



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

June 10, 2019

Use Variance Application VA-19-011

Applicant:	Gyanu Dulal, Chuda Dulal, Khem Rajgai
Owner:	Jerry Neil Bookout
Location:	131 Oak Meadow Dr Pataskala, OH 43062
Acreage:	+/- 0.35 acres
Zoning:	R-10 – High Density Residential
Request:	Requesting approval of a use variance pursuant to Section 1211.07(B) of the Pataskala Code to allow the property to be used as a small grocery store.

Description of the Request:

The applicant is seeking a use variance to allow the property at 131 Oak Meadow Drive to be used as a grocery store.

Staff Summary:

The 0.35-acre property located at 131 Oak Meadow Drive is currently occupied by an 1,878-square foot building, with the rest of the lot being paved with asphalt. Currently, the building is used as an office for ZNB Construction LLC. Although the office use is not permitted in the R-10 – High Density Residential Zoning District, a Use Variance was granted by the Board of Zoning Appeals in 2013 (Variance Application #2013-452). The building was originally a single-family home before being converted to a Doctor's Office, and the entire lot paved in asphalt (Licking County Auditor lists the year of pavement being added as 1965). It next became a church, and then sat vacant for approximately 10 years before being considered for purchase by the current occupant.

The Applicant is requesting a Use Variance for the purpose of operating a small Ethnic Grocery Store in the existing building. As stated in the submitted Narrative Statement, the intent is to serve the South East Asian community of the area, in addition to the community at large. No exterior alterations are proposed as most of the alterations will be interior to convert the building from its existing office use. The applicants do not expect to have more than eight to ten cars parked at any one time but do expect a continuous flow of traffic in small numbers. The proposed business hours are 9am to 9pm Monday to Sunday.

The current R-10 – High Density Residential zoning classification does not permit grocery stores (NAICS 445110); therefore, the applicant is seeking a Use Variance.

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

May 13, 2019 BZA Hearing:

The Future Land Use Map designates the property as High Density Residential with a recommended maximum three dwelling units per acre. If the applicant were to attempt to rezone the property, it would be in conflict with the recommendations of the Future Land Use Map and Comprehensive Plan.

In 2013 the property owner at the time applied to rezone the property from R-10 – High Density Residential to GB – General Business. This request was also in conflict with the recommendations of the Future Land Use Map and Comprehensive Plan. The Planning and Zoning Commission, Planning Director and Law Director all had concerns that rezoning the property would be considered “spot zoning” which is the rezoning of a lot or parcel of land to benefit an owner for a use that is incompatible with surrounding land uses and does not further the Comprehensive Plan. The Law Director determined that applying for a Use Variance was more appropriate and would allow the Board of Zoning Appeals to place conditions on the use of the property if approved. It was also noted that the property has several features that could be considered toward the granting of a Use Variance, such as its legal non-conforming use as a doctor’s office for many years, its current interior configuration with offices and the existing parking lot.

The property owner applied for the Use Variance to allow “office type uses” which was granted at the November 5, 2013 Board of Zoning Appeals hearing. The Board of Zoning Appeals also placed conditions on their approval. The Findings of Fact from that hearing, including the Board of Zoning Appeals conditions, are attached to this report for review.

The Planning and Zoning Department agrees with the determination of the Law Director in 2013. Rezoning the property to a commercial use would conflict with the recommendations of the Future Land Use Map and Comprehensive Plan, create an instance of “spot zoning”, and is currently more suited to a commercial use versus a residential use. Furthermore, if the property were to be rezoned to a commercial district that would permit a grocery store, it would also allow a multitude of other uses permitted in those districts that could be incompatible with the surrounding area. While Use Variances are issued in rare circumstances, staff believes the history and unique nature of this property lends itself to be considered for a Use Variance.

Section 1291.16 of the Pataskala Code requires a minimum of 1 parking space for each 200 square feet of gross floor area. As the building is 1,878 square feet with no additions proposed, a minimum of 10 parking spaces is required. Currently the site has 6 parking blocks in front of the building adjacent to the sign, with ample area in the rear of the property to accommodate additional parking. The parking lot would need to be striped for appropriately sized parking spaces per code.

