that parking commercial vehicles at this location would be allowed. This statement is also re-affirmed by the Applicant's Narrative. Staff informed the Applicant that they could apply to pursue a variance from the section of code prohibiting the parking of commercial vehicles in a residential area, apply to have the property rezoned, or apply for a use variance.

Additionally, the Applicant has stated in their Narrative Statement that the were unaware of the Zoning Regulations before purchasing the property, and that the presence of other commercial vehicles and small businesses in the neighborhood lead them to believe that it was permitted. Also stated in the Narrative is their intention to clean up the property of debris left by the previous owner, and to turn the home into a residential rental property.

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

In the supplied Narrative, the Applicant stated that the previous owner had informed him that parking of commercial vehicles would be permitted. The Zoning Inspector has submitted comments stating that the previous owner had been cited twice in 2018 for the same violation (commercial vehicles parked at a residential property). The previous owner was given two (2) written notices, after which they removed the vehicles. Despite this, the vehicles were later brought back to the property. This time the Previous Owner was given thirty (30) days to remove the vehicles, otherwise a court summons would be issued. The Previous Owner sold the property and moved the vehicles prior to the thirty (30) day deadline. The Applicant was informed of the Previous Owner's violations during the site visit. The Zoning Inspector's full comments are included.

Staff is aware of the issues concerning existing code violations in this neighborhood, notably other commercial vehicles and non-permitted businesses. As stated in the Zoning Inspector's comments: Forty (40) Code violations were issued for fourteen (14) different properties in this neighborhood in 2018 alone. Five (5) of those were for commercial vehicles. Progress is being made, and enforcement efforts will continue to bring properties into compliance. Staff has concerns that allowing one property to deviate from the standards of the Code will have an adverse effect on neighboring properties.

The Applicant has also stated in the narrative that the existing home will remain a residential use, as a rental property. However, on the website for the Applicant's business, the address for which this variance has been requested is listed as Business' location on the homepage (See Zoning Inspector Comments). This leads Staff to have concerns whether an actual business is being operated on the property, which would be in violation of the Code. The Applicant's Business would fall under the North American Industry

Classification System (NAICS) Section 484210 – Used Household and Office Goods Moving definition. 484210 Uses are not permitted in the R-20 – Medium Density Residential Zoning District and would necessitate a rezoning to another district, or a use variance.

Currently, the only Zoning Districts that this would be possible are M-1 – Light Manufacturing and PM – Planned Manufacturing, albeit as Conditional Uses. The Applicant would also be unable to operate the property as both a residential rental unit, and an office. The Applicant would also be unable to apply for a Home Occupation Permit, as they do not reside at the property, and would not conform to Section 1267.05(D) of the Pataskala Code which limits the number of vehicles associated with a home occupation to one (1) and limits the size of said vehicle to the same standards of Section 1291.10(1).

Surrounding Area:

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single-Family Home
East	R-20 – Medium Density Residential	Single-Family Home
South	R-20 – Medium Density Residential	Single-Family Home
West	R-20 – Medium 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;
- 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 con 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-19-001:

None

Department and Agency Review

- Zoning Inspector See Attached
- 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 within one (1) year of the date of approval.
- 2. The Applicant shall not operate an office on the premises without required approvals.
- 3. The Applicant shall not expand the gravel lot beyond its current dimensions.

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 1291.10(1) of the Pataskala Code for variance application VA-19-001 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

January 25, 2019 25 West Variance Request VA-19-001

BZA Members,

January 10, 2019 call from a neighbor living by 25 West Ave. Complaint about bright spotlights from property shinning into her house and moving trucks being parked on the property. Stopped out same day and spoke to Mr. Alhesay regarding complaints.

Mr. Alhesay has adjusted floodlights correcting this complaint. He was upset when informed city code did not permit parking commercial vehicles on the property and needed to remove them.

Stated to me he was told <u>by previous owner and real estate agent</u> parking the commercial vehicles would be allowed. This is repeated in his written narrative on variance application: "Last owner do not say trucks were not allowed at the location."

Informed Mr. Alhesay that "Last owner," Kayla Gardner, he purchased the property from, <u>had</u> been cited twice in 2018 for this same violation, Commercial Vehicles in Residential area.

