

CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

November 12, 2019

Variance Application VA-19-024

Applicant:	Scott Walters
Owner:	C Scott and Julie A Walters
Location:	0 Columbia Road SW (Parcel #: 063-141174-00.000 + 12 Smaller Parcels)
Acreage:	46.39-acres
Zoning:	AG – Agricultural
Request:	Requesting approval of three (3) variance from Section 1291.02(A)(4) to allow for the construction of gravel driveways on three (3) future parcels within a platted subdivision.

Description of the Request:

The applicant is requesting of three (3) variances from Section 1291.02(A)(4) of the Pataskala Code to allow for the construction of gravel driveways on three (3) separate parcels.

Staff Summary:

As the properties are arranged now, there are thirteen (13) approximately 0.58-acre parcels that are part of the Swinning Subdivision (platted 1954), with frontage onto Columbia Road SW. Behind these, is a large 39.47-acre parcel that is landlocked with no access to a public right-of-way. In total, the acreage of all thirteen (13) properties is 46.39-acres. All parcels are currently un-occupied by any structures and a majority of the acreage is utilized as farmland.

The Applicant is requesting variances for three parcels which are proposed to be re-platted upon approval of Replat Application REP-19-002 which will go before the Planning and Zoning Commission on November 6, 2019. Each separate parcel will require a variance from Section 1291.02(A)(4), which states that all driveways and parking areas within platted subdivisions "shall be hard-surfaced with asphaltic cement, concrete, or pavers to provide a durable and dust-free surface". Currently, the larger parcel is not within the Swinning Subdivision, however, should the replat be approved, it will be included into the subdivision.

As proposed, the driveways for these three parcels be constructed of gravel. Currently, there are two existing driveway culverts on the subject acreage, one to the east and one to the west. A new driveway culvert will have to be installed on the east side, adjacent to the existing one.

According to the Narrative Statement supplied by the Applicant, the proposed lots will require driveways that will be several hundred feet long to build a house on them, as well as be used by heavy farm

equipment and trucks. The Applicant believes the paved driveway requirements were intended more for small lot residential subdivisions, and that a gravel driveway is better suited to withstand the wear and tear of the uses within the AG – Agricultural District. Further stated by the Applicant: "The majority of the existing driveways in the Swinning Subdivision (as well as the surrounding agricultural area) are gravel driveways". The Applicant believes there will be no detriment to the neighboring properties in general, or any impairment with the use or development of any adjacent properties.

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

The Applicant stated in their Narrative Statement that a majority of the existing driveways and uses within the AG – Agricultural District already have gravel driveways. Staff would like to note that most of these driveways predated the current zoning code and have been 'grandfathered' in as non-conforming. Those driveways that are outside of a platted subdivision are not required to be asphalt, concrete, or pavers. As re-platting the existing lots and larger lot would bring them all into a platted subdivision, Section 1291.02(A)(4) would apply.

Staff has no other concerns with the proposal.

Other Departments of Agencies No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Farmland
East	AG – Agricultural	Single-Family Home Farmland
South	AG – Agricultural	Single-Family Home Farmland
West	AG – Agricultural	Single-Family Home Farmland

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 con 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-19-024:

None

Department and Agency Review

- Zoning Inspector No comments
- Public Service No comments
- City Engineer No comments
- Licking County Health Department No comments
- Police Department No comments
- West Licking Joint Fire District No comments
- Licking Heights 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 and the Licking County Building Department.
- 2. The Applicant shall replat the parcels in question so that the proposed lots are formally created.

