



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-19-006

Applicant:	Andrew Lust
Owner:	Andrew Lust
Location:	13797 Havens Corners Rd SW, Pataskala OH 43062
Acreage:	+/- 15.29 acres
Zoning:	RR – Rural Residential District
Request:	Requesting approval of a variance from Section 1221.05(D)(1) of the Pataskala Code to allow for an accessory structure to be erected in front of the Principal Structure.

Description of the Request:

The applicant is seeking a variance to allow for the construction of an 45-foot x 80-foot accessory building in front of the principal structure.

Staff Summary:

The 15.29-acre property at 13797 Havens Corners Rd SW is currently occupied by a 2,300-square foot single-family dwelling built in 1865, and a 1,120-square foot pole barn built in 1950. An existing 1,200-square foot detached garage built in 1992 was damaged by fire in April of 2018. All structures are located in the Northeast corner of the lot with frontage onto Havens Corners Rd SW. The remaining acreage of the parcel is vacant with an additional frontage onto Summit Rd SW.

As stated in the supplied Narrative, the 1,200-square foot garage was extensively damaged by fire in April of 2018. The cost of repair exceeded the replacement cost, and the Applicant would like to construct a larger 45-foot x 80-foot (3,600-square foot) pole barn to replace the burnt structure. The Applicant intends to demolish the other existing 1,120-square foot structure after construction of the new pole barn is complete. The reason for the larger structure is to provide efficient storage space for agricultural equipment, vehicles, and tools.

The Applicant also stated that the new structure will maintain the same offset from Havens Corners Rd SW as the existing structure and does not believe that there will be an impact of Right-of-Ways, Utilities, or the neighbor's properties.

Per the submitted site plan, the new 3,600-square foot structure will be 58-feet from the property line Havens Corners Rd SW, 640-feet from the property line on Summit Rd SW, and 180-feet from the east property line.

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

Pursuant to Section 1221.05(D)(1) of the Pataskala Code, an accessory building shall be located even with or behind the front of a principal structure within the side or rear yard. The existing home (principal structure) on the site is approx. 130-feet off Havens Corners Rd SW, and the proposed structure will only be 58-feet, therefore; it would *not* be in compliance with this Section, and hence the variance request.

Section 1221.05(C)(2) limits the height of accessory buildings on lots of 2-acres or greater to 25-feet. As the property is 15.29-acres in size, it falls under this regulation. No details were included on the height of the proposed accessory building. Staff would like to see this indicated on the elevation plans and can be included on the Accessory Building Permit upon submittal. A possible modification has been added to address this.

As proposed, the new structure will comply with the other applicable regulations of Section 1221.05 – Accessory Building Regulations. Staff has not identified any other concerns.

No other comments were received from applicable Departments and Agencies.

Surrounding Area:

Direction	Zoning	Land Use
North	RR – Rural Residential	Single-Family Homes
East	RR – Rural Residential	Single-Family Home Farm Field
South	RR – Rural Residential	Single-Family Homes
West	R-87 – Medium-Low Density Residential	Single-Family Homes

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-19-006:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Health Department – No comments
- Licking County Health Department– 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 include the height of the proposed accessory structure on the Accessory Building 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 1221.05(D)(1) of the Pataskala Code for variance application VA-19-006 ("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: 13797 HAVENS CORNERS RD SW		
Parcel Number: 063-141336-00.001		
Zoning: RR	Acres: 15.29	
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-19-006
Fee: 300
Filing Date: 3-15-19
Hearing Date: 4-8-19
Receipt Number: 49964

Applicant Information		
Name: ANDREW LUST		
Address: 13797 HAVENS CORNER RD SW		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614 507 6760	Email: ANDREW.LUST80@GMAIL.COM	

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

Property Owner Information		
Name: ANDREW LUST		
Address: 13797 HAVENS CORNER RD SW		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614 507 6760	Email: ANDREW.LUST80@GMAIL.COM	

Variance Information
Request (Include Section of Code): 1221.05 D 1
ACCESSORY BUILDING IN FRONT OF PRINCIPAL BUILDING
Describe the Project: CONSTRUCTION OF A 45' X 80' POLE BARN TO REPLACE 2 EXISTING STRUCTURES, ONE DAMAGED BY FIRE.

