



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 10, 2020

Variance Application VA-20-002

Applicant:	Judy Streets
Owner:	Judy Streets & Tina Hamilton
Location:	10698 McIntosh Rd SW
Acreage:	2.22
Zoning:	AG - Agriculture
Request:	Requesting approval of two (2) variances pursuant to Section 1211.11 of the Pataskala Code: 1. 1225.05(C)(2) – Reduce side yard setbacks from 50’ to 49’ on both sides 1. 1291.02(A)(4) – Extend gravel driveway within a platted subdivision

Description of the Request:

The Applicant is requesting the approval of two (2) variances for the property at 10698 McIntosh Road SW, Pataskala, OH. The first request is a variance from Section 1225.05(C)(2) of the Pataskala Code to allow for the reduction of the primary structure side yard setbacks from 50-feet to 49-feet on both sides. The second request is a variance from Section 1291.02(A)(4) to allow for the existing gravel driveway on the property to be extended to the new structure.

Staff Summary:

The 2.22-acre property is currently occupied by an approximately 1,100-square foot single-family home. The existing structure is set back from the right-of-way 165-feet, 15-feet from the west property line, 81-feet from east property line, and 453-feet from the rear property line (all dimensions approximated using Licking County Auditor’s GIS). The dimensions of the lot are 150-feet in width by 450-feet in depth. Access to the parcel is served by one (1) gravel driveway off McIntosh Road SW.

The Applicant is proposing the construction of a new single-family home structure on the property. The new dwelling will be set back from the right-of-way 349.58-feet, 49-feet from both the east and west property lines, and 100-feet from the rear property line. The existing gravel driveway will be extended to the new structure.

Section 1225.05(C)(2) of the Pataskala Code states that there shall be a side yard setback of not less than 50-feet on each side for dwelling structures. The Applicant is requesting a variance from this section to reduce the side yard setbacks to 49-feet on both sides of the proposed structure.

Section 1291.02(A)(4) of the Pataskala Code, as it applies to platted subdivisions, states that all off-street parking shall be hard surfaced with asphaltic cement, concrete, or pavers. The parcel exists within a small platted area along McIntosh Road, and although it has an existing gravel driveway, it is a non-conforming structure. Any time a non-conforming structure is enlarged, extended, constructed, reconstructed, or moved it shall be brought into compliance. The Applicant is requesting a variance to extend their gravel driveway to the new structure.

On the Application form the Applicant stated that the existing home, a doublewide trailer, is dilapidated and that when the new home is built the trailer will be demolished and removed from the site.

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 the 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 not 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.*

Planning and Zoning Staff

The existing lot is a non-conforming lot of record as it does not meet the minimum lot size and width of the AG – Agricultural district, that being a minimum size of 10-acres and a width of 250-feet throughout. However, the lot is still buildable given that any structure meets the minimum setbacks of the zoning district in which it is located. According to the site plan submitted by the Applicant, the future proposed primary structure will be 49-feet from the east and west side property lines. As required by Section 1225.05(C)(2) the setback shall be 50-feet; therefore, the Applicant is requesting a variance of one (1) foot, or 2%.

As stated above, as the Applicant is proposing to extend their existing non-conforming driveway, a variance is required. Details on the proposed driveway were not included, however, Staff does not see an issue with this. Those details will need to be provided when the Applicant submits their New Residential Construction Permit Application.

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

Licking County Health Department

- Has not received any information regarding the property owner's plans to alter the existing septic system or well, however, at this time does not see any issues with the request. This may change once they receive information. Applicant will need to contact Health Department for Alteration Permits.

Other Departments of Agencies

No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Agricultural
East	AG – Agricultural	Single-Family Home
South	AG – Agricultural	Single-Family Home
West	AG – Agricultural	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 – No comments
- Licking County Health Department – See attached
- 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 within one (1) year of the date of approval.
2. The Applicant shall address all comments from Planning and Zoning Staff and the Licking County Health Department.
3. The Applicant shall obtain a Demolition Permit and remove the existing structure on the property once a Certificate of Compliance has been issued to the proposed structure.

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 1225.05(C)(2) and 1291.02(A)(4) of the Pataskala Code for variance application VA-20-002 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Chad Brown](#)
To: [Jack Kuntzman](#)
Cc: [Greg Chumney](#)
Subject: RE: City of Pataskala BZA Review Memo for 03-10-2020
Date: Wednesday, February 19, 2020 12:07:47 PM
Attachments: [image003.png](#)

Thanks Jack. I reviewed both applications. We have not received any information for either property regarding the property owners' plans to modify/install a septic system or well. I do not see any issues with the requests from our standpoint, but this could change when we receive information regarding the septic system and well for the properties.

