



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

August 12, 2019

Conditional Use Application CU-19-004

Applicant:	Chad R. Lewis
Owner:	Tolson Enterprises
Location:	370 E. Broad Street, Pataskala, OH 43062
Acreage:	5.44-acres
Zoning:	GB – General Business
Request:	Requesting approval of a conditional use pursuant to Section 1215.04 of the Pataskala Code for a Dentist’s Office (NAICS Code: 621210) which is a Conditional Use in the GB – General Business District pursuant to Section 1249.04(19) of the Pataskala Code.

Description of the Request:

The applicant is seeking a conditional use to allow for the property at 370 E. Broad Street to be operated as a Dentist’s Office in the GB – General Business district pursuant to Section 1249.04(19).

Staff Summary:

The property at 370 East Broad Street is a 2,600-square foot storefront in the Kroger shopping center that was constructed in 2001. It is one (1) of twenty (20) leased retail areas of varying size in this development. The building itself is set back approximately 400-feet from East Broad Street and has access to the large paved asphalt parking lot that is shared by all businesses in the complex.

The Applicant is requesting a Conditional Use to allow the property to be used as a Dentist’s Office. No exterior alterations are proposed except for a sign. The proposed use as a Dentist’s Office falls under the North American Industry Classification System (NAICS) code 621210, which is defined as: “establishments of health practitioners having the degree of D.M.D. primarily engaged in the independent practice of general or specialized dentistry or dental surgery. These practitioners operate private or group practices in their own offices (e.g., centers, clinics) or in the facilities of others, such as hospitals or HMO medical centers”. The proposed use is a Conditional Use in the GB – General Business district pursuant to Section 1249.04(19) of the Pataskala Code.

Per the Applicant’s Narrative Statement: they believe it will be harmonious with and in accordance with the general objectives of Code, will be harmonious in appearance with the existing or intended character of the general vicinity, will not be hazardous or disturbing to existing/future uses, and will be adequately served by public facilities and services. Further stated in the Narrative, the hours of operation are to be from 8:00AM-5:00PM, Monday through Friday. The structure is an existing building served by a shared parking lot which provides ample parking spaces.

Staff Review:

The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.

Planning and Zoning Staff:

The Applicant had initially inquired about a sign permit, however it was discovered that no Certificate of Compliance had been issued for the proposed new business. Upon further review it was also discovered that the proposed use as a Dentist’s Office was a Conditional Use in the GB – General Business district. Zoning Permits cannot be issued until there is a valid Certificate of Compliance, and as the proposed use is a Conditional Use in the GB – General Business District, a Certificate of Compliance could not be issued until the Applicant had their Conditional Use approved by the BZA. The Sign must be in compliance with Section 1295 of the Pataskala Code.

Pursuant to Section 1291.16(Commercial)(13) of the Pataskala Code; Medical or Dental Offices shall have 5 parking spaces for each doctor or dentist, plus 1 for each other employee during main work shift; or for every 200 square feet of examination, treating room, office, and waiting room. As the shopping center is served by a large shared parking lot with over 400 available parking spaces, Staff believes this use will have sufficient parking available.

Staff has no other concerns with the proposed Conditional Use.

Pataskala Utilities Department

The utility department will require nothing to be done to the property. They do, however, have a backflow prevention device that is out of compliance as far as inspections go. They will have to have a certified backflow inspector evaluate the condition of the device and return the results of that inspection to the Utility Department before than can conduct business as a medical facility.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-M – Multi-Family Residential	Condos
East	GB – General Business	Misc. Commerical
South	B-1 – Business District (Harrison Twp.) R-7 – Village Single-Family Residential	Misc. Commercial Single-Family Homes
West	GB – General Business	Misc. Commercial

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
3. *Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-19-003:

- None

Department and Agency Review

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

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 from the Pataskala Utilities Department.