As the parking on site would have ten or more parking spaces, lighting must be installed pursuant to Section 1291.03. This lighting must be shielded or directed so as to not create a nuisance and must provide

an average intensity of ½ foot candles as measured at the parking surface area. All lighting is subject to the approval of the Zoning Inspector.

There is an existing ground sign on the property; however, staff has no information on its size or compliance with the Code. The applicant has not indicated and signage proposals as part of their Use Variance application, as those considerations typically occur during the permitting process. Per Code the property would be permitted one non-illuminated sign not to exceed 24 square feet in size.

The property has no buffering along the northern and southern property lines except a small masonry wall, approximately 16 feet long and 3 feet high adjacent to the front parking lot along the northern property line. The front contains a small grass area and landscaping around the sign. In the rear there are several trees along the western property line; however, staff is unable to determine if the adequately screen from the adjacent homes. As the Use Variance would allow the property to remain residential, the required screening from Section 1283.07 does not directly apply. Furthermore, there is limited area for planting along the property lines as the majority of the property is pavement.

The Public Service Director has requested that the applicant coordinate with him to address how deliveries will be made to the site and for any driveway, parking lot and/or stormwater improvements. The Public Service Director's comments are attached.

The Fire District has expressed concerns regarding the change of use group and requests that the applicant submit plans to the Licking County Building Department for approval for such change in use group. The Fire District's comments are attached.

Possible supplementary conditions have been included to address the comments above.

June 10, 2019 BZA Hearing:

Following the tabling of VA-19-011 at the May 13, 2019 BZA Hearing, Staff was to meet with both the Applicant and the neighboring property owner directly adjacent to the North to have a discussion on any possible solutions to concerns raised during the hearing. Those potential concerns were:

1. Change of ownership.
2. Hours of operation.
3. Lighting.
4. Dumpsters?
5. Can a commercial business use trash cans?
6. Landscaping and Screening.
7. Use of northern driveway to rear parking lot.

Staff met with the neighboring property owners on Saturday, May 25th, 2019 to discuss. They have submitted a follow-up letter outlining their concerns with the Use Variance, which is attached to this Staff Report. A summary is below:

- Lack of privacy with use becoming retail. Previous use as office involved minimal amounts of traffic per day, worried that any retail use operating seven (7) days a week would involve significantly more vehicles per day, especially during hours when they are home.
- Interior layout of the structure at 131 Oak Meadow is set up for office space. Concerned that changing the interior structure for a retail use would set a precedent that the building is only suited for retail in the future, which they are opposed to.
- Proposed retail use does not mesh well with the surrounding residential character of the neighborhood.
- The location is not well suited to retail use, not noticeable from Broad Street. Concerned that it would have an increased risk in failing due to its location, relating back to the concerns above setting a precedent that if the interior was changed to fit retail, another retail business may take over.
- Concerned that the resale value of their home would be adversely affected.

Overall the neighboring property owners stated that they feel all these issues would negatively affect their privacy, quality of living, and resale value of their home. They would not like to see the property become available for commercial retail use. However, they did state that a non-retail business with daytime hours similar to what is existing would be acceptable.

Staff also reached out to the Applicant to have them provide some responses to the concerns were raised at the May 13, 2019 BZA Hearing. Their response is attached to this Staff Report, and a summary is below:

1. Change of ownership.
 - a. They are planning to buy the property if the application is approved.
2. Hours of operation.
 - a. Hours of operation proposed to be 8AM to 8PM, Monday to Sunday.
3. Lighting.
 - a. Lighting will be installed as required by the City.
4. Dumpsters?
 - a. A Dumpster will be required for the waste generated, however they will check with the collection company on the possibility of limiting pick-up hours.
5. Can a commercial business use trash cans?
 - a. See above.
6. Landscaping and Screening.
 - a. No plans for landscaping or screening other than what is required by the City.
7. Use of northern driveway to rear parking lot.
 - a. The northern driveway will have to be used to access the rear parking area.

