



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-19-005

Applicant:	Ross Cherneta
Owner:	LRC Harmon, LLC
Location:	40 Cypress St. Reynoldsburg, OH 43068
Acreage:	+/- 6.00 acres
Zoning:	M-1 – Light Manufacturing District
Request:	Requesting approval of a variance from Section 1291.02(A)(4) of the Pataskala Code to allow for a gravel extension to the existing parking lot to be installed.

Description of the Request:

The applicant is seeking approval of a variance to allow for a gravel parking lot extension to be installed to the existing area.

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.

Pursuant to Section 1291.02(A)(4) of the Pataskala Code: “All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable and dust-free surface that meets the minimum requirement sand specifications of the City Engineer”. The applicant is requesting a variance to expand the existing gravel parking area for an additional row of trailer parking. The size of the proposed expansion is 230-feet to match the existing width and 100-feet of additional length.

The Applicant stated in the submitted Narrative Statement that the expansion is needed to keep up with current business and expansion plans. The existing gravel lot limits how much delivery intake they can handle at any one time. Further stated in the Narrative, the applicant is worried that a concrete or asphalt parking extension would be damaged by dragging existing gravel onto its surface.

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

As stated above, pursuant to Section 1291.02(A)(4) of the Pataskala Code, all off-street parking surfaces shall be of hard-surfaced asphalt, concrete, or pavers. Gravel is prohibited, hence the need for a variance.

Staff understands the Applicant’s concerns regarding the addition of a paved surface to an already large existing gravel lot, as damage may result. In addition, as the proposed expansion is in an industrial area, Staff believes the character of surrounding properties will not be affected. Staff has no other concerns with the proposal.

City Engineer

1. The conditions of the OEPA General Construction Permit must be adhered too and a Stormwater Pollution Prevention Plan needs submitted for construction activities.
2. Stormwater Calculations will need submitted due to the amount improvements being proposed.

Public Service Director

1. Code Section 1119.01(d)(2) requires development projects creating impervious area of greater than 0.2 acres (8,712 square feet) to adhere to the City’s Stormwater Management Regulations.
 - i. Note that Code Section 1119.01(c) applies this requirement as cumulative to the entire development site, and not just any phase thereof.
2. The proposed new gravel area dimensioned in the application is 23,000 square feet (0.53 acres), with the existing impervious and parking surface being approximately 1.62 acres. The total area of impervious and parking area will then be 2.15 acres.
3. While gravel is not 100% impervious, installing a gravel parking lot will increase runoff.
4. In accordance with the above, it is the opinion of the Public Service Director that stormwater management practices in accordance with chapter 1119 of Pataskala’s Code should be provided for this development project.

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-19-005:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- 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 address all comments of the City Engineer and the Public Service Director.

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 1291.02(A)(4) of the Pataskala Code for variance application VA-19-005 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Scott Haines](#)
Subject: BZA - Monday April 8 - PSD Review Comments
Date: Friday, March 29, 2019 11:48:11 AM

Jack,

I have the following comments with regard to the applications to be heard at the April 8th BZA meeting:

1. VA-19-004
 - a. No comments
2. VA-19-005
 - a. Code Section 1119.01(d)(2) requires development projects creating impervious area of greater than 0.2 acres (8,712 square feet) to adhere to the City's Stormwater Management Regulations.
 - i. Note that Code Section 1119.01(c) applies this requirement as cumulative to the entire development site, and not just any phase thereof.
 - b. The proposed new gravel area dimensioned in the application is 23,000 square feet (0.53 acres), with the existing impervious and parking surface being approximately 1.62 acres. The total area of impervious and parking area will then be 2.15 acres.
 - c. While gravel is not 100% impervious, installing a gravel parking lot will increase run-off.
 - d. In accordance with the above, it is the opinion of the Public Service Director that stormwater management practices in accordance with chapter 1119 of Pataskala's Code should be provided for this development project.
2. VA-19-006
 - a. No comment
3. VA-19-007
 - a. No comment
4. VA-19-008
 - a. No comment
5. VA-19-009
 - a. If the proposed fence will be within the right-of-way at any point, a right-of-way permit will be required.
 - b. If it is proposed that the fence will be within the right-of-way, it must remain a minimum distance of 6 feet from the edge of pavement.