Thanks
Chad

Chad Brown, RS, MPH
Director of Environmental Health
Deputy Health Commissioner
Licking County Health Department
www.lickingcohealth.org
740-349-6487



Find LCHD on Social Media:



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Wednesday, February 19, 2020 10:58 AM
To: Chad Brown <cbrown@lickingcohealth.org>
Cc: Greg Chumney <gchumney@lickingcohealth.org>
Subject: RE: City of Pataskala BZA Review Memo for 03-10-2020

Will do, Thank you so much Chad. I appreciate it.

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: 10698 M ^c Intosh Road Pataskala, OH 43062	
Parcel Number: 063-140340-05.000	
Zoning: AG	Acres: 2.224
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" 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-20-002
Fee: \$300.00
Filing Date: 1-30-2020
Hearing Date: 3-10-2020
Receipt Number: 92097

Applicant Information		
Name: Judy L Streets		
Address: 10698 M ^c Intosh Road		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-927-4037	Email: jlyn.streets@gmail.com	

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

Property Owner Information		
Name: Judy L Streets / Tina L. Hamilton		
Address: 10698 M ^c Intosh Road		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740-927-4037	Email: jlyn.streets@gmail.com	

Variance Information
Request (Include Section of Code): We are asking for a variance of 1 1 foot from section 1225.05 (C)(1). We are also requesting a variance to extend existing drive way, 1291.02 (A)(4)
Describe the Project: building a new house on the property because the one there is delapitated. So when the new house is built the doublewide trailer will be DEMOLISHED.

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:
 - no 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;
 - no 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;
 - yes c) Whether the variance requested is substantial;
 - no 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;
 - no e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
 - no f) Whether the variance, if granted, will be detrimental to the public welfare;
 - no g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
 - no h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
 - no i) Whether the property owner's predicament can be obviated through some other method than variance;
 - yes 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,
 - yes 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):

Judy L Streets

Date:

1-30-20

Property Owner (Required):

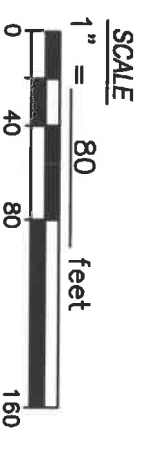
Judy L Streets

Date:

