



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

December 9, 2019

#### Variance Application VA-19-023

<b>Applicant:</b>	Roger Solt
<b>Owner:</b>	Pataskala Lodge #404
<b>Location:</b>	0 Vine Street (Parcel #: 064-307736-00.000)
<b>Acreage:</b>	0.20
<b>Zoning:</b>	R-7 – Village Single Family Residential
<b>Request:</b>	Requesting approval of a variance from Section 1221.05(d)(4) of the Pataskala Code to allow for the construction of a storage shed on a lot without a principal structure.

#### Description of the Request:

The applicant is requesting a variance to place a storage shed on a lot without a principal structure.

#### Staff Summary:

The 0.20-acre property is currently occupied by a gravel parking lot used by the Pataskala Masonic Lodge #404. There are no structures present on the property. It is located adjacent to three (3) public right-of-ways: Vine Street to the west, 1<sup>st</sup> Avenue to the south, and an unnamed alley to the north. The parking lot can be accessed from 1<sup>st</sup> Avenue or from the alley.

Section 1221.05(d)(1) states: "An accessory structure shall not be located on a lot without a principal structure. As there are no other structures on the property, the Applicant would be unable to construct an accessory structure on the lot without a variance. As stated on the Application, the Applicant is proposing to place a storage shed in the southeast corner of the parking lot for the purpose of storing yard maintenance equipment.

As indicated by the submitted Site Plan the Applicant is proposing to place the shed in the southeast corner of the property. There is a measurement of "20-feet" and a measurement of "10-feet" present on the site plan, however it is unclear if these are referring to the dimensions of the proposed structure, or the distance from the structure to the property line.

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

**From November 12, 2019 BZA Hearing:**

Staff would like clarification on what the two measurements present on the submitted site plan are referring too. Revised plans should be submitted that include the dimensions of the proposed structure, and the distances from the structure's proposed location to property lines.

Pursuant to Section 1221.05(B)(1) of the Pataskala Code the permitted size of accessory structures on lots less than two (2) acres is determined by the equation  $((\text{Gross acreage of lot} \times 600) + 120) \times 2$ . The gross acreage of this lot is 0.38-acres; therefore, the maximum permitted size would be 696-square feet. If the measurements present on the site plan are referring to the dimensions of the structure, a 10'x20' shed would be 200-square feet and would be in compliance with this section of code.

Pursuant to Section 1221.05(D)(1) of the Pataskala Code, an accessory building shall be located even with or behind the front of a principal structure within the side or rear yard. As there are no existing principal structures, an accessory building must meet the front yard setback of the R-7 zoning district, which pursuant to Section 1237.05(C)(1) of the Pataskala Code is 25-feet. If the measurements present on the site plan are referring to the dimensions to the property lines, then the west side would only be 20-feet from Vine Street, and the south side would only be 10-feet from 1<sup>st</sup> Avenue. Neither would be in compliance with this section of code. Staff also has concerns with visibility at the intersection of Vine Street and 1<sup>st</sup> Avenue with the current proposed location of the accessory structure and would recommend the Applicant revise the plans to meet the 25-foot front yard setback from Vine Street and 1<sup>st</sup> Avenue.

Staff has no other concerns with the proposal.

**For December 9, 2019 BZA Hearing:**

The Applicant has submitted revised plans that clarify the dimensions of the shed as being 10' x 20', or 200-square feet. As mentioned above, this size is below the maximum permitted by Section 1221.05(B)(1) and is in compliant with code.

Also mentioned above for the previous hearing in November, as there is no existing structure on the property, an accessory building must meet the front yard setback of the R-7 zoning district, which is 25-feet. There may have been a misunderstanding between Staff and the Applicant, as they have identified the shed as being setback 25-feet from the centerline of the road. Setbacks are determined from the property line, not from the centerline of the road, placing the accessory building nearer the center of the property. Staff would still recommend meeting the 25-foot front yard setback from Vine and 1<sup>st</sup> Avenue to alleviate any potential visibility problems at the intersection of Vine Street and 1<sup>st</sup> Avenue.

Staff has no other concerns with the proposal.

