

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Monday, September 9, 2019

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Monday, September 9, 2019.

Present were:

Bruce Ashcraft
Alan Howe, Vice Chairperson
Brandon Galik
TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director
Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Bruce Ashcraft, Alan Howe, Brandon Galik and TJ Rhodeback. Mr. Platte was not present.

Variance Application VA-19-002 to remain tabled.

Next on the Agenda, Variance Application VA-19-021, 300 West Broad Street.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is seeking a variance regarding spacing of street trees, 50 foot intervals instead of 30 feet, which the Applicant believes would eliminate potential costs of tree death and replacement, and eliminate potential driveway and/or utility interference, and to allow a "hanging" subdivision sign instead of a monument sign. Mr. Fulton noted street tree issues with Broadmoore Commons, and divergences being granted earlier this year. Department and Agency comments were noted.

A discussion was had regarding signage.

Robert Hayes, on behalf of Fischer Homes, 3940 Olympic Boulevard, Erlanger, Kentucky, was placed under oath.

Mr. Hayes reiterated street tree spacing and signage. Landscaping was also noted.

Ms. Rhodeback asked if the sign would be to a specific code to withstand high winds.

Mr. Hayes stated it would meet all building code requirements.

Mr. Howe inquired as to lighting of the sign.

Mr. Hayes noted lighting will be installed as part of the landscaping.

Ms. Rhodeback inquired as to installing more trees in greenspace.

Mr. Hayes noted installing street trees in areas where there are no single-family homes sites, including the entrance from Broad Street.

Ms. Rhodeback inquired as to the number of trees that would be installed.

Mr. Fulton indicated tree replacement being part of the landscaping plan, and street trees having their own requirement.

A discussion was had regarding landscaping.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve variances from Section 1283.05(A) and from Section 1295.09(b)(8) of the Pataskala Code for variance application VA-19-021 with the following supplementary conditions:

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.

Seconded by Mr. Ashcraft. Ms. Rhodeback, Mr. Galik, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-19-022, 489 South Main Street.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is requesting a variance to construct an accessory building that is greater than the maximum size permitted, and to construct the accessory buildings in what is considered the front yard. It was noted a variance was approved in June of 2016 with a one-year expiration date. The Applicant began construction, however, progress halted, and the Variance expired.

Paul Deason, 489 South Main Street, was placed under oath.

A correction to Modification No. 3 was noted.

Mr. Howe asked for an update on the status of what happened with the previous variance approval.

Mr. Deason indicated health issues caused him to stop constructing the accessory building; however, he is said he is ready to get back at it and should have it done within three to four months.

Findings of Fact were reviewed.

Mr. Ashcraft made a motion to approve variances from Section 1221.05(B)(2) and Section 1225.05(I)(1) of the Pataskala Code for Variance Application VA-19-022, with the following supplementary conditions:

1. The applicant shall construct the accessory building as submitted within one (1) year of the date of approval.

2. The accessory building 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 accessory building.

Seconded by Mr. Galik. Mr. Howe, Mr. Ashcraft, Ms. Rhodeback and Mr. Galik voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-19-021

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>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;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>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;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <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> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Facts for VA-19-021. Seconded by Ms. Rhodeback. Mr. Galik, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Variance Application VA-19-022

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a</i> |

- 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.*

Mr. Howe made a motion to approve Findings of Facts for VA-19-021. Seconded by Ms. Rhodeback. Mr. Galik, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, approval of the August 12, 2019 meeting minutes.

Mr. Howe made a motion to approve the minutes from the August 12, 2019 regular meeting minutes. Seconded by Mr. Galik. Mr. Galik, Ms. Rhodeback and Mr. Howe voted yes. Mr. Ashcraft abstained. The motion was approved.

Next on the Agenda, Excuse of Absence for Bruce Ashcraft from the August 12, 2019 meeting.

Mr. Howe made a motion to approve the absence of Mr. Ashcraft from the August 12, 2019 meeting. Seconded by Mr. Galik. Mr. Howe, Mr. Galik and Ms. Rhodeback voted yes. Mr. Ashcraft abstained. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Howe, Mr. Galik and Ms. Rhodeback voted yes. The meeting was adjourned at 7:00 p.m.

Minutes of the September 9, 2019 meeting were approved on

_____, 2019.
