



## CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers  
621 West Broad Street  
Pataskala, Ohio 43062

### STAFF REPORT

May 13, 2019

#### Variance Application VA-19-010

<b>Applicant:</b>	Philip M. Drumm
<b>Owner:</b>	Philip M. Drumm
<b>Location:</b>	13592 Graham Rd Pataskala, OH 43062
<b>Acreage:</b>	+/- 0.82 acres
<b>Zoning:</b>	R-87 – Medium-Low Density Residential
<b>Request:</b>	Requesting approval of a variance from Section 1221.05(D)(4) of the Pataskala Code to allow for an Accessory Building to be erected on a lot without a Principal Structure.

#### Description of the Request:

The applicant is seeking a variance to allow for the construction of an accessory building that will be located on a parcel without a principal structure, contrary to the requirements of Section 1221.05(D)(4).

#### Staff Summary:

The 0.82-acre property at 13592 Graham Road SW is currently vacant. The Applicant also owns the 1.01-acre property directly adjacent to the west, also 13592 Graham Road SW. That property is currently occupied by an 1,836-square foot, 1 ½ story single-family home built in 2015.

Section 1221.05(D)(4) of the Pataskala Code states: “An accessory structure shall not be located on a lot without a principal structure”. As the parcel on which the Applicant wishes to build the structure is on a separate lot than the home, a variance is required.

The proposed structure is a 24-feet x 32-feet, or 768-square feet, pole barn that is 10-feet in height. Attached to the barn will be an 8-feet x 32-feet porch, or 256-square feet, for a total of 1,024-square feet. It will be of wood and steel construction with a concrete floor both inside and on the porch. The structure is to be located towards the rear of the property, 55-feet from the rear property line, and 42-feet from the property lines on both the east and west side.

The Applicant stated in the supplied Narrative Statement that the site is already prepared for a building, as there used to be a barn in this location. However, that barn had burnt down years ago. They would like to use it to store personal property.

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

Section 1221.05 also limits the size of accessory structures, height, and setbacks. The maximum size of accessory structures on lots less than two (2) acres is determined by the following formula (1221.05(B)(1)):

$$((\text{Gross acreage of lot}) \times 600) + 120) \times 2 = \text{Maximum permitted square footage.}$$

Plugging in the parcel's acreage of 0.82, the maximum permitted square footage would be:

$$((0.82) \times 600) + 120) \times 2 = 1,224 \text{ square feet.}$$

The Applicant has proposed 1,024-square feet. Section 1221.05(C)(1) limits the height of accessory buildings on lots less than two (2) acres to 18-feet. Section 1221.05(E)(1) requires accessory structures on lots less than two (2) acres to be setback from property lines at least 5-feet. Staff has reviewed the application and determined the proposed structure will meet all the other applicable requirements of Section 1221.05, excepting 1221.05(D)(4), for which this variance is requested.

Staff has not identified any other concerns with the Applicant's proposal.

#### Other Departments and Agencies

No other comments from applicable Departments or Agencies were received.

#### **Surrounding Area:**

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home
East	R-87 – Medium-Low Density Residential	Single-Family Home
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-87 – Medium-Low 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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- 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;*
- 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-19-010:

- None

#### **Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- 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 prior to construction of the accessory building.

#### **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)(4) of the Pataskala Code for variance application VA-19-010 ("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: 13592 Graham Rd	
Parcel Number: 063-144174-00.000	
Zoning: R-87	Acres: 0.82
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 19-010
Fee: \$ 300
Filing Date: 3-25-19
Hearing Date: 5-13-19
Receipt Number: 499661

Applicant Information		
Name: Philip M Dromm		
Address: 13529 Graham Rd		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740 919 4568	Email: NO EMAIL	

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:		
Address: game		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): 1221.05 (D)(4)
Describe the Project: A Pole Bldg 24'x32'x10' w/ 8'x32' Porch Wood + Steel Concrete Floor + Porch
768 sqft.
256
1024 sqft
Min: 1,224

## 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):

*Philip M Drum*

Date:

*3/25/19*

Property Owner (Required):

*Philip M Drum*

Date:

*3/25/19*

Narrative:

Site is already prepared for a building as a barn used to be at this location, but had burned down years ago. Would like to store personal property in new barn.