1-30-20

- LEGEND**
- R/W — RIGHT OF WAY LINE
 - BUILDING LINE
 - PROPERTY LINE
 - SETBACK LINE
 - - - EX. EASEMENT LINE

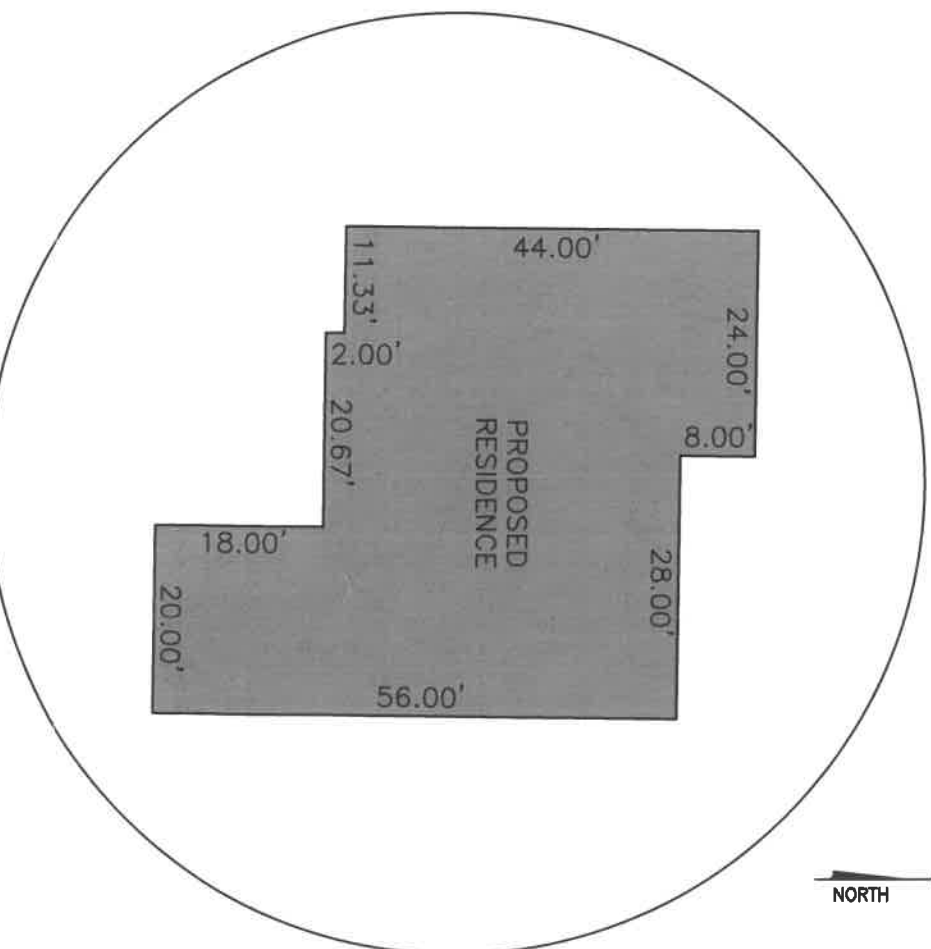
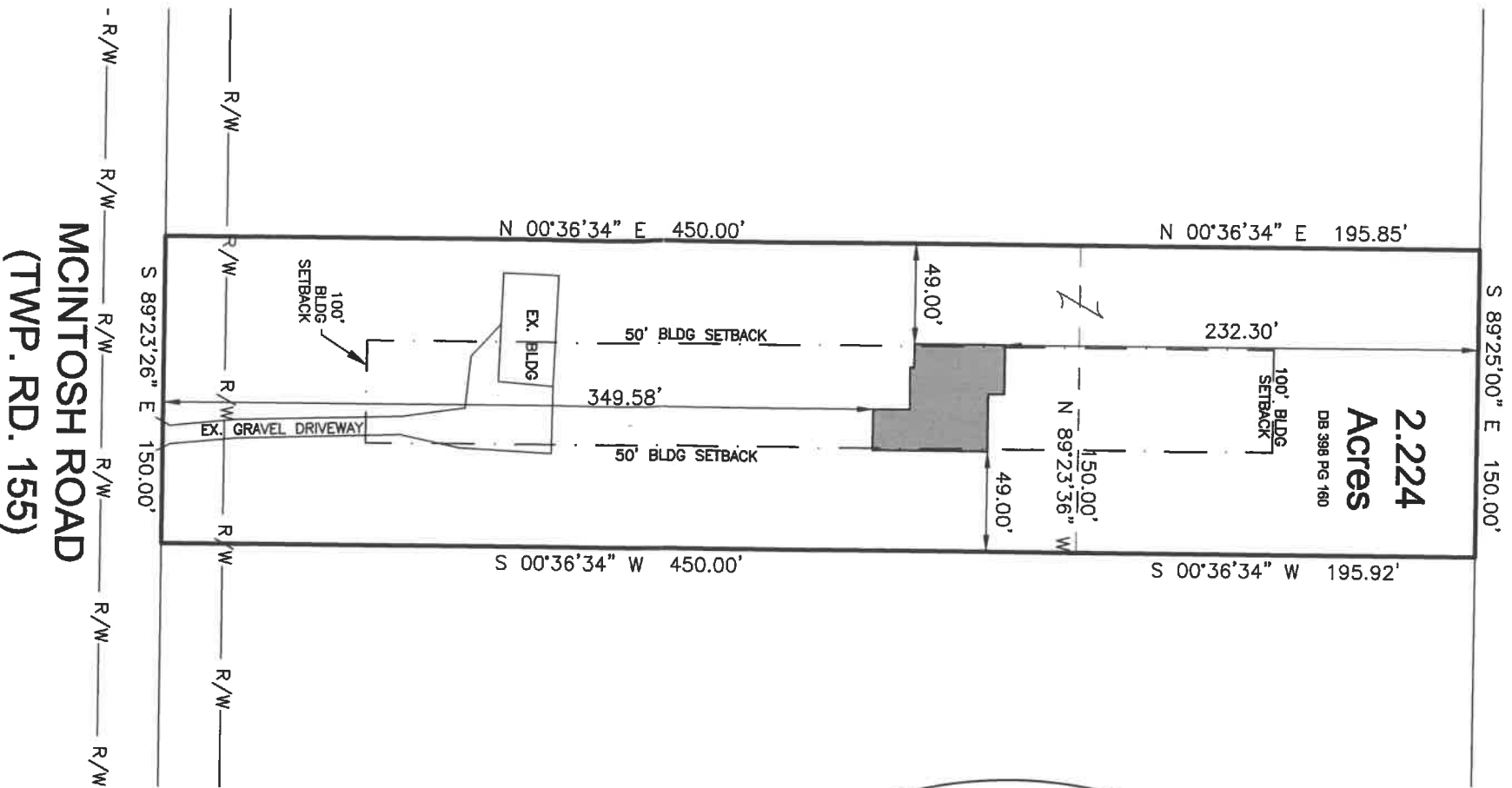
Address: 10698 Mcintosh Road Pataskala, Oh 43062