Other Departments of Agencies

No comments were submitted.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 - Village Single Family Residential	Masonic Lodge Single-Family Home
East	R-7 - Village Single Family Residential	Single-Family Home
South	R-7 - Village Single Family Residential	Single-Family Home
West	R-7 - Village Single Family Residential	Single-Family Home

**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-19-023:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – See attached
- 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 construct the accessory building as submitted within one (1) year of the date of approval.
2. The Applicant shall revise the plans to meet the required 25-foot front yard setback from all public rights-of-way
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.

**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 1221.05(D)(4) of the Pataskala Code for variance application VA-19-023 ("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)

<b>Property Information</b>		
Address: <u>0 Vine St.</u>		
Parcel Number: <u>64-307736-00.000</u> <sup>64-310938-00.000</sup> <sup>64-310932-00.000</sup>		
Zoning: <u>R-7</u>	Acres: <u>.20</u>	
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

<b>Staff Use</b>
Application Number: <u>VA-19-023</u>
Fee: <u>300</u>
Filing Date: <u>10-9-19</u>
Hearing Date: <u>11-12-19</u>
Receipt Number: <u>22010</u>

<b>Applicant Information</b>		
Name: <u>Roger Solt</u>		
Address: <u>653 Monticello Ct.</u>		
City: <u>Pataskala</u>	State: <u>Ohio</u>	Zip: <u>43062</u>
Phone: <u>614-519-2286</u>	Email: <u>rogersolt@yahoo.com</u>	

<b>Documents</b>
<input checked="" type="checkbox"/> Application
<input 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

<b>Property Owner Information</b>		
Name: <u>Pataskala Lodge #404</u> <sup>614-314-5462</sup> <sup>740-927-1317</sup>		
Address: <u>116 Vine St.</u>		
City: <u>Pataskala</u>	State: <u>Ohio</u>	Zip: <u>43062</u>
Phone: <u>614-519-2286</u>	Email: <u>pataskalodge#404@hotmail.com</u>	

<b>Variance Information</b>
Request (Include Section of Code): <u>1321.05(d)(1)</u>
Describe the Project: <u>Place a storage shed in the SE corner of the parking lot to store lawnmower, snowblower, and other yard equipment.</u>

## 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.

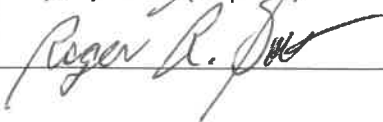
Applicant (Required):



Date:

10-8-19

Property Owner (Required):



Date:

10-8-19

### Trouble Searching?

18

ATASKALA VINEYARD  
F. AM  
116 VINE ST  
PATASKALA OH 44137

25' from centerline

25'

20'