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 1291.02(A)(4) of the Pataskala Code for variance application VA-19-024 ("with the following 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	Staff Use	
Address: & Columbia Road	Application Number:	
Parcel Number: 063-141174-00.	000 + 12 smaller pancels	VA-19-024
Zoning: AG	Acres: 46.39	Fee:
Water Supply:		300
City of Pataskala	Nest Licking On Site	Filing Date:
Wastewater Treatment:		10-15-19
City of Pataskala South	Nest Licking 🖉 On Site	Hearing Date:
		11-15-19
Applicant Information		Receipt Number:
Name: Scott Walters		22011
Address: Po Box 940		
City: Pataskala	State: 0H Zip: ¥3062	Documents
Phone: 614-595 - 4880	Email: abode Yuchio Comail. com	Application
		E Fee
Property Owner Information		Narrative
Name: C Scott and Julie A 1	WALTERS	Site Plan
Address: 591 Chateangay Dr		Deed
City: PatasKala	State: 0# Zip: 43062	🔽 Area Map
Phone: 614-595-4880	Email: Walters C herreattors, com	
	2(A)(4) × 3	
	DRIVEWAYS 15 SUBDIVISIONS	ARE REDUINED
TO BE hand SURFACE		
Describe the Decision A state of		
Describe the Project: A VARIANCE IS	REQUESTED AS this land is	pant
of the Swinning Subaruls.	ION IN AG DISTRICT REQUIRIN	6 10 ACRE
or larger Lots. The M.	A JORITY OF The driveways	IN SWINNING
JUBDIVISION (AND AG dist	net) are gravel. This proper	ty will
(EWNIFE PRIVEWAY(S) SE	AJORITY OF The priveways rict) are gravel. This proper VERAL HUNDRED FEET IN /6 REQUESTED ON this land in	ENGTH AND
GRAVE OFNEWAYS ARE	KEQUESTED ON this land 11	VHG district.

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: Property Owner (Required): Mi Watte

10.15.19

RE: 0 Columbia Rd - Driveways on of 46.39 AG acres in Swinning Subdivision

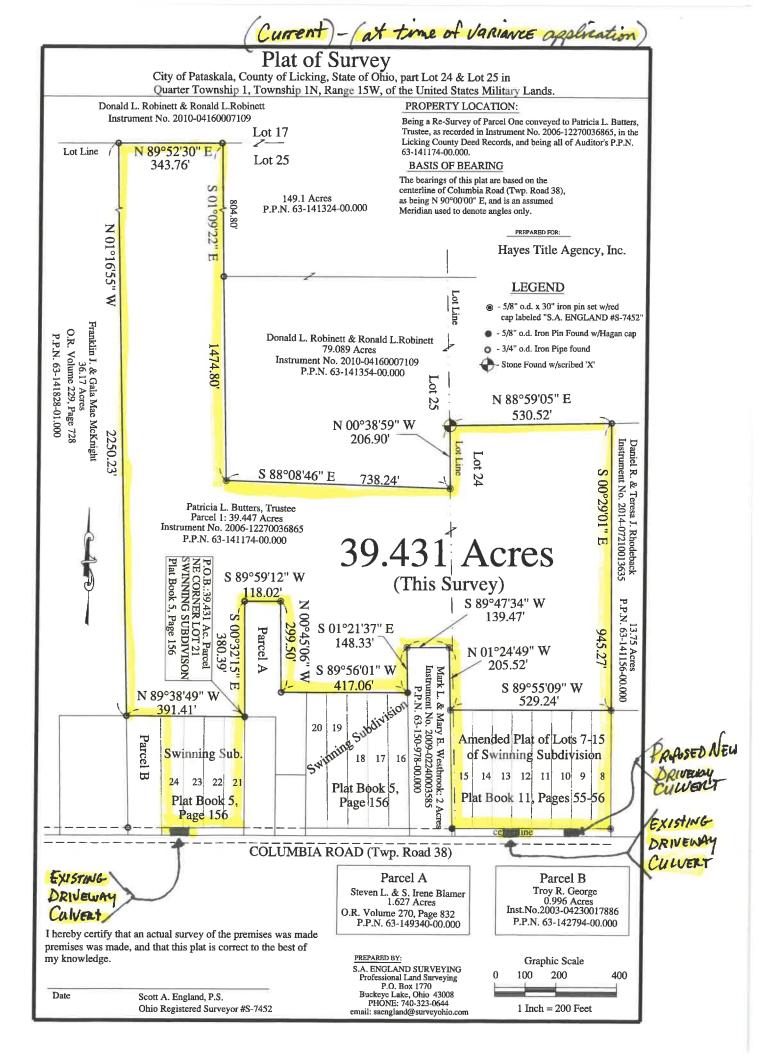
Pataskala Board of Zoning Appeals,

We are requesting approval of a variance for the subdivision requirement in section 1121.13 of hard-surface driveway(s) for 46.39 acres in the Swinning Subdivision which is in AG zoning. This land is currently 13 existing parcels at time of variance application. We have a re-plat application in process which, if approved, will revise this 46.39 acres to be 3 large lots (parcels) which all meet the current AG requirement of 10 acre minimum size. These lots will require driveways that will be several hundred feet long to build a house on them, as well as needing heavy farm equipment and trucks to also travel these AG driveways. We feel the paved driveway requirement was more intended for residential (small lot) subdivisions, and gravel driveways are better suited to withstand the wear and tear of the AG district uses.

The majority of the existing driveways in Swinning Subdivision (as well as the surrounding agricultural area) are gravel driveways. There will be no detriment to the neighboring properties or AG district in general, nor any impairment with the use or development of any adjacent properties with the approval of this variance request.

Thank you for your consideration.

Scott and Julie Walters



ROPOSED

N 89°52'30" E

343.76

Lot Line

AT OF LOTS 21-24 INCLUSIVE OF REPL SWINNINGS SUBDIVISION & REPLAT OF THE AMENDED PLAT OF LOTS 7-15 INCLUSIVE OF SWINNINGS SUBDIVISION. (AS RECORDED IN PLAT BOOK 5, PAGE 156 & PLAT BOOK 11, PAGES 55-56)

Lot 17

Lot 25

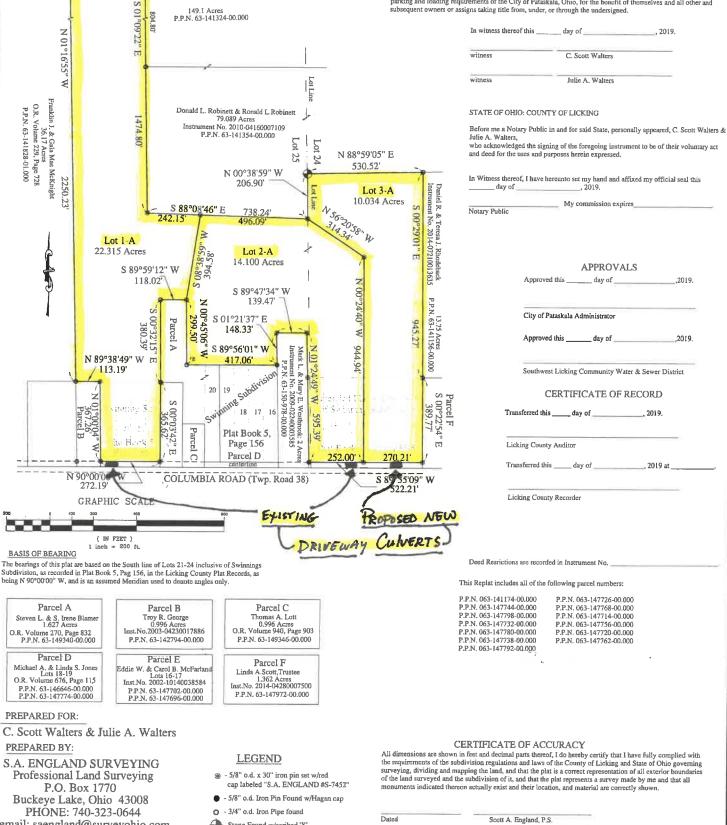
DEDICATION

Situated in the City of Pataskala, County of Licking, State of Ohio, and being part of Lot 24 & Lot 25 of Quarter Township 1, Township 1N, Range 15W, of the United States Military Lands, being 46.449 Acres Total, also being Lots 7-15 inclusive of the Amended Plat of Swinnings Subdivision, as recorded in Plat Book 11, Pages 35-56, and Lots 21-24 inclusive of Swinnings Subdivision, as recorded in Plat Book 5, Page 1265, in the Licking County Wer Boards and Menged Long Convented to C. Sort Wolfsen & Luido A. Weiters and another the County Wer State County Plat Records, and being all lands conveyed to C. Scott Walters & Julie A. Walters, as recorded in Instrument No. 2019-09130019462, in the Licking County Deed Records.