Surrounding Area:

Direction	Zoning	Land Use
North	R-10 – High Density Residential	Single-Family Home
East	R-M – Multi-Family Residential District	Apartments
South	R-M – Multi-Family Residential District	Apartments
West	R-10 – High Density Residential	Single-Family Home

Variance Requirements:

According to Section 1211.07(A)(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if a use 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(B) of the Pataskala Code, the Board of Zoning Appeals shall consider the following factors when determining if a use variance is warranted:

- a) *The applicant/owner created the alleged hardship;*
- b) *The Board finds that the application is primarily made for the purposes of convenience or profit;*
or
- c) *A substantial ground offered in support of an application for use variance is the existence of other non-conforming use of neighboring lands, structures, or buildings, in the same zoning district or in other zoning districts.*

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – See attached
- South West Licking 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 coordinate with the Planning and Zoning Department to address all parking, lighting, signage, buffering, and other site design items as part of the Certificate of Compliance application process.
2. The Applicant shall coordinate with the Public Service Director to address how deliveries will be made to the site and for any driveway, parking lot and/or stormwater improvements.
3. The Applicant shall submit plans to the Licking County Building Department for approval for a change in use group.
4. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to operation of the business.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve use variance pursuant to Section 1211.07(B) of the Pataskala Code for application VA-19-011 ("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: [Doug White](#)
To: [Jack Kuntzman](#)
Cc: [Doug White](#)
Subject: Comments and concerns
Date: Wednesday, April 17, 2019 10:38:04 AM

Jack,

West Licking Joint Fire District has looked over the use variance **VA19-011** and we have concerns in regards to the change of use group. The applicant should submit plans to the Licking County Building Department for approval for such change in use group.

West Licking Joint Fire District has reviewed the preliminary development plans for Scenic View Estates and we have the following comments.

- 1) Any of the lanes / roads that are over 500' in length to the nearest fire hydrant, a fire hydrant shall be installed. Per our regulations section M
- 2) If gates are installed at the beginning of the lanes / roads , a Knox pad lock or Knox Box or a Knox Gate lock shall be installed. If the gates are electronic we require a way to open the gates if loss of power. Per our regulations section J.
- 3) The lanes / roads shall be a minimum width of 20' and maintained at all times for fire apparatus access per our regulations section L.

This concludes our comments at this time. If there any questions please feel free to contact me.

Regards,

Doug White
dwhite@westlickingfire.org
Fire Marshal
West Licking Fire District
851 E. Broad St.
Pataskala Oh 43062
Office Phone # 740-927-3046 Opt. 2
Westlickingfire.org



CITY OF PATASKALA
BOARD OF ZONING APPEALS, PUBLIC HEARING

 COPY



FINDINGS OF FACT-VARIANCE APPLICATION # 2013-452

HEARING DATE:

November 5, 2013

Planning & Zoning
Department

Appl. # 2013-452

131 Oak Meadow Dr.

Applicant:

Robert Kiger
5670 Heather Rd.
Columbus, OH 43230

Present Zoning:

R-10 (High Density Residential)

Request: Requesting a Use Variance to allow Office type uses.

Summary: Mr. Kiger originally came through P&Z last month for a rezoning request. That request was tabled to allow the Planning Director and the Law Director discuss the issues of the rezoning request in a little more detail. The minutes from that meeting should be attached to this report for your review. The minutes as well as the staff report outline the concerns that both staff and the P&Z Board had with what is noted as "spot zoning" or individually zoning, a specific parcel for certain uses that are outside the approved uses for the current zoning or adjacent zoning. After consulting with the Law Director, it was determined that the best course of action would be to bring the applicant before the BZA, which has the authority to issue a rare "Use Variance" and to then be able to issue conditions upon the use of the property, if the Board so decides based on the evidence presented at the hearing.

As will be noted in the staff P&Z report as well as the minutes of the October 2nd meeting, the property has a number of unique qualities that can be considered towards the granting of a "Use variance", such as the fact that it was a legal non-conforming use as a doctor's office for a number of years, before it went vacant and lost this designation. It is currently configured with interior offices, and as noted in the photos, the entire site is paved for parking.

As was conducted in an earlier hearing this year, the Board will need to review the evidence of this case, which includes the professional staff report, facts from the minutes of the P&Z meeting regarding this case from October 2nd, as well as the testimony presented here which includes the professional opinions of the staff and the testimony of the nearby residents and/or property owners who have standing to testify. The Board will then need to carefully go through each criteria as outlined in 1211.07 (attached below for your convenience), and then make a final determination on granting or denying the variance, or granting the variance with conditions from this review process.

