



# 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-19-008

<b>Applicant:</b>	Zachary Atkinson
<b>Owner:</b>	Zachary Atkinson
<b>Location:</b>	2027 Pine Hills Dr. Pataskala, OH 43062
<b>Acreage:</b>	+/- 0.275 acres
<b>Zoning:</b>	R-15 – Medium-High Density Residential
<b>Request:</b>	Requesting approval of a variance from Section 1297.02(B)(2) of the Pataskala Code to allow for an in-ground swimming pool to be located 1-foot as opposed to the 10-feet required from an easement line, and to locate the pool filters and pumps 15-feet from the property line as opposed to the required 20-feet.

#### Description of the Request:

The applicant is seeking a variance to allow for the installation of an in-ground swimming pool that will fail to meet the required easement setback, and the required pump/filter location setback.

#### Staff Summary:

The 0.27-acre property at 2027 Pine Hills Dr is part of the new Phase 3 of the Ravines at Hazelwood subdivision which is currently under construction. Streets and Utilities have been installed and were accepted by City Council on January 7, 2019 (Resolution 2019-004). The New Residential Construction Permit (#19-064) for 2027 Pine Hills Dr was approved on March 22, 2019. The home is currently under construction.

As approved, the 2,271-square foot single-family home will have the following setbacks from property lines: 31-feet from the front (south), 11-feet from the west, 7-feet from the east, and 64-feet from the rear (north). There is a 10-foot easement on the west property line, a 30-foot drainage easement on the rear (north) property line, and a 5-foot easement on the east property line.

Pursuant to Section 1297.02(B)(2) of the Pataskala Code: “The pool, including any walks, paved areas, and appurtenances thereto, may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line or easement of the property on which located; provided further that pump and filter installations shall be located not closer than 20 feet to any property line”.

The applicant has proposed installing an in-ground pool with surrounding cement pool decking that fails to meet the required minimum distance from an easement line. As proposed, the pool decking will be located 15-feet from the west property line, 31-feet from the rear property line, and 13-feet from the east property line. Taking the easements into account however, means the pool decking will be 5-feet from the easement line to the west, 1-foot from the easement to the north, and 8-feet from the easement to the east. The required distance from any easement line is 10-feet

The Pumps/Filters are proposed to be located on the east side of the house, 15-feet from the east property line. The required distance from property lines is 20-feet. The applicant will also construct a 5-foot tall pool fence around the entire rear yard.

As stated in the submitted Narrative Statement, the Applicant believes the variance will not have a negative impact on the surrounding properties, be a detriment to public welfare, or affect the delivery of government services. Also stated, they do not believe the location of the pool pumps will cause excessive noise or be an eye-sore.

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

Staff would also like to remind the Applicant to contact their Homeowner’s Association for any requirements they must adhere to through them. However, the City does not enforce the regulations of any Homeowner’s Associations. With that being said, Staff has no additional zoning related comments on the proposal.

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential	Vacant (Farm Field)
East	R-15 – Medium-High Density Residential	Future Single-Family Home
South	R-15 – Medium-High Density Residential	Future Single-Family Home
West	R-15 – Medium-High Density Residential	Future 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;*
- 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-19-008:

- 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.

**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 1297.02(B)(2) of the Pataskala Code for variance application VA-19-008 ("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)

<b>Property Information</b>	
Address: 2027 Pine Hills Drive Pataskala, Ohio 43062	
Parcel Number: 64 068322 00384	
Zoning: Lot 2014 R-15	Acres: .275 acre
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

<b>Staff Use</b>
Application Number: VA-19-008
Fee: 300
Filing Date: 3-15-19
Hearing Date: 4-8-19
Receipt Number: 499651

<b>Applicant Information</b>		
Name: Zachary Atkinson		
Address: 134 Brenden Park Drive		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-755-0359	Email: zachary.atkinson07@gmail.com	

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

<b>Property Owner Information</b>		
Name: Zachary Atkinson		
Address: 134 Brenden Park Drive		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-755-0359	Email: zachary.atkinson07@gmail.com	

<b>Variance Information</b>
Request (Include Section of Code): Code 1297.02 B2 Request variance to place cement pool decking up to easment line in backyard and to have the pool pumps and valves on the right back side of house which would be 15ft from property line short of the required 20ft.
Describe the Project: Inground fiberglass pool with cement decking and 5ft pool fence around back yard property line with a pump system install on right back side of the house.