Resolution:

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

"I move to approve a conditional use pursuant to Section 1249.04(19) of the Pataskala Code for application CU-19-004 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Chris Sharrock](#)
To: [Jack Kuntzman](#)
Subject: Review Memo
Date: Wednesday, July 17, 2019 9:47:50 AM

Jack,

In regards to **CU-19-004**, the utility department will require nothing to be done to the property. They do, however, have a backflow prevention device that is out of compliance as far as inspections go. They will have to have a certified backflow inspector evaluate the condition of the device and return the results of that inspection to the Utility Department before they can conduct business as a medical facility.

Let me know if you have any questions.

Thank you,

Chris Sharrock
Pataskala Utility Director
621 West Broad Street
csharrock@ci.pataskala.oh.us
Office: (740) 927-4134
Cell: (614) 554-2799

“The soldier is the Army. No army is better than its soldiers.” – Gen George Patton



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information		
Address: <i>370 East Broad St.</i>		
Parcel Number: <i>064-068322-00.005</i>		
Zoning: <i>GB</i>	Acres: <i>5.44</i>	
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: <i>20-15-004</i>
Fee: <i>300.00</i>
Filing Date: <i>7-9-19</i>
Hearing Date:
Receipt Number: <i>21072</i>

Applicant Information		
Name: <i>Chad R. Lewis</i>		
Address: <i>272 Rutherford Ave</i>		
City: <i>Delaware</i>	State: <i>Ohio</i>	Zip: <i>43015</i>
Phone: <i>614-788-8082</i>	Email: <i>lewch79@gmail.com</i>	

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

Property Owner Information		
Name: <i>Tolson Enterprises</i>		
Address: <i>6591 W. Central Ave. Suite 100</i>		
City: <i>Toledo</i>	State: <i>OH</i>	Zip: <i>43617</i>
Phone: <i>419.290.7806</i>	Email: <i>mdeuolder@tolsonent</i>	

Conditional Use Information
Request (Include Section of Code): <i>1249.04 (19) New Dentist office</i>
Describe the Project: <i>2600 Sqft Dentist office</i>

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use 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.lickingcounty.com/recorder/paxworld/>

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

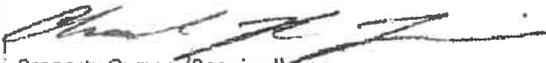
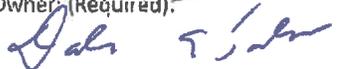
I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this conditional use request.

Applicant (Required):

Date:

Property Owner (Required):

Date:

7-9-19

7-10-19

Narrative Statement

Construction and operation of new dentist office.

1. Yes
2. Yes
3. Yes
4. Will not be hazardous or disturbing Hours of operation will be 8am to 5pm Monday thru Friday.
5. Yes, all safety and public services will be available
6. Will not already existing building only construction is being done on the inside.
7. Will not use of space and equipment is to help people maintain healthy teeth.
8. Yes, already existing building and parking to meet all code and handicap requirements.
9. Will not only construction is on the interior of the already existing building no work is be performed on the exterior.