The Board can then ask staff to prepare the written findings to be presented at the next regularly scheduled meeting to be reviewed by the Board (this hearing would be continued and not closed), and then these can be accepted, at which time the appeals clock starts.

Findings:



**Planning & Zoning
Department**

Variance Conclusions (Section 1211.07)

1. *Whether the property in questions will yield a reasonable return or if there can be beneficial use of the property without the variance; **No***
2. *Whether there are unique 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; **There is black top and other uses that reveal its previous uses as a commercial property***
3. *Whether the variance requested be substantial; **No***
4. *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; **No***
5. *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; **No***
6. *Whether the variance, if granted, will be detrimental to the public welfare; **No***
7. *Whether the variance, if granted, would adversely affect the delivery of governmental services; **No***
8. *Whether the property owner purchased the subject property with knowledge of the zoning restrictions; **Yes, applicant aware of previous uses***
9. *Whether the property owner's predicament can be averted through some other method than a variance; **No***
10. *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; **Yes***
11. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance; **Yes***



*Planning & Zoning
Department*

Additional Comments: Applicant can relocate sign, size restriction is 32 sf. must be 10 ft. away from ROW and no higher than 8 ft. above grade, but improve appearance, no lighting required on sign and work with PZ staff within 6 months to incorporate new sign options, down lighting from a pole is preferred by staff, but also place lighting on building, lights off at 10p and/or add low lighting and/or motion detecting lighting, hours of operation 8a-10p M-F, Sat. & Sunday hours not to start before 9a or go after 4p, contingent upon need, but applicant must come before the Board for use change, staff requests foliage to be installed to create buffering in rear of property; block wall that exists currently on property will be painted by applicant, but will not be removed unless overall consensus of neighbors permits, future landscaping buffers can be consulted with PZ staff. Applicant has been granted 6 month allowance to have all the above conditions met. Applicant shall not leave property unsightly.

Voting on Application (Motion to approve, disapprove: or approve with modification):

Motion:

Moved by:

Seconded by:

Yeas:

Nays:

Abstentions: Tom Quinn

Members in Attendance:

Woodrow Kitchen, Chairman

Matt Dixon, Vice Chairman

Tom Quinn, Board Member

Daniel Davis, Board Member

Traci Benedix, Board Member

Date of Signatures

Gary and Krista Cope

145 Oak Meadow Drive

Pataskala, OH 43062

Phone (G): 614.900.2094

Email (G): gary.cope@korda.com

Phone (K): 740.438.0552

Email (K): krista.cope@nationwidechildrens.org

To the City of Pataskala Board of Zoning Appeals,

Thank you for the opportunity to submit this letter as documentation of our concerns regarding the case VA-19-011, referencing the re-zoning request for the property at 131 Oak Meadow Drive. While we appreciate and respect local business and would like to support all those who are willing to work, we feel that this property is not suited for a public retail business for the following reasons:

- Our biggest concern is the lack of privacy that a retail business would bring. The current building located at 131 Oak Meadow was constructed as a doctor's office in 1965, and most recently used as a small business location which involved no more than a few vehicles a day during traditional daytime business hours. We are concerned that any retail business operating seven days a week during the hours of 9:00am-9:00pm or similar, would involve significantly more vehicles over significantly extended hours.
 - This would result in many cars traversing the lane to the back parking lot during most of the time we would be at home. Additionally, this lane is located approximately 15 feet away from the bedroom windows for two occupied bedrooms and the occupants of both bedrooms, while inside, would be able to hear the vehicle noise, as well as see the light produced from headlights in the evening hours, particularly during the winter months.
 - We are concerned with the additional lighting that would be implemented for the parking lot, especially during the winter and night/evening hours.
- The surrounding properties are residential and a retail location does not fit within the character of the neighborhood. Oak Meadow is not a busy road and this property is not well-suited for retail use as it is not visible from the heavier traffic on Broad Street. We believe that not only would a retail business increase the traffic in this location, but also that the business would not be as noticeable to potential consumers who are not already aware of its existence and thus would have an increased risk of failing.
- The interior is currently laid out as an office space. Should the layout be changed now to allow for public retail business, it would likely require additional renovations in the future to convert back to a non-retail business. Because of this, once turned into a retail property, we feel that a precedent would be set which would make this building only suited for a retail space in the future, to which we are opposed.
- We are concerned that the resale value of our home would be adversely affected; as most people do not want to live next door to a retail business, we anticipate certain difficulty in selling the property if and when desired.

