



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

September 9, 2019

#### Variance Application VA-19-021

<b>Applicant:</b>	Robert J. Hayes
<b>Owner:</b>	P & G Pataskala, LTD
<b>Location:</b>	200 West Broad Street, Pataskala, OH 43062
<b>Acreage:</b>	46.4-acres
<b>Zoning:</b>	R-10 – High Density Residential
<b>Request:</b>	Requesting approval of two variances: from Section 1283.05(A) to allow for the installation of street trees at every 50-feet of public street frontage, and from Section 1295.09(b)(8) to allow for the installation of a permanent subdivision identification sign that is a hanging-type sign.

#### Description of the Request:

The applicant is seeking a variance to allow for the installation of a concrete driveway that will exceed the 10% maximum permitted slope.

#### Staff Summary:

On June 5, 2019 the Planning and Zoning Commission approved a Preliminary Plan application (PP-19-002) for the Heron Manor Subdivision. Heron Manor is a 145-lot subdivision that is zoned R-10 – High Density Residential and utilizes the Cluster Housing standards set forth by Chapter 1275 of the Pataskala Code.

Although the Preliminary Plan was approved by the Planning and Zoning Commission, there were two items that require a Variance. As the Subdivision was done utilizing the existing zoning, and not as a Planned Development, a Variance approved by the Board of Zoning Appeals is required in order for the project to progress. The two sections of Pataskala Code that Applicant is requesting a Variance from is Section 1283.05(A), and Section 1295.09(b)(8).

Section 1283.05(A) States “...in every development requiring a site or development plan, there shall be planted a species appropriate to the specific location on the site being developed, at least one deciduous tree from Table 1283.05-01, with a caliper measured five feet above the ground of not less than two inches, for every thirty (30) feet of public street frontage”. The Applicant has proposed installing the street trees at intervals of fifty (50) feet of public street frontage. In the supplied Narrative Statement the applicant stated that the “literal interpretation of the requirement is not reasonably possible to the limited amount of space after installation of driveways and utilities” and provided an illustrated example (Exhibit F).

Further stated, the Applicant believes a tree spacing of fifty (50) feet would allow for good horticulture practices with proper tree spacing, and eliminate potential costs of tree death and replacement, and eliminate potential driveway and/or utility interference. They do not believe the essential character of the neighborhood would be substantially altered or that adjoining properties would suffer as a result of the variance, that the variance would not adversely affect the delivery of government services, and that the variance would observe the spirit and intent of the zoning requirement. As stated by the Applicant, they seek relief from an impossible installation requirement, and are not trying to avoid the street tree requirement altogether.

Section 1295.09(b)(8) states that no more than one permanent subdivision identification sign shall be permitted at each entry to each subdivision. Such signs shall be limited to a maximum height of six (6) feet, and the combined area of the signs shall not exceed a total of thirty-two (32) square feet and shall be set back at least ten (10) feet outside the right-of-way, or as necessary to meet sight distance requirements. Such signs shall be limited to monument style signs or graphics only, including placement on walls, fences, entrance columns or similar architectural or landscaping features. The Applicant has proposed a sign that does not meet the above definition, as it is technically a “hanging sign”.

As stated in the supplied Narrative Statement, the sign will be elevated off the ground, which allows for additional landscaping in front of the sign, not blocking the sign face. The Applicant believes the spirit and intent of the Zoning Code will be observed, as the sign will be hanging from a “monument style column” and the Variance is only for an exception to a technicality.

The Applicant also stated that the zoning restrictions were known, as the requirements became apparent during the subdivision’s planning.

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

The Applicant stated that the reason for the proposed street tree spacing at 50-foot intervals as opposed to the 30-foot as required by Section 1283.05(A), is because of the limited space available for street trees once driveways, mailboxes, water/sewer taps, etc. have been installed. Staff has encountered the same issues before, most notably in the Broadmoore Commons subdivision. The Planning and Zoning Commission granted a Divergence for Broadmoore Commons to allow for street tree spacing at 50-foot intervals, however, as this development is not a Planned Development, a Divergence cannot be granted, and a Variance is required. Staff has no other concerns with the proposed street tree spacing.

The Variance for the sign is required because of the type of sign that is proposed. Pursuant to Section 1295.09(b)(8) Permanent Subdivision Identification Signs are required to be of monument style or graphics only, including placement on walls, fences, or entrance columns. The Applicant has proposed a sign that is of the hanging type, which does not fall under the description given in Section 1295.09(b)(8). However, all other aspects of the proposed sign meet the requirements of the Pataskala Code. Staff has no issues with the proposed sign type.

Staff has no other comments on the proposal.

City Engineer

- This is two variances for a new subdivision. The variances include:
  - Street trees to be placed every 50’ rather than the required 30’.
  - Installation of a permanent subdivision sign
- We have no engineering comments on either of these variances. We offer the following general comments on each of them:
- As discussed in other similar situations, the city may require a ‘fee in lieu of’ for the trees that are eliminated.
- The exact location of the proposed sign is not clear in the application. Therefore, we simply recommend the city ensure it does not encroach on any easements, utilities, or other public items of importance.

