



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 8, 2019

Variance Application VA-19-017

Applicant:	Matthew Chamblin
Owner:	Julie A Dalgarn (Chamblin)
Location:	253 Woodside Drive Pataskala, OH 43062
Acreage:	+/- 1.3 acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of two variances. The first, from Section 1229.05(C)(1) to allow for the construction of a residence that will fail to meet the required front yard setback in the R-87 zoning district. The second, from Section 1229.05(C)(2) to allow for the construction of a residence that will fail to meet the required side yard setback in the R-87 zoning district.

Description of the Request:

The applicant is seeking approval of a variance to allow for the construction of a new single-family home that will fail to meet the required front and side yard setbacks for the R-87 – Medium-Low Density Residential District.

Staff Summary:

The 1.3-acre property located at 253 Woodside Drive is currently occupied by a 1,652-square foot single-family home that was built in 1989. Access to the property is via a gravel driveway off Woodside Drive to the west. The rear of the lot is wooded and partially within the 100-year floodplain.

Pursuant to Section 1229.05(C)(1) of the Pataskala Code states that any structure built within the R-87 – Medium-Low Density Residential zoning district must have a front yard of not less than 75-feet in depth. In addition, Section 1229.05(C)(2) states that any structure must also have a side yard of not less than 25-feet on each side. The existing single-family home is approx. 15-feet from the south side property line and is therefore non-compliant with Section 1229.05(C)(2), however has been continuously grandfathered in as an existing non-compliant structure. The existing home does meet the other applicable setback requirements of the R-87 zoning district

The Applicant is proposing to demolish the existing single-family home, while retaining the original basement walls, and construct a new home on the site. The new structure is proposed to keep the same rear (east) dimensions of the exterior and extend the north and south sidewalls out following the basement wall line an additional 70-feet over the original 26-feet of the existing home for a total of 96-feet. The width of the house will remain 60-feet. The Application states the home will be of a

“Barndominium” type; a steel building traditionally used for storage space but with the addition of living space inside the structure.

The proposed front setback is 50-feet, which is 25-feet less than the maximum required by Section 1229.05(C)(1). This will be an increase of 18.75%. The south side wall of the existing basement is approx. 15-feet from the property line and is slightly angled so that any extension along a parallel line will mean that the final side yard setback would be slightly less than what is existing. The Applicant has requested a total side yard setback of 10-feet to compensate for this. The variance requested is for 15-feet from the required 25-feet of Section 1229.05(C)(2), or 60%.

In the supplied Narrative Statements, the Applicant has stated that due to the topography of the lot, and the location of the existing septic system, the options for expansion are limited to the front (west) and south side. To the north, the ground drops off about 10’ to a garage in the basement of the existing property. The existing septic system is directly behind the existing home to the east, approx. 16-feet from the rear of the home. The Applicant has stated that moving the septic system would be expensive and difficult to do if even possible at all due the large drop-off in the rear of the property, and the 100-year floodplain also being in the rear. The Applicant is unable to move the rear dimensions of the existing home more than what is existing due to the proximity of the septic system.

The Applicant has also stated in their narrative that many homes along Woodside Drive were built prior to the current zoning regulations, and that many do not currently meet the required setbacks of the R-87 – Medium-Low Density zoning district. For this reason the Applicant believes that if the variance were to be granted, it would not substantially alter the character of the surrounding neighborhood.

Further stated, the Applicant does not believe the variance, if granted, will cause detriment to the public welfare, or affect the delivery of government services. The applicant believes this variance represents the minimum variance that will afford relief and represent the least modification possible, and that the spirit and intent of the zoning code would be observed. The Applicant was unaware of the zoning restrictions when the property was purchased.

The neighbor to the South of the property in question has submitted a letter stating he does not have any issues with the proposed variance (see attached).

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

From June 10, 2019 BZA Hearing:

Staff understands the difficulty in attempting to relocate the septic system with the existing topography and proximity to the 100-year floodplain.

On the submitted Site Plan, the Applicant has also identified a widening of the driveway from 14-feet to 20-feet, with an expanded parking pad adjacent to the north side of the proposed new structure, and a fence running parallel to the front wall of the proposed structure, across the front of the lot. No information was given on the height of the proposed fence, or the material of the driveway.

