



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-19-012

Applicant:	Amanda Mango
Owner:	Amanda Mango
Location:	369 Eddington Dr Pataskala, OH 43062
Acreage:	+/- 0.32 acres
Zoning:	PDD – Planned Development District
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 0.32-acre property at 369 Eddington Drive is currently occupied by a 1,624-square foot single-family home built in 1998. It is a corner lot, being located on Eddington Drive to the south, and Lockmead Drive to the east. The driveway for the home is on Eddington Drive.

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. The Brookside Subdivision is a Planned Development, with Section 5 where this home is located being platted in 1997. According to the Plat for this section, there is a 25-foot building setback line from Lockmead Drive. The home itself is approximately 28-feet from the property line. Any fence erected in front of that 25-foot building setback line must be a maximum of 4-feet in height.

The Applicant is requesting a variance in order to construct a 6-foot (72-inches) privacy fence constructed of pressure treated pine that will extend 8-feet from the east side wall of the home, which will then run parallel to the east property line to the rear (north) property line for 50-feet, and then connect into the neighbors fence line on the west side. The east side of the fence is proposed at 20-feet from the property line. As the fence will cross that 25-foot building setback line by 3-feet, a variance is required for the proposed height of 6-feet.

As stated in the submitted Narrative Statement, the Applicant would like a 6-foot fence for the safety of their children and dogs. There are currently trees that line the side of their existing patio where the fence would need to be per code, and they would like to retain those. The sump pump drain for the home is also on the east side of the house, and they would like to leave room to access it for repairs if the need ever arises. The Applicant also feels the requested variance would not substantially alter the character of the surrounding neighborhood, nor would it impair the use of adjacent property, be an issue for public welfare, or prevent access by government services. Also Stated: The Applicant had no prior knowledge of the zoning restrictions.

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

Staff would like to note that the proposed fence will be within a drainage easement. However, this is a common occurrence, and permits are typically issued for fences that are in drainage easements if the recorded plat does not specifically ban their construction. The four neighbors to the west of the proposed location for this fence also have fences within the drainage easement.

The Plat for Brooksedge Section 5 states: "...No above grade structures, dams, or other obstructions to the flow of storm water runoff are permitted within Drainage Easement or Watercourse Easement areas as delineated on this plat unless approved by the Pataskala City Engineer". The City Engineer, and Public Service Director has reviewed the application, and they have the following comments:

City Engineer

1. Portions of the fence will be installed within an existing drainage easement. The Applicant shall ensure that all existing and future drainage is not impeded due to installation of the fence.

Public Service Director

1. The fence shall not block flow of storm water.

A possible condition has been added to address the concerns of the City Engineer and Public Service Director. Should the fence create a problem for stormwater runoff, the Applicant will be required to move the fence back out of the drainage easement.

Staff has not identified any other concerns with the proposal.

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Single-Family Home
East	PDD – Planned Development District	Single-Family Home
South	PDD – Planned Development District	Single-Family Home
West	PDD – Planned Development District	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-19-012:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- 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 within one (1) year of the date of approval.
2. The Applicant shall ensure that all existing and future drainage is not impeded due to installation of the fence

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-19-012 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#); [Scott Haines](#)
Subject: May 13 BZA - PSD Comments
Date: Friday, April 26, 2019 4:29:29 PM

Jack,

My comments for the May 13 BZA hearing are as follows:

1. VA-19-010
 - a. No comment
2. VA-19-011
 - a. Coordinate with Public Service Director
 - i. To address how deliveries will be made to the site.
 - ii. For any driveway/parking lot/stormwater improvements.
3. VA-19-012
 - a. Fence shall not block flow storm water.
4. VA-19-013
 - a. Fence shall not block flow storm water.

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

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Jim Roberts](#); [Alan Haines](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: May BZA Review
Date: Friday, April 26, 2019 9:23:02 AM

Jack

Hull and Associates has reviewed the agenda items for the May 13, 2019 BZA Meeting. I have been in contact with the Public Service Director and we offer the following comments:

VA-19-010

1. We have no engineering related comments on this application

VA-19-011

1. We have no engineering related comments on this application

VA-19-012

1. Portions of the fence will be installed within an existing drainage easement. The applicant shall ensure that all existing and future drainage is not impeded due to the installation of the fence.

VA-19-013

1. The applicant shall ensure that all existing drainage is not impeded due to the installation of the fence.

Let me know if you have any questions.

Scott R. Haines, P.E., CPESC

Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 740-344-8659

Follow Hull on [Facebook](#) & [LinkedIn](#)
[web](#) | [directions to offices](#)



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:	369 Eddington Dr
Parcel Number:	063-140022-00.132
Zoning:	P00
Acres:	.32
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-19-012
Fee:
\$ 300
Filing Date:
Hearing Date:
Receipt Number:

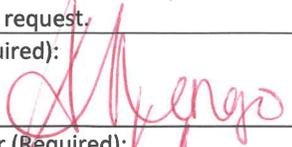
Applicant Information		
Name: Amanda Mango		
Address: 369 Eddington Dr.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-701-7676	Email: amanda.mango@yahoo.com	

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

Property Owner Information		
Name: Amanda Mango		
Address: 369 Eddington Dr.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-701-7676	Email: amanda.mango@yahoo.com	

Variance Information
Request (Include Section of Code): 1279.03 A 1
Requesting a variance from this section of the code to allow for fence exceeding 48in. in height.
Describe the Project:
We are looking to install a 6ft. privacy fence for the backyard Pressure treated wood.