Lot Area: 2.224 Acres Quarter Twp.: 1 Twp.: 1 R.: 15 U.S.M.L. TOWNSHIP: Lima COUNTY: Licking STATE: Ohio

FLOOD ZONE: X COMMUNITY PANEL: 39089C PANEL No.: 0289H EFFECTIVE DATE: 05/02/07

CURRENT BUILDING SETBACKS: FRONT 100' REAR 100' SIDE 50' each side

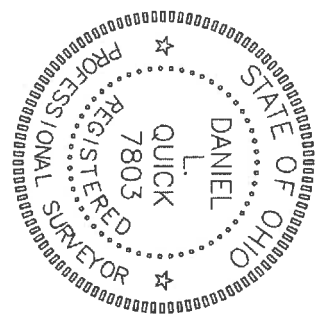


CERTIFICATION:
I hereby certify that the foregoing VARIANCE PLAN was prepared from information provided by the client and obtained from engineered subdivision plans. This VARIANCE PLAN is to be used by the client for the sole purpose of obtaining a building permit. The use of this VARIANCE PLAN for any other purpose is strictly prohibited.



Daniel L. Quick
OHIO REGISTERED SURVEYOR NO. 7803

DATE 01/23/20



NOTES:
A sub-surface drainage system may exist on this site. The system and/or outlet, if located on this site, must be maintained at all times. Not all easements may be shown hereon. A title commitment report is recommended for review prior to construction but was not provided.

VARIANCE PLAN
10698 MCINTOSH ROAD - HAMILTON/STREETS



Korda/Nemeth Engineering, Inc - Consulting Engineers
1650 Walemark Drive, Suite 200 - Columbus, Ohio 43215-7010
TEL 614-487-1650 FAX 614-487-8981 WEB www.korda.com

DATE	JOB#
Jan. 23, 2020	2020-7403
REVISIONS	DRAWN
DWG.	DRH
	CHK'D.
	DLO



Survivorship Deed

CO-E90991-OM

32247
Ronald S. Crawford and Cheri Y. Crawford, Both Unmarried
of Licking County, Ohio
for valuable consideration paid, grant(s) with general warranty covenants, to
Tina L. Hamilton and Judy L. Streets, Both Unmarried

ORIGINAL FILED IN E 90991-OM

for their joint lives, remainder to the survivor of them, whose tax-mailing addresses are
Broadview Mortgage Company, 965 High Street,
Columbus, Ohio 43085
the following REAL PROPERTY:

See Attached Exhibit "A" hereby made a part hereof

SFC. 319.202 COMPLIED WITH
GEORGE D. BUCHANAN, AUDITOR
BY W 123 00

TRANSFERRED
Date September 24 1991
D. D. Buchanan
Licking County Auditor

Parcel No. 44-140340-05 & 44-140340-00-001
10698 McIntosh Road

Subject to taxes and assessments which are now or may hereafter become liens on said premises
and except conditions and restrictions and easements, if any, contained in former deeds of record for
said premises, subject to all of which this conveyance is made.

Prior Instrument Reference: Official Record Volume 16, Page 358 and Official Record
Volume 16, Page 360 of the Deed Records of Licking County, Ohio.

Grantor releases all rights of dower therein.

Witness our hand(s) this 20th day
of September, 19 91

Signed and acknowledged in the presence of:

S. Todd Dodderler
S. Todd Dodderler
Jane E. Thacker
Jane E. Thacker
Ronald S. Crawford
Cheri Y. Crawford

State of Ohio County of Franklin SS.

BE IT REMEMBERED, That on this 20th day of September 1991 before me,
the subscriber, a Notary Public in and for said state, personally came Ronald S. Crawford and Cheri Y.
Crawford, Both Unmarried the Grantor(s) in the
foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal
on the day and year last aforesaid.