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):

Date:

22 FEB 2019

Property Owner (Required):

Date:

22 FEB 2019

Andrew Lust
13797 Havens Corner Rd SW
Pataskala, OH 43062
614 507 6760
Andrew.Lust80@Gmail.com

FEBRUARY 22, 2019

City of Pataskala Planning and Zoning Department

621 West Broad Street, Suite 2A

Pataskala, OH 43062

Members of the Zoning Board,

I am writing to you to request a variance to section 1221.05 D (1). On 1 April 2018 the 30'x40' pole barn located on my property was extensively damaged by a fire, with the cost to repair exceeding the replacement cost. I would like to demolish the existing structure and in its place build a larger building to more efficiently store agricultural equipment, vehicles, and tools as well as provide adequate space to perform maintenance on agricultural equipment and vehicles. Once this structure is completed I also plan to demolish the adjacent garage structure as it has been in place for 70 years. This structure is showing its age and it is more economical to remove than renovate.

The new structure will be maintain the same offset from Havens Corners Rd as the existing structure, with no impact on rights of way or utilities, and will not require any alterations to the existing driveway. There will be no impact on the use of any neighboring property, and upon discussing the larger building with neighbors they have not expressed any concern with the larger size.

Repectfully,

A handwritten signature in dark ink, appearing to read "Andrew Lust", with a long horizontal flourish extending to the right.

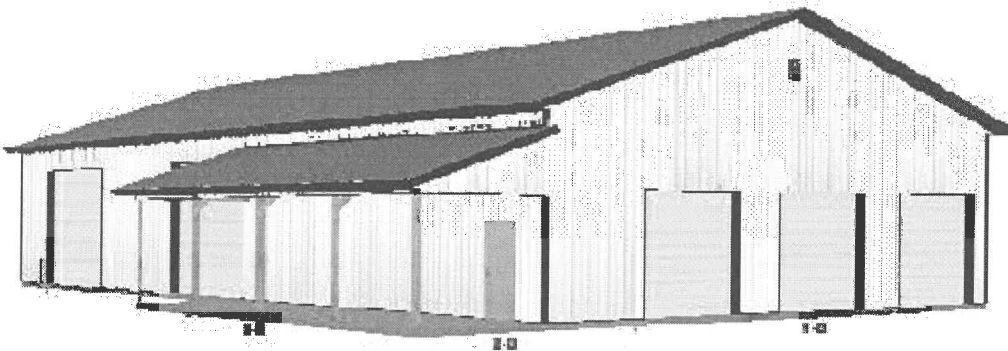
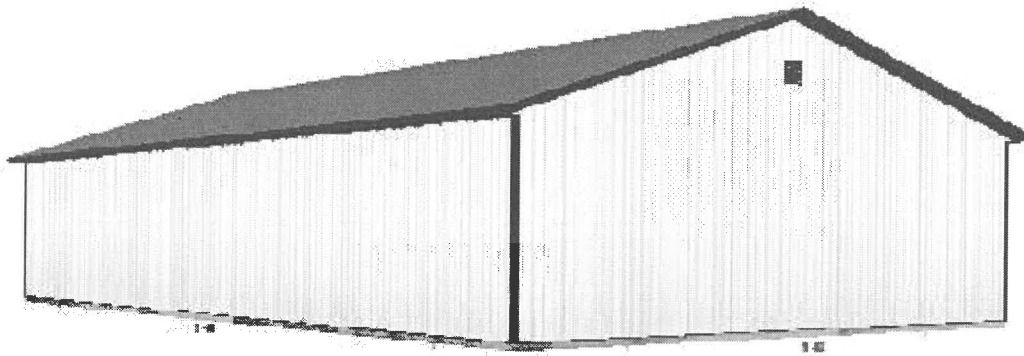
Andrew Lust