**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:

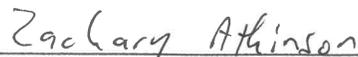
- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells 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):

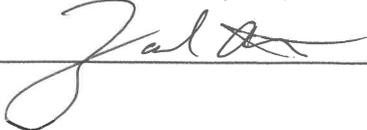
Date:



3/6/19

Property Owner (Required):

Date:



3/6/19

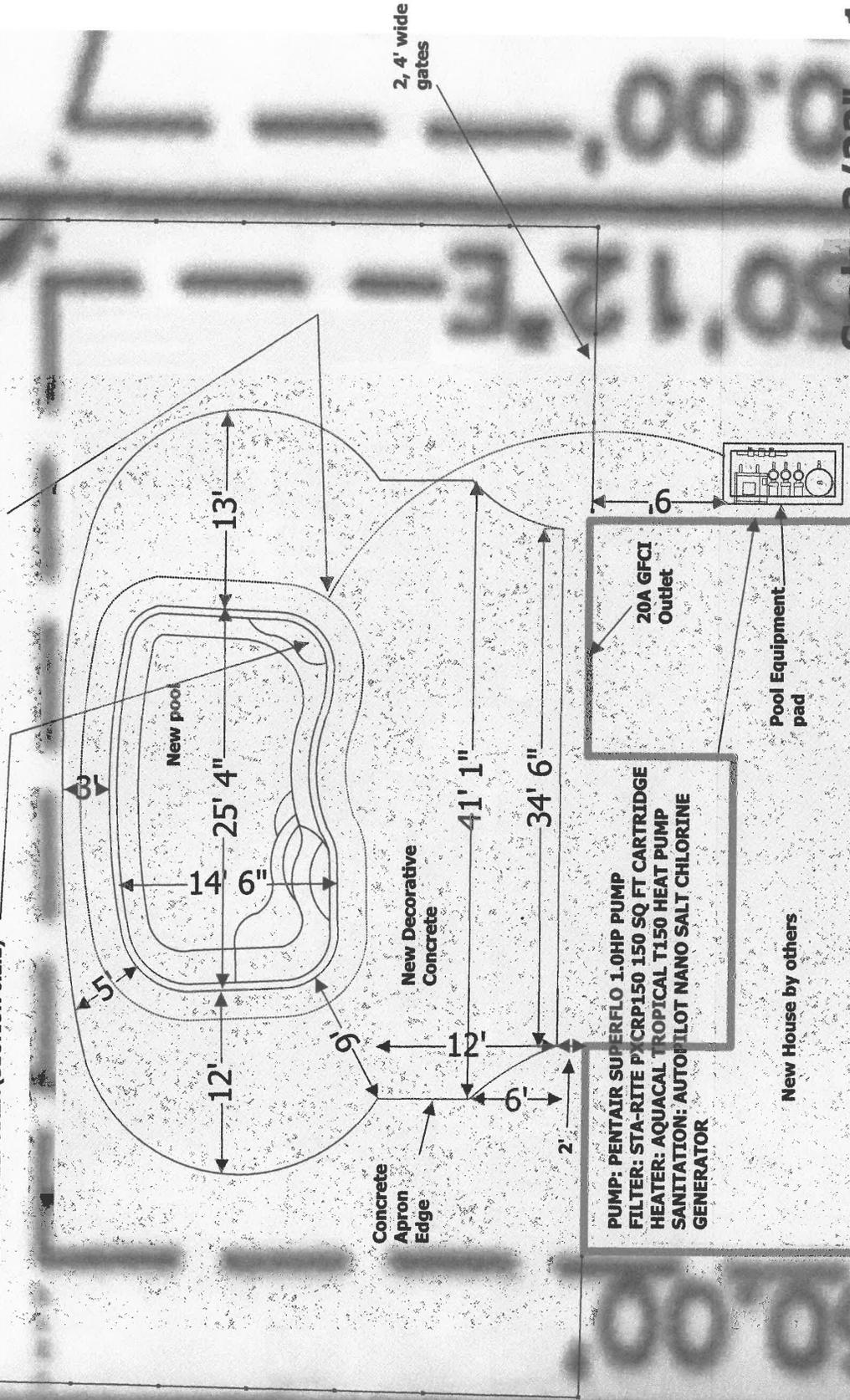
# Atkinson, Zach PLAN

## 30' Drainage Easement

- NEW FENCING by others, 60" tall
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS AND BE SELF CLOSING, SELF LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALLIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BOND GRID
- BENCH THAT MEET ANSI / NSPI - 5 STANDARDS FOR REQUIRED ENTRY / EXIT IN DEEP AREA (SECTION 6.1.1)

