

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Monday, April 8, 2019

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Monday, April 8, 2019.

Present were:

Robert Platte, Chairperson

Alan Howe

TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Platte opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Alan Howe, Robert Platte and TJ Rhodeback. Bruce Ashcraft and D. Chadd McKitrick were not present.

Variance Application VA-19-002, Watkins Road, Parcel No. 064-068442.00.047 to remain tabled.

First on the Agenda, Variance Application VA-19-004, 40 Cypress Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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.

Clear sight distance triangle was discussed.

Findings of Fact were reviewed.

Mr. Platte made a motion to approve Variance Application VA-19-004 with the following modifications:

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, and shall not impede clear sight for vehicular traffic.

Seconded by Ms. Rhodeback. Mr. Howe, Ms. Rhodeback and Mr. Platte voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-005, 40 Cypress Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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.

City Engineer and Public Service Director's comments were noted.

Findings of Facts were reviewed.

Mr. Platte made a motion to approve Variance Application VA-19-005 with the following modifications:

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 included within the Staff Report.

Seconded by Mr. Howe. Mr. Howe, Ms. Rhodeback and Mr. Platte voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-006, 13797 Havens Corners Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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.

No comments or questions were presented.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-19-006 with the following modifications:

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.

Seconded by Ms. Rhodeback. Mr. Howe, Mr. Platte and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-007, 380 Warrenpoint Lane.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a variance from Section 1221.05(D)(1) of the Pataskala Code to allow for an accessory building to be located in front of the principal structure.

No comments or questions were presented.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve Variance Application VA-19-007 with the following modifications:

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 identify the height of the proposed structure on the elevation plans when applying for the Accessory Building permit.

Seconded by Mr. Howe. Ms. Rhodeback, Mr. Platte and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-008, 2027 Pine Hills Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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 pump 15-feet from the property line as opposed to the required 20-feet.

No comments or questions were presented.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-19-008 with the following modifications:

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.

Seconded by Ms. Rhodeback. Mr. Platte, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-009, 93 Harrison Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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.

Beverly Wonsick, 40 Harrison Street, was placed under oath.

Ms. Wonsick asked for a clarification regarding fence material.

A discussion was had regarding beekeeping and fencing.

Rebecca Hanna, 93 Harrison Street, was placed under oath.

Ms. Hanna noted a 6' wood fence and is working with the Public Service Director on a right-of-way permit.

Kevin Wren, 118 Harrison Street, was placed under oath.

Mr. Wren inquired as to the location of the fence.

A discussion was had regarding the fence location.

Findings of Facts were reviewed.

Mr. Platte made a motion to approve Variance Application VA-19-009 with the following modifications:

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. All items indicated by the Public Service Director in the Staff Report shall be addressed.

Seconded by Ms. Rhodeback. Mr. Platte, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-19-004

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>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;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>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;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>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,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Ms. Rhodeback made a motion to approve Findings of Fact for VA-19-004. Seconded by Mr. Howe. Mr. Platte, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-19-005

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the</i> |

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.*

Mr. Howe made a motion to approve Findings of Fact for VA-19-005. Seconded by Ms. Rhodeback. Mr. Howe, Mr. Platte and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-19-006

- ✓ 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.*

Ms. Rhodeback made a motion to approve Findings of Fact for VA-19-006. Seconded by Mr. Howe. Mr. Platte, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-19-007

- ✓ 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.*

Mr. Howe made a motion to approve Findings of Fact for VA-19-007. Seconded by Ms. Rhodeback. Mr. Platte, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Variance Application VA-19-008

- ✓ 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.*

Mr. Howe made a motion to approve Findings of Fact for VA-19-008. Seconded by Ms. Rhodeback. Mr. Howe, Mr. Platte and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-19-009

- ✓ 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.*

Ms. Rhodeback made a motion to approve Findings of Fact for VA-19-009. Seconded by Mr. Howe. Mr. Platte, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, approval of the March 11, 2019 regular meeting minutes.

Ms. Rhodeback made a motion to approve the March 11, 2019 regular meeting minutes. Seconded by Mr. Howe. Mr. Platte, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Mr. Howe made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Platte, Mr. Howe and Ms. Rhodeback voted yes. The meeting was adjourned at 7:46 p.m.

Minutes of the April 8, 2019 meeting were approved on
_____, 2019.
