



# CITY OF PATASKALA BOARD OF ZONING APPEALS

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

## STAFF REPORT

June 10, 2019

### Variance Application VA-19-016

<b>Applicant:</b>	Ross Cherneta
<b>Owner:</b>	LRC Harmon, LLC.
<b>Location:</b>	40 Cypress Street Reynoldsburg, OH 43068
<b>Acreage:</b>	+/- 6.00acres
<b>Zoning:</b>	M-1 – Light Manufacturing
<b>Request:</b>	Requesting approval of a variance from Section 1291.02(A)(4) of the Pataskala Code to allow for the construction of a gravel parking lot extension.

#### Description of the Request:

The applicant is seeking approval of a variance to allow for a gravel parking lot extension to be installed to the existing area.

#### Staff Summary:

The 6.0-acre property located at 40 Cypress St is currently occupied by an approx. 3,000-square foot commercial building with 18,000-square feet of concrete paving surrounding it. An additional approx. 60,000-square feet of area is occupied by a gravel lot. Access to the property is served by two concrete driveways off Cypress St. on the south side of the parcel. The parcel in question is a corner lot, as it sits adjacent to two right-of-ways, Cypress St SW and Klema Dr W.

Initially, the Applicant had applied for a variance (VA-19-005) to allow for the construction of a gravel parking lot extension that had the dimensions of 230-feet by 100-feet. That variance was approved by the BZA at the April 8, 2019 hearing. When the Applicant came to submit the zoning permit for the approved variance, the Permit Application proposed new dimensions of 230-feet by 400-feet, or an additional 69,000-square feet of gravel. As the application exceeded what had been approved by the BZA, Staff informed the Applicant that the permit was unable to be approved. Staff further mentioned that the proposed parking lot extension could be reduced to what had been approved by VA-19-005 or re-apply for a variance for the new dimensions. The Applicant has chosen to pursue another variance.

Pursuant to Section 1291.02(A)(4) of the Pataskala Code: “All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable and dust-free surface that meets the minimum requirement sand specifications of the City Engineer”. The applicant is requesting a variance to expand the existing gravel parking area for an additional row of trailer parking. The size of the proposed expansion is 230-feet to match the existing width and 400-feet of additional length.

The Applicant stated in the submitted Narrative Statement that the expansion is needed to keep up with current business and expansion plans. The existing gravel lot limits how much delivery intake they can handle at any one time. Further stated in the Narrative, the applicant is worried that a concrete or asphalt parking extension would be damaged by dragging existing gravel onto its surface.

Also stated in the Narrative: the contractor the Applicant has hired to perform the work expressed concerns that in order to properly grade the site, much more area must be cleared than initially thought, and that it made financial sense to extend the lot to the fullest available space on the lot.

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

As stated above, pursuant to Section 1291.02(A)(4) of the Pataskala Code, all off-street parking surfaces shall be of hard-surfaced asphalt, concrete, or pavers. Gravel is prohibited, hence the need for a variance.

As stated by the Applicant, the proposed new dimensions will require much more site clearing than originally intended. The submitted site plan shows portions of the proposed extension being located in areas where there are existing trees that will likely have to be removed in order to accommodate the parking lot extension, and any grading that may be required. If any of these trees being removed are more than 8-inches in caliper (Section 1283.03), then they must be replaced on site with an appropriate ratio as determined by Table 1283.03-01. Staff would like to see a tree survey done to the site to determine if any replacements will be needed. A possible modification has been added to address this.

In addition, Staff has become aware that several trees that served as screening on the east side of the property fronting Klema Drive were removed during construction of the fence that was approved by VA-19-004 on April 8, 2019. VA-19-004 was approved on the condition that additional landscaping be installed along Klema Drive, and the Fence Permit was issued with the provision for shrubs to be installed along the fence on Klema Drive. Currently, no additional landscaping has been installed. As the Applicant is proposing to further extend the parking area and remove additional trees, Staff believes screening along Klema Drive is warranted, and should meet the requirements of 1283.07, which entails L2 type landscaping along the frontage of Klema Drive. L2 type being enough low shrubs to form a continuous 3-foot high screen in addition to 1 tree per 30-lineal feet. A 3-foot high berm, or masonry/stone wall may be substituted for the shrubs. A possible modification has been added to address this.

#### City Engineer

1. The conditions of the OEPA General Construction Permit must be adhered too and a Stormwater Pollution Prevention Plan needs submitted for construction activities.
2. Additional Stormwater Calculations and Drainage Improvements for detention will need to be submitted and reviewed to ensure the improvements meet current city standards and do not negatively affect downstream properties.
3. Consideration should be given to expanding the existing Concrete Drive approaches to ensure gravel does not encroach onto the public roadway.

