



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-19-009

Applicant:	Rebecca Hannah
Owner:	Rebecca Hannah
Location:	93 Harrison St SW Pataskala, OH 43062
Acreage:	+/- 0.23 acres
Zoning:	R-20 – Medium Density Residential
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 a variance to allow for a fence that exceeds the 48-inch height limit to be erected in front of the building setback line.

Staff Summary:

The 0.23-acre property at 93 Harrison St SW is currently occupied by a 2,712-square foot single-family home built in 1885. The building was at one point, a church. Also present is a 540-square foot detached garage built in 2003. The property itself has three frontages: one onto Harrison St SW to the north, an alley that runs the length of the east property line, and another alley to the south.

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 has multiple frontages along public rights-of-way, Pursuant to Section 1211.05(C)(4), the building lines for all street frontages shall be the same required for the front yard. In the R-20 District, the front yard setback is 50-feet (1231.05(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 in order to construct a 6-foot (72-inches) privacy fence along the south property line bordering the alley, and a small portion along the east property line along that alley, ending at the driveway. A notch in the corner will be left open to ensure sight visibility is maintained. The fence will also be constructed along the west property line bordering the neighboring property, however this is permitted per code, and does not require a variance.

As stated in the submitted Narrative Statement, the reason for the fence height exceeding the 48-inch maximum is to allow for the area between the south side of the garage and the alley to be used as a garden, as well as for beekeeping. Pursuant to Section 506 of the Pataskala Code, any beehive on lots less than 5-acres shall be placed within a solid fence of at least 6-feet in height and located in the rear or side yard. The applicant also stated that the taller fence is for the protection of their 3 children and 2 large dogs, and to keep predators away from their chickens. The Applicant believes the proposed location of the fence will provide ample distance for emergency vehicles and snow plows and will not impair the visibility of drivers.

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

With the proposed fence location, including the notch at the southeast corner, Staff believes that there will be no issues with sight visibility at the intersection.

Staff would also like to point out that Pursuant to Section 506, any beehive must be placed within a 6-foot (72-inches) high fence. In addition, as the lot itself is only approx. 65-feet in width, and with the required front setback of 50-feet for the R-20 district, placing a 6-foot fence anywhere on the lot except on the property line adjacent to the neighboring property to the west would be impossible and/or impractical.

Staff has not identified any other concerns with the proposal.

Public Service Department

1. If the proposed fence will be within the right-of-way at any point, a right-of-way permit will be required.
2. 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.

No other comments from applicable Departments or Agencies were received.

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;*
- 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-19-009:

- 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 1279.03(A)(1) of the Pataskala Code for variance application VA-19-009 ("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



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: 93 Harrison Street	
Parcel Number: 063-144336-00.000	
Zoning: R-20	Acres: 0.23
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-19-009
Fee: 300
Filing Date: 3-15-19
Hearing Date: 4-8-19
Receipt Number: 499653

Applicant Information		
Name: Rebecca Hannah		
Address: 93 Harrison Street		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-581-0323	Email: REBECCA.HANNAH426@GMAIL.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: Rebecca Hannah		
Address: 93 Harrison Street		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-581-0323	Email: REBECCA.HANNAH426@GMAIL.COM	

Variance Information
Request (Include Section of Code): 1279.03 (A)(1) Building 1ft privacy fence facing alley, variance requested for Chapter 1279-Fences of the Codified Ordinances of Pataskala
Describe the Project: Placing 1ft privacy fence between our home and our neighbors on the west side of our lot (permitted by code) and requesting a variance to continue 1ft fence to south end of property, across south end of property and up the bottom west side of property to the driveway. We would like to cut out the corner to maintain driving visibility for the drivers in the alley (see attached).

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:

3-14-19

Property Owner (Required):



Date:

3-14-19

Thursday, March 14, 2019

To the City of Pataskala Planning and Zoning Department:

My husband and I are requesting a variance to the current code to allow for us to place a six foot privacy fence around a portion of our property. As you can see from the attached maps (from the county auditor's site) we live on an old street where a misplaced alley offsets property lines and leaves our home with three front yards.

To the west of the detached garage and between the south side of the detached garage and ditch we plan to garden as well as establish one beehive and coop four chickens (maximum). These domesticated farm animals and bees are permitted per Pataskala Codified Ordinances Chapter 506 however require a solid fence at least six feet high (bee requirement) and must be placed at the side or rear of the yard. Due to the close distance in ours and our neighbors to the west of us, the south side of property would be the only location possible. We also have three children and two large breed dogs who we would like the protection of the taller fence. As well as keeping predators away from chickens and vermin/nuisance animals away from the garden.

