



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

May 12, 2020

#### Variance Application VA-20-004

<b>Applicant:</b>	Joe DiPietro
<b>Owner:</b>	Joe DiPietro
<b>Location:</b>	1821 Hazelwood Drive, Pataskala, OH 43062
<b>Acreage:</b>	0.56-acres
<b>Zoning:</b>	R-15 – Medium-High Density Residential
<b>Request:</b>	Requesting approval of a variance from Section 1221.05(C)(1) of the Pataskala Code to allow for the construction of an accessory building that will exceed the maximum permitted height on parcels less than two (2) acres.

#### Description of the Request:

The Applicant is requesting approval of a variance from Section 1221.05(C)(1) of the Pataskala Code to allow for the construction of a detached garage at 1821 Hazelwood Drive that will exceed the maximum permitted accessory building height of 18-feet.

#### Staff Summary:

The 0.56-acre property located at 1821 Hazelwood Drive is currently occupied by an approximately 1,992 square foot single-family home that was built in 2006. Access to the home is via a concrete driveway off Hazelwood Drive. To the north and west of the property is a reserve area held by the Ravines at Hazelwood homeowners association, which is currently wooded area.

The Applicant is proposing to construct a detached garage at the end of their existing driveway, adjacent to the east face of the house, with the front wall of the garage aligned with the rear wall of the home. The proposed dimensions are 30'-4" x 30', or 910 square feet. The new accessory building will be set back from the east side property line five (5) feet, and 45'-6" from the rear property line. A driveway extension to the structure is proposed.

Pursuant to Section 1221.05(C)(1) of the Pataskala Code, accessory structures on lots less than two (2) acres shall have a maximum height of 18-feet. The proposed detached garage is 23'-4", therefore; the Applicant has submitted this variance request.

In the Narrative Statement submitted by the Applicant, they stated the need for the variance it to allow for a larger ceiling height in the garage to allow for the installation of a vehicle lift, and for the proposed garage roof to match the roof pitch of the existing house. Further stated: the Applicant believes the request is not substantial, that the existing character of the neighborhood will not be substantially altered, that the request will not be detrimental to public welfare, and that they had purchased to property without knowledge of this zoning restriction.

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

Planning and Zoning Staff

Pursuant to Section 1221.05(B)(1), the maximum square footage allowable for structures on lots less than two (2) acres is determined by the equation  $((\text{gross acreage of lot}) \times 600) + 120 \times 2$ . Using the gross acreage of 0.56-acres the total allowable square footage for the lot would be  $((0.56) \times 600) + 120 \times 2 = 912$  square feet. The proposed garage is 910 square feet, which meets the requirement of the code.

As mentioned in the Summary, the proposed garage is 23'4" in height. Section 1221.05(C)(1) states that on lots less than two (2) acres, the maximum height of accessory structures shall be 18'. The Applicant is requesting a variance of 5'4", or a 29.63% increase over the maximum allowable height.

The Site Plan submitted by the Applicant indicates a short driveway extension to the proposed accessory structure, however, no specifics were included. Possible Condition added to have any driveway additions meet the requirements of the Pataskala Code, which will address the issue at the time of submittal for the Accessory Building Permit.

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	R-15 – Medium-High Density Residential	Reserve Area
East	R-15 – Medium-High Density Residential	Single-Family Home
South	R-15 – Medium-High Density Residential	Single-Family Home
West	R-15 – Medium-High Density Residential	Reserve Area

**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-20-004:

- None
- 

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – No comments
- 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. Any proposed driveway extensions or additions shall comply with the requirements of the Pataskala Code.

**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 1225.05(C)(1) of the Pataskala Code for variance application VA-20-004 ("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: 1821 Hazelwood Dr. Pataskala Oh. 43062		
Parcel Number: 064-068322-00.004		
Zoning: Residential R-15	Acres: .56	
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: VA-20-004
Fee: 300
Filing Date: 4-13-20
Hearing Date: 5-12-20
Receipt Number: 22180

<b>Applicant Information</b>		
Name: Joe DiPietro		
Address: 1821 Hazelwood Dr		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-309-4476	Email: JDTYREGUY@GMAIL.COM	

<b>Documents</b>
<input 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

<b>Property Owner Information</b>		
Name: Joe DiPietro		
Address: 1821 Hazelwood Dr		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614.309.4476	Email: JDTYREGUY@GMAIL.COM	

<b>Variance Information</b>
Request (Include Section of Code): 1221.05(c) 1 Request a overall height increase of garage to allow for 12' ceiling height and to match roof pitch of house
Describe the Project: Detached 910 sqft garage

## 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

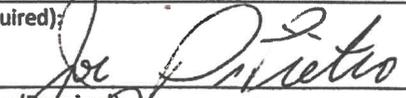
**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**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.

