

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

Monday, May 13, 2019

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Monday, May 13, 2019.

Present were:

Robert Platte, Chairperson
D. Chadd McKitrick, Vice Chairperson
Bruce Ashcraft
Alan Howe
TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Planning and Zoning Director
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: Bruce Ashcraft, Alan Howe, Chadd McKitrick, Rob Platte and TJ Rhodeback.

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

First on the Agenda, Variance Application VA-19-010, 13592 Graham Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting an accessory building to be located on a parcel without a principal structure; however, the Applicant owns the property directly to the west that is currently occupied by a single-family home. The subject property used to have a barn, but burned down years ago.

Philip Drumm, 13592 Graham Road, was placed under oath.

Mr. Drumm stated purchasing both properties, demolished the original house, and built a new home.

A discussion was had regarding merging the two properties.

Philip Drumm, Jr., 215 Bent Tree Lane, was placed under oath.

Mr. Drumm noted the reasoning for not merging the properties is he will be purchasing the property and building a home.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-19-010 with the following supplementary conditions:

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.

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

Next on the Agenda, Use Variance Application VA-19-011, 131 Oak Meadow Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting a use variance to allow the property to be used as a small grocery store. The building was originally a single-family home and has also been used for general office use and a doctor's office. A use variance was granted by the Board of Zoning Appeals in 2013 for office use. Department and Agency comments were noted.

A discussion was had regarding the most recent use variance for an adult day care.

A discussion was had reading sidewalks and streetlights.

Gyanu Dulal, 440 Eleazor Wolcott, was placed under oath.

Mr. Dulal noted being new to Pataskala and seeing a need for an ethnic grocery store.

A discussion was had regarding remodeling the current building.

Exterior changes, signage, parking lot and drainage were discussed.

Krista Cope, 145 Oak Meadow Drive, was placed under oath.

Ms. Cope noted concerns regarding noise, lighting and property values.

Gary Cope, Jr., 145 Oak Meadow Drive, was placed under oath.

Mr. Cope noted previous use for 131 Oak Meadow Drive being a doctor's office with daytime-only hours. Current use is being used for offices with daytime hours and some evening activity. Traffic and longer business hours were noted as a concern.

A discussion was had regarding commercial lighting in a residential area.

A discussion was had regarding hours of operation.

Mr. Ashcraft inquired as to restricting hours of operation.

Mr. Dulal stated not wanting to have any negative impact on the community and willing to be flexible.

Ms. Rhodeback inquired as to how many customers he will be serving.

Mr. Dulal stated not having the exact number at this time.

The City's Comprehensive Plan was noted.

A discussion was had regarding noises from the business.

Mr. Dulal again noted not bringing any negative impact to the community.

Mr. Cope noted the property currently has low activity.

A discussion was had regarding deliveries and trash pick-up.

Mr. Fulton noted stipulations may be added regarding trash pick-up times during business hours.

Neil Bookout, 261 Monarch Drive, was placed under oath.

Mr. Bookout indicated the apartment complex to the south of the subject property has a dumpster.

Ms. Rhodeback stated Mr. Bookout made a good point with the apartment complex having a dumpster.

Findings of Facts were reviewed.

A discussion was had regarding tabling the application.

Mr. Ashcraft made a motion to table Use Variance Application VA-19-011 to the June 10, 2019 hearing.

Seconded by Ms. Rhodeback.

Mr. McKitrick indicated he would abstain from the vote; however, he stated not being sure why the application is being tabled as what further information would be needed.

A discussion was had regarding a use variance, change of ownership, and hours of operation.

Mr. Platte, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted no. Mr. McKitrick abstained. The motion failed.

A discussion was had regarding hours of operation and neighborhood markets.

Mr. Fulton asked the Board to outline concerns, will work with the Applicant and neighboring property owners for a compromise among all parties.

Mr. McKitrick made a motion to table Variance Application VA-19-011, and Staff to work with surrounding neighbors and Applicant. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Rhodeback, Mr. Platte and Mr. McKitrick voted yes. Mr. Ashcraft abstained.

Recess was taken at 7:49 p.m.

Back on the record at 7:56 p.m.

Next on the Agenda, Use Variance Application VA-19-012, 369 Eddington Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting the variance to allow for a fence exceeding 48 inches in height to be erected in front of the building setback line. Department and Agency comments were reviewed.

A discussion was had regarding corner lots.

No further comments or questions were presented.

Findings of Facts were reviewed.

Mr. Ashcraft made a motion to approve Variance Application VA-19-012 with the following supplementary conditions:

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.

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

Next on the Agenda, Use Variance Application VA-19-013, 6393 Summit Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting the variance to allow for a fence exceeding 48 inches in height to be erected in front of the building setback line. Department and Agency comments were reviewed.

No further comments or questions were presented.

Findings of Facts were reviewed.

Mr. McKitrick made a motion to approve Variance Application VA-19-013 with the following supplementary conditions:

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.

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

Next on the Agenda, Findings of Fact:**Variance Application VA-19-010**

- | <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-19-010. Seconded by Mr. Howe. Mr. Platte, Mr. Howe, Ms. Rhodeback and Mr. McKittrick voted yes. Mr. Ashcraft abstained. The motion was approved.

Variance Application VA-19-012

- | <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</i> |

- 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. McKitrick made a motion to approve Findings of Facts for VA-19-012. Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. Howe, Mr. Platte, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-19-013

- | <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> |

Mr. McKitrick made a motion to approve Findings of Facts for VA-19-013. Seconded by Mr. Ashcraft. Mr. McKitrick, Mr. Platte, Ms. Rhodeback, Mr. Howe and Mr. Ashcraft voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence for Bruce Ashcraft from the April 8, 2019 meeting.

Mr. Howe made a motion to excuse the absence of Bruce Ashcraft from the April 8, 2019 Meeting. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Platte, Mr. Ashcraft and Mr. Howe voted yes. Mr. Ashcraft abstained. The motion was approved.

Next on the Agenda, Excuse of Absence for Chadd McKitrick from the April 8, 2019 meeting.

Ms. Rhodeback made a motion to excuse the absence of Chadd McKitrick from the April 8, 2019 Meeting. Seconded by Mr. Howe. Mr. Platte, Ms. Rhodeback, Mr. Howe voted yes. Mr. Ashcraft and Mr. McKitrick, abstained. The motion was approved.

Next on the Agenda, Other Business.

None was given.

Next on the Agenda, approval of the April 8, 2019 regular meeting minutes.

Ms. Rhodeback made a motion to approve the April 8, 2019 regular meeting minutes. Seconded by Mr. Howe. Mr. Howe, Mr. Ashcraft, Ms. Rhodeback and Mr. Platte voted yes. Mr. McKitrick abstained. The motion was approved.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Mr. McKitrick. Mr. Platte, Mr. Howe, Mr. Ashcraft, Ms. Rhodeback and Mr. McKitrick voted yes. The meeting was adjourned at 8:15 p.m.

Minutes of the May 13, 2019 meeting were approved on

_____, 2019.