Overall we feel that all of these issues would negatively affect our privacy, quality of living, and resale value of our home. We therefore would ask that the board not allow this property to be available for a commercial, retail use. However, we would like to note that we do support the use of this property as a private, non-retail business with daytime weekday operating hours.

Respectfully,

Gary and Krista Cope

From: [Ghana Dulal](#)
To: [Scott Fulton](#)
Cc: chudamunidulal@yahoo.com; Happybajgai@yahoo.com
Subject: Re: 131 Oak Meadow Drive
Date: Friday, May 31, 2019 6:21:33 AM

Hi Scott,

We are planning to buy the property if the petition is approved. The hours of operation will be 8 am to 8 pm Monday to Sunday. The lighting will be installed as required by the city to run a grocery. We do need a dumpster for the trash but will check with the waste management for the possibility of pick up hours. We do not have any plan for the landscaping and screening now other than the city requirements. The northern drive way will have to be used to drive to the back parking lot. Let us know if this answered the city's concerns.

Thank you

Sent from my iPhone

On May 29, 2019, at 12:32 PM, Scott Fulton <sfulton@ci.pataskala.oh.us> wrote:

Mr. Dulal,

The following are the items identified from the May 13, 2019 Board of Zoning Appeals hearing as potential issues.

1. Change of ownership
2. Hours of operation
3. Lighting
4. Dumpster
5. Can a commercial business use trash cans?
6. Landscaping and Screening
7. Use of northern driveway to back parking lot.

Once you've had an opportunity to review these, feel free to call or email if you would like to discuss.

Thanks,

SCOTT FULTON
Director of Planning
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062
Phone: 740-927-2168
Cell: 614-440-5222

From: Ghana Dulal <ngolop.usa@gmail.com>
Sent: Wednesday, May 29, 2019 6:30 AM
To: Scott Fulton <sfulton@ci.pataskala.oh.us>



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:	131 Oak Meadow Dr. Pataskala Ohio
Parcel Number:	064-307962-00-000
Zoning: R-10	Acres: 0.35
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-19-011
Fee: 300
Filing Date: 4-11-19
Hearing Date: 5-13-19
Receipt Number: 499693

Applicant Information		
Name: Gyamu Dulal & Chuda Dulal Khem Bajgai		
Address: 440 Eleazor Wolcott Ct.		
City: Pataskala	State: OH	Zip: 43062
Phone: 801-815-6756	Email: chudamunidulal@yahoo.com Chudamunidulal@yahoo.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: Jerry Neil Bookout		
Address: 261 Monarch Drive		
City: Pataskala	State: Ohio	Zip: 43062
Phone: (614) 725-6145	Email: bookout1999@gmail.com	

Variance Information
Request (Include Section of Code): 1211.07-
Describe the Project: See narrative

Narrative for the Variance:

We are requesting for the variance of the following property address for the reason explained here.

Property Address: 131 Oak Meadow Dr. Pataskala Ohio 43062.

We are a new community moving in to this great city of Pataskala and the community diversity is increasing. We have been evicted from our country, Bhutan, in the early 90s. and after spending 18 years of Refugee life in Nepal, US government have helped us resettle here in the US and we are able to live our independent life. We want to move forward with the micro-business and add to the contribution of the community we live in by paying taxes. Since the last 5 to 6 years, our community members are moving in to Columbus from all other states they were resettled and specially choosing Pataskala, their home. We have felt the need of having an Ethnic Convenient store at this area and have thought of buying this property and run a small family owned Ethnic Convenient Store to fulfil the need of our community members and the community at large with the diverse and varieties of groceries. Our ethnicity is South East Asian and is similar to Indian, Pakistani, or Afghani. Our plan is to make the groceries available to the Nepali, Indian, Pakistani, Punjabi, and of course the local community here. Now the people of the communities mentioned above have to drive to Columbus or Reynoldsburg which is 20 to 30 minutes' drive which is not a big issue for the people of the local community who have their own cars and can drive but most of our community members do not drive. 100% of the older adults and senior members of the community do not speak English and do not drive. They depend on their adult children who have some English. A family might have a car which is used by the adult children to drive to and from work. Adult children have lot of responsibilities and are overwhelmed. This location is very convenient for the community members. They can walk in and do the groceries, speak their language, socialize with other members of the community which helps with the physical, mental and emotional health.

