



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-20-003

Applicant:	Ryan Badger (ADR Associates)
Owner:	Howard & Rosemary Emswiler Trustees
Location:	3000-3007 Etna Pkwy
Acreage:	7.63
Zoning:	PM – Planned Manufacturing
Request:	Requesting approval of a variance from Section 1283.07(B) to forgo the installation of required perimeter screening along the north, west, and half of the south property lines

Description of the Request:

The Applicant is requesting the approval of a variance from Section 1283.07(B) of the Pataskala code to forgo the requirement to install L2 Standard screening along the north, west, and half of the south property lines.

Staff Summary:

Overall, the current property is 58.72-acres and located in the Pataskala Corporate Park with frontage on Etna Parkway to the east and Refugee Road SW to the south. The only structure on the property is a 1.4-acre detention basin along the property line bordering Refugee Road SW. The property is vacant and used as agricultural land. The Applicant is proposing to split approximately 7.63-acres of the southern portion from the overall property in order to construct a new building to house “Michael Shank Racing”, a 35,882-square foot race car manufacturing facility.

The Applicant has submitted a Planned Manufacturing application to be heard at the March 4, 2020 Planning and Zoning Commission hearing (PM-20-001) the outcome of which has not been decided at the time of this Staff Report being written.

Section 1283.07(B) of the Pataskala Code requires that all developments within the PM – Planned Manufacturing district provide L2 screening along the front property lines. Along the side and rear property lines L2 is required if it is abutting a similar use; L5 if abutting a residential use or district; or L3 if abutting any district other than residential. As the surrounding properties are all zoned PM – Planned Manufacturing, L2 type screening shall be required on all sides. L2 screening shall consist of a continuous three (3) foot high screen of shrubs, at least 95% opaque year-round, and one (1) tree per 30 lineal feet. A three (3) foot high berm or masonry wall may be substituted for the shrubs.

The Applicant is proposing to only install L2 screening along the frontage of Etna Parkway to the east, and along half of the frontage of Refugee Road to the south consisting of a three (3) foot high continuous shrub row with one (1) tree per 30-feet.

According to the supplied Narrative Statement: The Applicant has stated that their submitted site plans show landscape screening around the parking lot and building, and that further screening would only be hiding grass from cornfields or other like kind businesses in the future. The Applicant also believes that by granting this variance there will be no effect on adjoining properties, will not substantially or permanently impair adjoining properties, will not be detrimental to the public or delivery of public services.

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

Planning and Zoning Staff

As mentioned above, Section 1283.07(B) of the Pataskala Code requires L2 type screening on the front property lines. The subject property is a corner lot, having both frontage on Etna Parkway and Refugee Road. The applicant is proposing L2 type screening along Etna Parkway, but on only half of the frontage along Refugee Road. Additionally, Section 1283.07(B) requires L2 type screening on the rear and side property lines when abutting similar uses. The properties to the east, north, and west are also zoned PM – Planned Manufacturing and are vacant. However, even when no existing use is present screening is still required.

L2 type screening consists of a three (3) foot high continuous shrub screen, berm, masonry wall and one (1) tree per 30 lineal feet.

The Board of Zoning Appeals has previously approved a variance for similar landscaping screening for AEP’s transmission substation and lay-down yard to the north. Those being VA-17-020 and VA-16-026.

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

Other Departments of Agencies

No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	Vacant
East	PM – Planned Manufacturing	Vacant
South	Etna Township	Vacant
West	M-1 – Light Manufacturing (Etna Township)	Farm

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-20-003:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – No comments
- SWLCWSD – 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.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a variance from Section 1283.07(B) of the Pataskala Code for variance application VA-20-003 ("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	
Address: 3000-3007 Etna Parkway, Pataskala OH	
Parcel Number: 064-152862-00.001	
Zoning: PM	Acres: 58.72 Total (7.63 Lot)
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-20-003
Fee: \$300.00
Filing Date: 2-14-20
Hearing Date: 3-10-20
Receipt Number: 22118