10' SHED

BRONIE SANDRA  
J & MICHAEL S  
0.09

BRONIE SANDRA  
J & MICHAEL S  
0.09

BRONIE SANDRA  
J & MICHAEL S  
0.09

LANCE  
HAYMON  
0.08



31.6 Feet





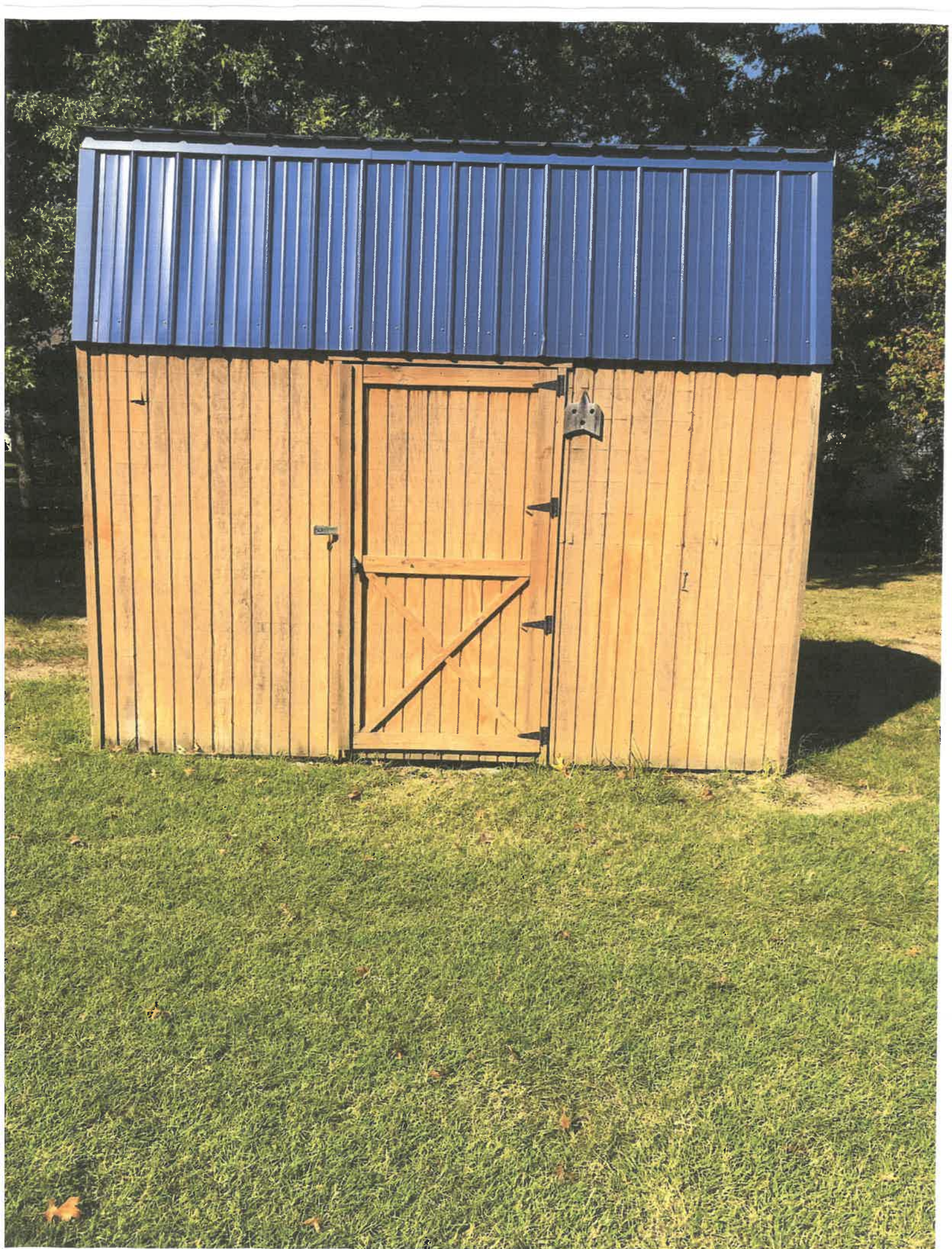
26 Feet













GENERAL WARRANTY DEED  
(G. R. C. 5302.05 AND 5302.06)

PATASKALA CHURCH OF THE NAZARENE, an Ohio Corporation, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to PATASKALA LODGE NO. 404 F. & A.M. whose tax mailing address is 116 S. VINE STREET, PATASKALA, OH 43062, the following real property:

SEE ATTACHED EXHIBIT A, INCORPORATED HEREIN BY REFERENCE.

Prior Deed Reference: Volume 419, Page 20, & Volume 600, Page 606, Deed Records, Licking County, Ohio.

Also known as: 116 S. VINE STREET, PATASKALA, OH 43062  
Auditor's Parcel #64-307736-00.000, 64-310932-00.000 & 64-310938-00.000

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

Witness our hands this 19 day of JANUARY, 1995.

Signed and acknowledged  
in the presence of:

Bruce J. Boyd  
Bruce J. Boyd  
W. Scott Hayes  
W. Scott Hayes

PATASKALA CHURCH OF THE NAZARENE

Calvin Alexander  
By: REVEREND CALVIN ALEXANDER,  
SENIOR PASTOR

Tim Thompson  
By: TIM THOMPSON,  
SECRETARY OF CHURCH BOARD

STATE OF OHIO  
COUNTY OF LICKING SS:

The foregoing instrument was acknowledged before me this 19 day of JANUARY, 1995 by REVEREND CALVIN ALEXANDER, SENIOR PASTOR and TIM THOMPSON, SECRETARY OF CHURCH BOARD of PATASKALA CHURCH OF THE NAZARENE for the uses and purposes therein mentioned.



