



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

April 8, 2019

Variance Application VA-19-004

Applicant:	Ross Cherneta
Owner:	LRC Harmon, LLC
Location:	40 Cypress St SW Reynoldsburg, OH 43068
Acreage:	+/- 6.00 acres
Zoning:	M-1 – Light Manufacturing District
Request:	Requesting approval of a variance from Section 1279.03(A)(1) of the Pataskala Code to allow for a fence exceeding 48-inches in height to be erected in front of the building setback line.

Description of the Request:

The applicant is seeking approval of a variance to allow for a fence that exceeds the 48-inch height limit for fences erected in front of the front building setback line.

Staff Summary:

The 6.0-acre property located at 40 Cypress St is currently occupied by an approx. 3,000-square foot commercial building with 18,000-square feet of concrete paving surrounding it. An additional approx. 60,000-square feet of area is occupied by a gravel lot. Access to the property is served by two concrete driveways off Cypress St. on the south side of the parcel. The parcel in question is a corner lot, as it sits adjacent to two right-of-ways, Cypress St SW and Klema Dr W.

Section 1279.03(A)(1) of the Pataskala Code states: “A fence or wall not exceeding 48-inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line”. As the property is a corner lot, Pursuant to Section 1251.05(C)(4), the building lines for all street frontages shall be the same required for the front yard. In the M-1 District, the front yard setback is 50-feet for properties with central sewer and water (1251.05(C)(1)). Applying these regulations to the property, any fence erected between a line 50-feet from the property line up and up to 3-feet off the street right-of-way line must be 48-inches (4-feet) in height.

The applicant is requesting a variance from this to allow for the construction of a fence 72-inches (6-feet) in height along the east property line bordering Klema Dr W. The proposed fence will run the full length of the east property line, or approx. 800-feet. A separate section of fence, 48-inches in height, will be erected along the south property line that is the frontage onto Cypress St SW. However, as this complies with the 48-inch height requirement, a variance will not be needed for this section of fence. Each fence will be built between 15 to 20-feet behind the street right-of-way line.

As stated in the supplied Narrative Statement, the applicant believes a 6-foot high fence with privacy inserts is needed to ensure the property is secure given the nature its use as a commercial distribution and delivery center. Trucks and trailers will be stored for short periods of time, which must be protected. The applicant has also stated that they will plant bushes and evergreen trees on the outside of the fence facing the streets to conceal the fence and improve the appearance of the property.

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

As stated above, pursuant to Section 1279.03(A)(1) of the Pataskala Code any fence erected between the building setback line established by the base zoning district, and a line 3-feet behind the right-of-way line shall be limited to a height of 48-inches (4-feet).

The Applicant is proposing to construct a 72-inch fence (6-feet) at 15 to 20-feet behind the right-of-way line which will put it within the area where fences are limited to 48-inches. The proposed variance is for an additional 24-inches (2-feet) of fence height. Staff does not believe there will be an issue with the proposed fence height. However, with the proposed landscaping, Staff would like to ensure that sight visibility is maintained at the corner of Cypress St SW and Klema Dr W. When applying for the Fence Permit, Staff would ask that the proposed landscaping be included on the site plan for review, a possible modification has been added to address this.

No comments were received from applicable Departments and Agencies.

Surrounding Area:

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing R-20 – Medium Density Residential	Railroad Tracks Single-Family Homes
East	M-1 – Light Manufacturing	Industrial Uses
South	M-1 – Light Manufacturing	Industrial Uses
West	M-1 – Light Manufacturing	Industrial Uses

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-19-004:

- None

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 within one (1) year of the date of approval.
2. The Applicant will include details for the proposed landscaping on the Fence Permit Application.

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 Section 1279.03(A)(1) of the Pataskala Code for variance application VA-19-004 (“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: 40 Cypress St. Reynoldsburg OH 43068	
Parcel Number: 063-140430-00.015	
Zoning: M-1 Light Manufacturing	Acres: 6
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	

Staff Use
Application Number: VA-19-004
Fee: \$300.00
Filing Date: 3-14-19
Hearing Date: 4-8-19
Receipt Number: 499643

Applicant Information		
Name: Ross Cherneta		
Address: 1966 Westbrook Village Dr		
City: Columbus	State: OH	Zip: 43228
Phone: 614 806 8127	Email: operations@RL-Exp.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: LRC Harmon LLC		
Address: 1966 Westbrook Village Dr.		
City: Columbus	State: OH	Zip: 43228
Phone: 614-519-1956	Email: operations@rl-exp.com	

Variance Information
Request (Include Section of Code): 1279.03 A.1. A fence or wall not exceeding 48 inches in height.
Describe the Project: LRC Harmon LLC would like to put a privacy fence in the front and side of the property to safeguard its equipment and products that will be stored/used on the property to conduct everyday business activity. Since the property has a road in front and side of it, a variance is requested to put the fence that will exceed 48 inch height requirement.