Applicant Information		
Name: Ryan Badger (ADR Associates)		
Address: 88 West Church St.		
City: Newark	State: OH	Zip: 43055
Phone: 740-345-1921	Email: rbadger@adrinnovations.com	

Documents
<input checked="" type="checkbox"/> Application
<input type="checkbox"/> Fee 300.00
<input type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map
+ signature

Property Owner Information		
Name: Emswiler, Howard & Rosemary Trustees		
Address: 13167 Morse Rd, SW		
City: Pataskala	State: OH	Zip: 43062
Phone: NA	Email:	

Variance Information
Request (Include Section of Code): 1283.07(B) no L2 or similar landscaping on N, W 1/2 ab east property line
Describe the Project:

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

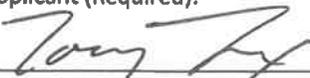
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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:

2-14-20

Property Owner (Required):

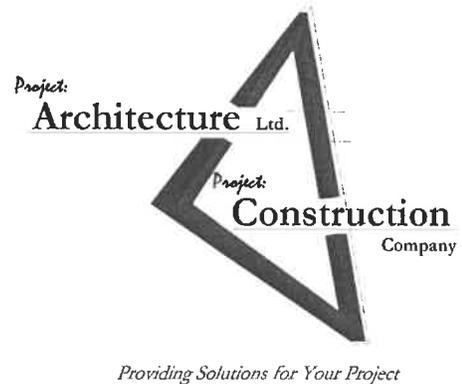


Date:

2-14-20

February 14, 2020

Scott Fulton
Pataskala Planning Director
621 West Broad St, Suite 2A
Pataskala, Ohio 43062



Re: Application for Variance – Landscaping

Dear Mr. Fulton,

Myers Shank Racing and the current property owner, Howard Emswiler, request a variance from code section 1283.07(B) for the North, West, and ½ of the South property lines. We have submitted plans showing landscape screening around the parking lot and building, any other screening would only be hiding grass from cornfields or other like kind businesses in the future. The cost of the remaining +/- 1400 feet of landscape screening adds no significant value to this project.

The granting of this variance will have no effect on the adjoining properties, nor will it substantially or permanently impair the adjoining properties. It will not be detrimental to the public or have any effect on public services. The granting of this variance would be no different than that already given to AEP just north of this property.

We would like to thank you in advance for your consideration and approval of the request for variance as described above.

Sincerely,

Tony Fox

Project Construction Co



SCALE: 1"=1 MILE
0 1 MILE 2 MILES

MICHAEL SHANK RACING SITE & ZONING COMPLIANCE PLAN

SITUATED IN THE CITY OF PATASKALA,
LICKING COUNTY, OHIO

INDEX OF SHEETS

SITE PLAN	1
DEVELOPMENT PLAN	2
ARCHITECTURAL ELEVATIONS	A3.1

SURVEY INFORMATION

SURVEY INFORMATION BASED ON FIELD OBSERVATION BY SMART SERVICES, INC. IN NEWARK, OHIO

FOR MORE INFORMATION CONTACT:
SMART SERVICES, INC.
80 W CHURCH STREET
NEWARK, OH 43055
(740) 345-4700

CONTROL POINTS

POINT	NORTHING	EASTING	ELEV.	DESCRIPTION
CNPT #1	718736.473	1910695.949	1073.75	5/8" REBAR W/ CAP TRAVERSE
CNPT #2	719273.482	1910731.322	1081.03	5/8" REBAR W/ CAP TRAVERSE

HORIZONTAL CONTROL IS BASED ON STATE PLANE OHIO (SOUTH ZONE) NAD83(2011) GRID COORDINATES DETERMINED FROM GPS RTK STATIC OBSERVATIONS IN OCTOBER 2019.

VERTICAL CONTROL IS BASED ON NAVD83(GEOGRID 12B) BASED ON GPS RTK STATIC OBSERVATIONS IN OCTOBER 2019.