W. SCOTT HAYES, Attorney at Law  
Notary Public, State of Ohio  
My Commission Expires On September 30th  
Expires 1997 09 30

NOTARY

This instrument was prepared by:  
William C. Hayes  
Attorney at Law  
P.O. Box A-50  
Pataskala, Ohio 43062

Mail to:  
ACS PATASKALA  
621 W. BROAD STREET BOX 7  
PATASKALA, OH 43062

TRANSFERRED

Date January 20 1995  
Scott D. Buchanan  
Licking County Auditor

## EXHIBIT A

PARCEL I:

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

Being Lots Numbers One Hundred Seventeen (117), One Hundred Eighteen (118), One Hundred Nineteen (119), and One Hundred twenty (120) in the Knox Realty Company Addition to the Village of Pataskala, as shown upon the plat of said addition, recorded in Volume 3, Page 327, of the Plat Records of Licking County, Ohio.

Being the same premises conveyed by Dwight A. Swisner, executor of the estate of Della B. Robinson, deceased, to Wilbert N. Ramsey, Walter A. Weaver, and Ralph E. Fisher, as Trustees of the Pataskala Church of the Nazarene, by deed dated April 5, 1948, and recorded in Volume 403, Page 160, of the Deed Records of Licking County, Ohio. See also deed from Laura Lough, unmarried, and Blanche Breakiron, widow, to Wilbert N. Ramsey, Walter A. Weaver, and Ralph E. Fisher, as Trustees of the Pataskala Church of the Nazarene, dated March 26, 1948, and recorded in Volume 403, Page 163, of the Deed Records of Licking County, Ohio.

PARCEL II:

Beginning at the northwest corner of Lot Number One Hundred Twenty (120) in Knox Realty Co. Addition to the Village of Pataskala, Ohio, as laid out on the 10th day of May 1914 and recorded in Vol. 3, Page 327, Licking County Plat Records; thence west along the north line of said lot extended Five and Five tenths (5.5) feet to a point; Thence south along the east line of Vine Street, One Hundred Fifty Feet (150) to a point; Thence east along South line of said lot extended Six and Nine tenths (6.9) feet to the West line of said lot Number One Hundred Twenty (120); Thence North along the West line of said lot Number One Hundred Twenty (120), One Hundred Fifty (150) feet to the place of beginning.

Being a strip of land along the west side of said lot Number One Hundred Twenty (120) which the plat established, of which no disposition has been made, but which should be a part of lot Number One Hundred Twenty (120).

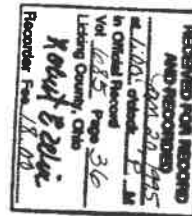
Reference being had to the following deeds: Roy B. Bishop to A. W. Brown recorded in Vol. 225, Page 557.

PARCEL III:

Beginning at an iron pin in the southeast corner of lot number 60, in the Knox Realty Company Addition, recorded in plat book 3, page 327, of Licking County plat records, said iron pin also being in the north line of First Street, in said Pataskala Village; thence, N 89° 54' W, along the north line of said First Street, 57.96 feet, to an iron pin in the east line of Vine Street, in said village; thence, N 1° 46' E., along the said east line of Vine Street, 150 feet, to an iron pin in the south line of a 15 foot alley; thence, S 89° 54' E., along the south line of said alley, 56.1 feet, to an iron pin, in the northeast corner of the above mentioned lot number 60; thence, S 1° 04' W., along the east line of said lot number 60, 149.95 feet, to the place of beginning. The above is describing lots 59 and 60, in said Knox Realty Company Addition, and a strip immediately west of said lot number 59.

Being the same premises deeded to the state of Ohio, in deed recorded May 7, 1923, in Volume 263, Page 428 of Licking county deed records.

SEC.318.202 COMPLIED WITH  
GEORGE D. BUCHANAN, AUDITOR  
CY 260.00



28391°

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

Taxes Due July 17th

- Map
- BOR
- Card
- CAUV
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Search

Trouble Searching?

064-307736-00.000  
PATASKALA LODGE #404  
F & AM

VINE ST  
PATASKALA, OH 43062

Acre: 0.20  
LOTS 59 PT & 60 & 58 PT

Land: \$20,700  
Improv: \$0  
Total: \$20,700

Sale Date:  
Amount:  
Conveyance:  
Valid Sale:

Homestead: No  
Owner Occ: No

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