Documents to Submit	
Variance Application: Submit 1 copy of the variance application.	
Narrative Statement: Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</i> <i>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;</i> <i>Whether the variance requested is substantial;</i> <i>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;</i> <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> <i>Whether the variance, if granted, would adversely affect the delivery of governmental services;</i> <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> <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> <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> • 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: <ul style="list-style-type: none"> • 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: 4/12/19
Property Owner (Required): 	Date: 4/12/19

a) We are looking to install a 6ft. privacy fence for our backyard. We have kids + dogs and would like to install the fence for safety purposes. ~~Current~~ code



b) There are currently trees that line the side of the patio where code would require the fence to start on the side of Lockmeade dr. That is also where our sump pump drain is, should we ever need access for repairs that would require additional room for the fence to be installed.

c) 8ft. variance request out of the 25ft, I do not believe that is substantial as it is only 32%

d) we do not feel it would substantially change the character of the neighborhood.

e) we do not feel it would impair the use of the adjacent property as there is a drainage easement that runs between our properties.

f) No potential for public welfare issue

g) there will be a gate for access for governmental services

h) we did not have prior knowledge regarding zoning restrictions

i) We do not feel there is an alternate options related to this variance.

J) We feel the variance request is the minimum required to be able to maintain utilities + tree's.

K) we feel we are allowing enough room to not obstruct views or city sidewalks.



Fence Height - 6ft
 Material - Pressure Treated Pine
 Measurements
 Lockmead - 8ft section 20ft from property line
 Back Corner Lockmead side of house to back of property
 50ft



201812270027336

Pgs:2 \$28.00 T20180019242
12/27/2018 1:54 PM MRPFIRST OHIO
Bryan A. Long Licking County Recorder

TRANSFERRED
Date <u>Dec. 26, 2018</u>
<u>Michael L. Smith</u> Licking County Auditor
SEC. 319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR
BY: <u>Sam 615.00</u>

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
<u>12-26-18 SW</u>



01150730816003010000

SURVIVORSHIP DEED

File # 85919

KNOW ALL MEN BY THE PRESENTS THAT; Deborah S Welsh, Unmarried, Grantor(s), for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to Bryce Shilling and Amanda Mango, Both Unmarried, Grantee(s), for their joint lives, remainder to the survivor of them, whose Tax Mailing Address will be 5950 Symphony Woods Rd Columbia MD 21044.

The following described real property:

Situated in the State of Ohio, County of Licking, and in the City of Pataskala:

Being Lot Number One Hundred Twenty Nine (129), of Brookside Section ⁵, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, Page 3 and 4, Recorder's Office, Licking County, Ohio.

FIRST OHIO TITLE INSURANCE BOX (1)

Parcel Number: 063-140022-00.132
Known as: 369 Eddington Drive
Pataskala, OH 43062

Subject to covenants, conditions, restrictions, easements and zoning ordinances, if any, contained in prior instruments of record.

Excepting therefrom taxes and assessments if any, now a lien and thereafter due and payable.

Prior Instrument Number: Instrument Number 201410100019875 and
Instrument Number 200804220009151 and
Instrument Number 200012220040790, of the
Records of the office of the Recorder, Licking
County, Ohio

Witness his/her/their hand(s) this 14th day of December, 2018.

Deborah S Welsh
Deborah S Welsh

State of Ohio)
County of Licking) SS

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Deborah S Welsh, Grantor(s) who acknowledged that they/he/she did sign this Warranty Deed and the same is their/his/her free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, this 14th day of December, 2018.

Beverly Bogear
Notary Public
Commission Expiration
Date: 3/18/2021

This instrument was prepared by:

Thomas J. Olix, Attorney at Law
Olix & Associates, Co., L.P.A.
2131 Pinebrook Road
Columbus, Ohio 43220
File # 85919



Beverly Bogear
Notary Public
In and for the State of Ohio
My Commission Expires
March 18, 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
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login



Search by:



063-140022-00 132
 SHILLING BRUCE &
 MANGO AMANDA
 369 EDDINGTON DR
 PATASKALA, OH 43062

Acres: 0.32
 LOT 129 BROOKSEEDGE
 SEC 5
 Land: \$41,400
 Improv: \$131,400
 Total: \$172,800
 Sale Date: 12/26/2018
 Amount: \$205,000
 Conveyance: 4173
 Valid Sale: Yes
 Homestead: No
 Owner Occ: Yes
 Foreclosure: No
 Certified Delq: No
 On Contract: No
 Bankruptcy: No
 Tax Lien: No

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions.