



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

August 12, 2019

#### Variance Application VA-19-002

<b>Applicant:</b>	Jason Heitmeyer
<b>Owner:</b>	Mid-Ohio Development Corp.
<b>Location:</b>	Unimproved Property on Watkins Rd SW (PID: 064-068442-00.047)
<b>Acreage:</b>	+/- 6.88 Acres
<b>Zoning:</b>	RM – Multi-Family Residential District
<b>Request:</b>	Requesting approval of a variance from Section 1239.05 of the Pataskala Code to allow for a lot split that will fail to meet the required minimum lot width of the RM District.

#### Description of the Request:

The applicant is seeking a variance to allow for the creation of a lot that would fail to meet the required minimum lot width of 90-feet for the R-M – Multi-Family Residential District.

#### Staff Summary:

The 6.88-acre property is located on Watkins Road SW, east of Wynridge Drive of the Barrington Ridge Subdivision, and west of Jefferson Meadows Condominium Complex. This lot envelopes three (3) smaller lots currently occupied by single-family homes. The lot itself is currently vacant and does not lie within the 100-year floodplain.

As Stated in the Applicant's Narrative, there are currently two sections of frontage to this parcel. The northern section, for which this variance is required, is currently 60.25-feet, widening out to 214.92-feet about 490-feet off Watkins Road SW. The southern section is 200-feet. The Applicant has proposed splitting the lot into two (2) parcels, with the north section becoming 2.416-acres, and the south becoming 4.285-acres. The Applicant has also stated in the Narrative that they do not believe granting a variance will not be detrimental to the public health, safety, and welfare.

It is the intention of the Applicant to develop the 4.285-acre southern portion into a multi-family development. As this site is within one-quarter (1/4)-mile of Broad Street, it will be subject to the Transportation Corridor Overlay District (TCOD) Regulations of Section 1259 of the Pataskala Code. The Applicant will be required to apply for a TCOD permit, which will go before the Planning and Zoning Commission for Approval. For the TCOD the Planning and Zoning Commission will look at the layout, setbacks, landscaping, signage, and traffic impacts.

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

February 6, 2019 BZA Hearing:

Section 1239.05(B) of the Pataskala Code sets minimum lot area and lot width standards for tracts of land within the R-M – Multi-Family Residential District. Those being; a minimum lot width of 90-feet throughout, and a minimum lot area of not less than 13,000-square feet (Approximately 0.298-acres). As proposed, both lots will meet the minimum lot area requirements. The southern parcel will meet the minimum lot width. However, the northern lot will not meet the minimum lot width requirements at only 60.25-feet, thus the need for a variance.

No other comments were submitted by any of the applicable agencies or departments that the application was routed to.

March 11, 2019 BZA Hearing (Applicant requested to table):

During the February 11, 2019 Board of Zoning Appeals Hearing several questions were proposed by the Board. Those questions are listed below, with their responses.

1. Did the property owner give consent to allow applicant to submit?
  - a. Yes, the property owner signed the application. The owner, Roney Murphy, President of the Mid-Ohio Development Corporation, has also supplied an additional signed variance application, which is attached.
2. Why is the required minimum lot width 90-feet as opposed to 60-feet?
  - a. The requirement for a minimum lot width of 90-feet in the RM – Multi-Family Residential District has been in place within the Pataskala Zoning Code since at least 1992.
  - b. Staff has no knowledge as to why the 90-foot minimum lot width was determined to be appropriate.
3. Who will grant access to the northern property?
  - a. Watkins Road SW is partially in the City of Pataskala, and partially in Harrison Township. The township's roads are managed by the County, so any access will come from a joint agreement between the City and Licking County.
4. How will Fire Access be handled to the apartments?
  - a. Fire Access will be handled during the Transportation Corridor Overlay District (TCOD) Permit application process.
5. What is the buildable area of the northern property?
  - a. The buildable area for any lot would be the size of the parcel, and subtracting whatever acreage is taken up by the required setbacks while also taking into account a maximum lot occupancy of the zoning district (60% for R-M), parking requirements, landscaping requirements, etc.
  - b. Section 1115.04 of the Pataskala Code does not consider the buildable area of a lot as part of the criteria for approval of a lot split.
6. Can the use of the property be restricted by condition on a variance if the property owner agrees?

- a. Staff spoke with the City's Law Director, Brian Zets. His response was no, as the property is already zoned for multi-family residential, restricting said use would effectively be taking property.