A handwritten signature in black ink, appearing to read "Philip M. Cunniff". The signature is fluid and cursive, with a large loop at the end.

3/25/19



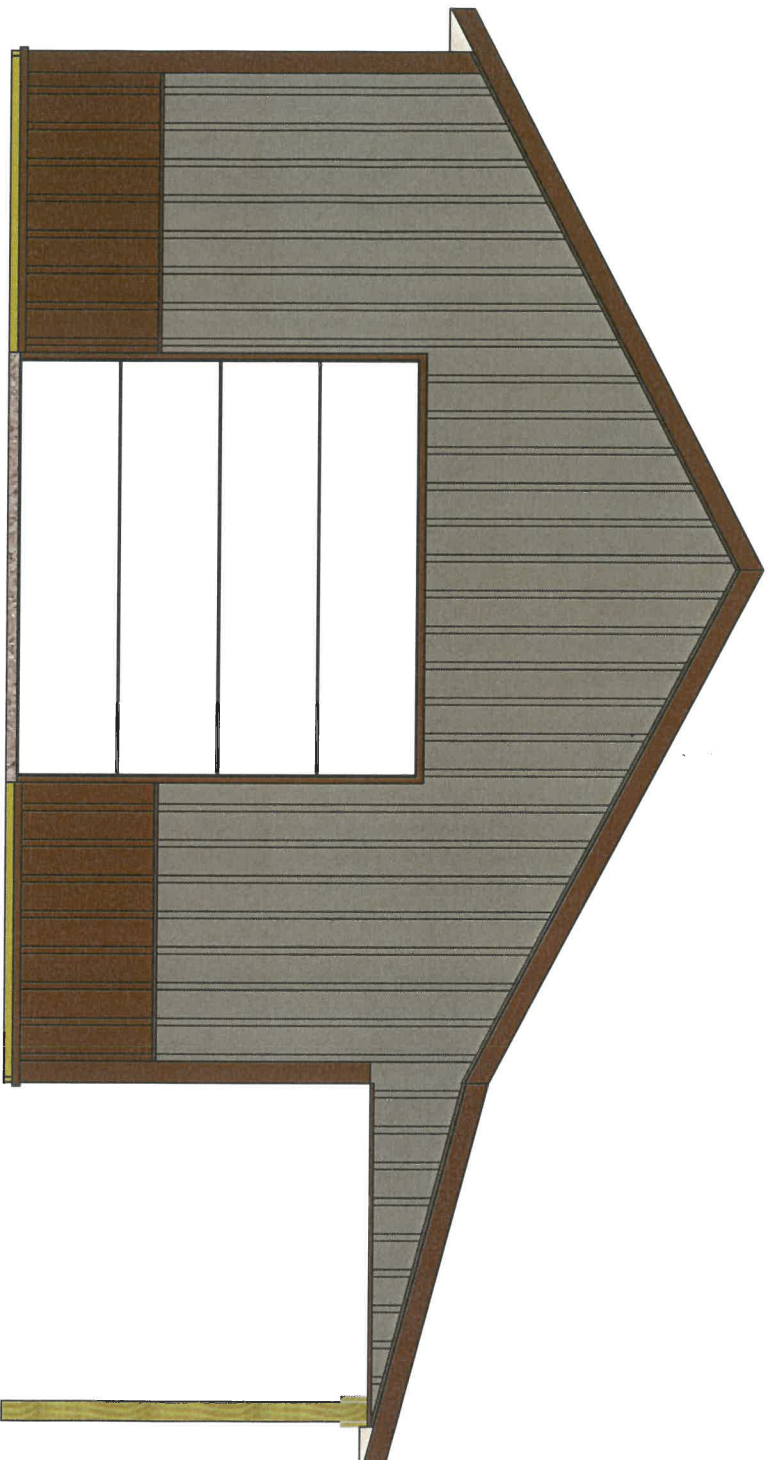
## SOUTH SIDE-EAVE SIDE 1 ELEVATION







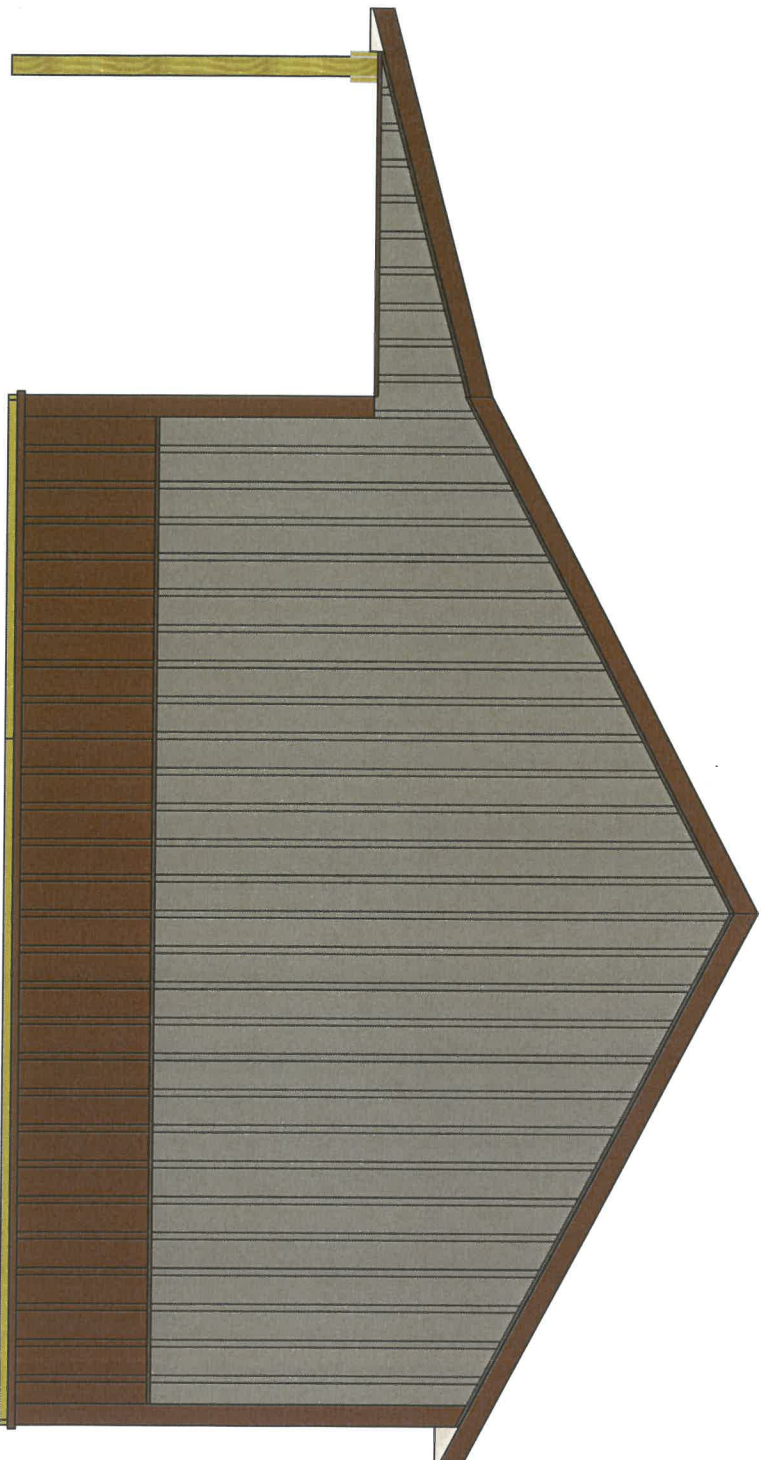