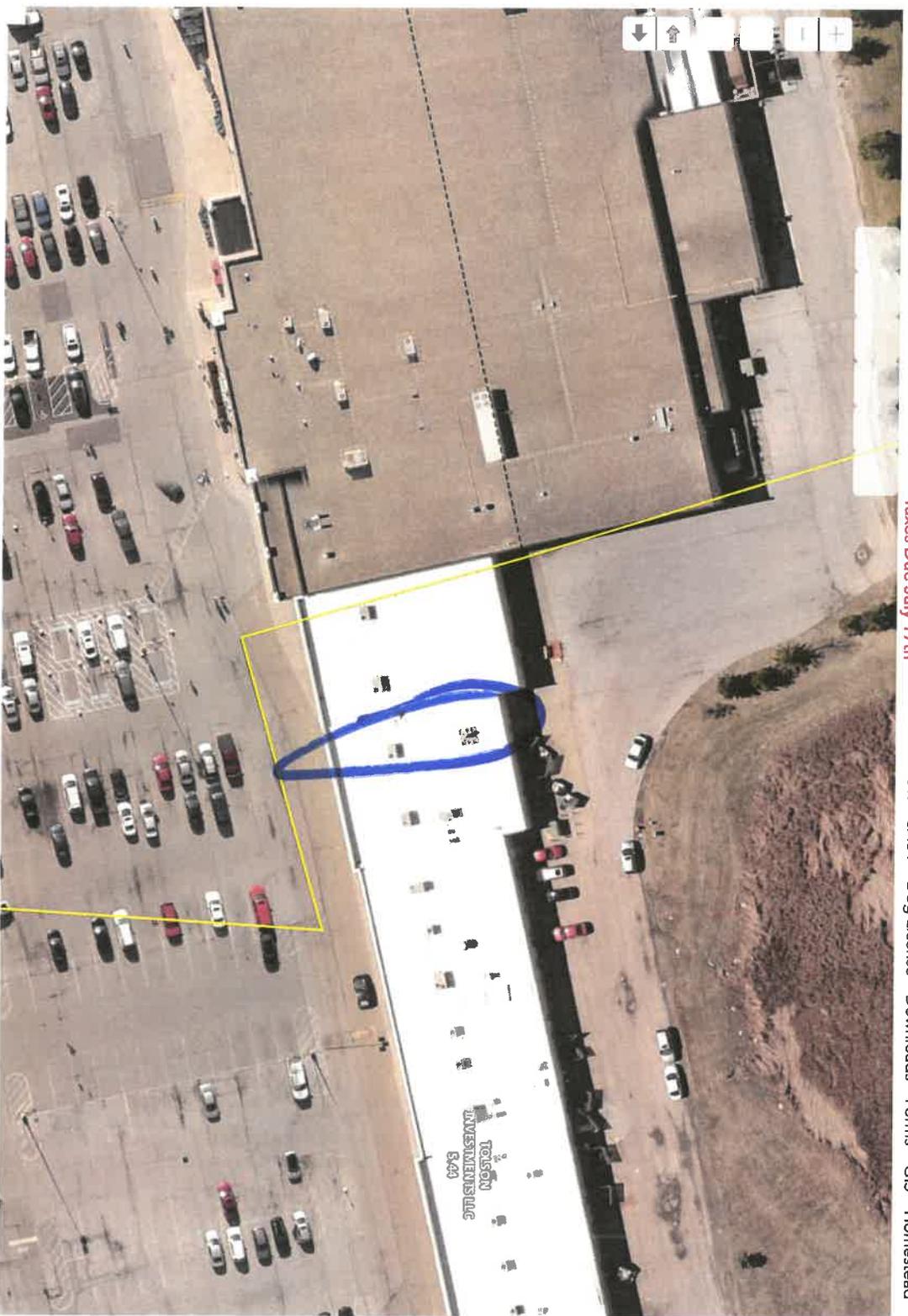
Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

Taxes Due July 17th

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

- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Platometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values

Help
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Search by:
Owner

Trouble Searching?



0641068322-00-005
TOLSON INVESTMENTS
LLC
390 E BROAD ST
PATASKALA, OH 43062

Acre: 5.42

5.4143 AC LOT 18 PT

Land: \$947,900

Improv: \$2,052,100

Total: \$3,000,000

Sale Date: 06/20/2012

Amount: \$0

Conveyance: 99999

Valid Sale: No

Homestead: No

Owner Occ: No

Forclosure: No

Certified Delq: No

On Contract: No

Bankruptcy: No

Tax Lien: No

DESCRIPTION APPROVED
WILLIAM C. LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
6/6/12 AJL

201206210013787
Pas: 3 \$36.00 T20120015867
06/21/2012 3:12PM NEBRADY COYL
Bryan R. Long
Licking County Recorder

0114PA01100000002210

TRANSFERRED
Date June 20 2012
M. J. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY BF ag

