



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 11, 2020

Variance Application VA-20-001

Applicant:	Robert Platte
Owner:	JR Properties LLC
Location:	353 Woodside Drive, Pataskala, OH 43062
Acreage:	1.39
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of four (4) variances pursuant to Section 1211.11 of the Pataskala Code: <ol style="list-style-type: none">1. 1221.05(D)(1) – Accessory structure located in front yard.2. 1221.05(D)(4) – Accessory structure on lot without principal structure.3. 1229.05(C)(2) – Reduce side yard setback from 25' to 5'.4. 1291.02(A)(4) – Gravel driveway within platted subdivision.

Description of the Request:

The applicant is requesting four (4) variances for the property at 353 Woodside Drive, Pataskala, OH. Two (2) variances are requested for a proposed accessory structure: the first, from Section 1221.05(D)(1) of the Pataskala code to allow for an accessory structure to be located in the front yard setback and the second from Section 1221.05(D)(4) for an accessory structure to be located on a lot without a principal structure. The third variance is from Section 1229.05(C)(2), for a future principal structure to have reduced side yard setbacks from the required 25 feet to 5 feet. The final variance is from Section 1291.02(A)(4) to allow for the construction of a gravel driveway within a platted subdivision.

Staff Summary:

The 1.39-acre property at 353 Woodside Drive is currently vacant. A single-family home previously occupied the lot; however, it was demolished in 2017 (Permit #17-163). The lot is an oblong shape, with a width of approximately 100 feet at the right-of-way and a length of approximately 650 feet. Floodplain occupies a roughly 80-foot strip of the property where a creek crosses though parallel to the front property line approximately 150 feet into the lot. The area behind the creek is wooded, and there are a few trees along the side property lines at the front of the lot. The Applicant owns the property directly adjacent to the subject parcel to the southwest.

A total of four (4) variances have been requested. Two (2) of these variances are for a 48-foot by 32-foot (48'x32') accessory structure that is proposed on the vacant lot, set back 40 feet from the right-of-way. Pursuant to Section 1221.05(D)(4) of the Pataskala Code, accessory structures shall not be located on any

lot without a principal structure. As there is no current primary structure present on the property, a variance from this section is required. Pursuant to Section 1221.05(D)(1) of the Pataskala Code, accessory structures shall be located even with or behind the front of a principal structure within the side or rear yard. The property is zoned R-87 – Medium-Low Density Residential, in which the front yard setback is 75 feet, pursuant to Section 1229.05(C)(1). Because the proposed accessory structure is within the 75-foot front yard as required by the R-87 zoning district, a variance is required.

The last two (2) variances apply to a principal structure that is proposed to be built after the accessory structure has been completed, however, the Applicant did not indicate the time frame for the construction of said principal structure. In the future, the Applicant is proposing an 80-foot by 30-foot (80'x30') home to be build on the lot, behind the proposed accessory structure. Five (5) foot side yards are proposed on the north and south side yards. Pursuant to Section 1229.05(C)(2) of the Pataskala Code the side yard setbacks for the R-87 zoning district are 25 feet on either side. Additionally, the Applicant would like to install a gravel driveway to the future primary structure. Because the property is within a platted subdivision (Woodside Acres Section 3, platted 1959) the driveway shall either be concrete, asphalt, or pavers pursuant to Section 1291.02(A)(4) of the Pataskala Code.

In the supplied Narrative Statement, the Applicant stated that the property was previously used for residential purposes and that it will continue to be used for residential. They also stated that the property is very narrow and deep, with a significant flood plain drop off directly behind where the previous structure was located. Because of that the Applicant stated there is no other way to locate an accessory structure between the right-of-way and the flood plain other than placing it in front of the principal structure. Additionally, the Applicant does not consider the request to be significant due to the current non-conformity of the lot to the R-87 zoning requirements, and location of the flood plain.