EQUIPOTENTIAL BONDING PATH, SAWS BARE COPPER, TO BE TIED INTO REBAR GRID AND CONTINUOUS TO POOLS EQUIPMENT LOCATION

BONDSAFE680IG TO BE INSTALLED IN THE SKIMMER FOR THE BONDING OF POOL WATER



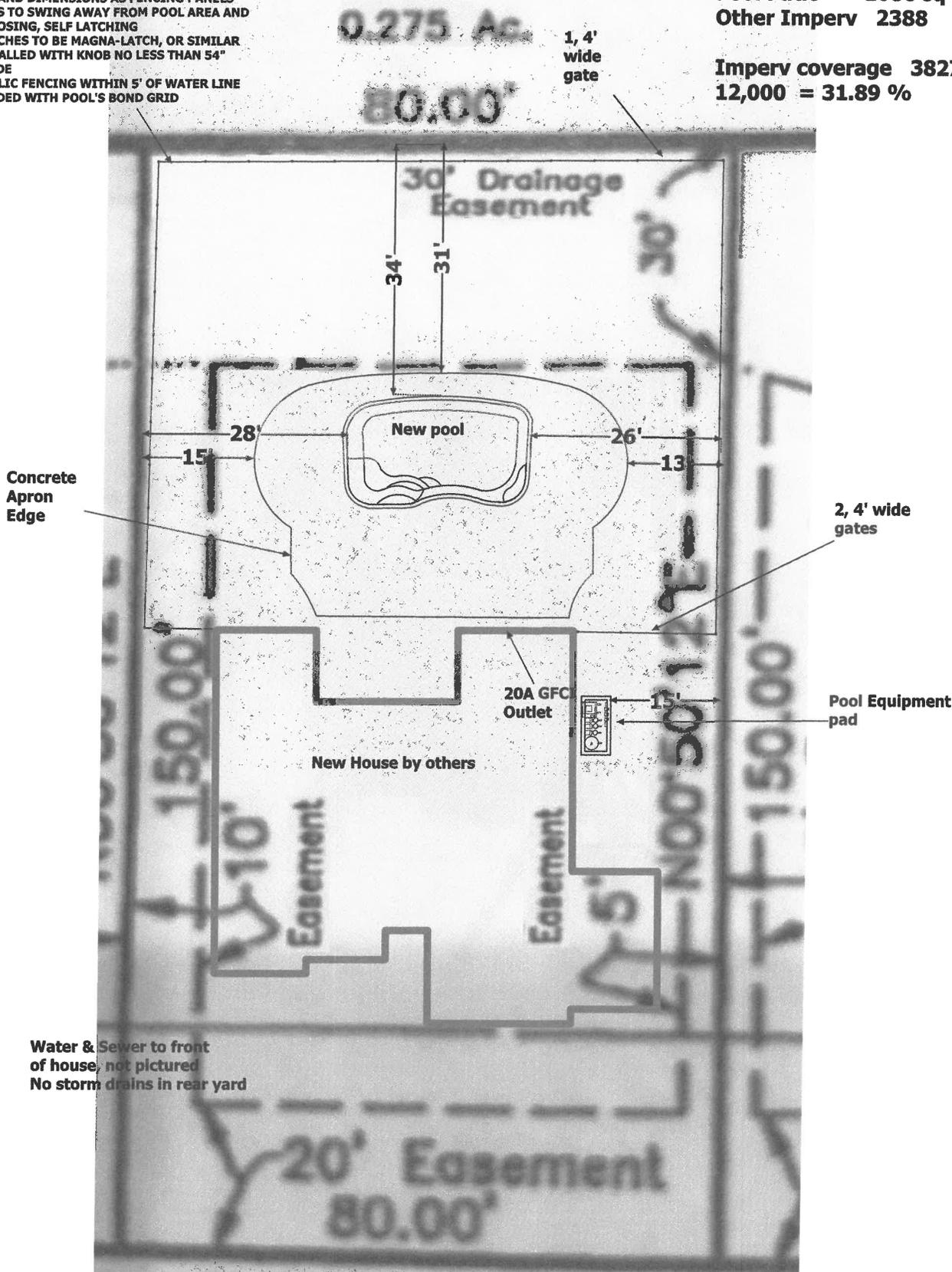
Scale: 3/32" = 1 ft

# Atkinson, Zach SITE

Pool 353 Sq ft  
 Pool Patio 1086 sq ft  
 Other Imperv 2388

Imperv coverage 3827 /  
 12,000 = 31.89 %

- NEW FENCING by others , 60" tall
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF CLOSING, SELF LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BOND GRID



Water & Sewer to front of house, not pictured  
 No storm drains in rear yard

Underground Powerline will be well over 5' away from waters edge, run to front of house (not pictured)

Scale: 1/20" = 1 ft

**Narrative Statement: for Variance Request for 2027 Pine Hills Drive Pataskala Ohio, 43062**

• The reason the variance is necessary: **Half the backyard is an easement so the variance is needed to allow the pool decking to come up to the easement line and the pool pump equipment on the right side of the house will be within the required 20' from the property line**

• The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code: **N/A other than the decking will not alter water run-off and the pool pumps will not be a noise distraction or an eye sore to the community**

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; **Without this variance I will not have room for the pool.**

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; **Half the backyard is an easement not leaving enough room to have a pool decking 10' from house and 10' from easement line**

c) Whether the variance requested is substantial; **N/A**

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; **No property would be disturbed or altered**

e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; **No, the variance requested would have no impact on any surrounding property**

f) Whether the variance, if granted, will be detrimental to the public welfare; **No it would not**

g) Whether the variance, if granted, would adversely affect the delivery of governmental services; **No it would not**

h) Whether the property owner purchased the subject property with knowledge of the zoning restriction; **In the process of the purchase and became aware of the restrictions once pool project started.**

i) Whether the property owner's predicament can be obviated through some other method than variance; **No there would not be enough space in the backyard for a pool without this variance**