GENERAL WARRANTY DEED
(Statutory Form)
Rev. Code Sec. 5302.05

Harvey A. Tolson, a married man, of Lucas County, State of Ohio for valuable consideration paid, grant(s), with general warranty covenants, to Tolson Investments, LLC, an Ohio limited liability company, whose tax-mailing address is 6591 W. Central Avenue, Suite 100, Toledo, Ohio 43617 the following real property:

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

Subject to zoning ordinances, easements, restrictions of record and taxes due and payable.

Tax Parcel No. 64-068322-00.005
Prior Instrument Reference: 200409270034894

Constance L. Tolson, wife of the grantor, releases all rights of dower therein.

Executed this 12th day of January, 2012.

Harvey A. Tolson
Harvey A. Tolson

Constance L. Tolson
Constance L. Tolson

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

The foregoing instrument was acknowledged before me this 12th day of January, 2012, by Harvey A. Tolson and Constance L. Tolson, husband and wife.

Chester K. Slotterbeck
Notary Public

This Instrument Prepared By and
After Recording Return To:
Brenda A. Ray, Esq.
Brady, Coyle Schmidt
4052 Holland-Sylvania Road
Toledo, OH 43623



CHERYL K. SLOTTERBECK
Attorney at Law
Notary Public - State of Ohio
My Commission has no expiration date
Section 147.03 O.R.C.

EXHIBIT A

5.443 Acres

Situated in the State of Ohio, County of Licking, City of Pataskala, lying in Lot Numbers 17 and 18, Quarter Township 3, Township 1, Range 14, United States Military Lands, and being part of the remainder of a 10.597 acre tract and all of a 1.504 acre tract conveyed to Pataskala-Toledo Associates, Ltd, an Ohio limited liability company (Pataskala-Toledo Associates, Limited) by deeds of record in Instrument Numbers 200002230005668 and 200006260020286, respectively, (all references refer to the records of the Recorder's Office, Licking County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at a magnetic nail set at the intersection of the line common to Lot Numbers 17 and 18 and the centerline of East Broad Street (State Route 16), of record in the plat of "HARRISON SQUARE," a plat of record in Plat Book 16, Pages 263-265, also being the southwesterly corner of a 0.626 acre tract conveyed to the Board of Licking County Commissioners by deed of record in Official Record 162, Page 374;

thence North 00° 48' 52" East, a distance of 187.36 feet, with the line common to said Lot Numbers 17 and 18 and said 0.626 acre tract, and partially with the easterly line of a 7.665 acre tract conveyed to The Kroger Company by deed of record in Instrument Number 200002230005671, to an iron pin set at the northwesterly corner of said 0.626 acre tract and a southwesterly corner of said 10.597 acre tract, being the TRUE POINT OF BEGINNING;

thence North 00° 48' 52" East, a distance of 235.09 feet, continuing with the line common to said Lot Numbers 17 and 18 and said 10.597 and 7.665 acre tracts, to a magnetic nail set at the southeasterly corner of said 1.504 acre tract;

thence South 74° 46' 33" West, a distance of 140.97 feet, with the line common to said 1.504 acre tract and the remainder of said 7.665 acre tract, to a magnetic nail set;

thence North 15° 13' 27" West, a distance of 344.00 feet, with the westerly line of said 1.504 acre tract, and partially with the easterly lines of the remainders of said 7.665 acre tract and a 3.374 acre tract conveyed to The Kroger Company by deed of record in Instrument Number 200002230005671, to an iron pin set at the common corner of said 1.504 acre tract and the remainder of said 3.374 acre tract, being in the southerly line of a 6.237 acre tract conveyed to Olympus Homes, Inc. by deed of record in Instrument Number 200209300036270;