JANE E. THACKER
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES OCT. 17, 1994

Jane E. Thacker

This instrument was prepared by Steller, Magnuson & Barone, Attorneys At Law

Auditor's and Recorder's Stamp

PARCEL I:

Being a 1.550 acre tract of land and part of a 20 acre tract conveyed to Lonnie H. and Helen Adams as Parcel 2 in Deed Volume 703, Page 260 of the Licking County Recorder's Office, said 1.550 acre tract being situated in Lot 18, Quarter Township 1, Township 1, Range 15, United States Military Lands, Township of Lima, County of Licking, State of Ohio, and said 1.550 acre tract being more particularly described as follows:

Commencing at a railroad spike found at the southeast corner of said Lot 18 on the centerline of Township Road 155 (aka McIntosh Road), said railroad spike also being the southeast corner of said 20 acre Adams tract;

Thence with the south line of said 20 acre Adams tract, the south line of said Lot 18 and the centerline of McIntosh Road North 89° 23' 26" West a distance of 302.90 feet to a railroad spike set at the southeast corner of the herein-described acre tract and the true place of beginning for this description.

Thence continuing with the south line of said 20 acre Adams tract, the south line of said Lot 18 and the centerline of McIntosh Road North 89° 23' 26" West a distance of 150.00 feet to a railroad spike set;

Thence North 0° 36' 34" East a distance of 450.00 feet (passing over an iron pipe set at 30.00 feet) to an iron pipe set;

Thence South 89° 23' 26" East a distance of 150.00 feet to an iron pipe set;

Thence South 0° 36' 34" West a distance of 450.00 feet (passing over an iron pipe set at 420.00 feet) to a railroad spike and the true place of beginning for this description.

The above described tract contains 1.550 acres of land more or less and is subject to all easements and rights-of-way of previous record.

PARCEL II:

Being a 0.674 acre tract of land and part of a 20 acre tract conveyed to Lonnie H. and Helen Adams as Parcel 2 in Deed Volume 703, Page 260 of the Licking County Recorder's Office, said 0.674 acre tract being situated in Lot 18, Quarter Township 1, Township 1, Range 15, United States Military Lands, Township of Lima, County of Licking, State of Ohio, and said 0.674 acre tract being more particularly described as follows:

Commencing at a railroad spike found at the southeast corner of said Lot 18 on the centerline of Township Road 155 (aka McIntosh Road), said railroad spike also being the southeast corner of said 20 acre Adams tract;

Thence with the south line of said 20 acre Adams tract, the south line of said Lot 18 and the centerline of McIntosh Road North 89° 23' 26" West a distance of 452.90 feet to a railroad spike set;

Thence North 0° 36' 34" East a distance of 450.00 feet to an iron pipe set and the true place of beginning for this description.

Thence continuing North 0° 36' 34" East a distance of 195.85 feet to an iron pipe set on the south line of a 31.221 acre tract conveyed to Dale E. King in Deed Volume 001, Page 1000;

Thence with the south line of said 31.221 acre King tract South 89° 25' 00" East a distance of 150.00 feet to an iron pipe set;

Thence South 0° 36' 34" West a distance of 195.92 feet to an iron pipe set;

Thence North 89° 23' 26" West a distance of 150.00 feet to an iron pipe and the true place of beginning for this description.

The above described tract contains 0.674 acres of land more or less and is subject to all easements and rights-of-way of previous record.

The foregoing description was prepared in June 1982 by Hergatt and Associates, 6218 Harlem Road, Westerville, Ohio from an actual survey made in June 1981.

DESCRIPTION APPROVED	
TIM LOLLO	
LICKING COUNTY ENGINEER	
TAX MAP DRAWING NO.	APPROVED BY
75-24	<i>[Signature]</i>

RECEIVED & RECORDED *Sep 24 19 91*
 at 3:23 o'clock P M IN OFFICIAL RECORD
 VOL 398 PAGE 160 FEE 10.00
 ROBERT E. WISE, LICKING COUNTY RECORDER

322478

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

Taxes Due February 19th

- Map
- 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
- Help
- Login



2

Search by:
 Address ▼
 Search for:

Trouble Searching?

063-140340-05,000
 HAMILTON TINA L &
 STREETS JUDY L
 10698 MCGINTOSH RD
 PATASKALA, OH 43062

Acres: 2.22
 2.224 AC LOT 18.19

Land: \$60,000
 Improv: \$56,200
 Total: \$116,200

Sale Date: 03/01/2010
 Amount: \$0
 Conveyance: 11111
 Valid Sale: No

Homestead: No
 Owner Occ: Yes

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