Also stated; the Applicant does not believe the character of the neighborhood will be substantially altered, or that neighboring properties will suffer any detriment. The Applicant does not believe it will cause a detriment to public welfare, affect to delivery of government services, and that the spirit and intent of the zoning code will be upheld by granting the variances. The property owner did purchase the lot with knowledge of the zoning restrictions.

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

The existing lot is currently an existing non-conforming lot. The R-87 – Medium-Low Density Residential zoning district requires a minimum width of 200 feet throughout, and a minimum lot size of two (2) acres (87,120 sqft.) (Section 1229.05(B)). Currently, the lot is only approximately 100 feet in width and only 1.39 acres in size. Pursuant to Section 1285.05 of the Pataskala Code, nonconforming lots may be built upon, given that any new structure conforms to the setback requirements of the current zoning. Staff understands the difficulty in locating a structure to conform to the required setbacks of the current zoning

when a lot is non-conforming. Additionally, the location of the 100-year floodplain approximately 150 feet from the front property line is another limiting factor.

According to the site plan submitted by the Applicant, the future proposed primary structure will be five (5) feet from the north and south property lines. As required by Section 1229.05(C)(2) the setback shall be 25 feet; therefore, the Applicant is requesting a variance of 20 feet or 80%.

The Applicant did not indicate on the site plan the proposed dimensions of the primary structure from the front or rear property line. The front yard setback is required to be 75 feet (1229.05(C)(1)) and the rear yard setback is required to also be 75 feet (1229.05(C)(3)). The Applicant is proposing that the accessory structure be located 40 feet from the front property line, and the accessory building length to be 48 feet, giving a total of 88 feet. With the primary structure being located behind the accessory structure, it can be inferred that the primary structure will meet the required front yard setback. The primary structure will be to the northwest of the 100-year floodplain towards the front of the lot putting it approximately 440 feet away from the rear property line. When the time comes for the Applicant to submit a New Residential Build zoning permit, these distances will need to be identified on the site plans.

Pursuant to Section 1221.05(E)(1) of the Pataskala Code, accessory structures on lots less than two (2) acres shall have a setback from side and rear property lines a minimum of five (5) feet. The distance from the side property lines to the accessory structure was not identified on the site plan, however, the Applicant did state on the Variance Application Form that all structures were to have five (5) foot setbacks. The exact distance from the property lines must be included on the Accessory Building Permit, should the variance be approved.

Should the Board of Zoning Appeals approve a variance, a supplementary condition that the Applicant shall obtain all necessary permits from the Pataskala Planning and Zoning office and the Licking County Building Code Department within one (1) year of the date of approval is typically included. With an unknown timeframe for construction of the primary residence, it is possible that the Applicant's variances could expire before a zoning permit is issued. Staff spoke with the Applicant, and they understand this.

No proposed elevations of either the accessory building or future primary structure were included in the submitted documents.

Based on the information submitted by the Applicant, Staff has no other concerns with the proposal.

City Engineer (See Attached)

1. The City should ensure no private or public utilities and/or easements are located within this setback.
2. Should the variance be granted the Applicant should ensure there are no adverse drainage effects to the neighboring properties due to construction in proximity to the property line.

Other Departments of Agencies

No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home
East	AG – Agricultural	Vacant
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-87 – Medium-Low Density 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-20-001:

- 1211.07(2)(a): To permit any yard or setback less than the yard or setback required by the applicable regulation.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Pataskala Utilities – No comments
- 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 obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The applicant shall address all comments from Planning and Zoning Staff and the City Engineer

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)(1), Section 1221.05(D)(4), Section 1229.05(C)(2) and Section 1291.02(A)(4) of the Pataskala Code for variance application VA-20-001 (“with the following conditions” if conditions are to be placed on the approval).”

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Jim Roberts](#); [Alan Haines](#); [Lisa Paxton](#); [Scott Fulton](#)
Subject: RE: BZA Review Memo for 02-11-2020
Date: Monday, February 03, 2020 5:39:10 PM

Jack

Hull and Associates has reviewed the agenda items for the February 11, 2020 BZA Meeting and we offer the following comments:

CU-20-001

1. We have no additional engineering comments on this application.

VA-20-001

1. The applicant is requesting the reduction in the side yard setback from 25' to 5'.
 - a. The city should ensure no private or public utilities and/or easements are located within this setback.
 - b. Should the variance be granted the applicant should ensure no adverse effects due to drainage to neighboring property due to constructing in proximity to the property line.

Thanks

Scott R. Haines, P.E., CPESC

Senior Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 614-973-9070

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[web](#) | [directions to offices](#)

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, January 21, 2020 10:35 AM
To: Scott Haines <shaines@hullinc.com>; Jim Roberts <jroberts@hullinc.com>
Subject: BZA Review Memo for 02-11-2020

Good morning Gentlemen,

We have a review memo for BZA ready here in the office. I've attached electronic copies of the memo and applications to this email.

Please let me know if you have any questions.

Thank you!

JACK R. KUNTZMAN

City Planner

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-964-1316



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: 353 Woodside Drive	
Parcel Number: 063-143928-00.000	
Zoning: R-87	Acres: 1.39
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking
<input checked="" type="checkbox"/> On Site	

Staff Use
Application Number: VA-20-001
Fee: \$300.00
Filing Date: 1-17-2020
Hearing Date: 2-11-2020
Receipt Number: 22089

Applicant Information		
Name: Robert Platte		
Address: 371 Woodside Dr.		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-390-0972	Email: rplatte77@gmail.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input type="checkbox"/> Deed
<input type="checkbox"/> Area Map

Property Owner Information		
Name: JR Properties LLC		
Address: 371 Woodside Dr		
City:	State: SAME	Zip:
Phone:	Email: SAME	

Variance Information
Request (Include Section of Code): 1221.05 (D)(1) 1221.05 (D)(4)
1229.05 (C)(2) 1291.02 (A)(4)
Describe the Project: Accessory structure to be constructed in front of and prior to construction of the principle structure. All structures to have a 5' side yard setback. Retain existing gravel drive.

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

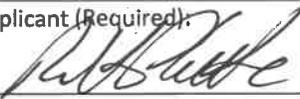
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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.

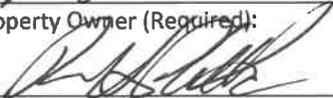
Applicant (Required):



Date:

1-17-20

Property Owner (Required):



Date:

1-17-20

Variance Request Narrative

Date: February 11, 2020

Applicant: Robert Platte

Address: 371 Woodside Drive SW
Pataskala, Ohio 43062

Location: 353 Woodside Drive SW
Pataskala, Ohio 43062

Parcel ID# 063-143928-00.000

Zoning: R-87 (Medium-Low Density Residential)

Request: To reduce the required Side Yard Setbacks from 25 Feet to 5 Feet, allow an Accessory Structure to be constructed prior to the Principle Structure and within the front yard, retain the existing gravel drive, and reduce the Front Yard Setback to 40'