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.
- 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):

Roxan Cherufe

Date:

3.14.19

Property Owner (Required):

Roxan Cherufe

Date:

3.14.19

Variance Narrative Statement

Project Location: 40 Cypress St. Reynoldsburg Ohio 43068

Parcel 063-140430-00.015

To whom it may concern,

LRC Harmon LLC. is asking for a variance for the code 1279.03(A)(1) which states that a fence or wall not exceeding 48 inches in height should face the road. The parcel in question is bordered by two streets, Cypress St. in the front of the property (south border of property) and Klema Dr. on the side of the property (east border of the property). Without the variance the code states that any side of the property facing the street, in this case both front of the property and side, should have a fence no higher than 4 feet in height. The property was and will be used as a commercial distribution/delivery center, where deliveries by semi-trucks will be brought and taken out of the property. In the nature of business, material and equipment, like trailers, enclosed or flatbed open, pallets of equipment, semi-trucks, driver's cars, will be stored for some period of times at the property. It's highly important to protect the equipment and assets of the company, hence the need to erect a fence around the property to deter theft, vandalism and protect business operations. With the 4 foot fence requirement currently stated in the code, the fence would not be able accomplish the expressed goal of the fence due to limited height. Also most of the readily available commercial privacy fence comes in a standard height of 6ft. height. The variance is requested to allow the fence to be 6ft in height instead of 4ft, so the business equipment stored on the property can be properly protected. LRC Harmon LLC. will plant bushes and trees (evergreens) on the outside of the fence facing the streets to conceal the fence from the roads and to improve the appearance of the property from its current conditions. The variance is requested because without it the business cannot proceed to function and expand due to liabilities of out in the open equipment, vehicles, and business assets. The property must be fenced in with at least 6 ft. fence in order for the operation to expand its business hours and throughput, and that can only be done with a fence around the property for proper protection of business operations.

