



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-19-022

Applicant:	Paul (Stephen) Deason
Owner:	Paul (Stephen) Deason
Location:	489 South Main Street
Acreage:	0.28 acres
Zoning:	R-7 - Village Single Family Residential District
Request:	Requesting a variance from Section 1221.05 (B)(2) of the Pataskala Code to allow an accessory building to exceed the maximum permitted size, and a variance from Section 1225.05(I)(1) of the Pataskala Code to allow an accessory building to be constructed in front of the principal structure.

Description of the Request:

The applicant is requesting a variance to construct two (2) accessory buildings totaling 992 square feet in size, 704 square feet greater than the maximum size permitted. The applicant would also be constructed the accessory buildings in what is considered the front yard pursuant to the Pataskala Code.

Staff Summary:

The property currently contains a 2,016 square foot home constructed in 1935. The applicant is proposing to construct two accessory buildings on the property. The first accessory building would be 8 feet by 12 feet (96 square feet) in size and located to the rear of the home towards Wood Street. The second accessory building would be 28 feet by 32 feet (896 square feet) in size and located approximately 19 feet to the east of Wood Street. According to the applicant, the property had a garage in this location that was destroyed by fire approximately 10 years ago. The maximum allowable square footage of accessory buildings on the property is 288 square feet; however, the applicant is proposing a total of 992 square feet. This exceeds the maximum permitted by 704 square feet.

The Applicant had the same variance approved in June of 2016 (VA-16-010), and then received an approved Zoning Permit on June 9, 2017. The variance was approved with the following conditions:

1. The Applicant shall construct the accessory buildings as submitted within one (1) year of the date of approval.
2. The accessory buildings shall not create drainage issues on adjacent properties.
3. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the pool house.

The Applicant began construction of the accessory building, however at some point progress halted, and the Variance (VA-16-010) and subsequent Zoning Permit (#17-190) expired after a year had passed. Enforcement action began as the structure had no yet been completed and the permit had expired. The Applicant met with Staff to submit for a new Zoning Permit, however as the variance that allowed the permit to be issued had also expired, a new variance is required.

Staff Review:

Planning and Zoning Staff

Both accessory buildings would be constructed to the rear of the home, but because the rear of the property abuts Wood Street, the Code considers this a front yard. Therefore, pursuant to the Code the property has two (2) front yards.

Staff has no other concerns with the proposal.

Pataskala Utilities Department

The curb box for the property at 489 Main Street is located in the back yard (see attached). The proposed location of the garage should not cause conflict was accessing the curb box for water turn off, and therefore the department has no issue with the variance application.

Surrounding Area:

Direction	Zoning	Land Use
North	R-7 - Village Single Family Residential	Single-Family House
East	R-7 - Village Single Family Residential	Single-Family House
South	R-7 - Village Single Family Residential	Single-Family House
West	R-7 - Village Single Family Residential	Single-Family House

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-16-010:

- None

Department and Agency Review

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

Modifications:

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

1. The applicant shall construct the accessory buildings as submitted within one (1) year of the date of approval.
2. The accessory buildings shall not create drainage issues on adjacent properties.
3. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the pool house.

Resolution:

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

"I move to (approve/disapprove) variances from Section 1221.05(B)(2) and Section 1225.05(l)(1) of the Pataskala Code for variance application VA-19-022 ("with the following modifications" if modifications 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: 489 S MAIN ST PATASKALA	
Parcel Number: 064-312018 00 000	
Zoning: R7	Acres: .28
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-19-022
Fee: \$300.00
Filing Date: 8-19-19
Hearing Date: 9-9-19
Receipt Number: 21130

Applicant Information		
Name: PAUL (STEPHEN) DEASON		
Address: 489 S MAIN ST		
City: PATASKALA	State: OHIO	Zip: 43062
Phone: 614-596-5863	Email:	

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 type="checkbox"/> Area Map

Property Owner Information		
Name: PAUL (STEPHEN) DEASON		
Address: 489 S MAIN ST		
City: PATASKALA	State: OHIO	Zip: 43062
Phone: 614-596-5863	Email:	

Variance Information	
Request (Include Section of Code):	
1237.05 (I)(1)	2 FRONT YARDS 1 ACCESSORY BUILDING
1221.05	SIZE
Describe the Project:	
STORAGE SHED 8'x12'	96 S.F.
GARAGE 28 x 32 x 18	8985 S.F.
	992 S.F.
	288 AVAILABLE

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:

8-12-19

Property Owner (Required):



Date:

8-12-19

August 8, 2019

City of Pataskala Board of Zoning Appeals

City Hall, Council Chambers

621 West Broad St

Pataskala, OH 43062

To Whom it may concern,

I am writing to you explaining the reasoning for us building a new garage. About 10 years ago a fire destroyed our garage. We have since then been saving to build a new garage. Most items that were salvageable are now stored on our patio. We have recently purchased a small shed to store our lawn equipment and some of the possessions from that fire.

We have been storing our collectable vehicles on the concrete foundation of the former garage. We intend to store them in our new garage, it will help the appearance of our property immensely. We intend to leave the storage shed in the current location on the property. I have attached the current design of the building we are wanting to erect.

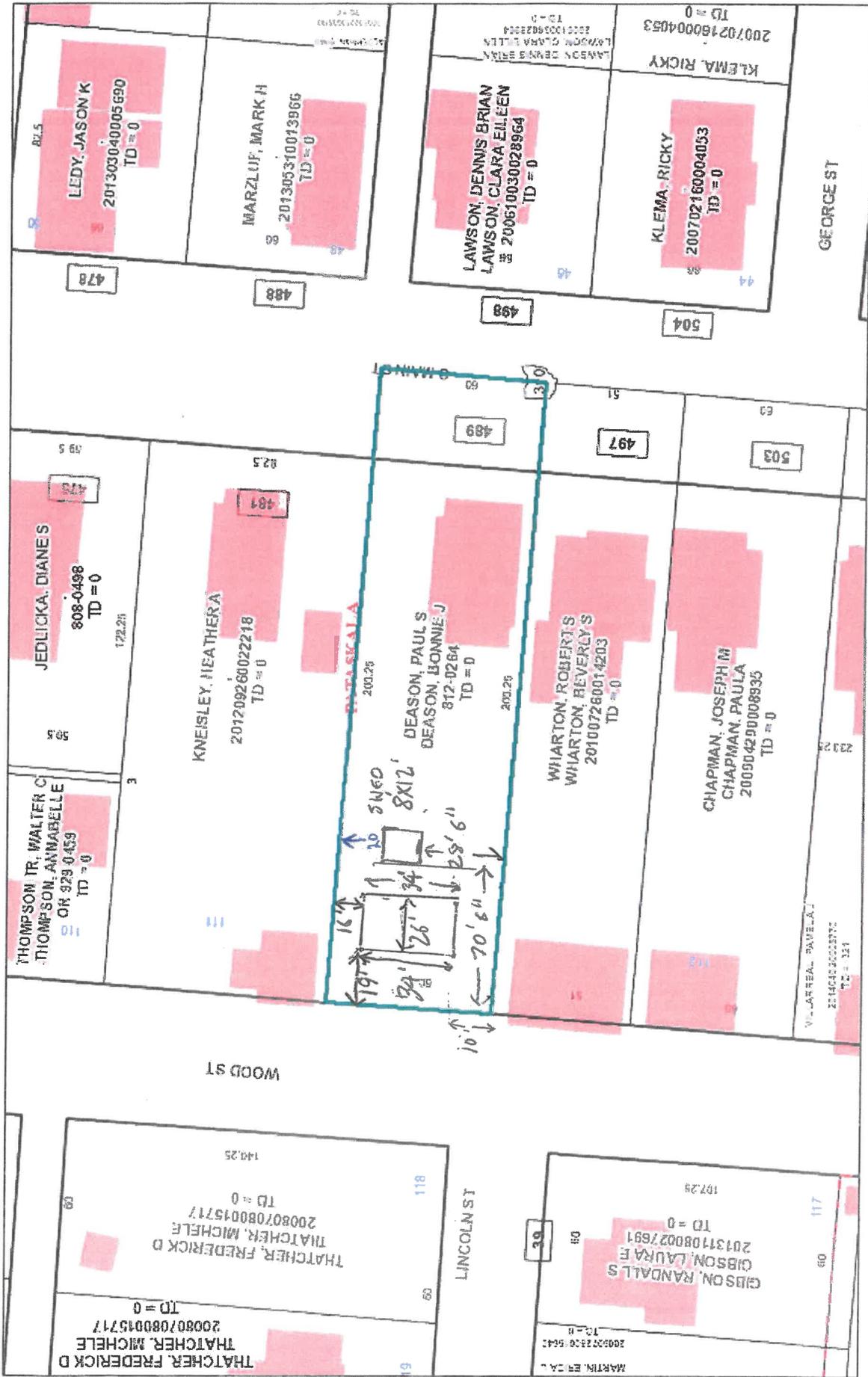
Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Stephen Deason". The signature is fluid and cursive, with the first name "Paul" being the most prominent.