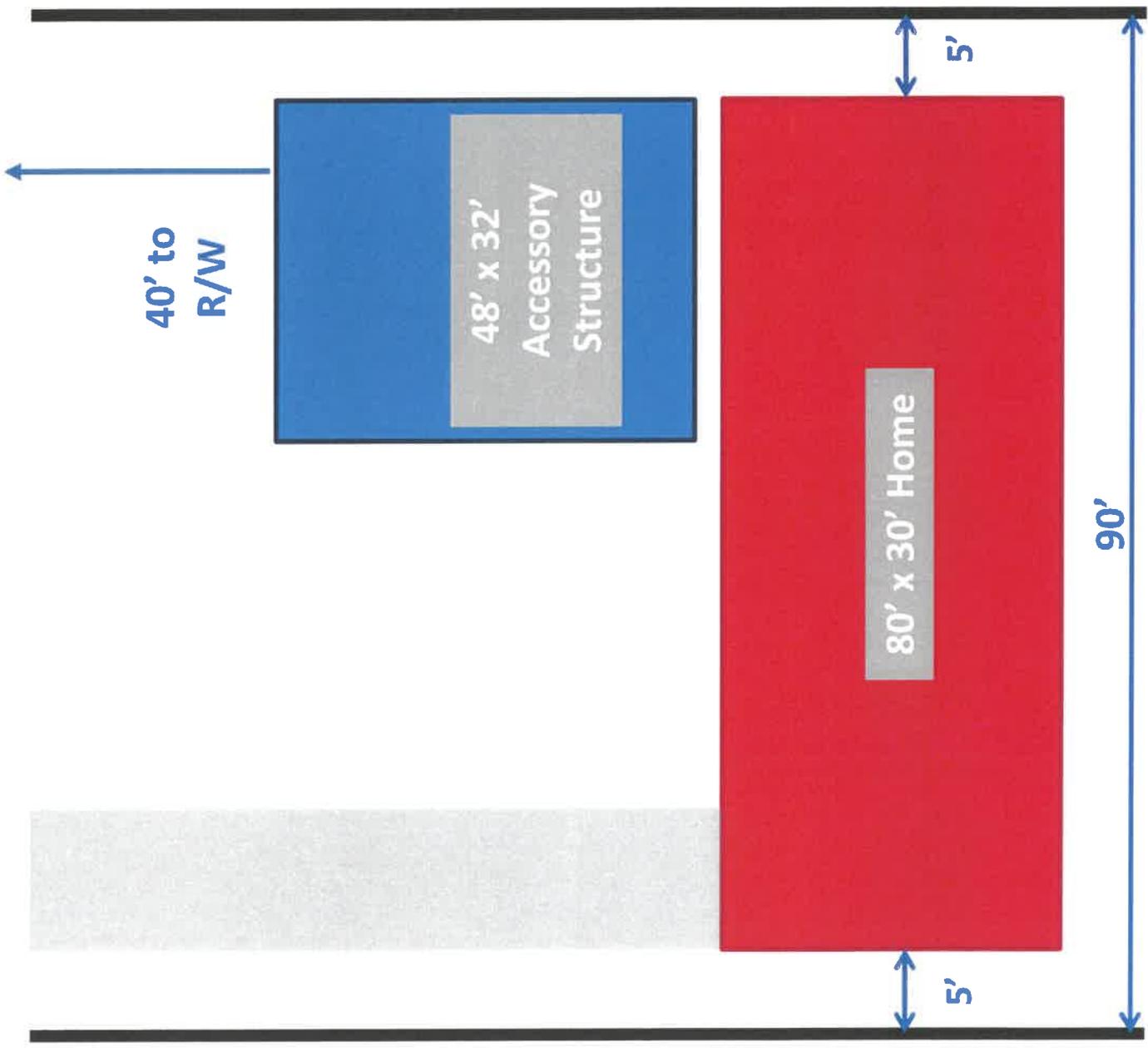
This is a variance request from Section 1221.05D.4., 1221.05C.2., 1291.02A.4. and 1221.05D.1. of the Zoning Ordinance to allow for the above request.

Responses to Narrative Statement

- a) Yes, the property was previously used for residential purposes. This is a continuation of the previous use and meets the residential intent of the R-87 district.
- b) Yes, the property is very narrow and deep, with a significant Flood Plain drop-off directly behind the previous and proposed structure. There is no other way to locate an Accessory Structure between the R/W and the Flood Plain other than to put it in front of the Principle Structure.
- c) Initially, one might consider the request to be significant. In fact, it is when considering the R-87 zoning requirement of 75' front and 25' side, but the lot is non-conforming to the R-87 from the on-set, and the 100' wide lot makes it difficult to locate a Principle Structure on it and not encroach into the Flood Plain. Therefore, one must consider the options available when determining significance.
- d) Yes, the character of the neighborhood will be supported, and neighboring properties will not suffer any detriment. Letters of support have been submitted from the adjoining properties.
- e) No, development of the adjacent properties will not be affected as this is an established subdivision and the adjacent properties have already been built out.
- f) No, the variance causes no detriment to the public welfare.
- g) No, the variance has no effect on the delivery of governmental services.
- h) Yes, the owner did purchase the property with knowledge of the zoning regulations.
- i) No, there are no other options to consider that may obviate the predicament. Unless, of course, not building at all.