Pursuant to Section 1291.02(4) of the Pataskala Code, all off-street parking in platted subdivisions shall be hard-surfaced with asphaltic cement, concrete, or pavers. The existing driveway is gravel. If the applicant intends to expand the driveway with gravel, a variance would be required to do so, as well as a right-of-way permit. Staff would also like to see the proposed dimensions of the additional driveway area if the applicant intends to request this variance. Staff does not have concerns with the driveway if it were to be gravel, approximately 30 homes on Woodside Drive have existing gravel driveways. A possible condition has been included.

In addition, pursuant to Section 1279.03(A)(1), a fence or wall not exceeded 48-inches (4-feet) may be erected between the front building setback line and a line 3-feet toward the building setback line from the street right-of-way line. The building setback line in this case would be the front yard setback of the R-87 zoning district, or 75-feet. As the proposed structure is to be 50-feet instead of the required 75-feet, if the fence erected parallel to the front wall of the home, it will be in front of that 75-foot building setback line and the maximum height permitted would be 4-feet. If the Applicant intends to construct a fence higher than 4-feet in front of that 75-foot building setback line, a variance will be required. A possible condition has been included.

The neighbor to the South has submitted a letter stating he has no issues with the proposed variance. Currently, the two homes are approx. 80-feet apart. If the variance from Section 1229.05(C)(2) were approved to reduce the setback up from 25-feet to 10-feet, the houses will potentially be up to 75-feet apart.

Staff has examined several houses on Woodside Drive that the applicant stated in the Narrative that also do not meet the required setbacks for the R-87 Zoning District. It is common in older subdivisions that existing homes do not meet the setback requirements of the new zoning regulations. For example: 313 Woodside Drive (2 houses South of subject property) has a front setback of 50-feet (25-feet less than required), and a side-yard setback to the south of 18-feet (7-feet less than required). 376 Woodside Drive has a side yard setback to the east of 7-feet (18-feet less than required). 476 Woodside Drive has a front yard setback of 65-feet (10-feet less than required). 118 Woodside drive has a side yard setback of 2.5-

feet (22.5-feet less than required). Several other homes in the area also do not meet the current setback standards for the R-87 zoning district.

Other Departments and Agencies

No other comments were received.

For July 8, 2019 BZA Hearing:

Application VA-19-017 was tabled at the June 10, 2019 BZA Hearing as the Board requested the following information:

1. Elevations or examples of the proposed structure the applicant intends to build.
2. An opinion from Legal Counsel in regards as to whether or not an application can be denied on the basis of prior or current zoning code violations.

The Applicant has provided a few examples of the ideas they have for the proposed structure, which are attached to this Staff Report. The page labeled #1 is an example of how the Applicant would like the front porch to look, page #2 is an example of the color scheme (brown/green), page #3 is a sample elevation showing the front of the proposed structure, and page #4 is a sample elevation of the north side showing the garage door.

Staff contacted Legal Counsel for a response to item 2. Their response was: No, an application cannot be denied based on current zoning violations. The Board of Zoning Appeals should view everything “within a vacuum”, and the decision of the Board of Zoning Appeals should only be based on the request of the applicant and the information presented to them. The City has separate channels for enforcement of property maintenance codes in which these are addressed.

Surrounding Area:

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

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- 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:

- 1211.07(2)(a): *To permit any yard or setback less than the yard or setback required by the applicable regulation;*

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Health Department – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Supplementary Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. A variance from Section 1291.02(4) of the Pataskala Code shall be approved to allow for the expansion of a gravel driveway in a platted subdivision as part of variance application VA-19-017.
3. A variance from Section 1279.03(A)(1) of the Pataskala Code shall be approved to allow for the installation of a fence, no more than six (6) feet in height, to be constructed within the front building setback as part of variance application VA-19-017.