For the purpose of the variance we will not be altering the exterior wall but only the internal partition walls. We will give the details of which walls to remove as soon as we get access to the internal building and get the measurement.

The property at the present structure, which has multiple small cubicle office spaces, is not reasonable for the ethnic grocery store and will not yield the return. Once the variance is approved, we are sure that it will yield a reasonable return and will be beneficial to the community and the city. We need the variance to make room for the racks, aisles, and cart for the shopping.

The property with the present internal structure cannot be used for Ethnic Groceries. Variance is requested for the internal alteration so that the space and the structure comply with the city code, department of fire, and the department of health.

There are no unique circumstances that prohibit our request for the variance. The external space will be used as it is for parking that helps the customers.

The variance is not substantial. The characteristics of the neighborhood would not substantially alter or the adjoining properties would not suffer any detriment as a result of the variance. Instead it will add to the diversity of the community and benefit the community and the city. If the variance is granted, it will not substantially or permanently impair the appropriate use of the development of the adjacent property. If the variance is granted, it will not detriment the public welfare.

The variance if granted will not adversely affect the delivery of the governmental services. This variance if granted will help generate revenue and employment opportunities for the city resident.

We do not know when and under what variance the present had purchased the property but we want to make sure that the variance is granted before we purchase it and or we have the variance contingency in the purchase contract since we do not have any other plan other than starting the ethnic convenient store since that is the need in this community. So we are approaching the city planning and zoning for the variance approval.

We believe that this variance request represents the minimum variance that will afford relief and represent the least modification possible. This variance if granted will do justice to the new community making Pataskala home and help generate the revenue and represent the diversity in the community.

We understand that the space is small but considering our budget, population we are targeting to serve now, this space is suitable and is just enough. We do not expecting to have more than eight to ten cars parked at one time. But we expect continuous flow of traffic in small numbers. Our hours of operation will be 9 am to 9 pm Monday to Sunday. If the variance is granted, we will be demolishing the inner partition walls, and making space for the racks and shelves. We will have a couple of coolers and freezers. If we flourish and outgrow, we will look for additional building space.

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?



064-307962-00.000
ZNB CONSTRUCTION LLC
131 OAK MEADOW DR
PATASKALA, OH 43062

Acres: 0.35
0.35 AC LOT 13
Land: \$30,400
Improv: \$94,600
Total: \$125,000
Sale Date: 10/20/2014
Amount: \$118,000
Conveyance: 2794
Valid Sale: Yes
Homestead: No
Owner Occ: No
Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

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DESCRIPTION APPROVED WILLIAM C LOZIER LICKING COUNTY ENGINEER	TRANSFERRED Date <u>October 20, 2014</u> <i>M. Smith</i> Licking County Auditor SEC. 319.202 COMPLIED WITH MICHAEL L SMITH AUDITOR BY: <u>1025400</u>
APPROVED BY <i>W.C. Lozier</i> 10-15-14	



201410200020552
 Pgs: 2 \$28.00 T20140024191
 10/20/2014 1:57PM NEPWORLD CLAS
 Bryan A. Long
 Licking County Recorder

GENERAL WARRANTY DEED

Robert D. Kiger, LLC, a limited liability company, the Grantor(s), for valuable consideration paid, grant(s) with general warranty covenants, to ZNB Construction, LLC, a limited liability company, the Grantee(s), THE FOLLOWING DESCRIBED PROPERTY:

See Attached Exhibit "A"

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: Instrument Number 201308300022329 of Licking County, Ohio
 Permanent Parcel Number: 064-307962-00.000

Grantor (s) do(es) hereby covenant and warrant unto said Grantee(s), the Grantee(s) heirs, assigns, and successors, that at the time of the delivery of this deed, the Grantor(s) was(were) lawfully seized in fee simple of the granted premises, that the premises are free from all encumbrances, that the Grantor(s) has(have) good right to sell and convey the same to the Grantee(s), heirs, assigns, or successors, and that the Grantor(s) do(es) hereby agree to defend the same to the Grantee(s) and the Grantee(s)' heirs, assigns or successors, forever, against the lawful claims and demands of all persons.