June 10, 2019 BZA Hearing:

The Board of Zoning Appeals tabled Application VA-19-002 at the March 11, 2019 Hearing, with the stipulation that it shall only be tabled until the June 10<sup>th</sup> Hearing. Staff's comments from the previous hearings have not changed and still apply.

Staff also received a letter from the property owner at 5419 Watkins Road, which is attached.

The Application was tabled.

July 8, 2019 BZA Hearing:

Application VA-19-002 Tabled.

**Surrounding Area:**

Direction	Zoning	Land Use
North	Harrison Township: (AG – Agricultural / B-1 Business District)	Dog Kennel
East	R-M – Multi-Family Residential	Condominiums
South	GB – General Business	Vacant
West	Harrison Township: AG – Agricultural Pataskala: R-7 – Village Single-Family 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-19-002:

- None

#### **Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- South West Licking School District – No comments

#### **Supplementary Conditions:**

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

1. The applicant shall 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 a variance from 1239.05(B) of the Pataskala Code for variance application VA-19-002 ("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: Watkins Rd SW		
Parcel Number: 064-068442-00.047		
Zoning: Multi-family residential	Acres: 6.88 Acres	
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: <b>VA-19-002</b>
Fee: <b>\$ 300</b>
Filing Date: <b>1-11-19</b>
Hearing Date: <b>2-11-19</b>
Receipt Number:

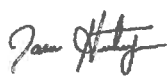

Applicant Information		
Name: Jason Heitmeyer		
Address: 7010 Deer Run Rd		
City: Pickerington	State: OH	Zip: 43147
Phone: 614-582-3333	Email: jason@heimmeyerbuild.com	

Property Owner Information		
Name: Mid Ohio Development Corp		
Address: 4393 Arbor Lake Dr		
City: Groveport	State: OH	Zip: 43125
Phone: 614-206-1536	Email:	

Documents
<input checked="" type="checkbox"/> Application
<input 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

Variance Information
Request (Include Section of Code): Variance of code 1239.05 General Requirements of the R-M District part B - Lot Area & Width. Specifically a variance for the minimum lot width of at least 90'.
Describe the Project: Provide 42 apartment units on the southern portion of the site utilizing a combination of 8, 4 and 2 unit town home style layouts with a single car garage. The parcel would be split into two lots. The southern lot would be 4.4 acres and the northern lot would have 2.4 acres. <b>PURPOSE OF SPLIT IS TO RETAIN NORTHERN PART TO REMAIN IN CONFORMITY TO NEIGHBORING PARCELS.</b>

<b>Documents to Submit</b>
<b>Variance Application:</b> Submit 1 copy of the variance application.
<b>Narrative Statement:</b> Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> <li>The reason the variance is necessary</li> <li>The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code: <ol style="list-style-type: none"> <li>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</li> <li>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;</li> <li>Whether the variance requested is substantial;</li> <li>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;</li> <li>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</li> <li>Whether the variance, if granted, will be detrimental to the public welfare;</li> <li>Whether the variance, if granted, would adversely affect the delivery of governmental services;</li> <li>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</li> <li>Whether the property owner's predicament can be obviated through some other method than variance;</li> <li>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,</li> <li>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</li> </ol> </li> <li>A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.</li> </ul>
<b>Site Plan:</b> Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following: <ul style="list-style-type: none"> <li>All property lines and dimensions</li> <li>Location and dimensions of all existing and proposed buildings and structures.</li> <li>Setbacks from property lines for all existing and proposed buildings, structures and additions</li> <li>Easements and rights-of-way</li> <li>Driveways</li> <li>Floodplain areas</li> <li>Location of existing wells and septic/aerator systems.</li> <li>Any other information deemed necessary for the variance request</li> </ul>
<b>Deed:</b> 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: <a href="https://apps.lcounty.com/recorder/recording-search/">https://apps.lcounty.com/recorder/recording-search/</a>
<b>Area Map:</b> 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: <a href="https://www.lickingcountyohio.us/">https://www.lickingcountyohio.us/</a>

<b>Signatures</b>	
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: 1/11/19
Property Owner (Required): 	Date: 1/11/19



11 January 2019

Toll Free: 866-277-0600

128 East Main Street  
Logan, Ohio 43138  
740-385-2140

1495 Old Henderson Rd.  
Columbus, Ohio 43220  
614-459-6992

507 Main Street  
Zanesville, Ohio 43701  
740-450-1640

City of Pataskala  
Board of Zoning and Appeals  
621 West Broad Street  
Pataskala, OH. 43062

RE: Watkins Road Variance

To whom this may concern,

Our client is requesting a variance for Code 1239.05 General Requirements of the R-M District part B – Lot Area and Width. Specifically, a variance for the minimum lot width of at least 90'. Our client would like to split current parcel number 064-068442-00.047 into a northern 2.416-acre tract and a southern 4.285-acre tract.