Let me know if questions.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad Street
Suite 2B

Pataskala, Ohio 43062

Office: 740-927-0145

Cell: 614-746-5365

Fax: 740-927-0228

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Jim Roberts](#); [Alan Haines](#); [Scott Fulton](#)
Subject: April 8, 2019 BZA Review Memo
Date: Thursday, March 28, 2019 10:20:48 PM

Jack

Hull and Associates has reviewed the agenda items for the April 8, 2019 BZA Meeting. I have been in contact with the Public Service Director and we offer the following comments:

VA-19-004

1. We have no engineering related comments on this application

VA-19-005

1. The conditions of the OEPA General Construction Permit must be adhered too and a Stormwater Pollution Prevention Plan needs submitted for construction activities.
2. Stormwater Calculations will need submitted due to the amount improvements being proposed.

VA-19-006

1. We have no engineering related comments on this application

VA-19-007

1. We have no engineering related comments on this application

VA-19-008

1. We have no engineering related comments on this application

VA-19-009

1. We have no engineering related comments on this application

Let me know if you have any questions.

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: 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-19-005
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 OH	State:	Zip:
Phone: 614 806 8127	Email: operations@rl-exp.com	

Documents
<input type="checkbox"/> Application
<input type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input type="checkbox"/> Deed
<input 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): 1291.02(A)(4) All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers...
Describe the Project: LRC Harmon LLC would like to expand the existing gravel parking lot additional 100 feet north, to accommodate additional row for trailer parking, to keep up with the current business operations and expansion plans in thought at this location.

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):

Rustan Charles

Date:

3.14.19

Property Owner (Required):

Rustan Charles

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 1291.02(A)(4) which states that all off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable surface. The property in question is a commercial distribution/delivery center where deliveries by semi-truck, commercial vehicles will be bought and taken out of the property. Due to the nature of the business, semi-truck trailers, trucks, other vehicles will be dropped off and stored on site for some length of time, and off-parking is necessary to accommodate the nature of the business. This is especially crucial, since the business is looking to expand its operations in getting more production at this location, without an extra off-street parking the business is limited how many deliveries it can intake at one time, with an increase in off-lot parking the business can yield a much higher throughput and increase in business. Currently the property has a gravel parking lot approximately 85,000 sqft and in the middle of the parking lot there sits a building that is approximately 4,000 sqft. (80ft by 50ft). The building is surrounded by a concrete loading/offloading area, where trucks back up to the building to get off loaded/loaded, and its 18,000sqft. Other than the loading area surrounding the building, the rest of the parking lot is gravel. The variance request is to allow the grave parking lot to be extended additional 100 ft. to allow one more row to temporary park awaiting truck/trailers to be either loaded or offloaded. The additional off-street parking will extend the existing grave parking lot on site width size 230 ft. additional 100 ft. to the north. It will not alter the existing property as majority of the parking lot is already gravel on-site. Since the existing off-street parking is already gravel, paving the additional parking row, does not make physical and common sense, as the gravel will be transported by tires and vehicles from the existing grave parking lot, damaging the surface, defeating the purpose of the off-street parking code. So the variance is requested to allow the off-street parking addition to be compacted gravel instead of hard-surface, due to the existing gravel parking lot already onsite. The off-street parking lot is much needed in order to continue the existing operations of the business and allow the future expansion of operations.



Measurement

TRANSFERRED
Date March 5 2019
Mandi Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: JAE 18600.00

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



201903050004083

Page: 3 536.00 T2019000341
3/5/2019 9:01 AM HXSTFWAR1
Bryan A. Long Licking County Recorder

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:
1966 Westbrook Village Drive, Columbus, OH 43238
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 15 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
1061 CH



01150553914128006000



01150553914128007000

State of Ohio, County of Cuyahoga

This foregoing deed was acknowledged before me this 25th 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.