Previous owner, Kayla Gardner violations:

- May 14,2018 1st written notice of violation to Kayla Gardner placed on the property.
- May 23,2018 2nd written notice certified mailed to Kayla Gardner.
- **Sept 26,2018** Written notice by certified mailed to Kayla Gardner. Brought 2 commercial vehicles back onto the property, knowing this was in violation of city code.
- Oct 8,2018 Was asked to allow 30 days to remove the commercial vehicle "<u>as they had the property sold and would be moving."</u> Advised that after 30 days Mayor's Court summons would be issued.

Informed Mr. Alhesay that the previous owner or real estate agent cannot allow him to violate city code. He would need to discuss that issue with them. Advised other than moving vehicles was to request a variance from the code.

Also stated in applicant's variance application:

"to park three trucks at 25 West Ave. Pataskala, Ohio (1) 16ft truck, (2) 26 ft trucks" Applicant is requesting variance for parking commercial vehicles and has not requested a business or conditional use this at 25 West Avenue. Currently 25 West Avenue is listed as his business address/location for his business, Huffy's Movers. (see attached website page)

Also stated in applicant's variance application:

"making a home for someone in need." Property is in violation as there is not a Commercial Certificate of Compliance or a Conditional Use permit approved for this property. Allowing a tenant to reside at business location can be a violation.

In 2018 there were 40 Code violations issued on 14 different properties in this neighborhood, 5 for Commercial Vehicles parked in the area.

2018 there were 3 vacant houses demolished in this neighborhood, at no cost to Pataskala taxpayers. Two in cooperation with the Licking County Land Bank and one by the property owner.

One New house has built in the area with plans for a 2nd new residential house in spring of 2019.

Progress is being made and plans are to continue enforcement efforts with Zoning and Code Enforcement to help improve and enhance this residential zoned area.

Allowing the parking of Large commercial vehicles in the residential zoned area would have an adverse effect on this neighborhood as a residential area.

Steven Blake Zoning Inspector City of Pataskala



(614) 376-3157 (614) 999-8705

HOME

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RESIDENTIAL

ECO-BOX RENTALS

INVENTORY

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PRIVACY POLICY

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Huffy's Movers Inc is a moving company in Columbus, Ohio, that specializes in local and long-distance moves. We also offer cleaning services for residential properties. We have helped with moves for more than five years and are the most trusted company in the area for moving services.

Come to us for everything from relocation services and packing services, to residential cleaning and more. Clients appreciate our quality service because we employ local Ohioans, all of whom are professional and reliable. We take pride in the work we provide to our loyal and devoted clients.

Trust Huffy's Movers Inc for our expertise in home and office movers for clients in the Columbus, Ohio and surrounding areas.

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- ⇒ Friendly and courteous staff
- ⇒ USDOT Number
- ⇒ PUCO Number
- ⇒ MC Number

Contact

If you have questions for us, we're glad to answer. You can reach us several different ways, so choose what works best for you.

Main Phone: (614) 376-3157 Cell Phone: (614) 999-8705

Email: info@huffysmoversinc.com

Service Area

Columbus, OH and all surrounding areas

Hours of Operation Monday - Saturday:

7:00 a.m. - 7:00 p.m. Sunday: 9:00 a.m. to 5:00 p.m.

If you call after hours, please leave a message, and we'll return your call the next business day.







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Employment Application

25 west ave Southwest Pataskala. 0H 43062 info@huffysmoversinc.com |HUFFYSMOVERSINC.COM |Phone: (614) 999-8705 |Cell: 614-376-3157

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September 26, 2018

Kayla Gardner 25 West Avenue Pataskala, Ohio 43062





VIOLATION LETTER

Kayla Gardner,

The Pataskala Planning and Zoning Department is hereby notifying you that a violation of the Codified Ordinances of the City of Pataskala exists at 25 West Avenue, Pataskala, Ohio 43062

It is a violation of the Codified Ordinances of the City of Pataskala to:

Commercial Vehicles parked in a residential zoned district are not permitted. City Code 1291.10(A)(1)

Failure to resolve this matter within 10 days could result in a fine of \$150.00 per violation. Each day the violation continues is considered a separate offense. If you are the owner of this property, you have the right to appeal this violation.

The City of Pataskala seeks voluntary cooperation from the community to resolve these matters and avoid having to take additional action. Your cooperation in resolving this matter is greatly appreciated.

Should you have any questions, please feel free to contact me by phone at 740-927-3885 or via email at sblake@ci.pataskala.oh.us.