The subject parcel currently has two sections of frontage, the northern section is 60.25' and the southern section is 200.00'. The northern lot becomes 214.92' about 490' off Watkins road. In addition, it meets the minimum lot area requirement of 13,000 SF. Please refer to the attached lot split plan for reference.

It is understood that a variance will be required in order for the lot split to occur due to the lot width not meeting the 90' minimum. If this variance were to be granted, the 60.25' wide lot would not be detrimental to the public health, safety and welfare.

Sincerely,

Scott Sands, P.E.

CIVIL ENGINEERING  
SITE DEVELOPMENT  
MASTER PLANNING  
WATER TREATMENT  
WATER DISTRIBUTION  
WASTEWATER TREATMENT  
SANITARY SEWERS  
STORM WATER DRAINAGE  
SURVEYING  
GRANTS / LOANS  
CONSTRUCTION ADMIN.



### SURVEYOR'S NOTES

- 1) BASED ON RECORDS ON FILE AT THE LICKING COUNTY RECORDER'S OFFICE AND THE LICKING COUNTY ENGINEER'S OFFICE.
  - 2) REFERENCES: ALL DOCUMENTS NOTED HEREON.
  - 3) BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM - OHIO SOUTH ZONE (NAD83) BY GPS OBSERVATION, REFERENCED TO THE ODOT VRS NETWORK.
  - 4) ALL IRON PINS SET ARE 3/4" INSIDE DIAMETER IRON PIPES, 30" IN LENGTH WITH A 1" DIAMETER YELLOW CAP STAMPED "SANDS DECKER."
- IRON PIN FOUND  
● IRON PIN SET  
(R) RECORD MEASUREMENT

### AREA SUMMARY

6.885 AC. (SURVEY)  
4.285 AC. (PROPOSED SPLIT)  
0.184 AC. (PROPOSED R/W DROP)  
2.416 AC. (REMAINING)

## LOT SPLIT EXHIBIT 4.285 ACRES OUT OF 6.885 ACRE TRACT PART OF LAND OF MID-OHIO DEVELOPMENT CORPORATION STATE OF OHIO, COUNTY OF LICKING, CITY OF PATASKALA

DEBORAH L. GUTMAN AND  
DOUGLAS M. FRATUS  
PID: 025-068442-00.001  
INST. NO. 20050201003164

LOT 119

JEFFERSON RIDGE SUBDIVISION,  
PHASE IV, SECTION 1  
P.B. 15, PG. 329

LOT 120

LOT 121

THE CONDOMINIUM AT  
JEFFERSON MEADOWS  
NINTH AMENDMENT  
INST. NO. 200602020003338

FIFTEENTH AMENDMENT  
THE CONDOMINIUM AT  
JEFFERSON MEADOW  
INST. NO. 201707280015830

PROPOSED TRACT  
4.285 ACRE

CERTIFICATION

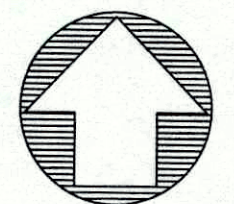


### OFFICES

128 East Main Street  
Logan, Ohio 43138  
740-385-2140

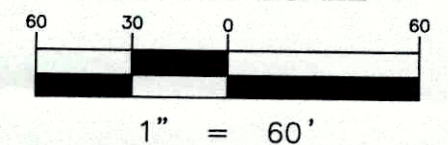
1495 Old Henderson Road  
Columbus, Ohio 43220  
614-459-6992

507 Main Street  
Zanesville, Ohio 43701  
740-450-1640



NORTH

GRAPHIC SCALE



**HEITMEYER  
BUILDING &  
DESIGN**  
WATKINS RD SW,  
PATASKALA, OH  
43062

01-08-19

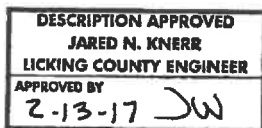
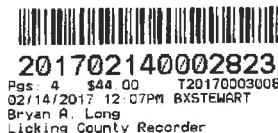
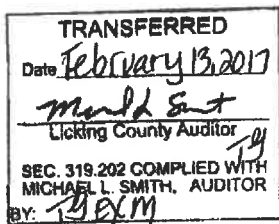
ISSUED

LOT SPLIT

**1 OF 1**

SDCPS PROJECT NO. 3603





# QUIT-CLAIM DEED

2 of 5

Real Title Holdings LLC, Grantor(s), for valuable consideration paid the sum of \$1.00, grant(s) to Mid-Ohio Development Corporation, an Ohio corporation, Grantee(s), whose tax-mailing address is: 4393 Arbor Lake Drive, Groveport, Ohio 43125 the following REAL PROPERTY:

SEE ATTACHED EXHIBIT "A" FOR COMPLETE LEGAL DESCRIPTION MADE A PART HEREOF.