Resolution:

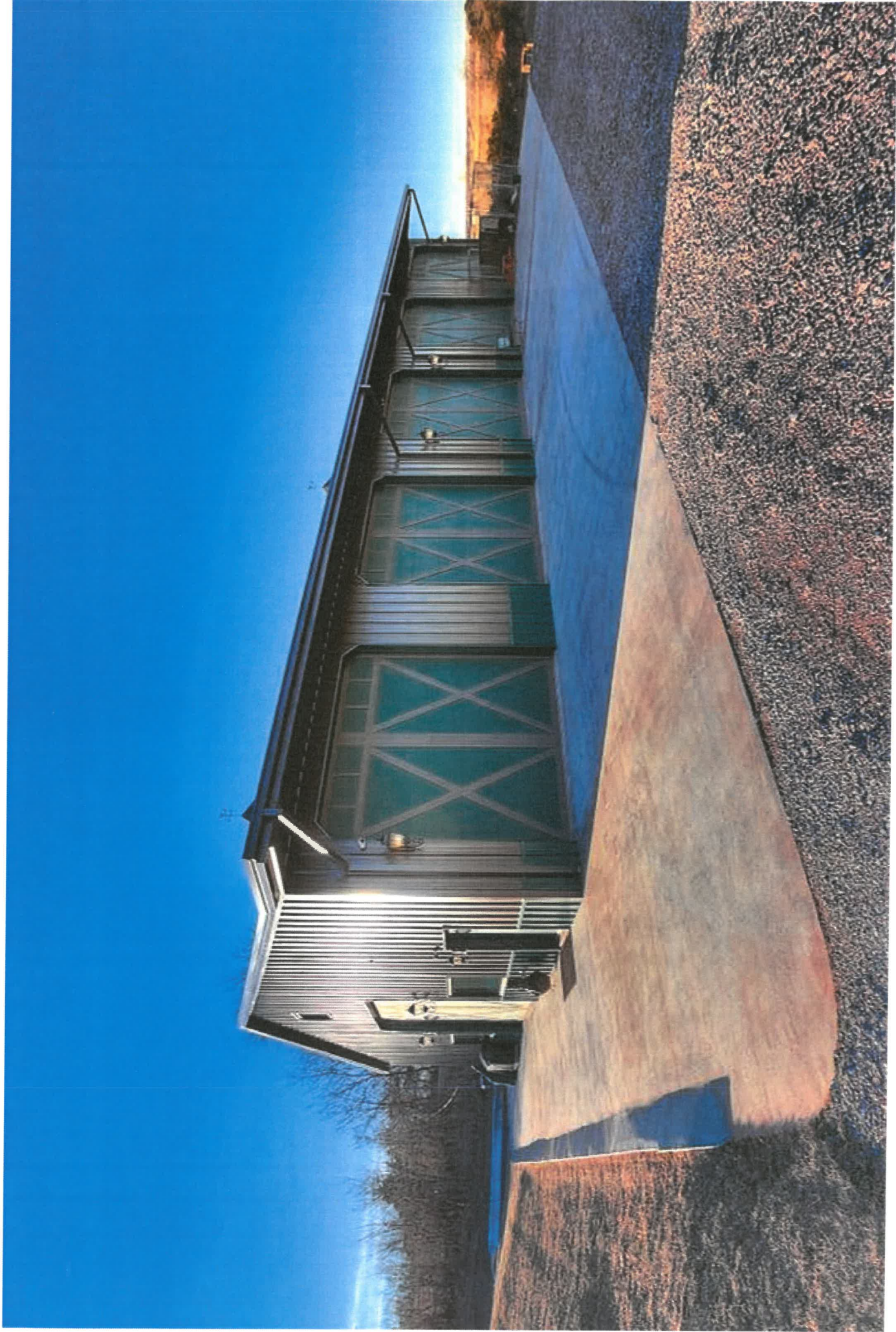
For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve variance from Sections 1229.05(C)(1) and 1229.05(C)(2) of the Pataskala Code for variance application VA-19-017 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