UTILITY LOCATIONS ARE BASE ON FIELD OBSERVATION AND RECORD PLANS AS REQUESTED BY O.U.P.S. TICKET #'s A928202064-00A (MARKINGS) & A928202070-00A (PLANS)



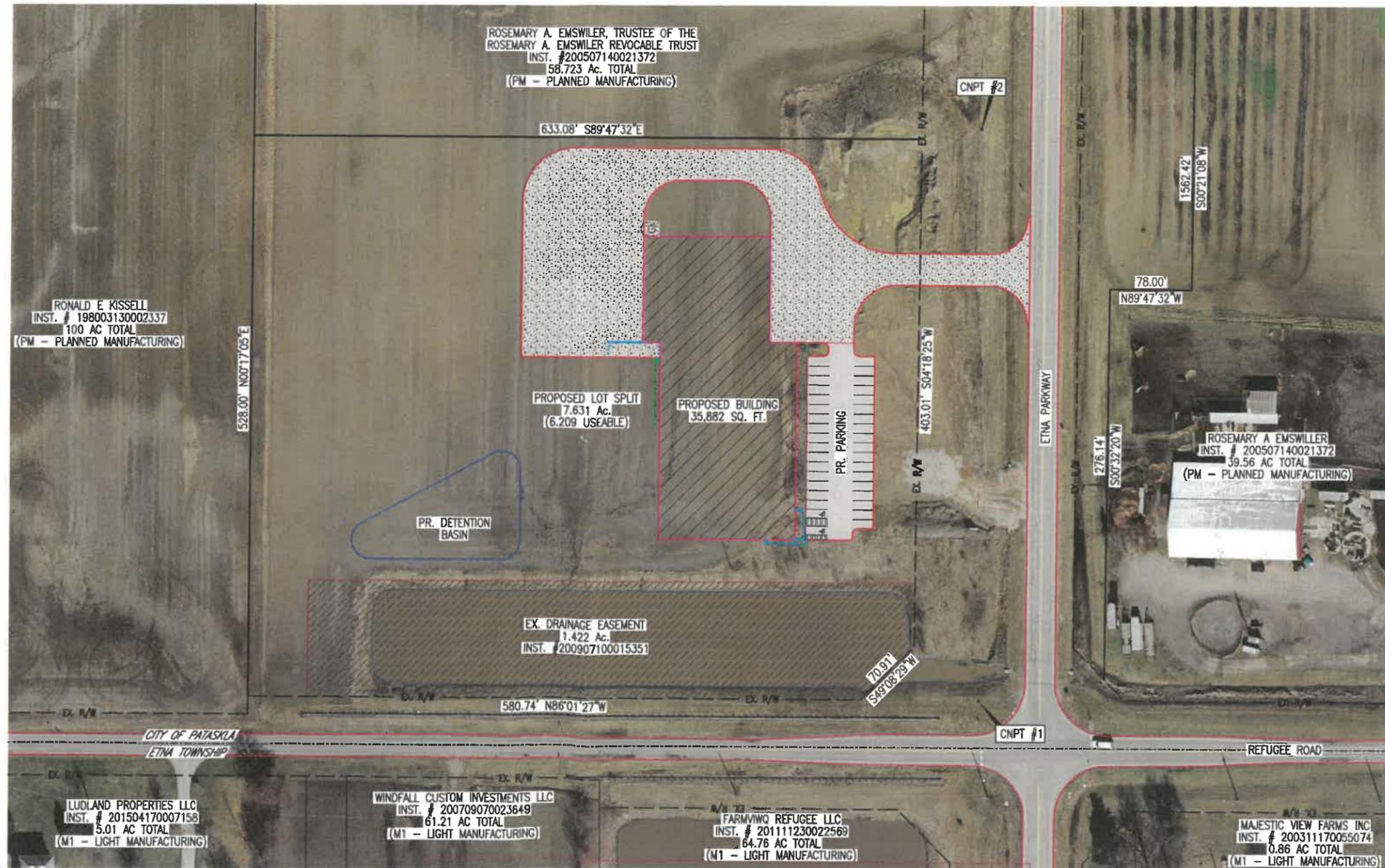
HORIZONTAL SCALE IN FEET

DRAWN: _____
CHECKED: _____
REVIEWED: _____
RSB



REVISIONS	DATE	DESCRIPTION
1		
2		

SITE PLAN

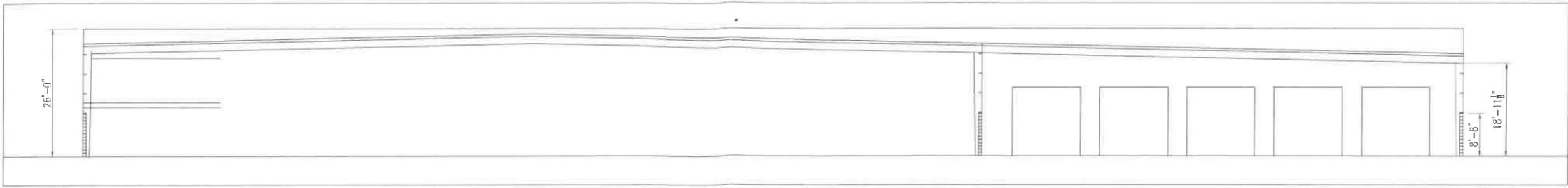


ADR