We, the undersigned, C. Scott Walters & Julie A. Walters, hereby certify that we have caused the same to be surveyed and combined as represented on this plat, that said Lots are Renumbered as Lot 1-A, Lot 2-A, and Lot 3-A of the foregoing Subdivision, and has been "Renamed Replat of Lots 21-24 inclusive of Swinnings Subdivision & Lots 7-15 of the Replat of the Amended Plat of Swinnings Subdivision", and do hereby accept this plat of same and decleate to public use as such all or parts of the roads, boulevards, cul-de-scs, parks, planting strips, etc., shown herein and not heretofore dedicated.

The undersigned further agrees that any use of improvements made on this land shall be in comformity with all existing valid zoning, platting, health, or other lawful rules and regulations including the applicable off-street parking and loading requirements of the City of Pataskala, Ohio, for the benefit of themselves and all other and subsequent owners or assigns taking title from, under, or through the undersigned.

Ohio Registered Surveyor #S-7452



email: saengland@surveyohio.com

- Stone Found w/scribed 'X'







Pgs:4 \$44.00 T20190016328 9/13/2019 4:07 PM BXHAYES Bryan A. Long Licking County Recorder



KNOW ALL MEN BY THESE PRESENTS:

That, Todd R. Foor and Mickey E. Foor, Successor Co-Trustees of Patricia L. Butters Trust dated November 8, 2006, for THREE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$350,000.00), grant with fiduciary covenants to C. Scott Walters and Julie A. Walters, husband and wife, to be held for their joint lives, remainder to the survivor of them, whose tax mailing address is , the following real property:

Situated in the State of Ohio, County of Licking, City of Pataskala, and being futher described and delineated in the Exhibit "A" incoprorated herein.

Prior Deed Reference:	200612270036865, Recorder's Office, Licking County, Ohio
Also known as:	Columbia Road Southwest, Pataskala, OH 43062
Auditor's Parcel Nos .:	063-141174-00.000 & 063-147714-00.000 & 063-147720-00.000 &
	063-147726-00.000 & 063-147732-00.000 & 063-147738-00.000 &
	063-147744-00.000 & 063-147756-00.000 & 063-147762-00.000 &
	063-147768-00.000 & 063-147780-00.000 & 063-147792-00.000 &
	063-147798-00.000

Excepting conditions, easements, rights-of way, zoning and other government regulations of record and taxes which are not yet due and payable which the grantee herein agrees to assume as a part of the consideration herein.

Executed this () day of September, 2019.

a uster Todd R. Foor, Successor Co-Trustee of

Patricia L. Butters Trust dated November 8, 2006

STATE OF FLORIDA otte SS:

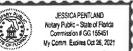
The foregoing instrument was acknowledged before me this _____ day of September, 2019, by Todd R. Foor, Successor Co-Trustee of Patricia L. Butters Trust dated November 8, 2006.

NOTARY





MELINDA G. SEEDS
 C. DANIEL HAYES
 LAURIE R. WELLS
 WILLIAM SCOTT HAYES
 SHEENA A. SJÖSTRAND-POST



Executed this _____ day of September, 2019.

Truste Mickey E. Foor, Successor Co-Trustee of

JESSICA PENTLAND Notary Public - State of Florida Coremission # GG 155451 My Comm. Expires Oct 26, 2021

Patricia L. Butters Trust dated November 8, 2006

STATE OF FLORIDA COUNTY OF otte SS:

The foregoing instrument was acknowledged before me this <u>U</u> day of September, 2019, by Mickey E. Foor, Successor Co-Trustee of Patricia L. Butters <u>Trust</u> dated November 8, 2006.

NOTARY







This document prepared by: HAYES

LAW OFFICES, INC. A Legal Professional Association MELINDA G. SEEDS
 C. DANIEL HAYES
 LAURIE R. WELLS
 WILLIAM SCOTT HAYES
 SHEENA A. SJÖSTRAND-POST

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Exhibit "A"

Parcel 1:

The following is the description of the 39.447 Acre Tract which is located in Pataskala City, Licking County and which stands in the name of Patricia L. Butters.