MEASURE



GYPPRESS ST SW

063-140430-00.015

*Existing building
garage parking
garage parking
450' x 290' ft. lot*

800 ft. lot height

KLEMA DR W

063-140430-00.017

063-140430-00.011

063-140430-00.014

KLEMA DR N

063-140430-00

063-14

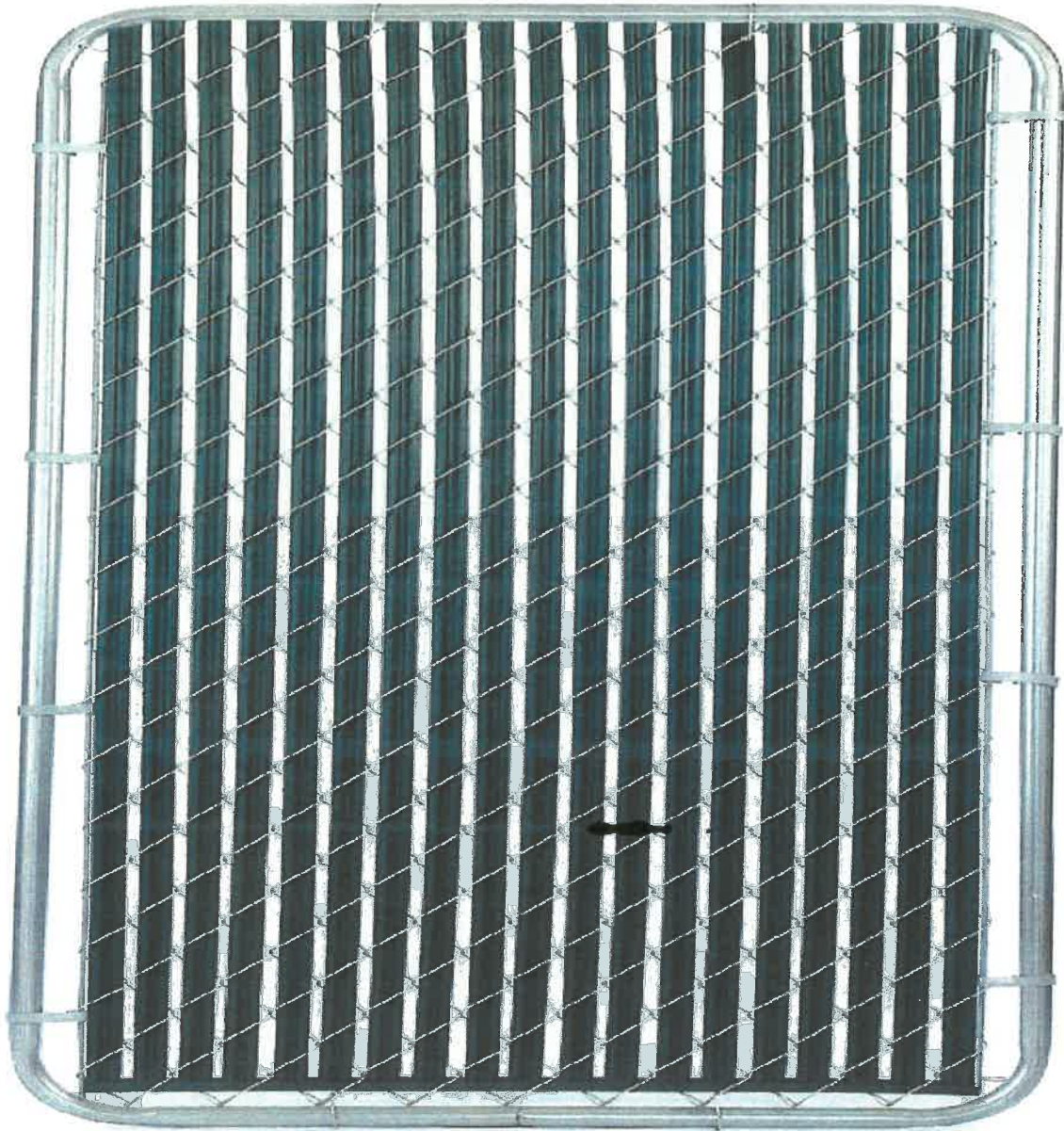
Measurement

907

75 02-51

240 ft





- Front will be a 4ft height chain link fence without privacy vinyl. 290ft along the front property line, at least 3ft away from property line or right-of-way.
- The side fence will be 6ft height chain link fence with privacy vinyl in between. will stay away at least 3ft from either property line or street right away.

TRANSFERRED
Date March 5 2019
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: JAE 1860.00

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
Jared N. Knerr 3-5-19



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Page: 3 536.00 T3019000341
3/5/2019 9:01 AM BKSTRWAR1
Bryan A. Long Licking County Records

File No.: 351781

GENERAL WARRANTY DEED

Catherine J. Schmid, married, for One Dollar and No Cents (\$1.00) and other good and valuable consideration paid, grants with general warranty covenants to LRC HARMON LLC, an Ohio limited liability company their successors and assigns forever, whose tax mailing address is:
1916 Westbrook Village Drive, Columbus, OH 43228
the following described real estate:

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

Property Address: 40 Cypress Street, ^{Reynoldsburg} ~~Reynoldsburg~~ OH 43068

Parcel Number: 063-140430-00.015

Prior Instrument Reference: Official Record 399, Page 3 of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.
Executed this 25 day of February, 2019.

Stephen W. Schmid, husband of Catherine J. Schmid, signing solely to release his dower rights.

Catherine J. Schmid
Catherine J. Schmid
Stephen W. Schmid
Stephen W. Schmid

Stewart Title Agency
of Columbus Box
101 CH



State of Ohio, County of Cuyahoga

This foregoing deed was acknowledged before me this 28th day of February, 2019 by Catherine J. Schmid and Stephen W. Schmid.

Cheryl M. Kirkbride
Notary Public
My Commission Expires: _____

This instrument was prepared by:

Joe Budde, Attorney at Law
259 W Schrock Rd
Westerville, OH 43081

Cheryl M. Kirkbride, Attorney at Law
Notary Public, State of Ohio
My Commission has no expiration date
Section 147.03R.C.



EXHIBIT "A"
LEGAL DESCRIPTION

Parcel I:

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

Being Lot Numbers 19 and 20 in Taylor Road Commercial Park Section 2, which were comprised from a 6.000 acre tract, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 14 page 128, as amended by Plat Book 15 page 341, Recorder's Office, Licking County, Ohio.

Parcel II:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 399 page 3.

Parcel III:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 354 page 126.

Parcel IV:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 359 page 33.