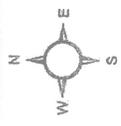
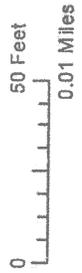
Paul Stephen Deason

489 S Main St

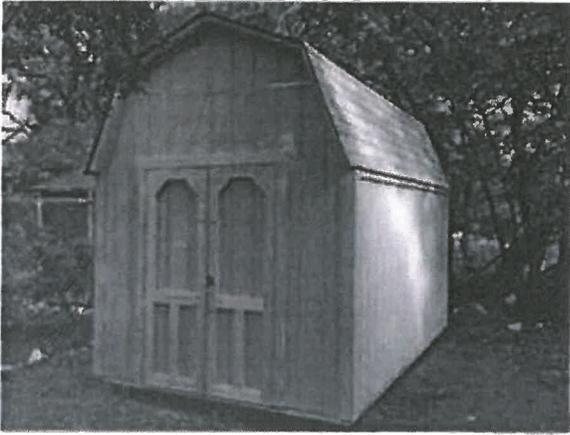
Pataskala, OH 43062



LICKING COUNTY TAX MAP



May 4, 2016



8'x12' x 8'



~~QENEN~~ 28' x 32' x 18' AT PEEL

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

Taxes Due July 17th

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

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



Search by:
Address
Search for:
Trouble Searching?



064-312018-00.000
DEASON PAUL & BONNIE
489 MAIN ST
PATASKALA, OH 43062

Acres: 0.28
LOT 112 PT

Land: \$30,000
Improv: \$67,800
Total: \$97,800

Sale Date:
Amount:
Conveyance:
Valid Sale:

Homestead: No
Owner Occ: Yes

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



Michael L. Smith

Auditor, Licking County, Ohio

DEASON PAUL & BONNIE
489 MAIN ST

Parcel #: 064-312018-00.000
 Rt #: 064-058.26-025.000

1 of 1



Tax District: 064 - PATASKALA SW-LK LSD-WLJFD
 School District: SOUTHWEST LICKING LSD
 Neighborhood: 08100 Harrison & Pat Spt Map 11-12
 Classification: 510 Single family platted lot
 Acreage: 0.28
 Property Desc: LOT 112 PT

ATTRIBUTES		CURRENT VALUES				
Story Height: 2 Exterior Wall: Frame Heating: Central Warm Air Cooling: None Basement: Full Basement Attic: None Total Rooms: 8.0 Bedrooms: 4.0 Family Rooms: Dining Rooms: 1.0 Full Baths: 1.0 Half Baths: Other Fixtures: Year Built: 1935 Finished Living Area: 2,016 Fireplace Openings: Fireplace Stacks: Basement Garage(s): Basement Finished: No						
AREA						
First Floor: 1,008 Upper Floor: 1,008 Attic: 0 Half Story: 0 Crawl: 0 Basement: 1,008				Market CAUV	Land Improvement 0	Total 84,800 0
SALES HISTORY						
Pcl #	Instrument Type	Sale Price	Conv #	V	LO	Previous Owner
IMPROVEMENTS						
Description		Yr Built	SqFt	Value		

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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

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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From: [Chris Sharrock](#)
To: [Jack Kuntzman](#)
Subject: Review Memo
Date: Wednesday, August 21, 2019 12:00:40 PM
Attachments: [489 MAIN.jpg](#)

Jack,

The following are the Utility Department comments for the review memo given out on August 20, 2019:

VA-19-021: No Comment

VA-19-022: The curb box for the property at 489 Main St is located in the back yard (see attached). The proposed location of the garage should not cause a conflict with accessing the curb box for water turn off, and therefore the department has no issue with the variance application.

Thank you,

Chris Sharrock
Pataskala Utility Director
430 South Main 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

489 Main Street

Main Street