Sincerely,

Steven Blake Zoning Inspector

CC: Lisa Paxton, Zoning Clerk File Number: 18-561 PID# 063-145002-00.000 Cert# 7016 0680 0000 3688 2623 May 31, 2018

Kayla Gardner 25 West Avenue Pataskala, Ohio 43062





Planning and Zoning
Department

VIOLATION LETTER

Kayla Gardner

The Pataskala Planning and Zoning Department is hereby notifying you that a violation of the Codified Ordinances of the City of Pataskala exists at 25 West Avenue, Pataskala, Ohio 43062

It is a violation of the Codified Ordinances of the City of Pataskala to:

Allow the unauthorized accumulation of refuse on any premises pursuant to Section 953.03 of the Code.

Failure to resolve this matter within 10 days could result in a fine of \$150.00 per violation. Each day the violation continues is considered a separate offense. If you are the owner of this property, you have the right to appeal this violation.

The City of Pataskala seeks voluntary cooperation from the community to resolve these matters and avoid having to take additional action. Your cooperation in resolving this matter is greatly appreciated.

Should you have any questions, please feel free to contact me by phone at 740-927-3885 or via email at sblake@ci.pataskala.oh.us.

Sincerely,

Steven Blake Zoning Inspector

CC: Lisa Paxton, Zoning Clerk File Number: 18-252 PID# 63145002000000 Cert# 7015 0640 0002 5307 1164 Kayla Gardner 25 West Avenue Pataskala, Ohio 43062



COURTESY LETTER

Kayla Gardner,

The Pataskala Planning and Zoning Department is extending a friendly reminder to make you aware of a concern that exists at 25 West Avenue, Pataskala, Ohio 43062.

You may not have been aware that:

The unauthorized accumulation of refuse on any premises is prohibited per Section 953.03 of the Code.

The City of Pataskala seeks voluntary cooperation from the community to resolve these matters and avoid having to take additional action. Your cooperation in resolving this matter is greatly appreciated.

Should you have any questions, please feel free to contact me by phone at 740-927-3885 or via email at sblake@ci.pataskala.oh.us.

Sincerely,

Steven Blake Zoning Inspector

CC: Lisa Paxton, Zoning Clerk File 18-252 PID# 6314500200000



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information			Staff Use	
Address: 25 West Ave 1	Pataskala	OH 43062	Application Number:	
Parcel Number: 063-145002-00.000			VA-19-001	
Zoning: R-20 Acres: 0.42		Fee:		
Water Supply:			\$ 300	
☐ City of Pataskala ☐ South West Licking ☐ On Site		Filing Date:		
Wastewater Treatment:			1-10-19	
☐ City of Pataskala ☐ Sou	th West Licking	☐ On Site	Hearing Date:	
			2-11-19	
Applicant Information			Receipt Number:	
Name: Tarek Alhesay			499590	
Address: 25 West Ave	2			
city: Patas Kala	State: O#		Documents	
Phone: (614) 999-8705	Email:	c our community of ohio	Application	
6			Fee	
Property Owner Information			☐ Narrative	
Name: Carek Alhesey			Site Plan	
Address: 53 Branville Hawasha Trail			Deed	
city: Granville	State: OH	Zip: 43023	Area Map	
Phone: 614 -999-8705	Email: 6 arcon	munity afohal		
Phone: 614 -999-8705 Email: Our community of chica gravel Gay				
Variance Information				
Request (Include Section of Code):				
1291.10 (A)(1)				
Describe the Project:				
Ave Pataskala, OH (1) 1654 truck, (2) 2668 trucks				
Ave Pataskala of (1) 1650 truck, (2) 2614 trucks				
-				

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:
 - 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.
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

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:	
Lavele & Chesay Che	1/10/2019	

Jack Kuntzman

From:

Huffy's Movers INC <ourcommunityofohio@gmail.com>

Sent:

Friday, January 11, 2019 8:35 AM

To: Subject: Jack Kuntzman Re: Variance

Follow Up Flag:

Follow up

Flag Status:

Flagged

The reason the variance is I had purchase property for rental property needing to park trucks on one side of the property, not knowing the of the zoning restrictions. The last owner do not said the truck were not allowed at the location. We find an that their were other small business on the street. I was looking forward to cleaning the property, and making a home for someone in need. I believe that if variance is granted we will work on improving the property every year, also increasing the value of the property and a positive tax revenue for Pataskala, Ohio and Licking county.