Executed on this 6 day of October, 2014

Robert D. Kiger, LLC

BY: *Robert D. Kiger*, Sole Member
 Robert D. Kiger, Sole Member

STATE OF OHIO, COUNTY OF Franklin, SS:

The foregoing instrument was acknowledged before me this 6 day of October, 2014, by Robert D. Kiger, Sole Member of Robert D. Kiger, LLC, a limited liability company, the Grantor(s), and that the same was their free act and deed.

In testimony whereof, I have hereunto set my name and official seal at on the day and year last aforesaid.

Trisha Morrow
 Notary Public
 My Commission Expires 9-16-18



Trisha Morrow
 Notary Public, State of Ohio
 My Commission Expires 09-16-2018

This Instrument was prepared by: Lance Chapin, Esq., without opinion
 Stein, Chapin & Associates, LLC
 580 South High Street, Suite 330
 Columbus, OH 43215



FIRM FILE NO: WC1409-040-ZNBCONSTR

Property: 131 Oak Meadow Drive, Pataskala, OH 43062

Exhibit A

Legal Description

Situated in the City of Pataskala, County of Licking, State of Ohio, and being a part of Lot 13 in the Fourth Quarter, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows:

Being a survey of a parcel conveyed to Vitold, Ltd., as recorded in Instrument No. 2009-07060014900, in the Licking County Deed Records, and all of Auditor's Parcel No. 064-307962-00.000, and further described as follows:

Commencing at a 3/4" o.d. iron pipe found on the West Right of Way Line of Oak Meadow Drive (50' Wide R/W) marking the Southeast corner of Lot 1 of Oakhaven Subdivision No. 1, as recorded in Plat Book 8, Page 120, in the Licking County Plat Records, also being the Southeast corner of a parcel conveyed to Gary D. & Judith A. Cope, as recorded in O.R. Volume 117, Page 3, in the Licking County Deed Records, and being the PRINCIPLE PLACE OF BEGINNING of the 0.347 acre parcel herein to be described;

Thence, S 17 deg. 35' 45" E 100.00 feet with the West Right of Way line of said Oak Meadow Drive, to a mag nail set marking the Northeast corner of a parcel conveyed to 115 Oak Meadow Drive, Ltd., as recorded in Instrument No. 1999-02180006972;

Thence S 72 deg. 28' 14" W 151.21 feet leaving Oak Meadow Drive with the North line of said parcel conveyed to 151 Oak Meadow Drive, Ltd., to a 3/4" o.d. iron pipe found marking the Northwest corner thereof, and being on the East line of The Settlement at Pataskala Phase I-B, as recorded in Plat Book 16, Page 328;

Thence, N 17 deg. 27' 16" W 99.87 feet with the East line of The Settlement of Pataskala Phase I-B, to an iron pin set marking the Southwest corner of said parcel conveyed to Cope;

Thence, N 72 deg. 25' 20" E 150.96 feet with the South line of said parcel conveyed to Cope, to the PRINCIPLE PLACE OF BEGINNING, and containing 0.347 acres, more or less, and is subject to all legal easements, rights of way, restrictions, and zoning ordinances of record. Bearings of this description are based on the West Right of Way Line of Oak Meadow Drive (50' Wide R/W), as being S 17 deg. 35' 45" E, and is an assumed Meridian used to denote angles only.

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England & Associates, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in September of 2009.

