

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

**Tuesday, November 12, 2019**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, November 12, 2019.

Present were:

Rob Platte, Chairperson

Alan Howe, Vice Chairperson

Brandon Galik

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, City Planner

Lisa Paxton, Planning and Zoning Clerk

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

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

**Variance Application VA-19-002 to remain tabled.**

**Next on the Agenda, Variance Application VA-19-023, 0 Vine Street, Parcel No. 064-307736-00.000.**

The Applicant requested to table Variance Application VA-19-023.

Mr. Howe made a motion to table Variance Application VA-19-023. Seconded by Mr. Galik. Mr. Galik, Mr. Platte and Mr. Howe voted yes. The motion was approved.

**Next on the Agenda, Variance Application VA-19-024, 0 Columbia Road SW, Parcel No. 063-141174-00.000, etc.**

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's variance request for gravel driveways for parcels in the Swinning Subdivision. Section 1291.02 (A)(4) of the Pataskala Code, 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"; a replat application has been submitted for the Planning and Zoning Commission.

Scott Walters, 591 Chateaugay Drive, was placed under oath.

Mr. Walters stated the request to replat multiple properties into three parcels will meet the 10-acre Agricultural District requirements, and building a home on each lot will require driveways to be several hundred feet long; also gravel driveways are better suited for the AG District.

Mr. Platte noted the variance request meet AG requirements.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-19-024 with the following supplementary conditions:

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.

Seconded by Mr. Galik. Mr. Platte, Mr. Galik and Mr. Howe voted yes. The motion was approved.

**Next on the Agenda, Variance Application VA-19-025, 997 N. Oxford Drive.**

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for two sign variances: Allow for total signage to exceed 32-square feet and allow for more than one wall sign. Sign location, size and renderings were reviewed.

Mark Cox, 2669 National Road, Zanesville, Ohio, was placed under oath.

Mr. Cox stated it is hard to identify the business from Broad Street and the variance would allow the signs to be seen.

Monument sign and multi-tenant signage was discussed.

Andy Walther, 7899 Columbia Road, was placed under oath.

Mr. Walther noted being in support of a new community bank and welcomes new businesses to the area.

Mr. Platte made a motion to approve Variance Application VA-19-025 with the following supplementary conditions:

1. 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. Galik, Mr. Platte and Mr. Howe voted yes. The motion was approved.

**Next on the Agenda, Findings of Fact.**

**Variance Application VA-19-024:**

Yes No

- ✓ 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.*

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-19-024. Seconded by Mr. Galik. Mr. Howe, Mr. Platte and Mr. Galik voted yes. The motion was approved.

**Variance Application VA-19-025:**

- | <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</i>  |

- 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. Galik made a motion to approve Findings of Facts for Variance Application VA-19-025. Seconded by Mr. Howe. Mr. Galik, Mr. Platte and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Approval of the October 14, 2019 Regular Meeting Minutes.***

Mr. Howe made a motion to approve the minutes from the October 14, 2019 meeting. Seconded by Mr. Galik. Mr. Howe, Mr. Platte and Mr. Galik voted yes. The motion was approved.

***Next on the Agenda, Other Business.***

Mr. Platte noted two speaker requests: Leatrice Guttentag and Andy Walther.

Leatrice Guttentag, 280 Charles Road, commented on the previous meeting regarding Conditional Use Application CU-19-002.

Mr. Platte indicated that if there is a complaint, it would need to be brought to Staff, the City Administrator or City Counsel. Mr. Platte further noted the October 14, 2019 hearing is recorded and minutes were approved and if Ms. Guttentag feels the action of the Board is incorrect, an appeal may be filed with the Court of Common Pleas.

Ms. Guttentag asked for a clarification regarding the Board's decision on Conditional Use Application CU-19-002.

Mr. Platte stated the Board stands on the evidence and testimony presented and the recording and minutes that were approved.

Mr. Walther noted Mr. Platte's appointment to the Southwest Licking Water and Sewer District and thanked him for serving on the Zoning Board.

Mr. Platte stated he will be submitting a resignation letter and noting it being an honor to serve on the Zoning Board.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Galik. Mr. Howe, Mr. Platte and Mr. Galik voted yes. The meeting was adjourned at 7:17 p.m.

Minutes of the November 12, 2019 meeting were approved on

\_\_\_\_\_, 2019.