Public Service Director

1. Stormwater quality and quantity requirements shall be addressed. The applicant has indicated that a bio-retention basin will be installed, and is currently working with the Public Service Director for design.

**Surrounding Area:**

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing R-20 – Medium Density Residential	Railroad Tracks Single-Family Homes
East	M-1 – Light Manufacturing	Industrial Uses
South	M-1 – Light Manufacturing	Industrial Uses
West	M-1 – Light Manufacturing	Industrial Uses

**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-19-005:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- Health Department – No comments
- 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 and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments of the City Engineer and the Public Service Director.
3. The Applicant will perform a tree survey of the area to be developed which will be submitted to Planning and Zoning Staff.
4. The Applicant will provide L2-type landscaping along the frontage of Klema Drive.

**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 1291.02(A)(4) of the Pataskala Code for variance application VA-19-016 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

**From:** [Scott Haines](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Alan Haines](#); [Lisa Paxton](#); [Jim Roberts](#)  
**Subject:** June 10, 2019 BZA Hearing  
**Date:** Friday, May 31, 2019 10:21:51 AM

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Jack

Hull and Associates has reviewed the agenda items for the June 10, 2019 BZA Meeting. I have been in contact with the Public Service Director and Hull offers the following comments:

VA-19-015

1. We have no engineering related comments on this application

VA-19-016

1. The conditions of the OEPA General Construction Permit must be adhered too and a Stormwater Pollution Prevention Plan needs submitted for construction activities.
2. Additional Stormwater Calculations and Drainage Improvements for detention will need to be submitted and reviewed to ensure the improvements meet current city standards and do not negatively affect downstream properties.
3. Consideration should be given to expanding the existing Concrete Drive approaches to ensure gravel does not encroach onto the public roadway.

VA-19-017

1. We have no engineering related comments on this application

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](#)

**From:** [Alan Haines](#)  
**To:** [Jack Kuntzman](#)  
**Subject:** BZA - 6-10-19  
**Date:** Monday, June 03, 2019 2:22:57 PM

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Jack,

I have the following comments on the applications for the June 10<sup>th</sup> BZA hearing:

1. VA-19-015
  - a. No comment
2. VA-19-016
  - a. Stormwater quality and quantity requirements shall be addressed. The applicant has indicated that a bio-retention basin will be installed, and is currently working with the Public Service Director for design.
3. VA-19-017
  - a. No comment

Let me know if you have any 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



# 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:	40 Cypress St. Reynoldsburg OH 43068	
Parcel Number:	063-140430-00.015	
Zoning:	M-1 Light Manufacturing	
Acres:	6	
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-19-016
Fee:	\$300
Filing Date:	5-8-19
Hearing Date:	6-5-19
Receipt Number:	499751

Applicant Information		
Name:	Ross Cherieta	
Address:	Same	
City:	State:	Zip:
Phone:	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:	LRC Marmon LLC	
Address:	1966 Westbrook Village Dr.	
City:	State:	Zip:
Phone:	Email:	

Variance Information	
Request (Include Section of Code):	1291.02 (A)(4) All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers.
Describe the Project:	LRC Marmon LLC was granted and approved variance application VA-19-005, 100 ft of additional parking lot made up of gravel, this variance is to approve additional ~300ft to complete the parking lot on property. Due to financial capital needed to construct 100ft, it makes business sense to do a full parking lot on the whole site, so the request is to complete the parking lot.

**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):

*Rustan Chernets*

Date:

*5.6.19*

Property Owner (Required):

*Rustan Chernets*

Date:

*5.6.19*

## Variance Narrative Statement

Project Location: 40 Cypress St. Reynoldsburg Ohio 43068

Parcel 063-140430-00.015

*To whom it may concern,*

LRC Harmon is asking for a variance from the code 1291.02(A)(4) which states that all off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable surface. The property in question is a commercial distribution/delivery center zoned M-1, where deliveries by semi-truck, commercial vehicles will be brought and taken out of the property. Due to the nature of the business semi-truck trailers, trucks and other commercial vehicles will be dropping off and storing on site for some length of time. The variance is requested because off-street parking needs to be expanded, it's necessary to accommodate the nature of the expanding business. LRC Harmon LLC, applied for and was granted a variance on 4-8-2019(VA-19-005) to allow expansion of the existing gravel parking lot 100 feet in length. This variance is for additional approximately 300 feet of the same parking lot. After approval of the first variance the contracted that will be doing the work expressed concern that in order to conduct proper grade and site clearing majority of the site will be impacted and it made financial sense to extend the parking lot to the fullest available space on lot. After having stormwater calculations conducted for the site, no adverse impact will be to the property ditch if the parking lot would be expanded additional 100 feet or approximately 400 feet. So due to the site preparation, construction activity, financial cost of extending the parking lot, LRC Harmon LLC is asking for additional 300 feet of gravel parking lot extension in addition to the 100 feet that was previously granted. Currently the property has a 4,000 sqft distribution building in the middle of the property, surrounded by about 18,000 sqft of concrete loading/offloading area around the building. Surrounding the concrete pavement is approximately 85,000 sqft gravel parking lot. Since the existing off-street parking is already gravel, paving the additional parking lot expansion does not make physical and common sense. As the gravel twill be transported by tires and vehicles from existing gravel parking lot, damaging the surface and defeating the intent of the City Code of off-street parking. The variance request is to extend the existing gravel parking lot that is currently on site. The parking lot extension is much need in order to continue the existing operations of the business and allow future expansion of operation.

Measurement

Open ditch

New proposed gravel parking lot  
~230 ft width  
~400 ft length

~850 ft

320ft

907

KLEMA DR N

KLEMA DR W

S ST SW

300 ft  
existing parking  
Lot  
existing  
County  
party





*existing*

**40 Cypress St. parking lot expansion Stormwater calculations**

Parcel 063-140430-00

Featutre	Unit sqft	Acres
Existing building	4,000	0.09
Existing concrete parking lot	18,000	0.41
Existing gravel parking lot	48,787	1.12
Undeveloped grass area	190,793	4.38
Total site		6

**Inputs**

- Type II 24-hr, 2 year rainfall = 2.7"
- Ditch slope assumption 1%
- Undeveloped grass area assumption 1%
- Soil on site is Hydrological Soil Group C
- Use 5 year storm event for rain intensity

**Time of concentration calculations for overland flow**

$$T_0 = \frac{0.007(nL)^{.8}}{P_2^{.05} S^{.04}}$$

$T_0$  = Time of overland flow (hr)  
 n = Manning's roughness coefficient for sheet flow  
 L = Flow length (ft)  
 $P_2$  = 2-year, 24-hour rainfall (in)  
 s = Slope of hydraulic grade line (land slope ft/ft)

Hours: **0.202742**  
 Minutes: **12.16453**

farthest spot on parking lot to the ditch 250 ft  
 2.7"  
 1.00%

**Rational Method**

$$Q = CIA$$

Q = discharge in cubic feet per second  
 C = Coefficient of runoff  
 I = average rainfall intensity in inches/hour  
 A = Drainage area in acres

$1.78704 \frac{ft^3}{sec}$   
 0.584 unitless  
 0.51 inches/hour  
 6 acres

Average C	Percentage of total site	C
Building concrete parking lot	.5 acres	0.94
Existing gravel parking lot	1.12 acres	0.83
Undeveloped grass area	4.38 acres	0.48
Total site	6 acres	
<b>Average C for the whole site</b>		<b>0.583667</b>

**Average rainfall**

From Intensity Duration Frequency Curve for Central Ohio  
 Intensity 6.1"  
 Average rainfall = Intensity \* (Time of concentration in hours)  
 I = 6.1 \* (5/60) **0.51 inches/hour**

**MANNING'S EQUATION for OPEN CHANNEL FLOW**

Project: **LRC Harmon LLC Parking Lot** Location: **40 Cypress St. Reynoldsburg Ohio 43068**

By: \_\_\_\_\_ Date: **4/25/2019**

Chk By: \_\_\_\_\_ Date: \_\_\_\_\_ version 12-2004

Mannings Formula

$$Q = (1.486/n)AR_n^{2/3}S^{1/2}$$

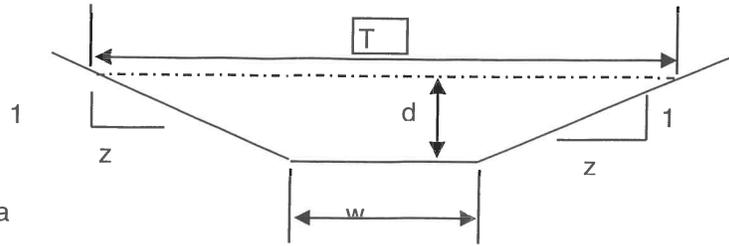
$$R = A/P$$

A = cross sectional area

P = wetted perimeter

S = slope of channel

n = Manning's roughness coefficient



$$V = (1.49/n)R_n^{2/3}S^{1/2}$$

$$Q = V \times A$$

INPUT

z (sideslope)= 1.6  
 z (sideslope)= 1.6  
 b (btm width, ft)= 8  
 d (depth, ft)= 2.5  
 S (slope, ft/ft) 0.01  
 n<sub>low</sub> = 0.025  
 n<sub>high</sub> = 0.035