Parent Parcel Number: 064-068442-00.047  
Prior Instrument: Instrument No. 201702140002822  
Reference:  
Property Address: 7908 Broad Street, Pataskala, Ohio 43062

Executed this 10<sup>th</sup> day of February, 2017.

Stewart Title Agency  
of Columbus Box  
01032-23015

Real Title Holdings LLC

By: llp ll  
Name: MARK E. BACHMANN  
Its: VICE - PRESIDENT

State of Ohio,  
County of Franklin, ss:

BE IT REMEMBERED, That on this 10<sup>th</sup> day of February, 2017, before me, the subscriber, a Notary Public in and for said county, personally came Real Title Holdings LLC, by Mark E. Bachman its Vice President of the above named Grantor(s) in the foregoing deed, and acknowledged the signing of the same to be his/her/their voluntary act and deed, for the uses and purposes therein mentioned.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year aforesaid.



O. Elizabeth McColeman  
Notary Public-State of Ohio  
My Commission Expires  
April 28, 2020

O. Elizabeth McColeman  
NOTARY PUBLIC

This Instrument prepared by:

Joseph E. Budde, Attorney at Law  
259 W. Schrock Road  
Westerville, Ohio 43081





**DESCRIPTION OF A  
13.093 ACRE TRACT**

Situated in the State of Ohio, County of Licking, City of Pataskala, within Lot 34 and Lot 37, Quarter Township 2, Township 1, Range 14, United States Military Lands, being part of that 35.256 acre tract as described in deed to Mid Ohio Development Corporation, of record in Instrument Number 2003008110038496, all being of record in the Recorder's Office, Licking County, Ohio and being more particularly described as follows:

**BEGINNING** at a 5/8" rebar found capped "TCW CO" in the southwest corner of Lot 121 of the Jefferson Ridge Subdivision, Phase IV, Section 1, of record in Plat Book 15, Page 329-331;

Thence South 72°06'21" West, with the northwesterly line of that 0.672 acre tract as shown in The Condominium at Jefferson Meadow, Ninth Amendment, of record in Instrument Number 200602020003338 and declared in Instrument Number 200602020003339, a distance of 96.85 feet, to an iron pin set in the northwesterly corner of said 0.672 acre tract;

Thence South 17°53'39" East, with the westerly line of said 0.672 acre tract, a distance of 210.05 feet, to an iron pin set in the southwesterly corner of said 0.672 acre tract, being in the northerly line of that 0.871 acre tract as shown in The Condominium at Jefferson Meadow, Eleventh Amendment, of record in Instrument Number 20060424001416 and declared in Instrument Number 20060424001415;

Thence with the perimeter of said 0.871 acre tract, the following courses:

South 74°22'59" West, a distance of 77.39 feet, to an iron pin set in the northwesterly corner of said 0.871 acre tract;

South 00°01'14" West, a distance of 180.46 feet, to an iron pin set in the southwesterly corner of said 0.871 acre tract;

South 87°24'05" East, a distance of 213.16 feet, to an iron pin set in the southerly common corner of said 0.871 acre tract and that 0.789 acre tract as shown in The Condominium at Jefferson Meadow, Thirteenth Amendment - Part 2, of record in Instrument Number 200708100021027 and declared in Instrument Number 200708100021026;

Thence South 84°51'00" East, with the southerly line of said 0.789 acre tract, a distance of 122.64 feet, to an iron pin set in the common corner of said 0.789 acre tract and that 0.616 acre tract as shown in The Condominium at Jefferson Meadow, Tenth Amendment - Part 2, of record in Instrument Number 200603230008204 and declared in Instrument Number 200603230008203;

Thence South 87°41'33" East, with the southerly line of said 0.616 acre tract, a distance of 78.25 feet, to an iron pin set;