## WEST SIDE-GABLE SIDE 2 ELEVATION





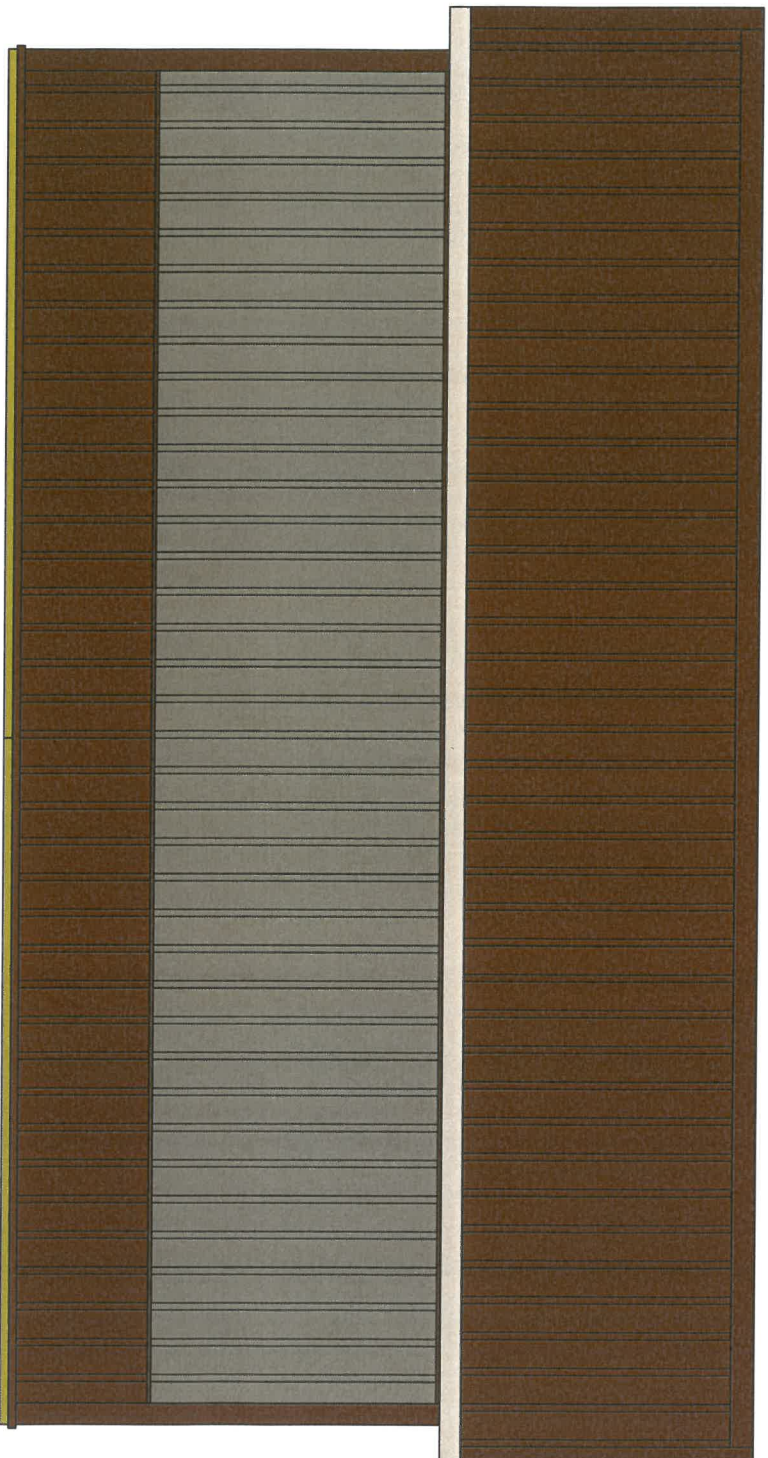


## EAST SIDE-GABLE SIDE 1 ELEVATION

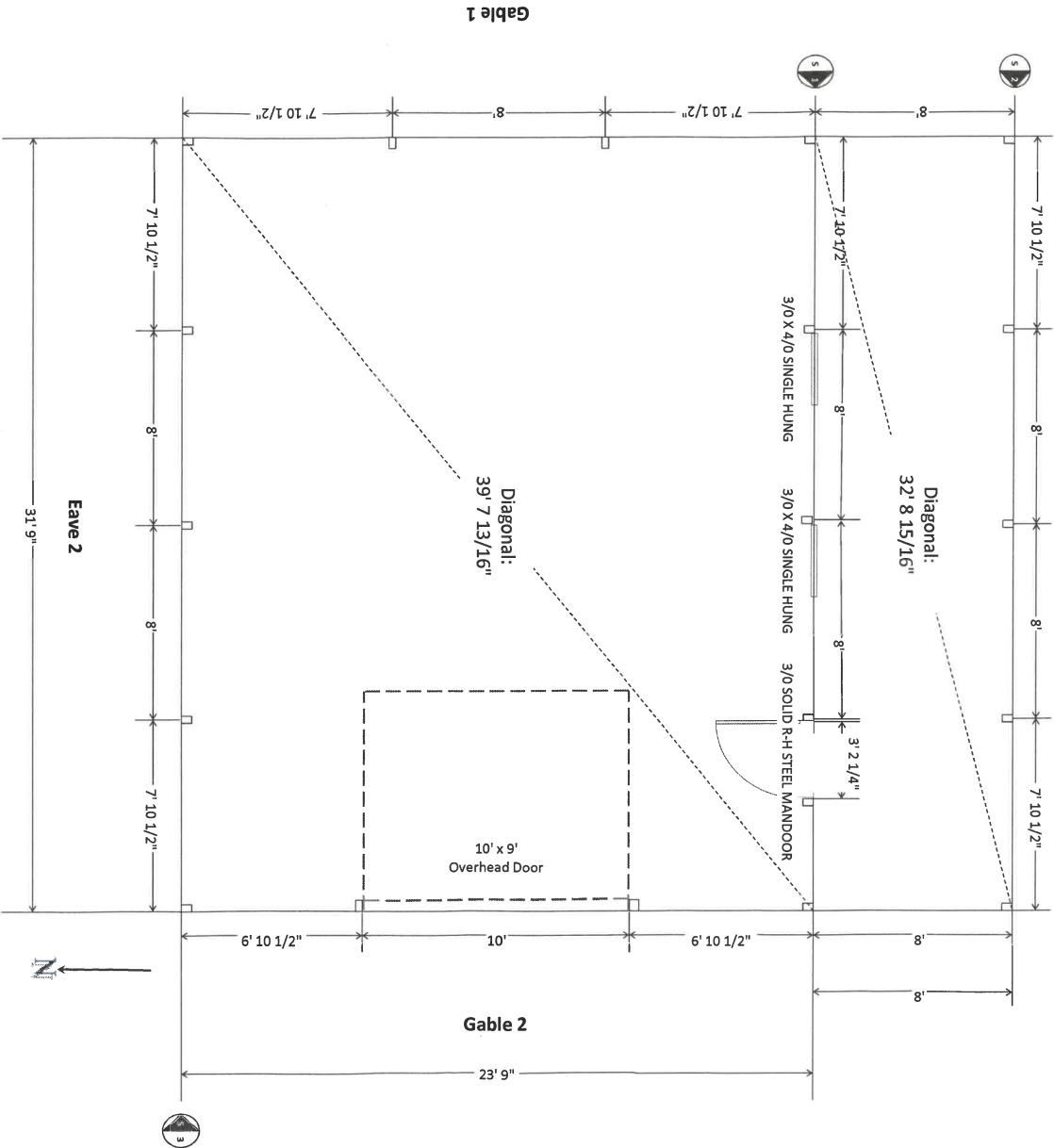




## NORTH SIDE-EAVE SIDE 2 ELEVATION



**Eave 1**





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

Taxes Due July 17th

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



Search by:  Address

Search for:

Trouble Searching?

063-144174-00.000  
DRUMM PHILIP M & MARY A  
13592 GRAHAM RD  
PATASKALA, OH 43062

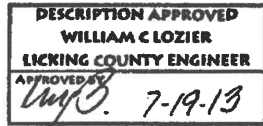
Acres: 0.82  
LOT 5 GINBEY-DYSART  
SUB

Land: \$18,400  
Improv: \$0  
Total: \$18,400

Sale Date: 07/19/2013  
Amount: \$45,000  
Conveyance: 1968  
Valid Sale: Yes

Homestead: No  
Owner Occ: No

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



201307190018512  
Pgs: 3 \$36.00 T20130019752  
07/19/2013 10:10AM MEPROBERT D L  
Bryan A. Long  
Licking County Recorder