ADR & ASSOCIATES, LTD.

Newark Office:
88 West Church Street
Newark, OH 43055
(740) 345-1921 (ph)
(740) 345-4994 (fax)
www.adrinnovation.com

MICHAEL SHANK RACING
SITE & ZONING COMPLIANCE PLAN
CITY OF PATASKALA, OH

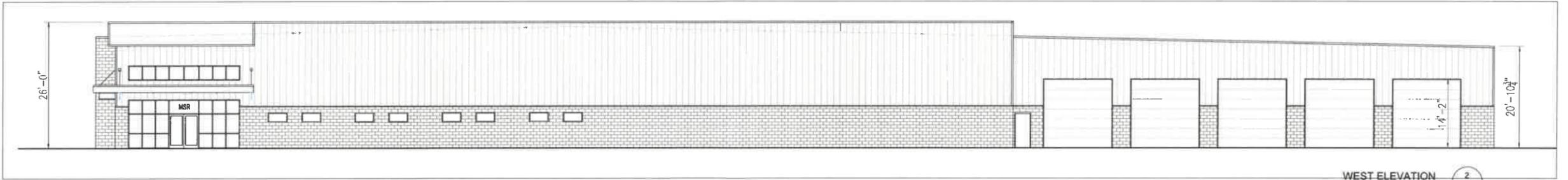
FEB. 7, 2020
JOB # 320201



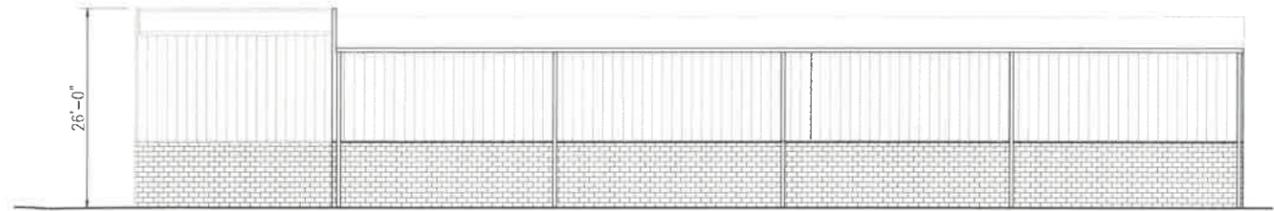
*** NO WALL MOUNTED OR GROUND MOUNTED SIGNS ***