- j) Yes, the minimum variance is being requested that will allow the reasonable use of the property as a ranch-style home with an accessory structure.
- k) The spirit and intent of the zoning ordinance would be upheld by the granting of this variance. The R-87 is intended for 2+ acre lots and allows for accessory structures.

Thank you for your consideration.



01208070017703
TD=0

Measurement ✕

📏 | 🌐 | 📱 | Sq Feet ▾

Measurement Result

1,464.7 Sq Feet

AG
0123533
ID=0

JR PROPERTIES LLC
201710130122018
ID=0

PLATTE, ROBERT MICHAEL
PLATTE, ELIZABETH RENEE
200505100013904
TD=0

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
JC 10-13-17

TRANSFERRED
Date October 13, 2017
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: 195100


201710130022078
Pg: 2 \$28.00 T30170024516
10/13/2017 8:49 AM HAC
Bryan A. Long Licking County Recorder

General Warranty Deed

(pursuant to O.R.C. 5302.01 through O.R.C. 5302.06)

Chad M. Blair and Nicole S. Blair, husband and wife, for valuable consideration paid, grant(s), with general warranty covenants, JR Properties, LLC, an Ohio limited liability company, whose tax mailing address is 371 Woodside Drive, Pataskala, OH 43062, the following real property:

Situated in the State of Ohio, County of Licking, and in the City of Pataskala (formerly Township of Lima), and more fully described as follows:

Being Lot Number Thirty-seven (37), of WOODSIDE ACRES SUBDIVISION NO. 3, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 23, Recorder's Office, Licking County, Ohio.

Property Tax ID: 063-143928-00.000
Property Address: 353 Woodside Drive
Pataskala, Oh 43062

Prior Instrument Reference: Instrument Number 201705150010015, Recorder's Office, Licking County, Ohio.


01150743207023008000

Subject to all valid and existing building and other restrictions and conditions of record, to all valid and existing zoning restrictions, to all valid and existing easements of record, and taxes and assessments due and payable after the date of execution hereof.

Executed this 12th day of October, 2017.

Chad M. Blair

Chad M. Blair

Nicole S. Blair

Nicole S. Blair

State of Ohio)
County of Licking)

The foregoing instrument was acknowledged before me this 12th day of October, 2017 by Chad M. Blair.

Denise M. Krovocheck



DENISE M. KROVOCHECK
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 7/14/22

State of Ohio)
County of Licking)

The foregoing instrument was acknowledged before me this 12th day of October, 2017 by Nicole S. Blair.

Denise M. Krovocheck

Notary Public

This instrument was prepared by: Catherine Baird, Esq. Fisher, Skrobot, & Sheraw, LLC
471 East Broad St., Suite 1810 Columbus, Ohio 43215 (614) 233-6950

File - No search or opinion given



DENISE M. KROVOCHECK
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 7/14/22

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

Taxes Due February 19th

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

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

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063-143928-00:000
JR PROPERTIES LLC
353 WOODSIDE DR
PATASKALA, OH 43062

Acres: 1.39
LOT 37 WOODSIDE
ACRES 3

Land: \$23,200
Improv: \$0
Total: \$23,200

Sale Date: 10/13/2017
Amount: \$17,000
Conveyance: 3313
Valid Sale: No

Homestead: No
Owner Occ: No
Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No