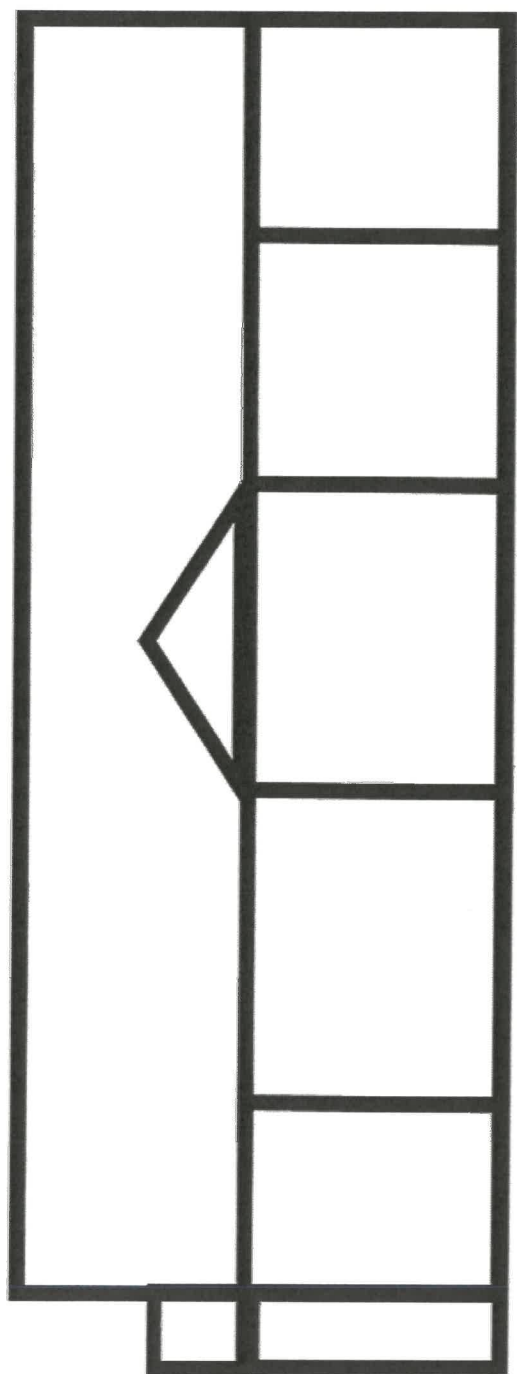
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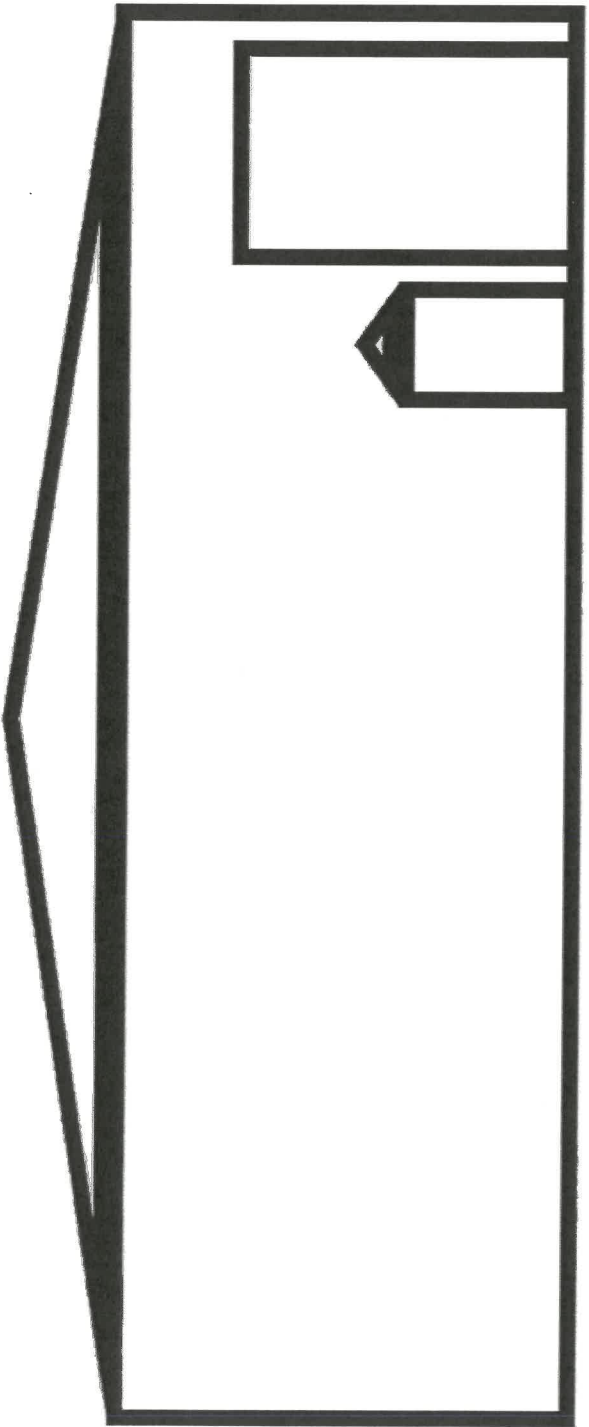
2#