TRANSMITTED  
Date July 19, 2013  
Michael L. Smith  
Licking County Auditor TH

SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY TH 810.00



01150922105105004000

## WARRANTY DEED

### KNOW ALL MEN BY THESE PRESENTS THAT:

Roland Hodge, unmarried, of Knox County, State of Ohio, for valuable consideration paid, grants with general warranty covenants to Philip M. Drumm and Mary A. Drumm, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 13592 Graham Rd., Pataskala, Ohio 43062, the following REAL PROPERTY:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF  
FOR ENTIRE LEGAL DESCRIPTION

### Prior Deed Reference:

O.R. Instrument Number 201307190018511  
Deed Volume 329, Page 615

Subject to Building restrictions, zoning restrictions, leases and easements of record, taxes and assessments which are a lien, determinations by the Tax Map Office, Licking County, Ohio Engineer's Office and the Licking County, Ohio Regional Planning Commission.

Executed on this 18th day of July, 2013.

Roland Hodge  
Roland Hodge



01150922105105005000

## EXHIBIT "A"

Situated in the State of Ohio, County of Licking and in the Township of Lima:

### PARCEL ONE:

Being a part of the northwest Quarter of Section 4, Township 1, Range 15; U.S.M. lands, beginning at a point in the south line of said quarter section and center line of County Road 159 which is 1461.34 feet west of the southeast corner of said quarter section; thence with said line west 142 feet; thence N. 2 deg. 23' W. (passing an iron pipe at 20 feet) 330 feet to an iron pipe; thence east 142 feet to an iron pipe; thence S. 2 deg. 28' E. (passing an iron pipe at 310 feet) 330 feet to the beginning, containing 1.076 acres, more or less.

Said premises being also known as Lot 4 of the Ginbey-Dysart Subdivision, as said lot is numbered and delineated on the recorded plat thereof, of record in Plat Book 5, page 105, Recorder's Office, Licking County, Ohio.

### PARCEL TWO:

Being a part of the northwest Quarter of Section 4, Township 1, Range 15; U.S.M. lands, beginning at a point in the south line of said quarter section and center line of County Road 159 which is 1345.84 feet west of the southeast corner of said quarter section; thence with said line west 115.5 feet; thence N. 2 deg. 28' W. (passing an iron pipe at 20 feet) 330 feet to an iron pipe; thence east 115.5 feet to an iron pipe; thence S. 0 deg. 28' E. (passing an iron pipe at 310 feet) 330 feet to the place of beginning, containing 0.875 acre, more or less. Being Tract 5 of a survey and subdivision of a part of said quarter section made by Paul Dumond, Surveyor, September, 1955.

Said premises being also known as Lot 5 of the Ginbey-Dysart Subdivision, as said lot is numbered and delineated on the recorded plat thereof, of record in Plat Book 5, page 105, Recorder's Office, Licking County, Ohio.

Permanent parcel Numbers: 063-144168--00.000 & 063-144174--00.000

STATE OF OHIO            )  
                                  ) ss:  
COUNTY OF KNOX        )

Before me, a Notary Public in and for said county and state, personally appeared the above-named, Roland Hodge, who acknowledged that he did sign the foregoing instrument and that the same was his free and voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Mount Vernon, Ohio, this 18<sup>th</sup> day of July, 2013.

  
NOTARY PUBLIC



ROBERT D. LEE, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.08 O.C.

Prepared by:

Robert D. Lee  
Attorney At Law  
136 South Main Street  
Mount Vernon, Ohio 43050  
Telephone: (740) 392-8838



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

Taxes Due July 17th

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

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other



Search by:

Address

Search for:

Trouble Searching?

063-144174-00.000  
DRUMM PHILIP M & MARY  
A  
13592 GRAHAM RD  
PATASKALA, OH 43062  
Acres: 0.82  
LOT 5 GINBEY-DYSART  
SUB

Land: \$18,400  
Improv: \$0  
Total: \$18,400

Sale Date: 07/19/2013  
Amount: \$45,000  
Conveyance: 1968  
Valid Sale: Yes

Homestead: No  
Owner Occ: No

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