Situated in the County of Licking, State of Ohio, City of Pataskala, being located in Lot Numbers 24 and 25 of Quarter Township 1, Township 1, Range 15, United States Military Lands and being 39.447 acres of the tracts conveyed to Anna L. Mickey by deed of record in Deed Book 650, Pages 350 and 360, all references being to records of the Recorder's Office, Licking County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin at the Northwesterly corner of Lot Number 15 of SWINNING SUBDIVISION as the plat of same is shown on record in Plat Book 5, Page 156, said iron pin being also the Northwesterly corner of Lot Number 15 of the AMENDED PLAT OF LOT NUMBERS 7 THROUGH 15, INCLUSIVE OF SWINNING SUBDIVISION as the plat of same is shown of record in Plat Book 11, Pages 55 and 56, and in the Easterly line of the 2 acre tract conveyed to Roger and Susan Tillman by deed of record in Deed Book 439, Page 26;

thence along the Easterly line of said 2 acre tract, North 0° 36' 30" West, 205.52 feet to an iron pin at the Northeasterly corner of said 2 acre tract;

thence along the Northerly line of said 2 acre tract, North 89° 26' West, 140.50 feet to an iron pin at the Northwesterly corner of said 2 acre tract;

thence along the Westerly line of said 2 acre tract, South 0° 25' 39" East, 148.53 feet to an iron pin at the Northeasterly corner of Lot Number 16 of SWINNING SUBDIVISION;

thence along the Northerly lines of Lot Numbers 16 through 20, inclusive of SWINNING SUBDIVISION and a Northerly line of the tract conveyed to Roy and Mary Jane Shaffer by deed of record in Deed Book 599, Page 532, North 89° 26' West, 417.22 feet to an iron pin at a corner of the said Schaffer tract;

thence along the Easterly line of the said Schaffer tract, North 0° 05' West, 299.50 feet to an iron pin at the Northeasterly corner of the Schaffer tract;

thence along the Northerly line of the said Schaffer tract, North 89° 13' 04" West, 118.0 feet to an iron pin at the Northwesterly corner of the Schaffer tract;

thence along the Westerly line of the Schaffer tract, South 0° 04' 58" West, 380.68 feet to an iron pin at the Northeasterly corner of Lot Number 21 of SWINNING SUBDIVISION;

thence along the Northerly lines of Lot Numbers 21 through 24, inclusive of SWINNING SUBDIVISION and the Northerly line of the 3 acre tract conveyed to Warren G. and Ellen F. Beckman by deed of record in Deed Book 437, Page 565, North 89° 25' West, 389.05 feet to an iron pin at the Northwesterly corner of the said Beekman 3 acre tract, being the Southeasterly corner of the 2 acre tract conveyed to Wallace E. and Dorís M. Williamson by deed of record in Deed Book 679, Page 626;

thence along the Easterly line of the said Williamson 2 acre tract and the Easterly line of the Wallace E. and Doris M. Williamson 36 acre tract, North 0° 44' 06" West, 2253.66 feet to an iron pin at the Northeasterly corner of the Williamson 36 acre tract in the Northerly line of Lot Number 25, being the Southerly line of Lot Number 16;

thence along the said lot line, North 89° 50′ 43″ East, 338.54 feet to an iron pin at a Northeasterly corner of the Anna L. Mickey tract, being a corner of lands conveyed to Frederica Robinett by deeds of record in Deed Book 311, Pages 80 and 82 and Deed Book 350, Page 117;

thence along the Westerly lines of the Frederica Robinett tracts, South 0° 50' 07" East, 1479.12 feet to an iron pin at the Southwesterly corner of the said tracts;

thence along the Northerly line of the Anna L. Mickey tracts and the Southerly line of the Frederica