thence North 74° 46' 33" East, a distance of 239.86 feet, with the line common to said 6.237 and 1.504 acre tracts, to an iron pin set at the common corner of said 6.237, 1.504 and 3.448 acre tracts and a 4.147 acre tract conveyed to D.B.M. Enterprises, Inc. by deeds of record in Instrument Numbers 200306130026639, 200306130026640, and 199810210039946, being in the line common to said Lot Numbers 17 and 18;

thence South 89° 24' 09" East, a distance of 221.49 feet, with the line common to said 10.597 and 4.147 acre tracts, to an iron pin set;

thence South 15° 13' 29" East, a distance of 423.62 feet, across said 10.597 acre tract, to a magnetic nail set,

thence North 74° 46' 34" East, a distance of 133.39 feet, continuing across said 10.597 acre tract, to a magnetic nail set;

thence South 15° 19' 02" East, a distance of 197.18 feet, partially across said 10.597 acre tract and partially with the westerly line of a 1.012 acre tract conveyed to The Park National Bank by deed of record in Instrument Number 200108070028546, passing an iron pin set at 25.00 feet at the northwesterly corner of said 1.012 acre tract, to an iron pin set at the southwesterly corner of said 1.012 acre tract and in the northerly right-of-way line of said East Broad Street (State Route 16);

thence South 77° 22' 45" West, a distance of 81.99 feet, with the northerly right-of-way line of said East Broad Street (State Route 16), to an iron pin set at the southeasterly corner of a 1.004 acre tract conveyed to System Capital Real Property Corporation, a Delaware corporation by deed of record in Instrument Number 200106200021982;

thence with the perimeter of said 1.004 acre tract the following courses and distances:

North 15° 13' 26" West, a distance of 168.46 feet, to an iron pin set;

South 74° 46' 34" West, a distance of 234.04 feet, to an iron pin set at a point of curvature;

with the arc of said curve to the left, having a central angle of 89° 55' 04", a radius of 25.00 feet, an arc length of 39.23 feet, an a chord which bears South 29° 48' 40" West, a distance of 35.33 feet, to an iron pin set at a point of tangency;

South 15° 13' 26" East, a distance of 129.68 feet, to an iron pin set at a point of curvature;

with the arc of a curve to the left, having a central angle of 22° 48' 32", a radius of 50.00 feet, an arc length of 19.90 feet, and a chord which bears South 26° 13' 20" East, a distance of 19.77 feet, to an iron pin set at the southwesterly corner of said 1.004 acre tract and in the northerly right-of-way line of said East Broad Street (State Route 16);

thence South 72° 29' 06" West, a distance of 48.69 feet, with the northerly line of said East Broad Street (State Route 16), to an iron pin set in the easterly line of said 0.626 acre tract;

thence North 17° 32' 52" West, a distance of 119.97 feet, with a line common to said 0.626 and 10.597 acre tracts, to an iron pin set;

thence South 72° 29' 08" West, a distance of 120.07 feet, continuing with a line common to said 0.626 and 10.597 acre tracts, to the TRUE POINT OF BEGINNING, containing 5.443 acres, more or less, of which 3.939 acres, lying in Lot Number 17, is from said 10.597 acre tract and 1.504 acres, lying in Lot Number 18, is from said 1.504 acre tract.

Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

Bearings are based on the centerline of East Broad Street (State Route 16) being South 74° 46' 34" West, as shown on the plat of "HARRISON SQUARE," a plat of record in Plat Book 16, Pages 263-265.

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
Values
Help
Login

Search By: Owner
Search For: TOLSON INVESTMENTS LLC
064-068322-001005
390 E BROAD ST
PATASKALA, OH 43062

Acres: 5.44
5,443 AC LOT 18 FT

Land: \$947,900
Improv: \$2,052,100
Total: \$3,000,000

Sale Date: 06/20/2012
Amount: \$0
Conveyance: 9999
Valid Sale: No

Homestead: No
Owner Occ: No
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.
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