Other Departments and Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	AG - Agriculture	Farm Field Woodland
East	R-10 – High Density Residential	Single-Family Homes Settlement of Pataskala Phase 3 Part 3 (Under Construction).
South	M-1 – Light Manufacturing GB – General Business R-10 – High Density Residential	Lumber Yard Auto Sales Single-Family Homes
West	AG – Agriculture	Farm Field

**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-19-020:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest 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.
2. The Applicant shall address all comments of the City Engineer.

**Resolution:**

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

“I move to approve variances from Section 12883.05(A) and from Section 1295.09(b)(8) of the Pataskala Code for variance application VA-19-021 (“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: 200 West Broad Street, Pataskala, Ohio 43062	
Parcel Number: 064 - 307692 - 00.000	
Zoning: R-10	Acres: 46.4
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-19-021</b>
Fee: <b>300</b>
Filing Date: <b>8-12-19</b>
Hearing Date: <b>9-9-19</b>
Receipt Number: <b>21123</b>

Applicant Information		
Name: Robert J. Hayes		
Address: 3940 Olympic Boulevard, Suite 400		
City: Erlanger	State: Kentucky	Zip: 41018
Phone: 859.344.3137	Email: rhayes@fischerhomes.com	

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

Property Owner Information		
Name: P & G Pataskala, LTD		
Address: 200 West Broad Street, Pataskala, Ohio 43062		
City: Pataskala	State: Ohio	Zip: 43062
Phone:	Email:	

Variance Information
Request (Include Section of Code): Variance requested for Street Tree Requirement (Ch.1283.05) and Entrance Monument Signage (Ch.1295.09) for the Heron Manor Subdivision. <b>↳ 1283.05(A)</b>
<b>↳ 1295.09(B)(8).</b>
Describe the Project: The project relates to the future Heron Manor Subdivision. The proposed subdivision is planned with an entry monument constructed at the entrance to the community along Heron Avenue near the intersection of Heron Avenue and West Broad Street.

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 CITY OF PATASKALA

## 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

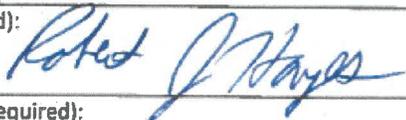
**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**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:

3.15.2019

Property Owner (Required):

Date:

<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><i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</i></li> <li><i>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;</i></li> <li><i>Whether the variance requested is substantial;</i></li> <li><i>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;</i></li> <li><i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i></li> <li><i>Whether the variance, if granted, will be detrimental to the public welfare;</i></li> <li><i>Whether the variance, if granted, would adversely affect the delivery of governmental services;</i></li> <li><i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i></li> <li><i>Whether the property owner's predicament can be obviated through some other method than variance;</i></li> <li><i>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,</i></li> <li><i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i></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>	
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<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:
Property Owner (Required): <b>PARK NATIONAL BANK, TRUSTEE</b> <i>By: [Signature] 1500440</i>	Date: <i>3/18/19</i>

**Narrative Statement:**

- **The reason the variance is necessary**

A variance for the Street Tree Requirement (Ch.1283.05) is necessary because a literal interpretation of this requirement is not reasonably possible due to the limited amount of space after installation of the driveways and utilities. See Exhibit: F.

A variance for the Entrance Monument Signage (Ch.1295.09) is necessary because a literal interpretation of the code prohibits the installation of the proposed monument sign as it contains a hanging component, thus classifying it as a hanging sign (by virtue of a technicality). See Exhibits: C, D, & E.

- **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;**

**Street Tree Requirement (Ch 1283.05)** Without the variance for street trees the installation of trees every 30ft is not practical with the location of driveways, mailboxes and utilities. By allowing a tree to be placed in an appropriate location it gives the tree ability to thrive and improves the horticulture practices.

**Entrance Monument Signage (Ch 1295.09)** The requested variance for the sign allows for a hanging sign mounted to a monument style column which meets the intent of the Code. The sign will be elevated off of the ground, which allows for additional landscaping in front of the sign, not blocking the sign face.

- 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;**

**Street Tree Requirement (Ch 1283.05)** In lieu of the 30 feet spacing requirement, a variance is proposed to allow for 50 feet spacing. This spacing would allow for good horticulture practices with proper tree spacing, eliminate potential city costs of tree death and replacement, and eliminate potential driveway and/or utility interference.

**Entrance Monument Signage (Ch 1295.09)** The variance allows for necessary variation theming in terms of signage, which noted previously embodies the intent of the code.

- c) **Whether the variance requested is substantial;**

**Street Tree Requirement (Ch 1283.05)** The tree variance is not a substantial request. It simply requests a minimal change that would allow for necessary driveways, good horticulture practices, and practical community landscaping.

**Entrance Monument Signage (Ch 1295.09)** The signage variance is minimal in that it requests an exception in the hanging component of the code. The planned entrance monument adheres to the spirit and intent of the code and utilizes elevation off the ground to allow for additional landscaping that would not block the sign from view.