201909130019462 Page 4 of 4

Robinett tracts, South 87° 56' 57" East, 738.24 feet to an iron pin in the Easterly line of Lot Number 25 and the Westerly line of Lot Number 24;

thence along said line, North 0° 36' 30" West, 206.90 feet to an iron pin at a corner of the 84.33 acre tract conveyed to Frederica Robinett by deed of record in Deed Book 311, Page 501;

thence along a Southerly line of said 84.33 acre tract, South 89° 44' East, 531.54 feet to an iron pin at the Northeasterly corner of the Anna L. Mickey tract, being the Northwesterly corner of the 13.48 tract conveyed to Forest and Merlie Messer by deed of record in Deed Book 668, Page 619;

thence along the Westerly line of said 13.48 acre tract, South 0° 13' 20" West, 945.31 feet to an iron pin at the Southwesterly corner of the Messer tract, being also the Northeasterly corner of Lot Number 8 of the AMENDED PLAT OF LOT NUMBERS 7 THROUGH 15, INCLUSIVE OF SWINNING SUBDIVISION;

thence along the Northerly lines of Lot Numbers 8 through 15, inclusive of said subdivision. North 89° 27' 30" West, 527.88 feet to the place of beginning, containing 39.447 acres, more or less.

Parcel 2:

Situated in the County of Licking, State of Ohio, City of Pataskala, and being bounded and described as follows:

Being Lot Numbers Eight (8) through Fifteen (15), inclusive, and Lot Numbers Twenty-One (21) through Twenty-Four (24), inclusive of SWINNING SUBDIVISION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 156, Recorder's Office, Licking County, Ohio, aforesaid Lot Numbers Eight (8) through (12) Twelve being also shown on Amended Plat of Lots 7 through 12 of SWINNING SUBDIVISION as shown in Plat Book 11, Pages 55 and 56, Recorder's Office, Licking County, Ohio. NOTE: Lot Number 7 of SWINNING SUBDIVISION is eliminated in the amended plan.

Columbia Road Southwest, Pataskala, OH 43062

Permanent Parcel Number(s): 063-141174-00.000 & 063-147714-00.000 & 063-147720-00.000 & 063-147726-00.000 & 063-147732-00.000 & 063-147738-00.000 & 063-147744-00.000 & 063-147756-00.000 & 063-147762-00.000 & 063-147768-00.000 & 063-147780-00.000 & 063-147792-00.000 & 063-147798-00.000









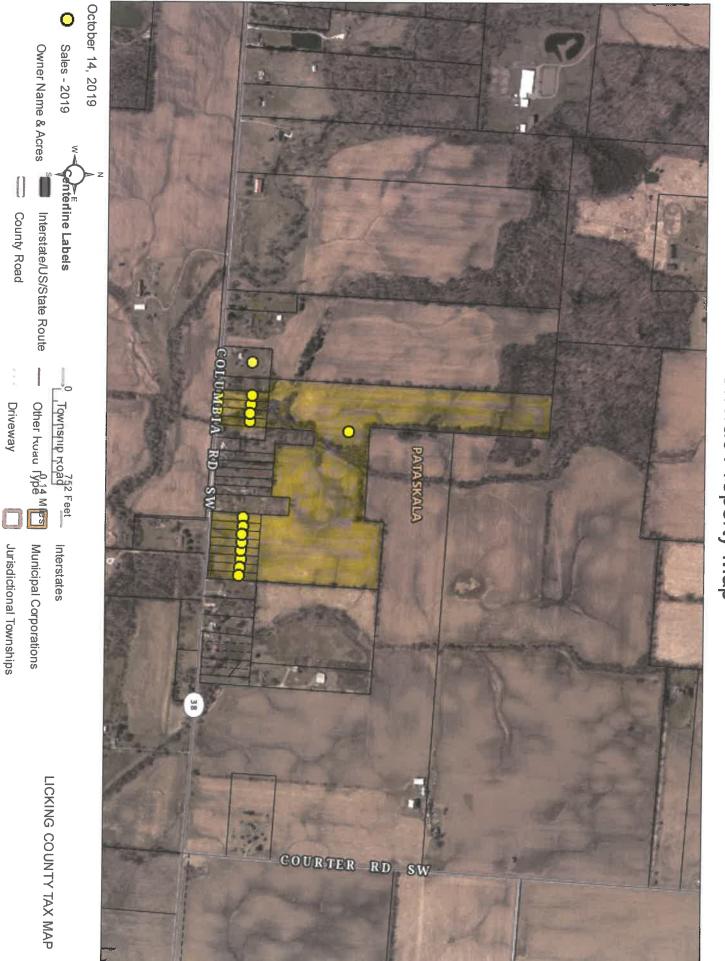




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Licking County Auditor GIS

OnTrac Property Map