We do not have anywhere to place the trucks, which are (1) 16ft and (2) 26ft truck, they are small truck. Thanks for your time and patience with matter. I do love Pataskala, Ohio.

Tarek Alhesay 25 West Ave.SW Pataskala, Ohio 43062

On Thu, Jan 10, 2019, 2:13 PM Jack Kuntzman < jkuntzman@ci.pataskala.oh.us> wrote:

Jack Kuntzman

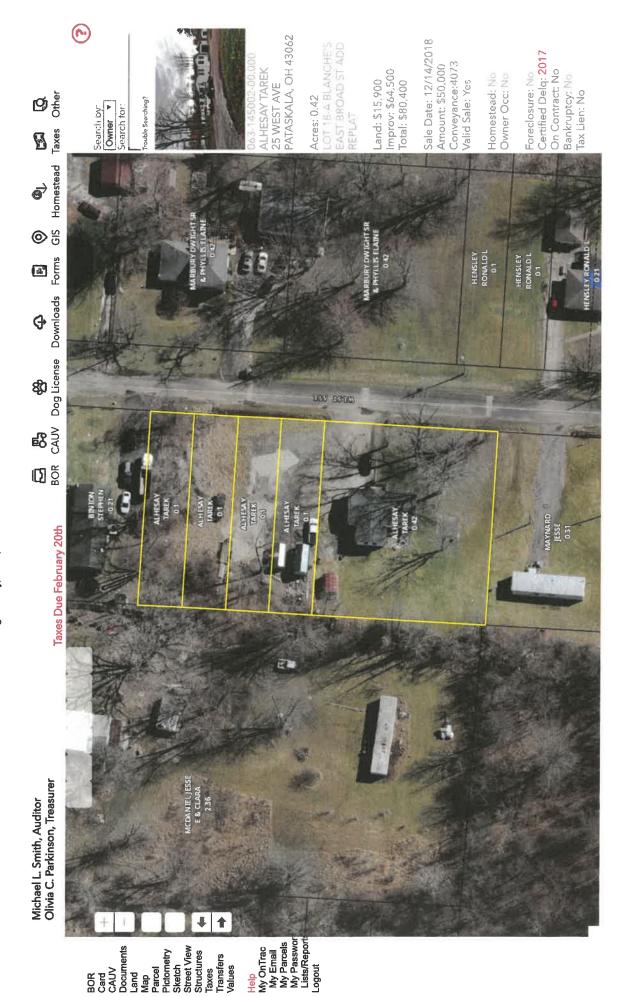
City Planner

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

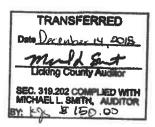
Phone: 740-964-1316



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LICKING COUNTY ENGINEER
APPROVED BY
12 14 208





Pgs:2 528.00 T20180018618
12/14/201812:21 PM BXALL OHIO
Bryan A. Long Licking County Records:

General Warranty Deed

(pursuant to O.R.C. §5302.01 through O.R.C. §5302.06)

Kayla Gardner, unmarried, for valuable consideration paid, grant(s), with general warranty covenants, to Tarek Alhesay, whose tax mailing address is

53 High Wattail Granville the following real property:

PARCEL ONE

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

Being Lot Numbers Eighteen (18), Nineteen (19), Twenty (20) and Twenty-one (21) of BLANCHE'S EAST BROAD STREET ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 152, now known as Lot 18-A of BLANCHE'S EAST BROAD STREET ADDITION REPLAT OF LOT NUMBERS 9 THROUGH 21, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 14, page 362, Recorder's Office, Licking County, Ohio.

PARCEL TWO:

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

Being Lot Numbers Twenty-two (22), Twenty-three (23), Twenty-four (24) and Twenty-five (25) of BLANCHE'S EAST BROAD STREET ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 152, Recorder's Office, Licking County, Ohio.

Property Tax ID:

063-145002-00.000; 063-146148-00.000; 063-146154-00.000;

063-146160-00.000; 063-146166-00.000

Property Address:

25 West Ave. and West Ave. Pataskala, OH 43062

Prior Instrument Reference: Instrument Number 201812130026371 and 201701170001154, Recorder's Office, Licking County, Ohio.

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.



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