I have marked on the included maps where we hope to build the fence. In the southeast corner of our lot we do not plan to bring the fence to a 90 degree angle but cut the corner to allow for driver vision to remain clear for those who use the alley to the south of our property. The ditch between our property line and the paved alley provides ample distance for government and emergency vehicles, snow plow space and would not impair visibility of the driver(s).

Thank you for your time and consideration,



Rebecca A Hannah

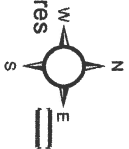
OnTrac Property Map 93 Harrison

fence



March 15, 2019

Owner Name & Acres



County Road

Township Road

Other Road Type

Driveway
Interstates
0.01 Miles

Municipal Corporations

Jurisdictional Townships
Historical Townships Line

County Boundary

LICKING COUNTY TAX MAP

Centerline Labels

Interstate/US/State Route

93 Harrison 6ft Fence Plan

— fence



12/19/2018

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Jul 17, 2018

01150554003016016000

TRANSFERRED

Jul 17, 2018
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: KAE 288.00

InstrID:201807170014499	7/17/2018
Pages:2	F: \$28.00
Bryan A. Long	3:02 PM
Licking County Recorder	T20180010120

(space above this line reserved for county engineer, county auditor and county recorder)

GENERAL WARRANTY DEED

RALPH C. SWARTZ and NANCY A. SWARTZ, HUSBAND AND WIFE ("Grantors"), of Licking County, for valuable consideration paid, grant, with general warranty covenants, to **AARON W. HANNAH and REBECCA A. HANNAH** ("Grantees"), for their joint lives, remainder to the survivor of them, whose tax mailing address is C/O USAA FEDERAL SAVINGS BANK 10750 MCDERMOTT FREEWAY, SAN ANTONIO, TX 78288, the following real property:

Situated in the State of Ohio, County of Licking and in the former Township of Lima, now by merger, City of Pataskala:

Being Lot Number Forty-Six (46) in William W. McMillen's Addition to the Village of Summit Station, Ohio, as the same is numbered and delineated on the recorded plat of said Addition as laid out by said William W. McMillen in December, 1889, in Plat Book 3, Page 16, Recorder's Office, Licking County, Ohio.

Prior Instrument Reference: Document NO. 200301290004377
Parcel No.: 063-144336-00.000
Property Address: 93 Harrison Street, Pataskala, OH 43062

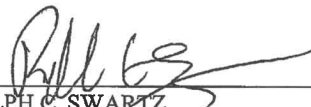
Exceptions to the general warranty covenants: (a) such encroachments and recorded restrictions, easements and conditions, including without limitations subsurface rights, which do not materially adversely affect the Property's user or value; (b) zoning ordinances, if any; (c) taxes and assessments, whether general or special, which are a lien on the Property but are not yet payable; (d) all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

MAIL TO: LANDSEL TITLE
961 N. HAMILTON RD., #100
GAHANNA, OH 43230

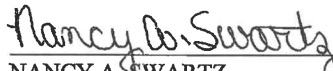


GAH-34931

Executed this 9th day of July, 2018



RALPH C. SWARTZ (SEAL)




NANCY A. SWARTZ (SEAL)

STATE OF OHIO }
COUNTY OF LICKING } ss

BE IT REMEMBERED, That on this 9th day of July, 2018, before me, a Notary Public in and for said County and State, personally came RALPH C. SWARTZ and NANCY A. SWARTZ, HUSBAND AND WIFE, the Grantors in the foregoing deed, who acknowledged the signing of the same to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



Notary Public
My Commission Expires: _____

This instrument prepared by:
The Wietelmann Law Firm, LLC
c/o LandSel Title Agency, Inc.
961 N. Hamilton Road, Suite 100
Gahanna, Ohio 43230
Phone: 614-266-8165

File No. GH-34931



PAUL S. WITTENBERG
Notary Public
In and for the State of Ohio
My Commission Expires
June 20, 2021

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 Pictometry Sketch Street View Structures Taxes Transfers Values Help Login



Search by:
Address

Search for:

Trouble Searching?



063-144336-00.000
HANNAH AARON W &
REBECCA A
93 HARRISON ST
PATASKALA, OH 43062

Acres: 0.23
LOT 46 MCMILLEN ADD'N
Land: \$15,400
Improv: \$103,400
Total: \$118,800

Sale Date: 07/17/2018
Amount: \$96,000
Conveyance: 2214
Valid Sale: No

Homestead: No
Owner Occ: Yes

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