- 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;

Street Tree Requirement (Ch 1283.05) The variance for the street tree code would allow the character of the neighborhood to improve both aesthetically and practically. Aesthetically, the proper tree spacing would not encumber the community with too much vegetation. Practically, the variance would allow driveways and fire hydrants to be more easily input into the community with trees that complement the community layout.

Entrance Monument Signage (Ch 1295.09) The variance would benefit the community by allowing for an entry monument that compliments the community theme and is aesthetically pleasing to adjacent properties.

- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;

Street Tree Requirement (Ch 1283.05) The variance will substantially improve Heron Manor and Pataskala Community by promoting both good horticulture practice and driveway allowance, as mentioned previously.

Entrance Monument Signage (Ch 1295.09) The variance will allow the entry monument sign to be both aesthetically improved with landscaping while being clearly visible to the public.

- f) Whether the variance, if granted, will be detrimental to the public welfare;

Street Tree Requirement (Ch 1283.05) The street tree variance will improve public welfare as it will allow proper landscaping practices to occur.

Entrance Monument Signage (Ch 1295.09) The entry monument variance will improve public welfare as it will allow signage that is easily maintained, visually pleasing, and capable of being seen or found.

- g) Whether the variance, if granted, would adversely affect the delivery of governmental services;

Street Tree Requirement (Ch 1283.05) The extension of the tree spacing, through the approval of the variance, will allow homesites to be more easily found and give proper driveways for governmental services to utilize if necessary.

Entrance Monument Signage (Ch 1295.09) The approval of the variance will allow governmental services to better identify the community and the homesites within it. This variance will help governmental services rather than adversely affect them.

- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;

Street Tree Requirement (Ch 1283.05) The zoning restriction was known during each property purchase. The need for the variance became apparent during the subdivision's planning.

Entrance Monument Signage (Ch 1295.09) The requirements were known during the purchasing process. However, the planned entry monument meets the intent of the code by being mounted to a monument style column.

- i) Whether the property owner's predicament can be obviated through some other method than variance;

**Street Tree Requirement (Ch 1283.05)** The street tree requirement can only be obviated through the variance. The applicant is not trying to avoid the street tree requirement; the applicant seeks relief from an impossible installation requirement, but desires to implement the spirit and intent of the street tree requirement. Without the variance the community would be subject to improper horticulture, inconsistent driveways, and consistent city costs for tree death and replacement.

**Entrance Monument Signage (Ch 1295.09)** The signage requirement would be best handled through the application of a variance. The signage is designed to elevate above proper landscaping to allow for adherence to the intent of the code, maintainable vegetation, and simplistic viewing and identification of the subdivision.

- 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,

**Street Tree Requirement (Ch 1283.05)** The variance would indeed represent the least modification. Modifying the tree spacing for the community's benefit is a smaller modification compared to altering the housing widths and driveway placements to fit between the original 30 foot spacing.

**Entrance Monument Signage (Ch 1295.09)** The variance seeks relief from a technicality that prevents installation of the sign as designed. The signage embodies the code's spirit and intent and seeks to provide a design consistent with the unique theme.

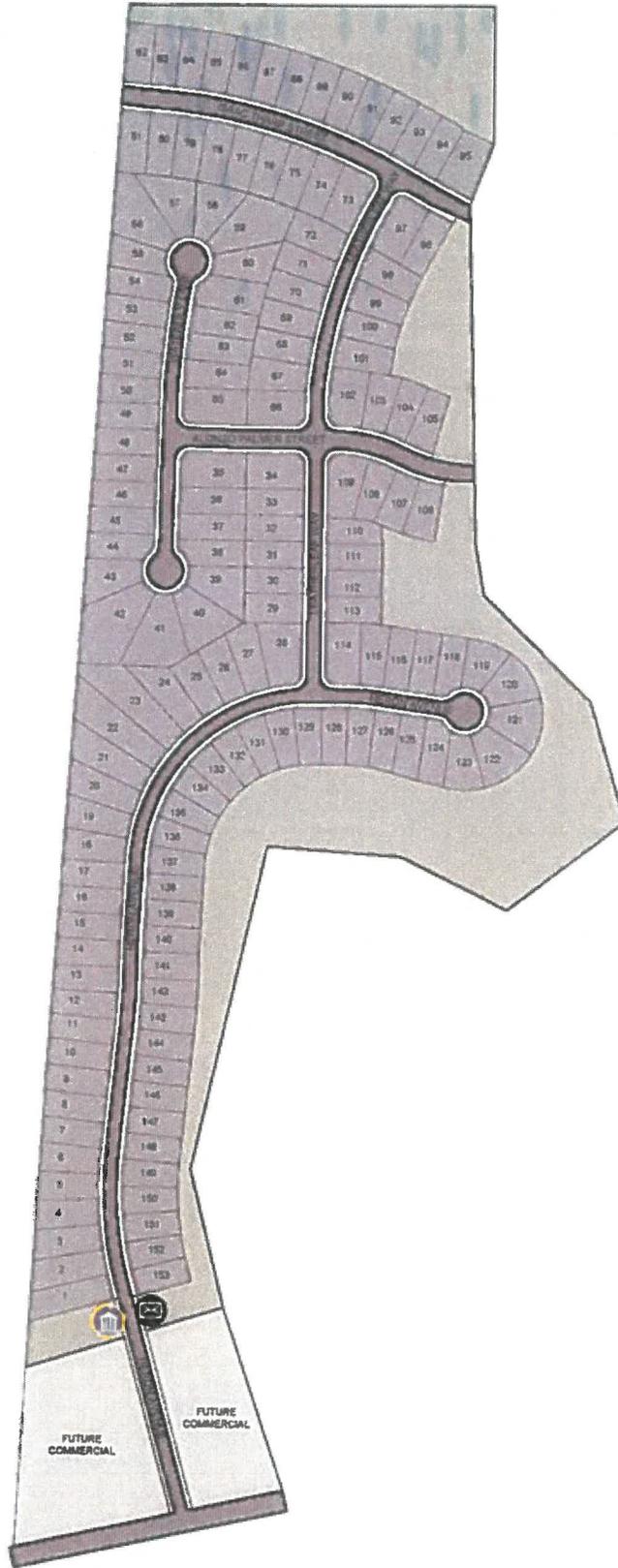
- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

**Street Tree Requirement (Ch 1283.05)** The variance would be granting multiple benefits to the community and would still embody the spirit and intent of the street tree code requirement.

**Entrance Monument Signage (Ch 1295.09)** The entry monument variance requests minor relief from a technical requirement of the zoning code. The planned monument was designed with compliance with the spirit and intent of the entrance monument signage code.

- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.





KEY

	Entry Monument with Lighting
	CBU Location
	Maple Street Homesite

BASE MAP

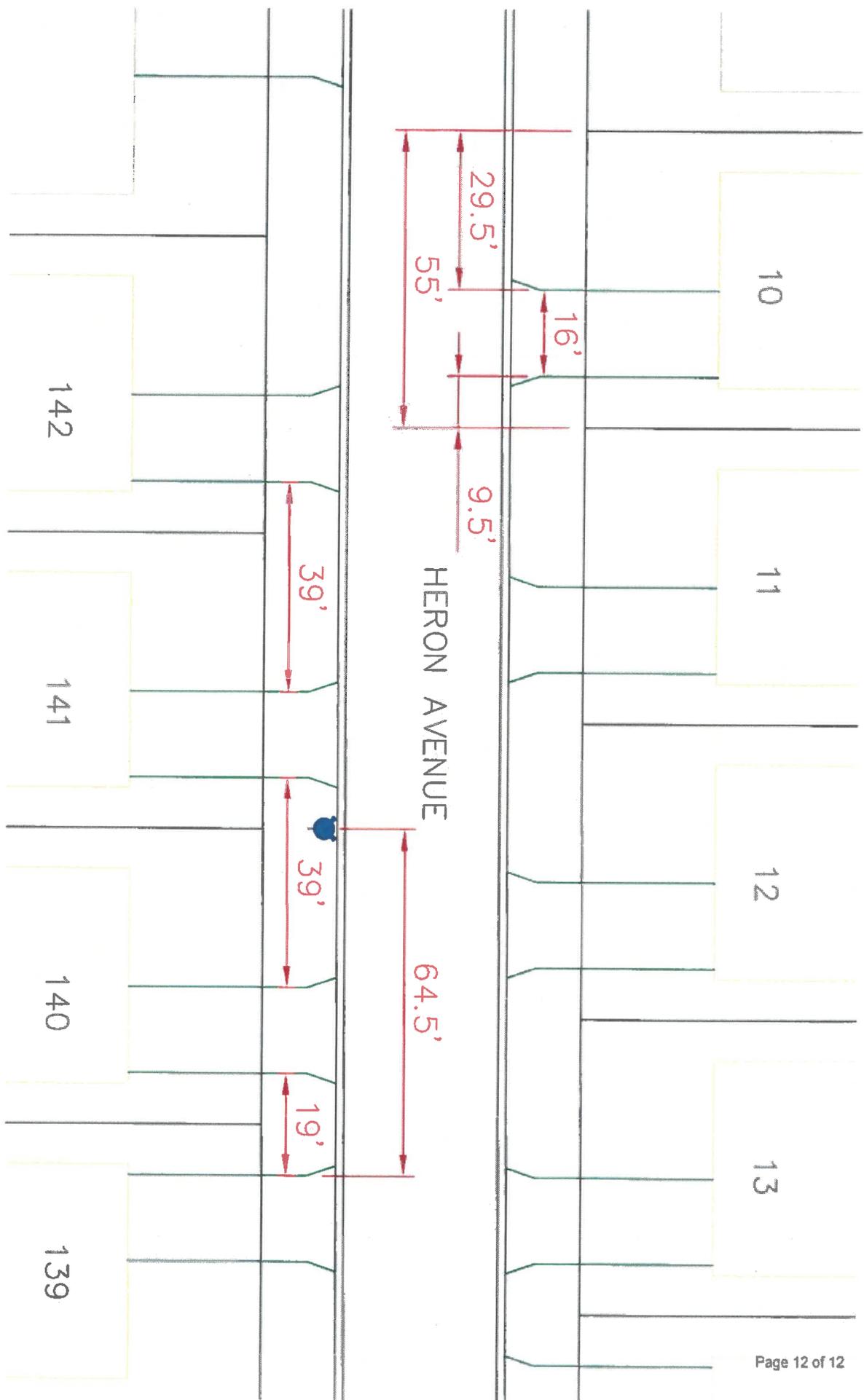
DIVISION - 51 - COLUMBUS

CREATED : 12/05/2018

UPDATED : 12/05/2018

HERON MANOR  
LICKING COUNTY, OHIO





FISCHER HOMES

3940 Olympic Blvd, Suite 100, Orange, KY 41018 . (P) 859.341.4793 • Main Office

HOME SITE#: ENTRY\_MONUMENT

COMMUNITY: HERON MANOR

RECORDED:

ADDRESS: HERON AVENUE

COUNTY/STATE: LICKING COUNTY--OHIO

SCALE OF DRAWING: 1"=10' DRAWN BY: NOS-899.344.3133 DATE: 12/17/2018

Exhibit: D

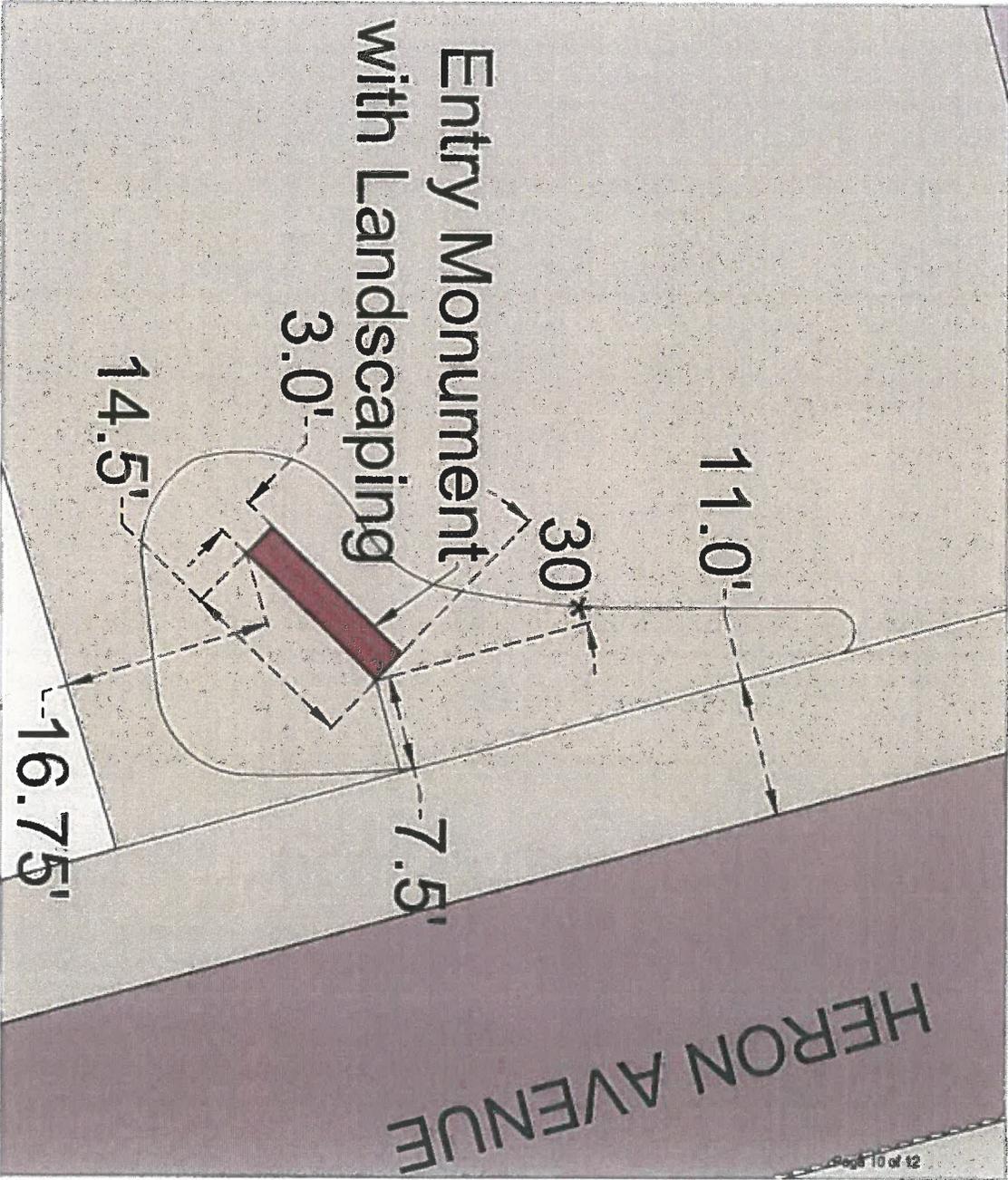
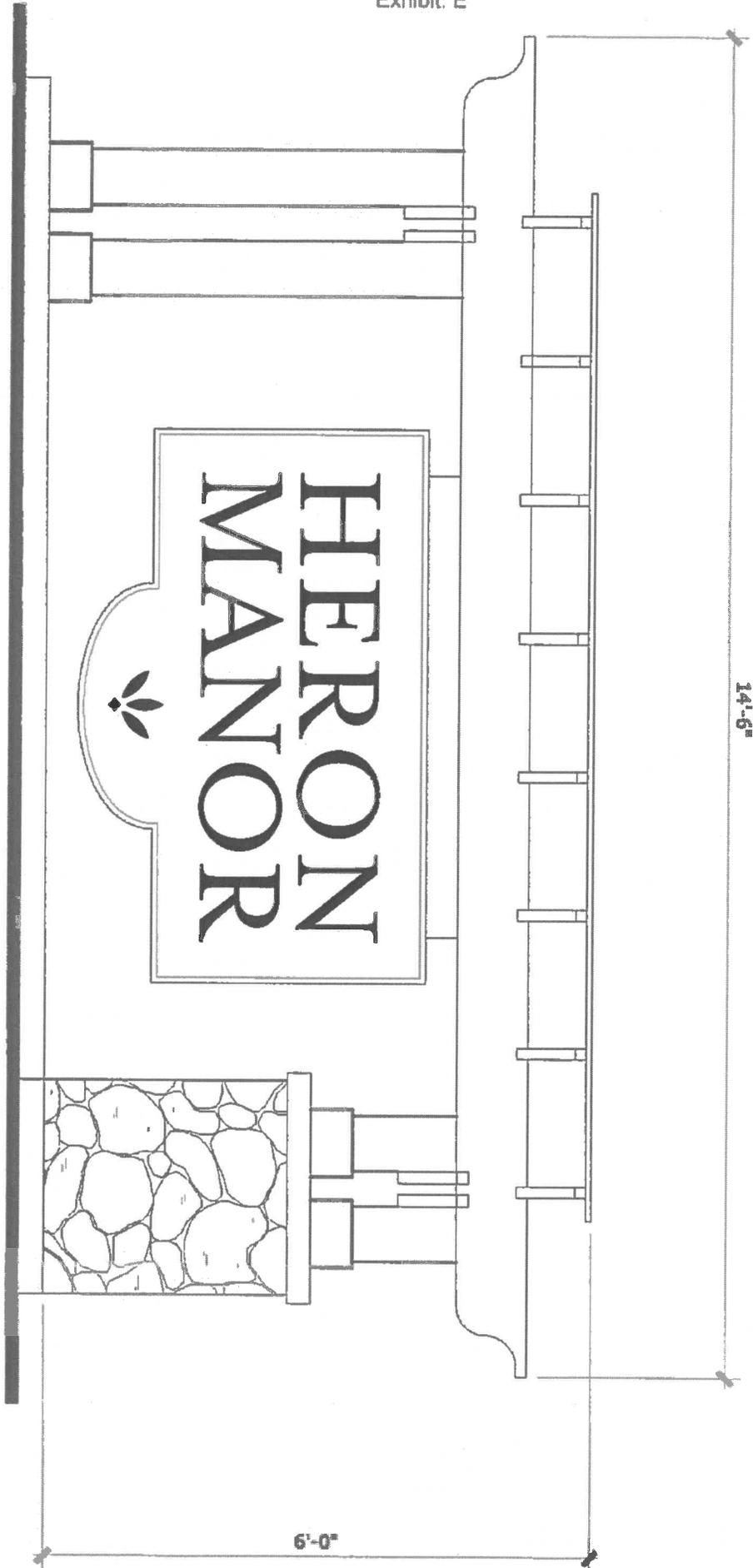


Exhibit: E



# Know All By These Presents

That J. Gilbert Reese and Louella H. Reese, Husband and Wife, and John D. Lewis and Phoebe R. Lewis, Husband and Wife, for valuable consideration paid, do Remise, Release and Forever Quit-Claim to P & G Pataskala, Ltd., an Ohio Limited Liability Company the following real property:

Situated in the State of Ohio, County of Licking and Township of City of PATASKALA

Being part of the 4th Quarter of the 1st Township, 15th Range, U.S. Military Lands, being part of the William Holler and Eva L. Holler tracts as described in two deeds of record in Deed Book 456, pages 805 and 807, in the Licking County Recorder's Office, and being more particularly described as follows:

Beginning at a point in the southeasterly corner of the said William Holler and Eva L. Holler tract of land, the southwesterly corner of the Nellie S. Gilchrist tract of land as described in Deed Book 478, page 868, Licking County Recorder's Office, said point being also in the centerline of State Route 16; thence S. 78 degrees 09' W. and with the said centerline of State Route 16, the southerly line of the said Holler tract, a distance of 259.47 feet to a point (PK nail); thence N. 11 degrees 51' W. leaving the centerline of said State Route 16, a distance of 208.71 feet to an iron pin; thence S. 78 degrees 09' W. a distance of 208.71 feet to an iron pin; thence S. 11 degrees 51' E. a distance of 208.71 feet to a spike in the centerline of said State Route 16, the southerly line of the said Holler tract; thence S. 78 degrees 09' W. with the centerline of said State Route 16, the southerly line of the said Holler tract, a distance of 2592.10 feet to an angle point in the centerline of said State Route 16; thence S. 78 degrees 04'30" W. continuing with the centerline of said State Route 16, the southerly line of the said Holler tract of land, a distance of 215.57 feet to a point (PK nail) in the southwesterly corner of said William Holler and Eva L. Holler tract of land; thence N. 4 degrees 04'30" E. with the westerly line of the said Holler tract, a distance of 3347.82 feet to an iron pin in the northwesterly corner of said Holler tract; thence S. 88 degrees 24'15" E. with the northerly line of the said Holler tract of land, a distance of 2160.05 feet to an iron pin in the northeasterly corner of said Holler tract, the northwesterly corner of said Nellie S. Gilchrist tract of land, passing an iron pin at 507.49 feet on the northerly line of said Holler tract; thence S. 78 degrees 55'45" E. with the easterly line of the said Holler tract, the westerly line of said Gilchrist tract, a distance of 1308.85 feet to an iron pin in an angle point in the said easterly line of the Holler tract; thence S. 17 degrees 35'45" E. continuing with the easterly line of said Holler tract, a distance of 1345.00 feet to the place of beginning and containing 187.66 acres of land, more or less.

DESCRIPTION OF  
"Parcel 1"

EXCEPTING THEREFROM the following described real estate:

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

Beginning at a point in the centerline of State Route No. 16, said point being South 78 degrees 09'00" West 158.37 feet from the southwest corner of the James M. Kennedy property, (Deed References: Deed Book 655, Page 501 and Deed Book 810, Page 481 of the Licking County Deed Records); thence, continuing along the said centerline of State Route No. 16, South 78 degrees 09'00" W., 150.00 feet to a point; thence, leaving the said centerline of State Route No. 16, North 11 degrees 51'00" West, passing an iron pin set in the northerly right-of-way line of State Route No. 16 at 41.51 feet, a total distance of 215.19 feet to an iron pin set; thence, North 78 degrees 09'00" East, 150.00 feet to an iron pin set; thence, South 11 degrees 51'00" East, passing an iron pin set in the northerly right-of-way line of State Route No. 16 at a distance of 170.00 feet, a total distance of 215.19 feet to the point of beginning. Containing 0.74 acres of land, more or less, of which the present road occupies 0.15 of an acre.

1<sup>ST</sup> EXCEPTION  
FROM PARCEL 1

Being the same premises conveyed to Grantor(s) by documents recorded in Deed Volume 785 at page 785 and Official Record Volume 340 at page 383, Licking County Recorder's Office.

IN WITNESS WHEREOF, the grantor who releases all right and expectancy of dower in said premises has executed this instrument this 13<sup>TH</sup> day of DECEMBER in the year Nineteen Hundred and Ninety-Nine.

SIGNED AND ACKNOWLEDGED  
IN THE PRESENCE OF:

Joyce H. McCreary  
witness signature (As to 1 and 2)  
JOYCE H. MCCREARY

J. Gilbert Reese  
1. J. Gilbert Reese

Margaret A. Hallam  
witness signature (As to 1 and 2)  
Margaret A. Hallam

Louella H. Reese  
2. Louella H. Reese

SEC. 319.202 COMPLIED WITH  
GEORGE D. BUCHANAN, AUDITOR  
BY GM Edm

DESCRIPTION APPROVED  
TIM LOLLO  
LICKING COUNTY ENGINEER  
BY Edm Edm

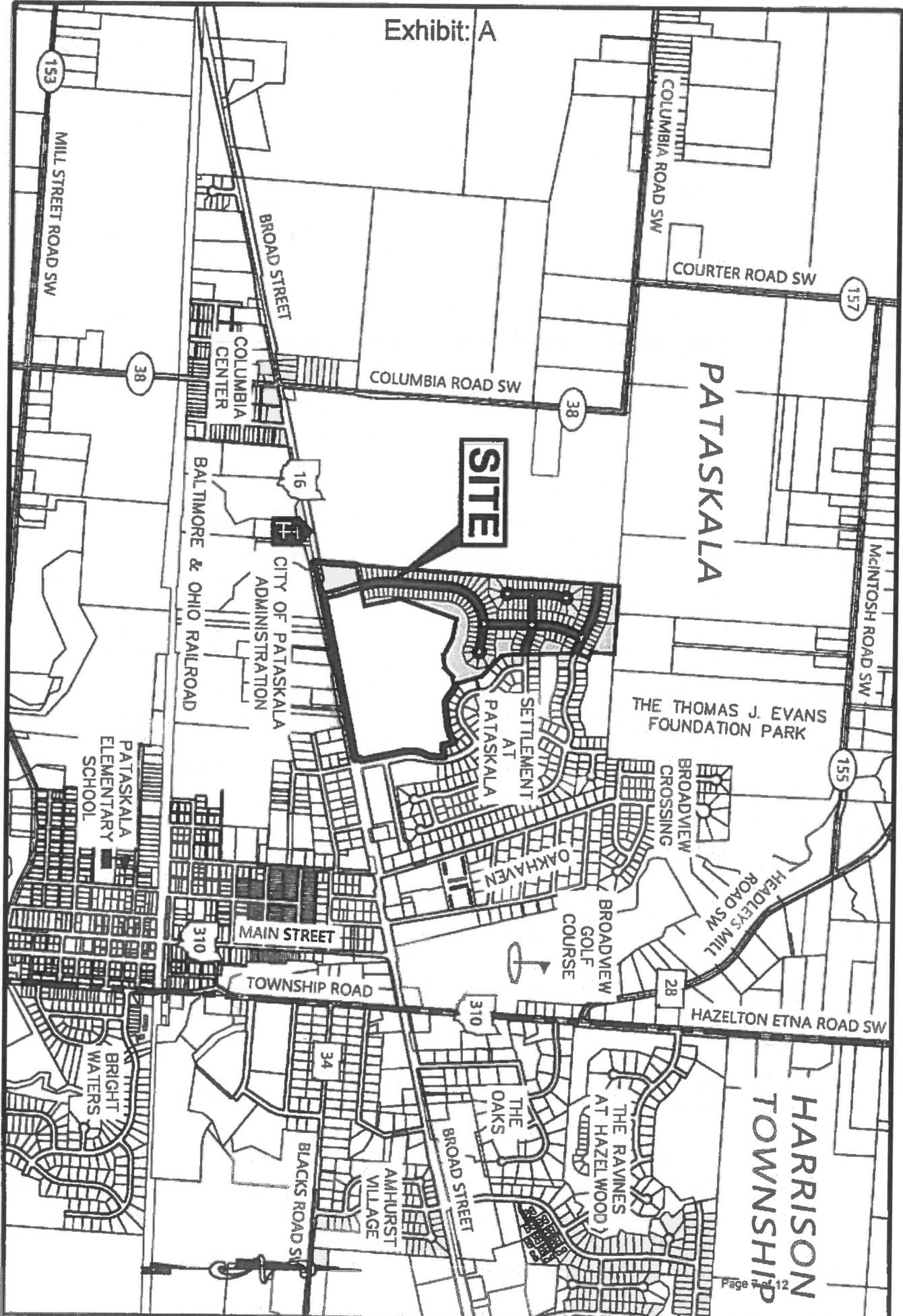
TRANSFERRED

THIS INSTRUMENT PREPARED BY

On January 2 1996  
George D. Buchanan  
Licking County Auditor

LAW OFFICES  
REESE, PYLE, DRAKE & MEYER  
36 NORTH SECOND STREET - P.O. BOX 915  
NEWARK, OHIO 43058-0915

Exhibit: A



VICINITY MAP

**From:** [Jim Roberts](#)  
**To:** [Jack Kuntzman](#); [Scott Fulton](#)  
**Cc:** [Scott Haines](#)  
**Subject:** September 9 BZA Agenda  
**Date:** Friday, August 30, 2019 2:21:39 PM

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Jack, per your request, Hull & Associates, Inc. has reviewed the items on the agenda for the September 9 BZA meeting. We offer the following comments:

Case VA-19-021

- This is two variances for a new subdivision. The variances include:
  - Street trees to be placed every 50' rather than the required 30'.
  - Installation of a permanent subdivision sign
- We have no engineering comments on either of these variances. We offer the following general comments on each of them:
- As discussed in other similar situations, the city may require a 'fee in lieu of' for the trees that are eliminated.
- The exact location of the proposed sign is not clear in the application. Therefore, we simply recommend the city ensure it does not encroach on any easements, utilities, or other public items of importance.

Case VA-19-022

- This case is a variance to allow an oversized accessory building.
- We do not have any engineering comments on this case. We offer the following general comments:
  - The building should not encroach on any utilities or easements.
  - The owner must address the drainage off of the building to ensure it does not cause any problems for any neighboring properties.

Thanks for the opportunity to provide these services to the city. Please let us know if there are any questions or if we can help in any other way.

Jim

**James G. Roberts, P.E.**

Vice President  
Newark Office Manager

**HULL | Newark, Ohio**

Environment / Energy / Infrastructure

o: 740-344-5451 | d: 740-224-0739

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