Thence North 83°09'44" East, continuing with the southerly line of said 0.616 acre tract, a distance of 106.99 feet, to an iron pin set in the southerly common corner of said 0.616 acre tract and that 0.539 acre tract as shown in The Condominium at Jefferson Meadow, Twelfth Amendment, of record in Instrument Number 200607180020904 and declared in Instrument Number 200607180020903;

Thence South 88°47'06" East, with the southerly line of said 0.539 acre tract, a distance of 157.64 feet, to an iron pin set in the westerly line of that 4.062 acre tract as shown in The Condominium at Jefferson Meadow, Fifth Amendment, of record in Instrument Number 200412140044120 and declared in Instrument Number 200412140044119;

Thence South 11°11'26" East, with the westerly line of said 4.062 acre tract, a distance of 167.70 feet, to an iron pin set;

Thence South 16°07'59" West, continuing with the westerly line of said 4.062 acre tract, a distance of 138.22 feet, to an iron pin set in the southwesterly corner of said 4.062 acre tract;



Thence with the southerly line of said 4.062 acre tract, the following courses:

With a curve to the left, having a radius of 4922.24 feet, a delta of 03°58'28", an arc distance of 341.44 feet, a chord bearing of North 73°13'16" East, and a chord distance of 341.37 feet to an iron pin set in the northern right of way of State Route 16;

North 54°38'41" East, with the northern right of way of State Route 16, a distance of 53.47 feet, to an iron pin set;

North 70°11'15" East, continuing with aforesaid northern right of way, a distance of 76.83 feet, to an iron pin set;

South 81°21'00" East, continuing with aforesaid northern right of way, a distance of 30.87 feet to an iron pin set in a non-tangent curve;

Thence with the southerly line of said 4.062 acre tract, with the southerly line of that 1.493 acre tract as shown in The Condominium at Jefferson Meadow, Fourth Amendment, as shown in Instrument Number 200410270038734 and declared in Instrument Number 200410270038733, with the southerly line of that 1.698 acre tract as shown in The Condominium at Jefferson Meadow, Second Amendment, of record in Condo Plat Book 4, Page 366 and declared in Instrument Number 200410270038733, with the southerly line of that 0.553 acre tract as shown in The Condominium at Jefferson Meadow, Fourteenth Amendment, of record in Instrument Number 201306250016205, with the southerly line of that 1.860 acre tract as shown in The Condominium at Jefferson Meadow, of record in Condo Plat Book 4, Page 330 and declared in Instrument Number 200309020042299, with a curve to the left having a radius of 4922.24 feet, a delta of 10°41'52", an arc distance of 919.03 feet, a chord bearing of North 64°04'30" East, and a chord distance of 917.69 feet, to an iron pin set in the common line of said 35.256 acre tract and Lot 104 of Beechwood Trails, as shown in Plat Book 10, Page 14-17 and as described in deed to Todd D. Fischer and Marjorie N. Fischer, of record in Instrument Number 199709240000480;

Thence South 02°45'51" West, with the common line of said Lot 104 and said 35.256 acre tract, passing a stone found with a chiseled "X" at 17.85 feet, a total distance of 72.21 feet, to a mag nail set in the southeast corner of said 35.256 acre tract and in the centerline of State Route 16;

Thence with the south line of said 35.256 acre tract and the centerline of State Route 16, the following courses:

With a curve to the right having a radius of 4982.24 feet, a delta of 17°40'26", an arc distance of 1536.86 feet, a chord bearing of South 68°01'41" West, and a chord distance of 1530.77 feet, to a mag nail set in a point of tangency;

South 76°51'24" West, a distance of 235.74 feet, to an iron pin set in the common corner of said 35.256 acre tract and that 6.002 acre tract as described as Tract 3 in deed to Annabelle H. Thompson, of record in Instrument Number 20004190012340;

Thence with the perimeter of said 35.256 acre tract, the following courses:

North 02°33'35" East, with easterly line of said 6.002 acre tract, a distance of 413.21 feet, to a 5/8" rebar found in the common corner of said 35.256 acre tract and said 6.002 acre tract;

North 87°24'05" West, with the northerly line of said 6.002 acre tract and with the northerly line of that 3.052 acre tract as described in deed to Joseph W. Thompson and Robert W. Thompson, of record in Instrument Number 200307280035802, passing a ¾" iron pipe found at 1039.32 feet, a total distance of 1069.32 feet, to a mag nail set in the common corner of said 35.256 acre tract and said 3.052 acre tract, being in the centerline of Watkins Road;