Elevation Views





Date: Feb 21, 2019 1:14:51 PM

Store: COLUMBUS EAST

6800 E. BROAD STREET

COLUMBUS, OH 43213

Ph: 614-501-1654

**Design #: 328055870370****Estimated price: \$32,600.42 ***

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

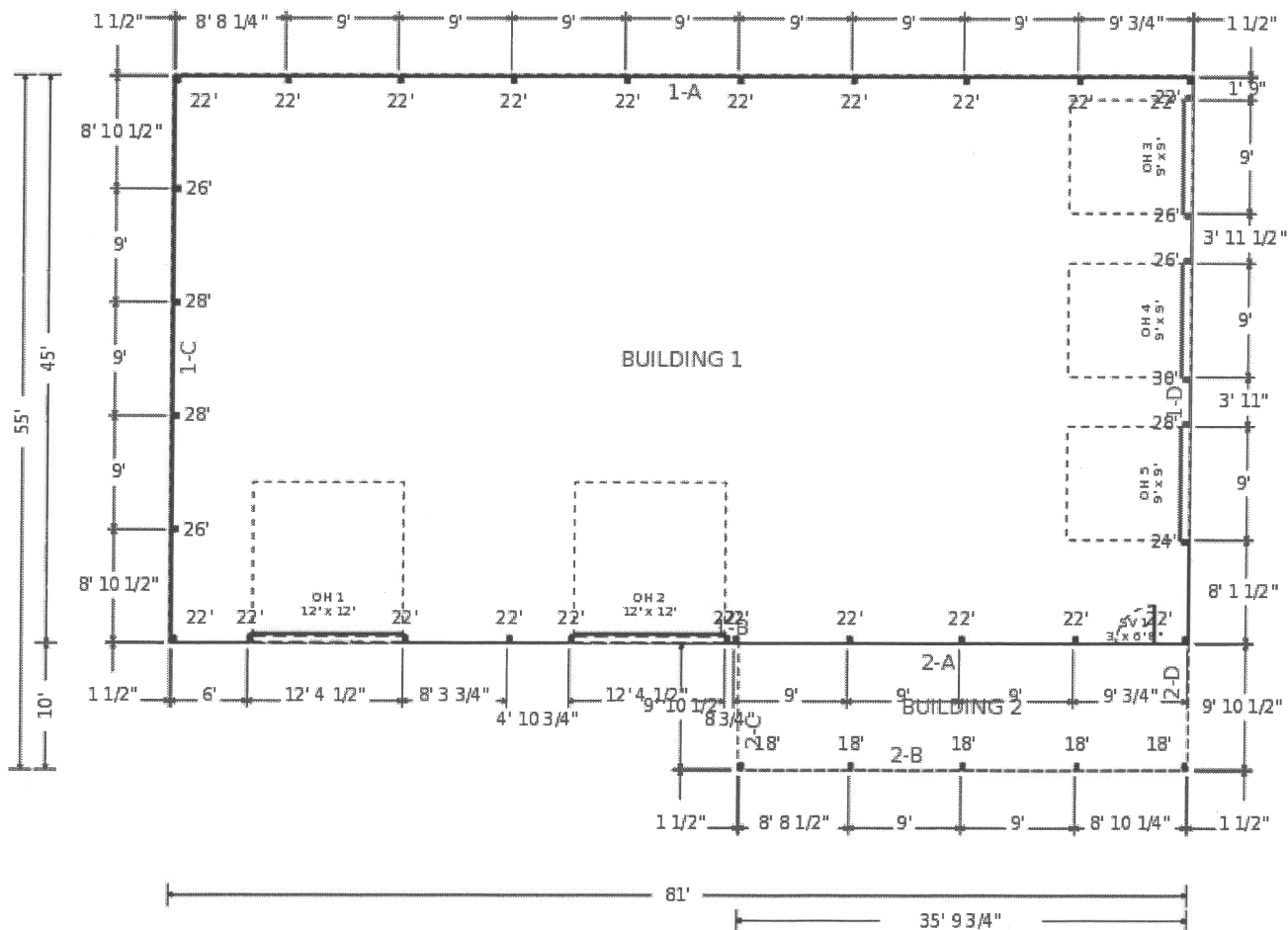
How to purchase at the store

1. Take this packet to any Menards store.
2. Have a building materials team member enter the design number into The Post Frame Request Form on the Midwest Manufacturing website.
3. Apply the design to System V to create the material list.
4. Take the SOC to the register and pay.

How to recall and purchase a saved design at home

1. Go to Menards.com.
2. Log into your account.
3. Go to Saved Designs under the Welcome Login menu.
4. Select the saved design to load back into the estimator.
5. Add your building to the cart and purchase.

FLOOR PLAN





0115PA00400000065000

SURVIVORSHIP DEED
See Section 5302.17 Ohio Revised Code

TRANSFERRED
Date September 28, 2010
J. Terry Evans MW
Licking County Auditor
SEC. 319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY MW 35000

Keith A. Miller, married and **Jennifer R. Miller**, his wife of Morrow County, Ohio, **AND Rosie L. Miller**, unmarried of Franklin County, Ohio, for valuable consideration paid, grant(s) with general warranty covenants, **Andrew W. Lust and Karla J. Lust**, husband and wife, for their joint lives, remainder to the survivor of them, the following **REAL PROPERTY**.