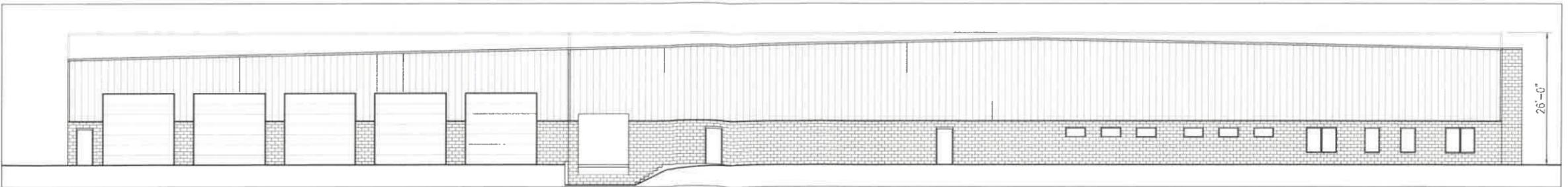
NORTH ELEVATION
3/32" = 1'-0"
1
A3.1



WEST ELEVATION
3/32" = 1'-0"
2
A3.1



SOUTH ELEVATION
3/32" = 1'-0"
3
A3.1



EAST ELEVATION
3/32" = 1'-0"
4
A3.1

6

GENERAL WARRANTY DEED

Arnold E. Shaheen, Jr., Trustee, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to **Rosemary A. Emswiler, Trustee of the Rosemary A. Emswiler Revocable Trust U/A dated December 27, 1978 as amended**, whose tax mailing address is 13167 Morse Road, Pataskala, OH 43062, the following real property:

*Being an undivided one-half interest in the following described real estate:
 Situated in the State of Ohio, County of Licking, City of Pataskala and being further described on the attached Exhibit "A", incorporated herein by reference.*

Prior Deed Reference: Instrument No 200507140021371, Recorder's Office, Licking County, Ohio.

Also known as: Combination of 2.374 acres and 69.348 acres (as surveyed), Refugee Road, Pataskala, OH 43062
 Auditor's Parcel Numbers: #Part of Parent Parcel 64-152862-00.000 and 64-152862-00.001

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.

Executed this 6th day of July, 2005.

TRANSFERRED 13
 Date July 13, 2005
[Signature]
 Licking County Auditor
 State of Ohio
 County of Licking SS:

[Signature]
 Arnold E. Shaheen, Jr., Trustee
 SEC.319.202 COMPLIED WITH
 J. TERRY EVANS, AUDITOR
 BY JT EVM.

The foregoing instrument was acknowledged before me this 6th day of July, 2005 by Arnold E. Shaheen, Jr., Trustee, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.



LORI A. MANGES
 Notary Public, State of Ohio
 My Comm. Expires April 10, 2007

[Signature]
 NOTARY



S.A. ENGLAND & ASSOCIATES

Professional Land Surveying
5179 Walnut Road • P.O. Box 1770
Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-928-8680

Fax: 740-928-9565

Ohio Phone: 1-800-551-5844

Exhibit "A"
Legal Description
71.722 Acres (combined parcels)
Howard P. Emswiler Revocable Trust

Page 1 of 2

Situated in the City of Pataskala, County of Licking, State of Ohio, and being a part of Quarter Township 4, Township 1N, Range 15W, of the United States Military Lands, and being more particularly described as follows;

Being a Survey of a combined 70 Acre parcel (69.348 Acres by new survey) conveyed to Howard P. Emswiler, Trustee, Howard P. Emswiler Revocable Trust, as recorded in Instrument No. 2005-01120001340, and a 2.374 Acre parcel conveyed to Howard P. Emswiler, Trustee, Howard P. Emswiler Revocable Trust, as recorded in Instrument No. 2005-_____, in the Licking County Deed Records, and being further described as follows;

Commencing at an iron pin found on the South Corporation Line of the City of Pataskala marking the intersection of the centerlines of Refugee Road (Twp. Road 30) and Columbia Road (Twp. Road 38), and being on the North line of Etna Township;

Thence, S 85°46'30"W 1058.61 feet with the centerline of Refugee Road and said Corporation Line, to a mag nail set;

Thence, S 85°52'00" W 1528.45 feet continuing with the centerline of Refugee Road and said Corporation Line, to a mag nail set marking the Southeast corner of said 2.374 acre parcel of which this description is a part, also being on the South line of an original 20.000 acre parcel conveyed to David N. Phillips, a recorded in Instrument No. 2001-05230018045, and being the **PRINCIPLE PLACE OF BEGINNING** of the 71.722 Acre parcel herein to be described;