North 02°35'26" East, with the centerline of Watkins Road, a distance of 200.00 feet, to a mag nail set in the common corner of said 35.256 acre tract and that 1.744 acre tract as described in deed to Bernard J. Mauck, Jr. and Jennifer L. Mauck, of record in Instrument Number 200604070009788;



South 87°26'09" East, with the southerly line of said 1.744 acre tract, passing an ¾" iron pipe found at 29.82 feet, a total distance of 490.05 feet, to an iron pin set in the southeasterly corner of said 1.744 acre tract;

North 02°35'02" East, with the easterly line of said 1.744 acre tract, with the easterly line of that 1.744 acre tract as described in deed to Robert Sexton and Elizabeth Sexton, of record in Instrument Number 200811070024264 and with the east line of that 1.744 acre tract as described in deed to Jana L. Davis, of record in Instrument Number 201512160027209, passing a ¾" iron pipe found at 154.98 feet, a total distance of 464.79 feet, to an iron pin set in the northeasterly corner of said 1.744 acre tract (Davis);

North 87°26'09" West, with the northerly line of said 1.744 acre tract (Davis), passing a ¾" iron pipe at 460.22 feet, a total distance of 490.00 feet, to a mag nail set in the common corner of said 1.744 acre tract, being in the centerline of Watkins Road;

North 02°35'26" East, with the centerline of Watkins Road, a distance of 60.25 feet, to a mag nail set in the common corner of said 35.256 acre tract and that 7.479 acre tract as described in deed to Deborah L. Gutman and Douglas M. Fratus, of record in Instrument Number 20050201003164;

South 87°24'20" East, with the southerly line of said 7.479 acre tract, a distance of 808.74 feet, to an iron pin set in the westerly line of said Jefferson Ridge Subdivision;

South 01°17'51" West, with the westerly line of said Jefferson Ridge Subdivision, passing a found 5/8" rebar at 137.17 feet, a total distance of 260.04 feet, to the **POINT OF TRUE BEGINNING**, containing 13.093 acres, more or less, with 0.179 acres being in the right of way of Watkins Road and 2.185 acres being in the right of way of State Route 16.

Subject to all easements, restrictions and right of way of record.

Iron pins set are 5/8" rebar, 30 inches in length, with a yellow cap bearing the initials "CEC INC".

Basis of bearing is based on a portion of the centerline of State Route 16 bearing South 76°51'54" West, based on GPS observations (Ohio State Plane South Zone, NAD 83), at the time of survey.



CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

*Mark Alan Smith*

Mark Alan Smith  
Registered Surveyor No. 8232

*1/25/2017*

Date

OnTrac Property Map



January 11, 2019

Owner Name & Acres

Centerline Labels

Interstate/US/State Route

Other Road Type

N

W

E

S

County Road

Township Road

Other Road Type

Driveway

Interstates

Municipal Corporations

0

188 Feet

0.04 Miles

County Boundary

Jurisdictional Townships

Historical Townships Line

Licking County Auditor GIS

LICKING COUNTY TAX MAP



Robert and Elizabeth Sexton

5447 Watkins Rd SW

Pataskala, Ohio 43062

February 11, 2019

Pataskala Board of Zoning Appeals

Rob Platte, Chairman

621 West Broad Street

Pataskala, Ohio 43062

Dear Mr. Chairman and members of the Board of Zoning Appeals:

We are writing to ask you to reject the request for a variance sought by Mr. Jason Heitmeyer. We have lived on the east side of Watkins Road SW just north of Broad Street for more than ten years now. We were attracted to this location by the surrounding neighborhood of large lots and single-family homes.

After receiving the notice from the city about this hearing, we did a quick count of the homes between Broad Street and Hollow Road that are located on Watkins Road SW. If our count is correct there are 63 single family houses along that 1.7-mile stretch.

We are concerned about allowing a narrow strip of land running east off Watkins Road. The character of the lots and homes along this stretch was a major reason we bought here. Once exceptions made for narrow strips of land, others will seek to use that precedent to do the same as farm land or other larger are sold off.

There are many areas of Pataskala and the surrounding lands that include multi-family structures. There are none on this 1.7 mile stretch of Watkins. There are none in nearby Barrington Ridge, Jefferson Ridge, or Beechwood Trails, all of which adjoin Watkins Road in this location. We cannot even see multi-family properties across Broad Street because of the hill close to the intersection. Nor can we see the Jefferson Meadow condominium complex to the east of our property because of the woods between us.

We have visited with all of our neighbors on Watkins. We have communicated with people just across the street in Barrington Ridge, and with people on the other side of this property in Jefferson Ridge. We have not spoken to any who are not concerned with this application for variance. This variance is out of character with the surrounding neighborhood, and we respectfully request this Board reject the request. Thank you for your time.