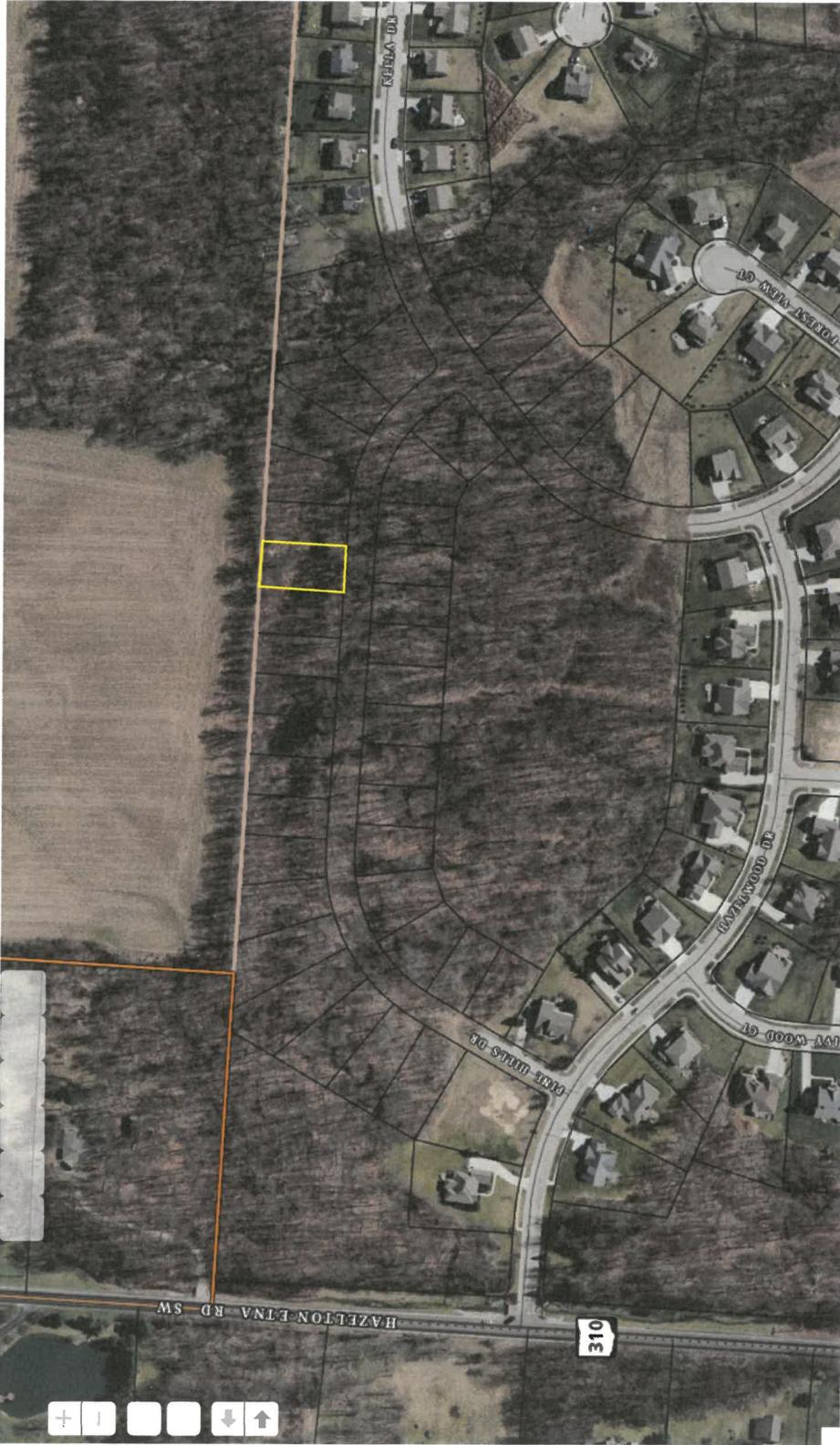
j) Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; **Yes, we are only asking for enough variance to complete the project**

k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **Yes, it will increase the overall value of the property which helps the neighborhood.**

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

Taxes Due February 20th

- BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other



- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
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- Values
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Search by:  
Address  
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Search

064-068322-00.384  
VINSO LLC  
2027 PINE HILLS DR  
PATASKALA, OH 43062

Acres: 0.27  
LOT 14 RAVINES AT  
HAZELWOOD PT 3 (0.275  
AC)

Land: \$0  
Improv: \$0  
Total: \$0

Sale Date: 01/25/2019  
Amount: \$0  
Conveyance: 4444  
Valid Sale: No

Homestead: No  
Owner Occ: No

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