



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-19-019

Applicant:	Yogesh Acharya
Owner:	Yogesh Acharya
Location:	235 Wellington Place SW, Pataskala, OH 43062
Acreage:	0.23-acres
Zoning:	R-7 – Village Single Family Residential
Request:	Requesting approval of a variance from Section 1279.03(A)(1) of the Pataskala Code to allow for the construction of a fence exceeding 48-inches in height to be erected in front of the building setback line.

Description of the Request:

The applicant is seeking a variance to allow for a fence that exceeds the 48-inch height limit to be erected in front of the building setback line.

Staff Summary:

The 0.23-acre property at 235 Wellington Place is currently occupied by a 2,356-square foot single-family home built in 2002. The property in question is adjacent to two (2) rights-of-way. Wellington Place to the south, and East Broad Street to the north.

Section 1279.03(A)(1) of the Pataskala Code states: "A fence or wall not exceeding 48-inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line". As the property has multiple frontages along public rights-of-way, Pursuant to Section 1211.05(C)(4), the building lines for all street frontages shall be the same required for the front yard. The Amhurst Village Subdivision, where this home is located, is zoned R-7 – Village Single-Family Residential. The front yard setback in the R-7 zoning district is 25-feet.

The Applicant is requesting a variance in order to construct a 6-foot (72-inches) privacy fence around the rear yard of their home. As stated in the supplied Narrative Statement, the purpose for the fence is to provide safety and privacy for their children. The proposed fence will extend from the front wall of the home to the side property lines and run parallel to them until it reaches the rear of the lot where it will run along the rear property line. Further Stated in the supplied Narrative, several neighbors already have existing six (6)-foot high privacy fences.

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

Staff has examined the four (4) adjacent properties to the east of the subject property. All are also adjacent to the East Broad Street right-of-way and have six (6)-foot tall fences in the area where a four (4)-foot high fence is the maximum.

Staff has not identified any other concerns with the proposal.

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Autozone
East	R-7 – Village Single-Family Residential	Single-Family Homes
South	R-7 – Village Single-Family Residential	Single-Family Homes
West	R-7 – Village Single-Family Residential R-15 – Medium-High Density Residential	Single-Family Homes

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-19-019:

- None

Department and Agency Review

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

Supplementary Conditions:

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

1. The Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.

Resolution:

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

“I move to approve variance from Section 1279.03(A)(1) of the Pataskala Code for variance application VA-19-019 (“with the following supplementary conditions” if conditions are to be placed on the approval).”



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: 235 Wellington Pl SW, Pataskala	
Parcel Number: 0640694200053	
Zoning: R-7	Acres: 0.23
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-19-019
Fee: 300
Filing Date: 6-11-19
Hearing Date: 7-8-19
Receipt Number: 21024

Applicant Information		
Name: Yogesh Acharya		
Address: 235 Wellington Place SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 913-954-7986	Email:	

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

Property Owner Information		
Name: Yogesh Acharya		
Address: 235 Wellington place SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 913-954-7986	Email: yyogeshacharya@yahoo.com	

Variance Information
Request (Include Section of Code): 12.79.03(a)(1)
Describe the Project: 6' Privacy Fence

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):

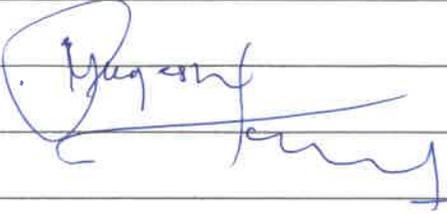
Date: June 11, 19.

Property Owner (Required):

Date: June 11, 19

→ nebhome had a same fence

→ for kids sattey and prauy.

→ ~~the~~  .

June 11, 2019

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

Taxes Due July 17th

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



- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login

Search by:
Address
Search for:

Trouble Searching?

064-069420-00053
ACHARYA YOGESH
 235 WELLINGTON PL
 PATASKALA, OH 43062

Acres: 0.23
 LOT 54 AMHURST
 VILLAGE SEC III

Land: \$40,000
 Improv: \$131,700
 Total: \$171,700

Sale Date: 03/15/2010
 Amount: \$218,500
 Conveyance: 707
 Valid Sale: Yes

Homestead: No
 Owner Occ: **Yes**

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

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our Mobile Version.

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
03/14/2019 JR



201903150004819
Pg:3 \$36.00 T20190004143
3/15/2019 12:38 PM BXCROWN
Bryan A. Long Licking County Recorder

TRANSFERRED
Date: MARCH 15, 2019
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: JAS 655.50

Order Number: 19632392-PIC

Crown - TIA - P

GENERAL WARRANTY DEED

Eric Strauch, married, of Fairfield County, Ohio, for valuable consideration paid, grants, with general warranty covenants to Yogesh Acharya, whose tax mailing address is Fairway Independent Mortgage Corporation
4201 Marsh Lane, Carrollton, TX 75007

the following real property:

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

Parcel Number: 064-069420-00.053

Property Address: 235 Wellington Place, Pataskala, Ohio 43062

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 No. 201903010003818, Recorder's Office, Licking, County, Ohio.

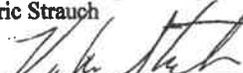
Vicki Strauch, wife of the Grantor, releases all rights of dower therein.

GW-Rel Dower



Witness their hands this 12th day of March, 2019.


 Eric Strauch


 Vicki Strauch

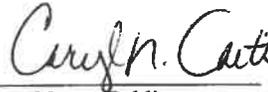
State of Ohio
County of Fairfield ss:

Be It Remembered, that on this 12th day of March, 2019, before me, a Notary Public in and for said State, personally appeared the above named Eric Strauch and Vicki Strauch, the Grantors in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



CARYL N. CAITO
Notary Public, State of Ohio
My Commission Expires November 26, 2021


 Notary Public

This instrument prepared by Magnuson & Barone, Attorneys at Law

GW-Rel Dower

File No : 19632392-PIC

EXHIBIT A

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

Being Lot Number Fifty-Four (54), in AMHURST VILLAGE SECTION III, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, pages 368-370, Recorder's Office, Licking County, Ohio.

For Informational Purposes only:

Commonly Known As: 235 Wellington Place, Pataskala, OH 43062

Tax Parcel ID: 064-069420-00.053

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

Taxes Due July 17th CAUV

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login
- Map
- GIS
- Forms
- Downloads
- Dog License
- CAUV
- Other
- Taxes
- Homestead



- Map
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- Card
- CAUV
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- Map
- Parcel
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- Sketch
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Search by:
Address Search for:
Trouble Searching?

064-069420-00.053
ACHARYA YOGESH
235 WELLINGTON PL
PATASKALA, OH 43062
Acres: 0.23
LOT 54 AMHURST
VILLAGE SEC III

Land: \$40,000
Improv: \$131,700
Total: \$171,700

Sale Date: 03/15/2019
Amount: \$218,500
Conveyance: 707
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

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

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our [Mobile Version](#).