Robert and Elizabeth Sexton

**From:** [Eileen DeRolf](#)  
**To:** [Scott Fulton](#)  
**Subject:** Re: One question  
**Date:** Thursday, January 17, 2019 5:09:23 PM

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If a Greenway network (on page 75) is just an euphemism for a bike path, then why is there a separate map for bike paths on page 111????? My guess is the APA planners, who drove this ridiculous document to this point, were trying to sneak in a second property-rights stealing set of bike paths under the radar. Regardless, taking my property for the enjoyment of others but at my expense and without my voluntary consent is socialism in practice. Disgraceful!

Scott, I respectfully suggest you step in and put this process back in local control.

On Thu, Jan 17, 2019 at 12:47 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:

Ms. DeRolf,

On page 76 of the draft plan, greenways are defined as:

*“Greenways are strips of land that are set aside for recreational use and environmental protection. They incorporate natural features and provide a safe space for pedestrians and bicyclists to experience open spaces. Greenways are an amenity for residents and visitors. They promote health and wellness, increase connectivity within the city, conserve resources, and promote sustainable development.”*

Thanks,

**SCOTT FULTON**

Director of Planning

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-2168

Cell: 614-440-5222

**From:** Eileen DeRolf <[ederolf@gmail.com](mailto:ederolf@gmail.com)>



**Sent:** Thursday, January 17, 2019 11:26 AM  
**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Subject:** One question

Could you please define "greenway network" for me? Thanks.

**From:** [hcarabians@yahoo.com](mailto:hcarabians@yahoo.com)  
**To:** [Scott Fulton](#)  
**Subject:** VA-19-002 & TC-OD-19-001 Davis  
**Date:** Tuesday, May 14, 2019 3:27:06 PM

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Dear Council/Commission Member,

I own the property at 5419 Watkins Rd in Pataskala. I have attended all the meetings regarding the proposed changes (variance VA-19-002, change from 90 feet to 60 feet for a lot split between my property and Meegan Kennel and the high density multi-unit apartment complex proposed by Heitmeyer Development) to property owned by Mid-Ohio Development that surrounds mine and many other property owners in that area. As you know, this has all created an enormous concern to myself and the entire neighborhood. We all chose to purchase homes here and have worked hard to maintain and improve our properties for our financial futures. Personally I have sunk everything I have into this property and have counted on it's value to maintain and grow with the neighborhood. I am sure you have the same expectations with your properties as well. I am not a wealthy person and being a single woman this represents an investment in my future that is irreplaceable. What is being proposed in this neighborhood is absolutely a disaster for all of us! I am sure you all realize this. We have heard all the arguments for and against in this case and there is definitely no argument that could justify the approval of these proposals. The neighborhood has been designed to be single family and it should remain that way. You have a duty to protect the good taxpayers and residents of this neighborhood that have put their faith in Pataskala as a wonderful place to own a home and raise families. Even the Pataskala School system is against such a horrific proposal for many good reasons.

Mr. Heitmeyer is an opportunist that is purely taking advantage of a situation and is literally doing and saying anything to get what he wants, which is a steal on a piece of property he wants to maximize every inch of for his own profit. He has absolutely no regard for anyone he is hurting to get it. This property was NEVER supposed to be zoned for high density apartment buildings! At best, it was meant for (and Mid-Ohio Development had promised this when they asked for the first re-zoning) single family condos. The fact that this can be twisted so many years later and promises forgotten speaks to the very reason we are all so terrified of this taking place. Once a builder gets what they want they can do anything and there is no-one that will police very nuance of their business as it affects the neighborhood. As for apartment buildings, we all know that they attract transient individuals that do not care for the neighborhood. Apartment complexes after a few years of wear and tear will attract even less quality dwellers and the spiral down goes from there. I know for a fact that not one of you including Mr. Heitmeyer would want this situation next to your homes and families. This proposition would be an abomination and eyesore to all the homes around. There are many other places more suitable for this type of business and it is not smack in the middle of a residential neighborhood! As for the "investment" that Mr. Heitmeyer has in drawing up all his plans (for a property he doesn't even own yet), it certainly pales in comparison to what we all have in our homes! That is just the cost of doing business and taking a gamble.

This whole situation has been stressing beyond belief to myself and everyone else. In our eyes, this is life and death for our financial futures and quality of life. I am pleading with all of you to take this situation as seriously as if it was your own. I am also requesting and declaring my favor for the re-



zoning proposed by Mr. Barstow to be approved for the re-zoning to go back to the Commission for consideration.