3#



h#





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: 253 WOODSIDE DR SW

Parcel Number: 063-147324-00-00

Zoning: R-87

Acres: 1.3

Water Supply:

☒ City of Pataskala

☒ South West Licking

☒ On Site

Wastewater Treatment:

☐ City of Pataskala

☐ South West Licking

☒ On Site

Staff Use

Application Number:

VA-19-017

Fee:

\$ 300

Filing Date:

5-17-19

Hearing Date:

6-10-19

Receipt Number:

49977

Applicant Information

Name: MATTHEW Chamblin

Address: 253 WOODSIDE DR

City: PATASKALA

State: OH

Zip: 43062

Phone: 614 352 1300

Email: matc2289@gmail.com

Documents

☒ Application

☒ Fee

☒ Narrative

☒ Site Plan

☒ Deed

☒ Area Map

Property Owner Information

Name: Julie (Ducan) Chamblin

Address:

City:

Same as Matt

State:

Zip:

Phone:

Email:

Variance Information

Request (Include Section of Code): 1229.05(c)(1) and 1229.05(c)(2)
front side

Describe the Project: New Home : Condominium

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):

Date:

5/13/19

Property Owner (Required):

Date:

Julie Chamblin

5/13/19

Reason for variance 1229.05 (C) (1) South side of the property:

- Current home/basement is at approximately 103' from the lot line which adheres to the current zoning of 75' regulation. Due to the septic tank, northside dropoff, east side dropoff and current Basement we would like to use we are asking to build to within 50' of the lot line.

A) On the North side of the property the ground slopes down to a garage in the basement (About 10'). On the South side of the property the current house/basement is in violation of the zoning restrictions. The East side of the property has the septic tank and would cost \$25,000 to move septic tank and if moved the property has several steep slopes that would (and is also in a flood plane) make it hard to place the septic tank anywhere else on the property. Unless the variance is granted the property is useless to us to do anything with.

B) Same answer as "A"

C) Of the 19 Houses on woodside East and west of the street to the curve. 5 Homes are 0-10', 4 Homes are 11-20', 1 Home is 21-25' (For the North/South 25') 1 Home is 0-50', 3 Homes are 51-75' (For the East/West 75')

D) Due to the homes on Woodside Drive being built before they were in Pataskala Zoning, most of the homes on Woodside drive are in violation of the Pataskala Zoning Restrictions. Thus granting the variance will not alter or be a substantial detriment to any other homes on Woodside Drive.

E) If granted the variance it will not substantially or permanently impair the appropriate use or development of adjacent property.

F) If granted the variance it will not be a detriment to the public welfare.

G) If granted the variance it will not adversely affect the delivery the delivery of governmental services.

H) When the property in question was purchased I did not know the zoning restrictions or that the existing house was in violation of the zoning restrictions.

I) A variance is the best solution to rectify the zoning restriction violation because we will be keeping the current basement which is in violation of the zoning restriction. If we are not granted the variance we will have to tear out the current basement, if we have to tear out the basement then

we will have to move the septic since it goes onto the current basement, we will have to do a lot of dirt work to fix where the basement was and how the yard slopes and that will incur more of a cost than we have to spend.

J) If granted the variance will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue.

K) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Reason for variance 1229.05 (C) (2) South side of the property:

- Current home/basement is at approximately 14' from the lot line which is within the 25' zoning regulations. we plan to keep the existing basement and would like to be within 10' of the property line.