PPN: 064-307962-00.000

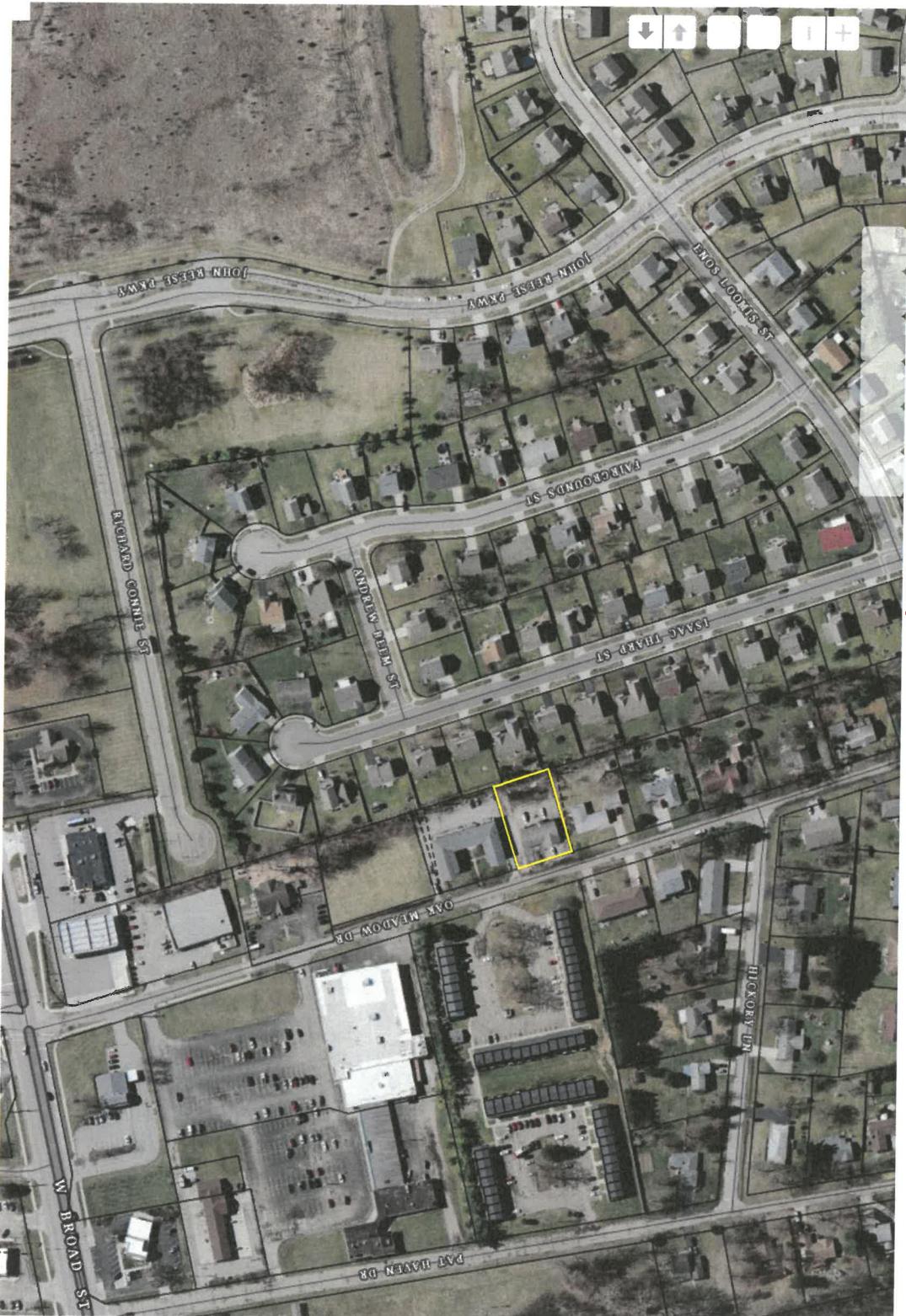
Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

Taxes Due July 17th

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

- Map
- BOR
- Card
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064-307962-00,000
 ZNB CONSTRUCTION LLC
 131 OAK MEADOW DR
 PATASKALA, OH 43062

Acres: 0.35
 0.35 AC LOT 13
 Land: \$30,400
 Improv: \$94,600
 Total: \$125,000
 Sale Date: 10/20/2014
 Amount: \$118,000
 Conveyance: 2794
 Valid Sale: Yes
 Homestead: No
 Owner Occ: No
 Foreclosure: No
 Certified Delq: No
 On Contract: No
 Bankruptcy: No
 Tax Lien: No