Thank you for your time and consideration,

Jana Davis

[614-679-0839](tel:614-679-0839)

*Sent from my Sprint Phone.*

Robert and Elizabeth Sexton

5447 Watkins Rd., SW

Pataskala, OH 43062

July 5<sup>th</sup>, 2019

Rob Platte, Chairman

Pataskala Board of Zoning Appeals

Dear Mr. Chairman and members of the Pataskala Board of Zoning Appeals:

I am writing regarding the Board of Zoning Appeals Meeting on July 8<sup>th</sup>, specifically the request for approval by Mr. Jason Heitmeyer of a variance on property just north of Broad Street on Watkins Road SW. I respectfully request that you vote NO on the Application for Variance (VA-19-002). Section 1211.007 (A)(1) requires that "The standard for granting a variance is dependent on the applicant showing sufficient evidence of practical difficulties." The applicant has presented no difficulties to his proposed project for the existing lot. Nothing in current zoning restrictions prevent him from developing his proposed project.

This same section of the Pataskala Code requires the Board to consider 11 factors in determining whether a variance is warranted. After reviewing those factors presented at this location, we point out the following issues that support the rejection of this application:

- b. Are there 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?  
***There are no unique circumstances or conditions that prohibit the property from being developed to enable the reasonable use of the property.***
- c. Is the requested variance substantial?  
***The surrounding properties on Watkins Rd SW from Broad Street to Hollow Road include no properties with a narrow strip or drive on the road leading to a larger lot that would be behind the other property owners on Watkins. Granting of this variance would be substantial because it sets a precedent for smaller road frontage in this area for no reason that benefits the area.***
- d. Would the essential character of the neighborhood be substantially altered, or would the adjoining properties suffer a substantial detriment as a result of the variance?  
***The 1.7 mile stretch of Watkins Rd SW from Broad Street to Hollow Road features large lots with large road frontages. The requested variance is part of a larger proposed apartment complex that clearly does not belong in this area. Opening the door for smaller road frontages, lots, and of course an apartment complex will all cause a loss of property value for nearby landowners and clearly alters the character of the neighborhood. Future developers and sellers will surely seize upon the precedent set by permitting smaller road frontage.***
- h. Did the property owner purchase the property with knowledge of the zoning restriction?



***The property owner originally intended to develop all this property including the southern portion leading all the way to Broad Street as part of the Jefferson Meadows Condominium Complex, would have been aware of the zoning created to allow that project to be built. The applicant does not own the property and has been aware of the restriction from the beginning.***

- i. Can the property owner's predicament be obviated through some other method than the proposed variance?

***Neither the property owner nor the applicant has a predicament that needs obviating. The zoning restrictions do not prevent the applicant from developing the parcel as he proposes. Splitting the lot will simply allow him to sell of the northern portion of the property. There is no predicament that the Board needs to address.***

- k. Will the spirit and intent behind the zoning requirement be observed and substantial justice done by granting the variance?

***Justice will not be well served by the granting of this variance. Current zoning restrictions do not present an injustice to the applicant. The applicant has already stated that the variance will have no bearing on his proposed apartment complex. Therefore, current zoning restrictions do not harm him. On the other hand, for the reasons stated above the neighborhood will be substantially negatively impacted by the entire development, and it will result in a precedent that will further impact the neighborhood in the future.***

Beyond the issues this Board must consider, the Board is already aware that this proposed project is strongly opposed by the surrounding communities of Beachwood Trails, Jefferson Ridge, Jefferson Meadows and Barrington Ridge. The concerns have resulted in record turnout and comment to this body and the Planning and Zoning Commission. The proposed project is out of step with Pataskala's Comprehensive Plan, approved by council in 2006, which categorizes this very property as "High Density Residential," and specifies a "Maximum of three dwelling units per acre."

There is no public good served by granting this variance. The applicant has not demonstrated a difficulty, and at least six of the factors the Board must weigh are in conflict with the granting of this variance. For these reasons, we respectfully ask the Board of Zoning Appeals to reject application VA-19-002. Thank you for your consideration.



Robert Sexton

Robert & Elizabeth Sexton  
5447 Watkins Rd. SW  
Pataskala, Ohio 43062

Robert Platte  
371 Woodside Drive  
Pataskala, Ohio 43062

COLUMBUS OH 431

05 JUL 2009 PM 7:1

PATASKALA, OH  
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