A) On the North side of the property the ground slopes down to a garage in the basement (About 10'). On the South side of the property the current house/basement is in violation of the zoning restrictions. The East side of the property has the septic tank and would cost \$25,000 to move septic tank and if moved the property has several steep slopes that would (and is also in a flood plan) make it hard to place the septic tank anywhere else on the property. Unless the variance is granted the property is useless to us to do anything with.

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D) Due to the homes on Woodside Drive being built before they were in Pataskala Zoning, most of the homes on Woodside drive are in violation of the Pataskala Zoning Restrictions. Thus granting the variance will not alter or be a substantial detriment to any other homes on Woodside Drive.

E) If granted the variance it will not substantially or permanently impair the appropriate use or development of adjacent property.

F) If granted the variance it will not be a detriment to the public welfare.

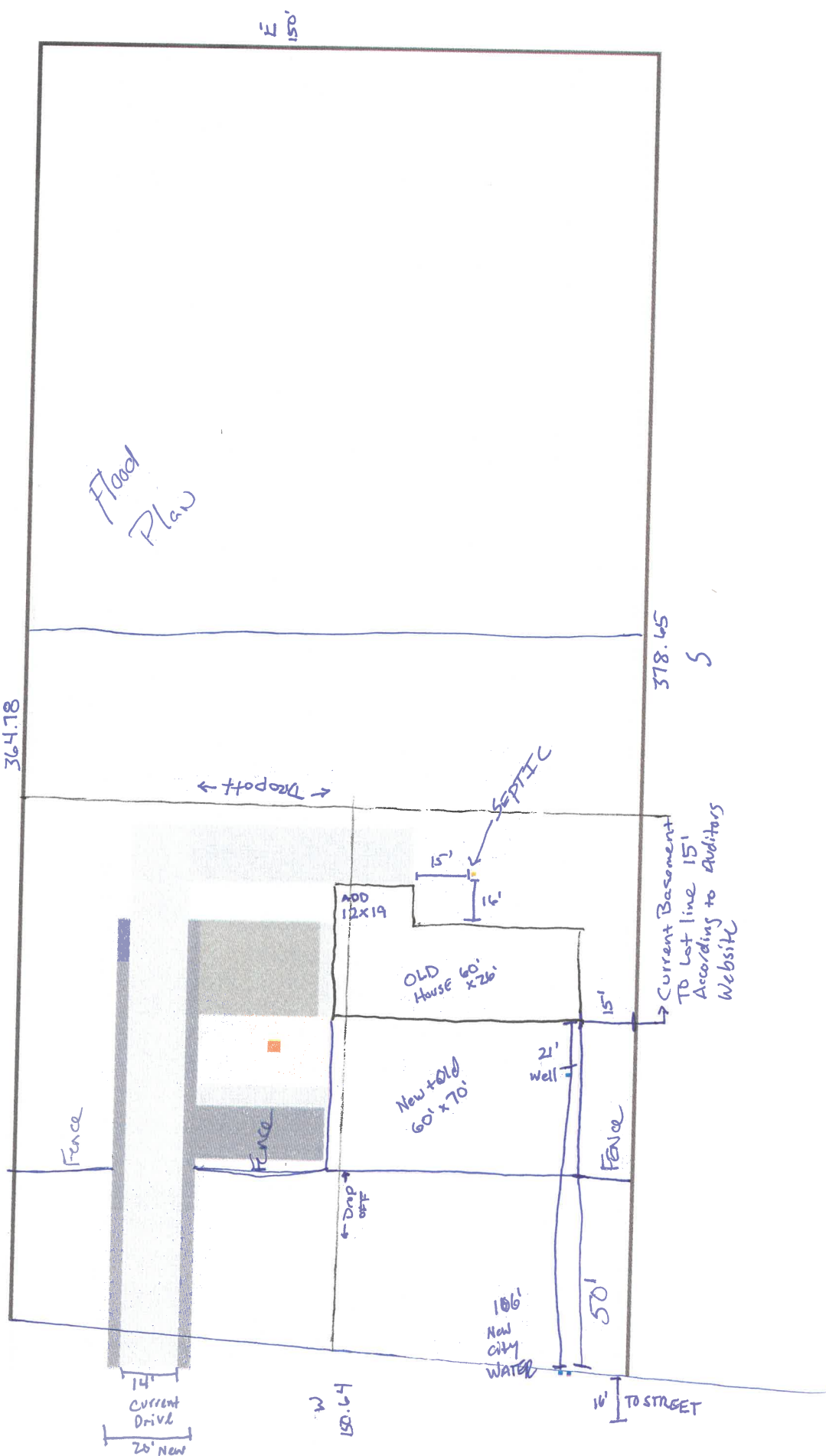
G) If granted the variance it will not adversely affect the delivery the delivery of governmental services.