Clear Data  
Entry Cells

Depth, ft	Area, sf	Wetted Perimeter, ft	Hydraulic Radius, ft	Low N		High N		T =	Dm =
				Velocity, fps	Flow, cfs	Velocity, fps	Flow, cfs		
2.5	30.00	17.43	1.72	8.53564702	256.069	6.096891	182.907	16	1.875

Sc low = 0.0083 Sc high = 0.0162

.7 Sc 1.3 Sc .7 Sc 1.3 Sc  
 0.0058 0.0108 0.0114 0.0211

s<sub>c</sub> = critical slope ft / ft

T = top width of the stream

d<sub>m</sub> = a/T = mean depth of flow



SS ST SW

31204

Proposed travel parking



Proposed travel parking

31204

KLEMA DR W

GYMNSS ST SW

KLEMA DR E

Approved by  
VA-17-005

CLEVELAND  
Measurement

TRANSFERRED  
Date March 5 2019  
Michael Smith  
Licking County Auditor  
SEC. 310.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY: JAE 1860.00

DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER  
APPROVED BY  
J. Schmid 3-5-19



201903050004083

Pgs: 3 \$36.00 T2019000341:  
3/5/2019 9:01 AM BXSTEWART  
Bryan A. Long Licking County Recorder

File No.: 351781

### GENERAL WARRANTY DEED

Catherine J. Schmid, married, for One Dollar and No Cents (\$1.00) and other good and valuable consideration paid, grants with general warranty covenants to LRC HARMON LLC, an Ohio limited liability company their successors and assigns forever, whose tax mailing address is:  
1966 Westbrook Village Drive, Columbus, OH 43228  
the following described real estate:

See Exhibit "A" attached hereto and made a part hereof.

Property Address: 40 Cypress Street, <sup>Reynoldsburg</sup> ~~Reynoldsburg~~, OH 43068

Parcel Number: 063-140430-00.015

Prior Instrument Reference: Official Record 399, Page 3 of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.  
Executed this 25 day of February, 2019.

Stephen W. Schmid, husband of Catherine J. Schmid, signing solely to release his dower rights.

Catherine J. Schmid  
Catherine J. Schmid  
Stephen W. Schmid  
Stephen W. Schmid

Stewart Title Agency  
of Columbus Box  
1061 CH



State of Ohio, County of Cuyahoga

This foregoing deed was acknowledged before me this 25<sup>th</sup> day of February, 2019 by Catherine J. Schmid and Stephen W. Schmid.

Cheryl M. Kirkbride  
Notary Public  
My Commission Expires: \_\_\_\_\_

This instrument was prepared by:

Joe Budde, Attorney at Law  
259 W Schrock Rd  
Westerville, OH 43081

Cheryl M. Kirkbride, Attorney at Law  
Notary Public, State of Ohio  
My Commission has no expiration date  
Section 147.03R.C.



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Parcel I:

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

Being Lot Numbers 19 and 20 in Taylor Road Commercial Park Section 2, which were comprised from a 6.000 acre tract, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 14 page 128, as amended by Plat Book 15 page 341, Recorder's Office, Licking County, Ohio.

Parcel II:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 399 page 3.

Parcel III:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 354 page 126.

Parcel IV:

Non-exclusive easement for vehicular and pedestrian ingress and egress as contained within Official Record 359 page 33.

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



063-140430-00-015  
 LRC HARMON LLC  
 40 CYPRESS ST  
 REYNOLDSBURG, OH  
 43068

Acres: 6.00  
 LOT 19 & 20 TAYLOR  
 ROAD COMMERCIAL  
 PARK SEC 2 (6.00 AC)

Land: \$238,800  
 Improv: \$96,200  
 Total: \$335,000

Sale Date: 03/05/2019  
 Amount: \$620,000  
 Conveyance: 612  
 Valid Sale: Yes

Homestead: No  
 Owner Occ: No

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