See Attached Exhibit A.

EXCEPT real estate taxes and special assessments, if any, which Grantors and Grantees respectively shall pay pro-rata, as estimated to the from the date of closing and *SUBJECT* to restrictions, easements, rights of way and leases of record.

Prior Instrument Reference: O. R. Volume 214, page 765 and O.R. Volume 214, page 780, Licking County, Ohio.

Witness his hands this 24th day of September, 2010.

Keith A. Miller
Keith A. Miller

State of Ohio; County of LIICKING, ss;

BE IT REMEMBERED, that on this 24th day of September, 2010, before me, the subscriber, a notary public in and for said state, personally came Keith A. Miller, the Grantor in the foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

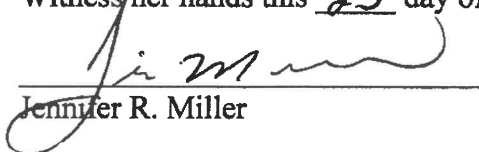
IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Leona J. Manogg
Notary Public
State of Ohio
Commission Expires
December 27, 2013


Notary Public

Witness her hands this 23 day of September, 2010.



Jennifer R. Miller

State of Ohio; County of Franklin, ss;

BE IT REMEMBERED, that on this 23rd day of September, 2010, before me, the subscriber, a notary public in and for said state, personally came Jennifer R. Miller, the Grantor in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

(seal)


Notary Public



BRADLEY E. WALTERS
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Fairfield County
My Comm. Exp. 8/5/13

Witness her hands this 24th day of September, 2010.

Rosie L. Miller
Rosie L. Miller

State of Ohio; County of Licking, ss:

BE IT REMEMBERED, that on this ____ day of September, 2010, before me, the subscriber, a notary public in and for said state, personally came Rosie L. Miller, the Grantor in the foregoing deed, and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



Leona J. Manogg
Notary Public
State of Ohio
Commission Expires
December 27, 2013

Leona J. Manogg
Notary Public

This instrument prepared by Robin Lyn Green, Attorney at Law

This instrument prepared by Robin Lyn Green, Attorney at Law

EXHIBIT A / LEGAL DESCRIPTION

FIRST PARCEL: Situated in the State of Ohio, County of Licking, and in the Township of Lima, now the City of Pataskala, being part of Section No. 14 in the Second Quarter of Township No. 1, Range No. 15, U.S.M. Lands, also being part of a 56.60 acre tract (Parcel No. 1) conveyed to Alan Roberts, as the same is shown of record in Official Record Book No. 125, page 100 in the records of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

Beginning at a railroad spike at the centerline intersection of County Road No. 26 (Summit Road) and County Road No. 38 (Havens Corner Road), thence from said point of beginning, South 80 deg. 02' 15" East and along the centerline of County Road No. 38 (Havens Corner Road), a distance of 903.54 feet to a railroad spike; thence South 04 deg. 34' 09" West and along the Easterly line of said 56.60 acre tract and passing an iron pin on line at 30.00 feet, a distance of 944.98 feet to an iron pin; thence North 85 deg. 25' 31" West and passing an iron pin on line at 872.77 feet, a distance of 926.43 feet to a point in the centerline of County Road No. 26 (Summit Road); thence with the centerline of County Road No. 26, a curve to the left having a radius of 220.93 feet, a central angle of 41 deg. 44' 22", a chord which bears North 16 deg. 21' 08" East, a distance of 85.96 feet to a point of tangency; thence North 05 deg. 08' 06" East and continuing along the centerline of County Road No. 26 (Summit Road), a distance of 945.72 feet to the place of beginning, and containing 20.5211 acres, subject to all easements and/or restrictions shown of record, also subject to all legal right of ways.

EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED REAL ESTATE: Situated in the State of Ohio, County of Licking, and in the Township of Lima, now the City of Pataskala, being part of Section No. 14 in the Second Quarter of Township No. 1, Range No. 15, U.S.M. Lands, also being part of a 20.521 acre tract conveyed to Keith A. and Rosie L. Miller, as the same is shown of record in Official Record Book 214, page 765 in the records of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of County Road No. 26 (Summit Road) and in the Westerly line of the above mentioned 20.521 acre tract, said point being South 05 deg. 08' 06" West, a distance of 779.87 feet from a railroad spike at the centerline intersection of County Road No. 26 (Summit Road) and County Road No. 38 (Havens Corner Road); thence from said point of beginning, South 85 deg. 25' 31" East and passing an iron pin on line at 39.21 feet, a distance of 907.24 feet to an iron pin in the Easterly line of said 20.521 acre tract; thence South 04 deg. 34' 09" West and along the Easterly line of said 20.521 acre tract, a distance of 249.99 feet to an iron pin; thence North 85 deg.

25' 31" West and passing an iron pin on line at 872.77 feet, a distance of 926.43 feet to a point in the centerline of County Road No. 26 (Summit Road); thence with the centerline of County Road No. 26 (Summit Road), a curve to the left, having a radius of 220.93 feet, a central angle of 41 deg. 44' 22", a chord which bears North 16 deg. 21' 08" East, a distance of 85.96 feet to a point of tangency; thence North 05 deg. 08' 06" East and continuing along the centerline of County Road No. 26 (Summit Road), a distance of 165.85 feet to the place of beginning and containing 5.2243 acres, subject to all easements and/or restrictions shown of record, also subject to all legal right of ways.

FURTHER EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED REAL ESTATE: Situated in the State of Ohio, County of Licking, and in the Township of Lima, now the City of Pataskala, being part of Section No. 14 in the Second Quarter of Township No. 1, Range No. 15, U.S.M. Lands, also being part of a 20.521 acre tract conveyed to Keith A. and Rosie L. Miller, as the same is shown of record in Official Record Book 214, page 765 in the records of the Recorder's Office, Licking County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of County Road No. 26 (Summit Road) and in the Westerly line of the above mentioned 20.521 acre tract, said point being South 05 deg. 08' 06" West, a distance of 529.87 feet from a railroad spike at the centerline intersection of County Road No. 26 (Summit Road) and County Road No. 38 (Havens Corner Road); thence from said point of beginning, South 85 deg. 25' 31" East and passing an iron pin on line at 41.48 feet, a distance of 904.77 feet to an iron pin in the Easterly line of said 20.521 acre tract; thence South 04 deg. 34' 09" West and along the Easterly line of said 20.521 acre tract, a distance of 249.99 feet to an iron pin; thence North 85 deg. 25' 31" West and passing an iron pin on line at 868.03 feet, a distance of 907.24 feet to a point in the centerline of County Road No. 26 (Summit Road); thence North 05 deg. 08' 06" East and along the centerline of County Road No. 26 (Summit Road), a distance of 250.00 feet to the place of beginning and containing 5.1995 acres, subject to all easements and/or restrictions shown of record, also subject to all legal right of ways.

THE FIRST PARCEL HEREIN TO BE CONVEYED BEING 10.0973 ACRES, MORE OR LESS.

SECOND PARCEL: Situated in the State of Ohio, County of Licking, and in the Township of Lima, now the City of Pataskala, being part of Section No. 14 in the Second Quarter of Township No. 1, Range No. 15, U.S.M. Lands, also being part of a 20.521 acre tract conveyed to Keith A. and Rosie L. Miller, as the same is shown of record in Official Record Book 214, page 765 in the records of the Recorder's Office, Licking County, Ohio, and being more

particularly described as follows:

Beginning at a point in the centerline of County Road No. 26 (Summit Road) and in the Westerly line of the above mentioned 20.521 acre tract, said point being South 05 deg. 08' 06" West, a distance of 529.87 feet from a railroad spike at the centerline intersection of County Road No. 26 (Summit Road) and County Road No. 38 (Havens Corner Road); thence from said point of beginning, South 85 deg. 25' 31" East and passing an iron pin on line at 41.48 feet, a distance of 904.77 feet to an iron pin in the Easterly line of said 20.521 acre tract; thence South 04 deg. 34' 09" West and along the Easterly line of said 20.521 acre tract, a distance of 249.99 feet to an iron pin; thence North 85 deg. 25' 31" West and passing an iron pin on line at 868.03 feet, a distance of 907.24 feet to a point in the centerline of County Road No. 26 (Summit Road); thence North 05 deg. 08' 06" East and along the centerline of County Road No. 26 (Summit Road), a distance of 250.00 feet to the place of beginning and containing 5.1995 acres, subject to all easements and/or restrictions shown of record, also subject to all legal right of ways.