H) When the property in question was purchased I did not know the zoning restrictions or that the existing house was in violation of the zoning restrictions.

I) A variance is the best solution to rectify the zoning restriction violation because we will be keeping the current basement which is in violation of the zoning restriction. If we are not granted the variance we will have to tear out the current basement, if we have to tear out the basement then we will have to move the septic since it goes onto the current basement, we will have to do a lot of dirt work to fix where the basement was and how the yard slopes and that will incur more of a cost than we have to spend.

J) If granted the variance will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue.

K) The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

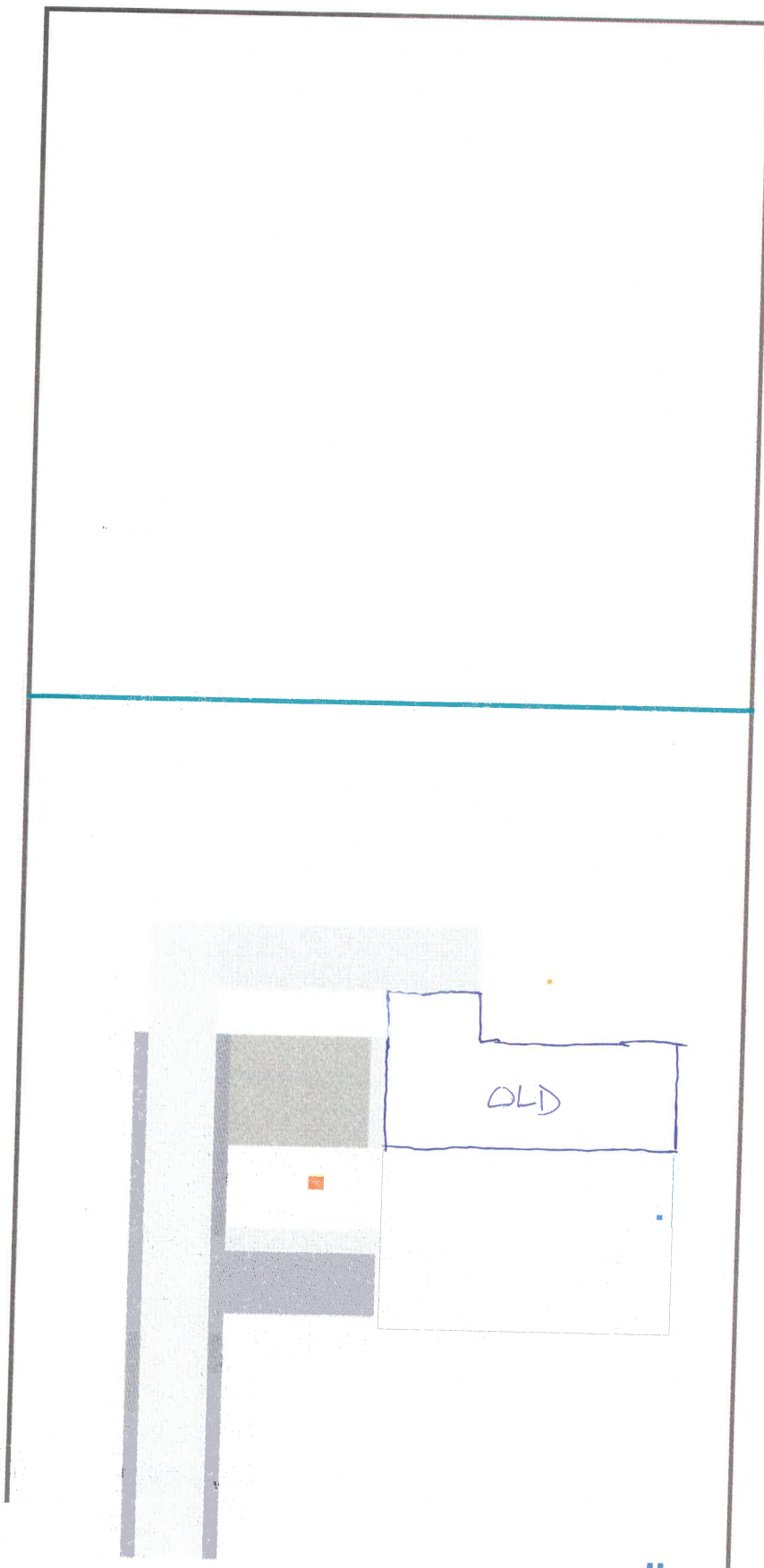


From Current Basement
 To Lot Line West Side - 103'

TO STREET 119'

sking for 10' To SOUTH
 50' TO WEST

ence will be included in
 his to be the entire
 ard to the 50'





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
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Layer List

Operational layers

- ☐ Parcel Labels
- ☒ Streets
- ☒ Boundaries
- ☒ Parcels
- ☒ Flood Plain
- ☒ Zoning
- ☐ Tax Map

Search by:
Address
Search for:

Tract/Parcel Number



063-147324-00-000
DALGARN JULIE A
253 WOODSIDE DR
PATASKALA, OH 43062

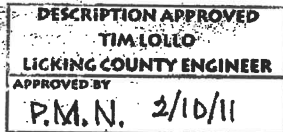
Acres: 1.30
LOT 45 WOODSIDE
ACRES 3

Land: \$34,100
Improv: \$45,000
Total: \$79,100

Sale Date: 02/16/2011
Amount: \$58,100
Conveyance: 287
Valid Sale: No

Homestead: 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. Using a low screen resolution? Try our Mobile Version.

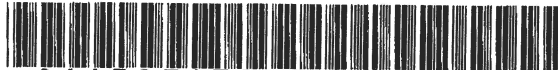


SEC.319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY KS 116-20