Thence, S 85°52'00" W 810.53 feet continuing with the centerline of Refugee Road and said Corporation Line, the same being the South line of said 2.374 acre parcel and continuing along the South line of said 70 acre parcel, to a mag nail set marking the Southwest corner thereof, and being the Southeast corner of a 100 acre parcel conveyed to Ronald B. Kissell; ETAL, as recorded in Deed Volume 801, Page 559;

Thence, N 04°03'23" W 3541.65 feet leaving said Corporation Line and the centerline of Refugee Road with the West line of said 70 acre parcel of which this description is a part, the same being the East line of said parcel conveyed to Kissell, ETAL, to an iron pin set on the boundary of a parcel conveyed to Robinson Family Farm, Ltd., as recorded in O.R. 865, Page 219, and passing over an iron pin set at 30.00 feet;

Thence with the boundary of said 70 acre parcel of which this description is a part, the same being the boundary of said parcel conveyed to Robinson Family Farm, Ltds., with the following two (2) courses and distances:

- 1) N 85°35'02" E 889.41 feet to a 1" o.d. iron pipe found;
- 2) S 04°17'58" E 379.26 feet to an iron pin set marking the Northwest corner of a parcel conveyed to Osborn Family Farm, Ltd., as recorded in O.R. Volume 864, Page 785;

Thence, S 04°07'11" E 1171.91 feet continuing with the boundary of said 70 acre parcel of which this description is a part, the same being the West line of said parcel conveyed to Osborn Family Farm, Ltd., to a 1" o.d. iron pipe found marking the Southwest corner thereof, and being the Northwest corner of said 20.000 acre parcel conveyed to Phillips;

Thence continuing with the boundary of said 70 acre parcel of which this description is a part, the same being the boundary of said 20.000 acre parcel conveyed to Phillips, with the following three (3) courses and distances:

- 3) S 03°59'20" E 1562.42 feet to an iron pin set;
- 4) S 85°52'00" W 78.00 feet to an iron pin set;
- 5) S 03°48'08" E 156.32 feet to an iron pin set marking the Northeast corner of said 2.374 acre parcel of which this description is a part;



S.A. ENGLAND & ASSOCIATES
Professional Land Surveying
 5179 Walnut Road • P.O. Box 1770
 Buckeye Lake, Ohio 43008



E-mail: www.surveyohio.com

Phone: 740-928-8680

Fax: 740-928-9565

Ohio Phone: 1-800-551-5844

Exhibit "A"

Page 2 of 2

Thence, **S 03°48'08 E 276.14 feet** with the East line of said 2.374 Acre parcel of which this description is a part, to the **PRINCIPLE PLACE OF BEGINNING**, passing over an iron pin set at 246.14 feet, and containing 71.722 Acres, more or less, and is subject to all legal easements, right of ways, restrictions, and zoning ordinances of record.

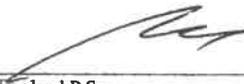
Bearings of the above description are based on the centerline of Refugee Road (Twp. Road 30), as being **S 85°52'00" W**, and is an assumed Meridian used to denote angles only.

All iron pins set are 5/8" o.d. iron pins 30" long with red caps labeled "S.A. ENGLAND #S-7452".

The above description was prepared by S.A. England & Associates, under the direct supervision of Scott A. England, Ohio Registered Surveyor #S-7452 in September of 1997, and March of 2005.

Dated 5/25/15

0653-05LIEMS



Scott A. England P.S.
Ohio Registered Surveyor #7452



DESCRIPTION APPROVED TIM LOLLIO LICKING COUNTY ENGINEER APPROVED BY P.M.N.
--



OnTrac Property Map



February 10, 2020

- | | | | |
|--|--|--|--|
| <ul style="list-style-type: none"> --- Street Number Only --- Sales - 2020 Owner Name & Acres | | <ul style="list-style-type: none"> --- Ohio Counties --- Ohio Boundary --- Parcels --- Split Listed Hooks --- Tract Lines | |
|--|--|--|--|
-
- Centerline Labels**
- Interstate/US/State Route
 - County Road
 - Township Road
 - Other Road Type
 - Driveway
 - Interstates
 - Municipal Corporations
 - Jurisdictional Townships
 - Historical Townships Line
 - County Boundary

LICKING COUNTY TAX MAP