Parcel No: 063-141336-00.001



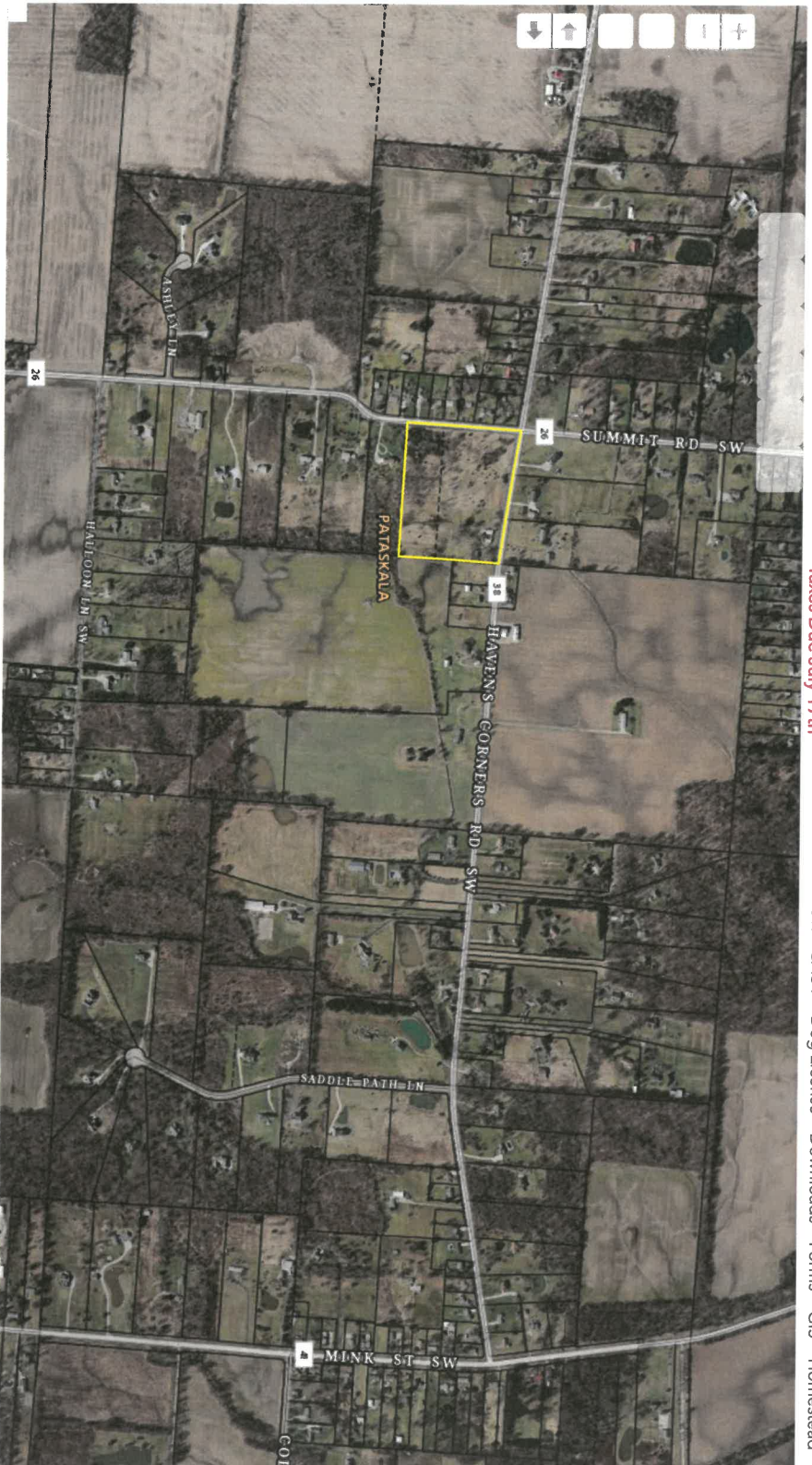
0115PA00400000066000

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

Taxes Due July 17th

BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

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



2

Search by:
Address
Search for:

Trouble Searching?

063-141336-00,001
LUST ANDREW W &
KARLA J
13797 HAVENS CORNERS
RD
PATASKALA, OH 43062

Acres: 15.29
15.2967 AC LOT 14

Land: \$128,400
Improv: \$89,000
Total: \$217,400

Sale Date: 09/28/2010
Amount: \$175,000
Conveyance: 2131
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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