201102160003280

Pgs: 1 \$28.00 T20110003061
02/16/2011 11:27AM MEPWORLD CLAS
Bryan A. Long
Licking County Recorder



01150743213336003000

TRANSFERRED

Date February 16, 2011
Michael Smith
Licking County Auditor KS

QUIT CLAIM DEED

Julie A. Dalgarn, an unmarried woman, and Josh L. Bailey, an unmarried man, for valuable consideration paid, grant to Julie A. Dalgarn, whose tax mailing address is c/o The Pataskala Banking Company, 354 S. Main St., Pataskala, Ohio 43062, the following real property:

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

Being Lot 45 of the replat of Woodside Acres Subdivision No. 3, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, Page 336, Recorder's Office, Licking County, Ohio.

Prior Deed Reference: Instrument No.200807030015532, Recorder's Office, Licking County, Ohio.

Also known as: 253 Woodside Drive Southwest, Pataskala, Ohio 43062
Auditor's Parcel #063-147324-00.000

Executed this 8 day of April, 2010.

Julie A. Dalgarn
Julie A. Dalgarn

Josh L. Bailey
Josh L. Bailey

State of Ohio
County of Licking SS:

Executed before me this 8th day of April, 2010 by Julie A. Dalgarn and Josh L. Bailey, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said persons.



Prepared by:
Laurie Wells, Esq.
Hayes Law Offices
195 E. Broad St., Pataskala, OH 43062
740.927.2927

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
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2

Search by:
Address

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063-147324-00.000
DALGARN JULIE A
253 WOODSIDE DR
PATASKALA, OH 43062

Acres: 1.30
LOT 45 WOODSIDE
ACRES 3

Land: \$34,100
Improv: \$45,000
Total: \$79,100

Sale Date: 02/16/2011
Amount: \$58,100
Conveyance: 287
Valid Sale: No

Homestead: No
Owner Occ: Yes

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