MINUTES OF THE

CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, March 10, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, March 10, 2020.

Present were:
Alan Howe, Chairman
Brandon Galik, Vice Chairman
Joshua Butler
TJ Rhodeback
William Cook

City of Pataskala Planning and Zoning Department Staff:
Scott Fulton, Planning and Zoning Director
Jack Kuntzman, City Planner
Lisa Paxton, Zoning Clerk

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

Roll call was made. Present were: Brandon Galik, Alan Howe, TJ Rhodeback, Joshua Butler and William Cook.

First on the Agenda, Variance Application VA-20-002, 10698 McIntosh Road SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's two variance requests. 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, and the second request is a variance from Section 1291.02(A)(4) to allow for the existing gravel driveway to be extended to the new structure. It was indicated the current home will be demolished when the new home is built. Staff noted no concerns with the proposal. Department and agency comments were noted.

A discussion was had regarding the permitting process.

A discussion was had regarding gravel driveways.

Judy Streets, 10698 McIntosh Road, was placed under oath.

Ms. Streets noted a new septic system will be installed.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion 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 supplementary conditions:

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.

Mr. Galik seconded the motion. Ms. Rhodeback, Mr. Howe, Mr. Galik, Mr. Butler and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-20-003, 3000-3007 Etna Parkway.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting 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, and 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. A Planned Manufacturing application was approved by the Planning and Zoning Commission on March 4, 2020. It was noted the Board of Zoning Appeals previously approved a variance for similar landscaping screening for AEP's transmission substation and lay-down yard to the north. Staff noted no other concerns and there were no Department or Agency comments.

A discussion was had regarding the Planning and Zoning Commission's approval.

Landscaping proposal was noted.

There was no testimony given by the Applicant.

Findings of Facts were reviewed.

Mr. Galik made a motion to approve a variance from Section 1283.07(B) of the Pataskala Code for Variance Application VA-20-003 with the following supplementary conditions:

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.

Seconded by Mr. Butler. Mr. Galik, Mr. Butler, Ms. Rhodeback, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-20-002, 177 Cypress Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant requesting approval of a Conditional Use to allow the property to be used by as a corporate office for Massey's Pizza. The property currently has a 3,530-square foot office building and an 1,800-square foot pole barn. Access to the property is served via a driveway onto Cypress Street. Parking for the commercial building is directly adjacent to the structure to the north and east. Parking and signage were noted.

James Pallone, 177 Cypress Street, was placed under oath.

Mr. Pallone noted the pole barn would be used for equipment storage.

Findings of Facts were reviewed.

Mr. Butler made a motion to approve Conditional Use pursuant to Section 1251.04(10) of the Pataskala Code for application CU-20-002 with the following supplementary conditions:

1. The Applicant shall address all comments from City Staff.
2. 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.
3. The Applicant shall be required to receive a Conditional Use Permit for any further expansion of uses conducted at the site that are identified as Conditional Uses in the M-1 zoning district.

Seconded by Mr. Galik. Mr. Howe, Mr. Cook, Ms. Rhodeback, Mr. Butler and Mr. Galik voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-20-002

Yes	No		
✓		*a)*	*Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
✓		*b)*	*Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
	✓	*c)*	*Whether the variance requested is substantial;*
	✓	*d)*	*Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
	✓	*e)*	*Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
	✓	*f)*	*Whether the variance, if granted, will be detrimental to the public welfare;*
	✓	*g)*	*Whether the variance, if granted, would adversely affect the delivery of government services;*
	✓	*h)*	*Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
	✓	*i)*	*Whether the property owner's predicament con be obviated through some other method than variance;*
✓		*j)*	*Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
✓		*k)*	*Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-002. Seconded by Ms. Rhodeback. Mr. Butler, Mr. Galik, Ms. Rhodeback. Mr. Cook and Mr. Howe voted yes. The motion was approved.

Variance Application VA-20-003

Yes	No		
✓		*a)*	*Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
✓		*b)*	*Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
	✓	*c)*	*Whether the variance requested is substantial;*
	✓	*d)*	*Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
	✓	*e)*	*Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
	✓	*f)*	*Whether the variance, if granted, will be detrimental to the public welfare;*
	✓	*g)*	*Whether the variance, if granted, would adversely affect the delivery of government services;*
	✓	*h)*	*Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
✓		*i)*	*Whether the property owner's predicament con be obviated through some other method than variance;*
✓		*j)*	*Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
✓		*k)*	*Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-003. Seconded by Mr. Galik. Mr. Galik, Mr. Butler, Mr. Howe, Mr. Cook and Ms. Rhodeback voted yes. The motion was approved.

Conditional Use CU-20-002

Yes	No		
✓		1.	Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.
✓		2.	Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.
✓		3.	Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

✓ 4. Will not be hazardous or disturbing to existing or future neighboring uses.

✓ 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment

✓ 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

✓ 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare,

✓ 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.

✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Mr. Howe made a motion to approve Findings of Fact for Conditional Use Application CU-20-002. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Galik, Mr. Cook, Mr. Butler and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, approval of the February 11, 2020 Regular Meeting Minutes.

Ms. Rhodeback made a motion to approve the minutes from the February 11, 2020 regular meeting minutes. Seconded by Mr. Butler. Mr. Cook, Mr. Howe, Mr. Butler, Mr. Galik and Ms. Rhodeback voted yes. The motion was approved.

No other business was given.

Mr. Cook made a motion to adjourn the meeting. Seconded by Mr. Galik. Ms. Rhodeback, Mr. Butler, Mr. Galik, Mr. Cook and Mr. Howe voted yes. The meeting was adjourned at 7:10 p.m.

Minutes of the March 10, 2020 regular meeting were approved on

_____, 2020.

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