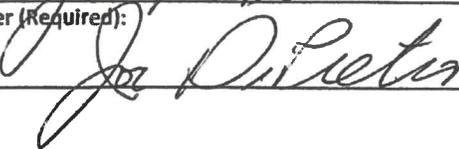
Applicant (Required):



Date:

3/4/2020

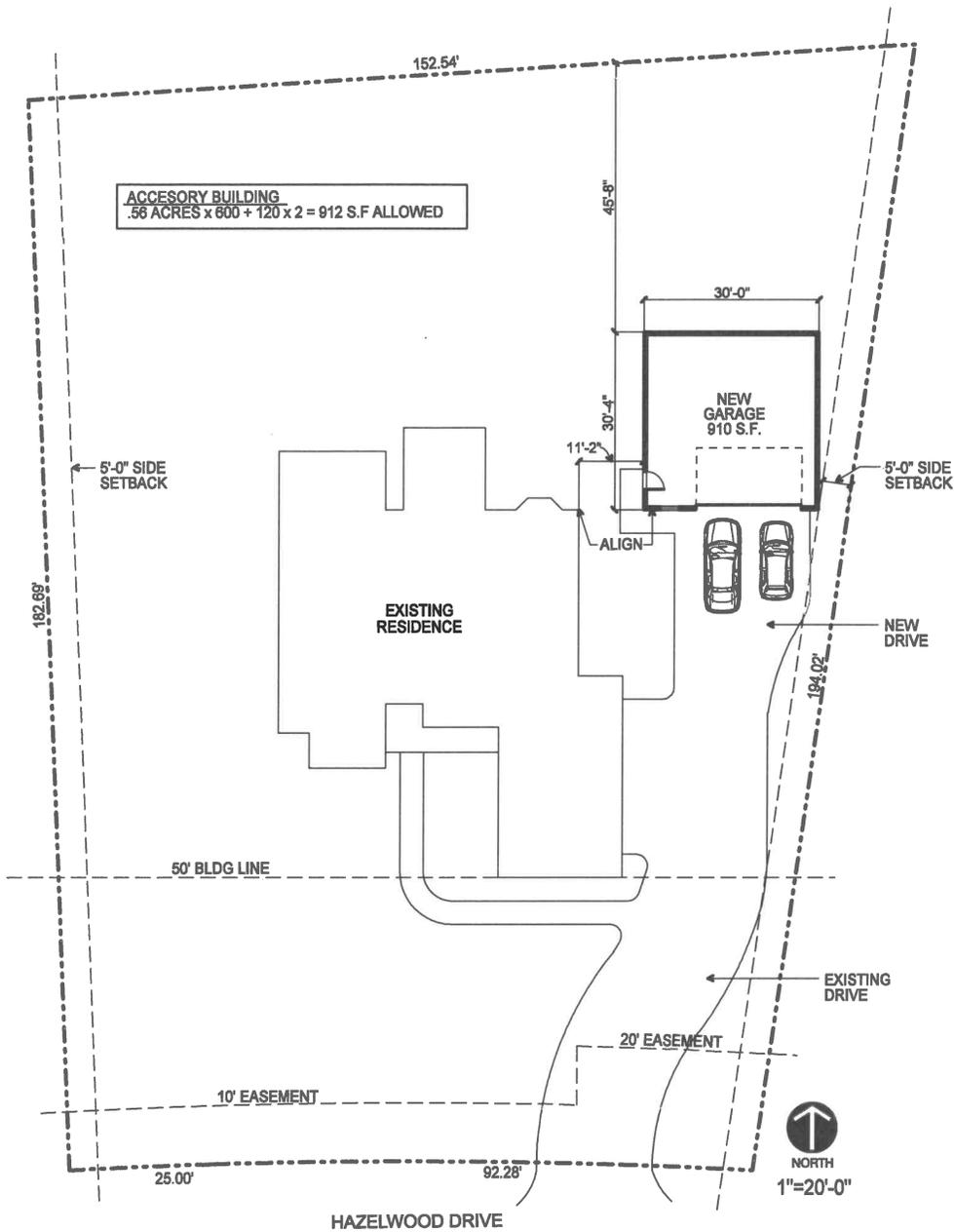
Property Owner (Required):



Date:

3/4/2020

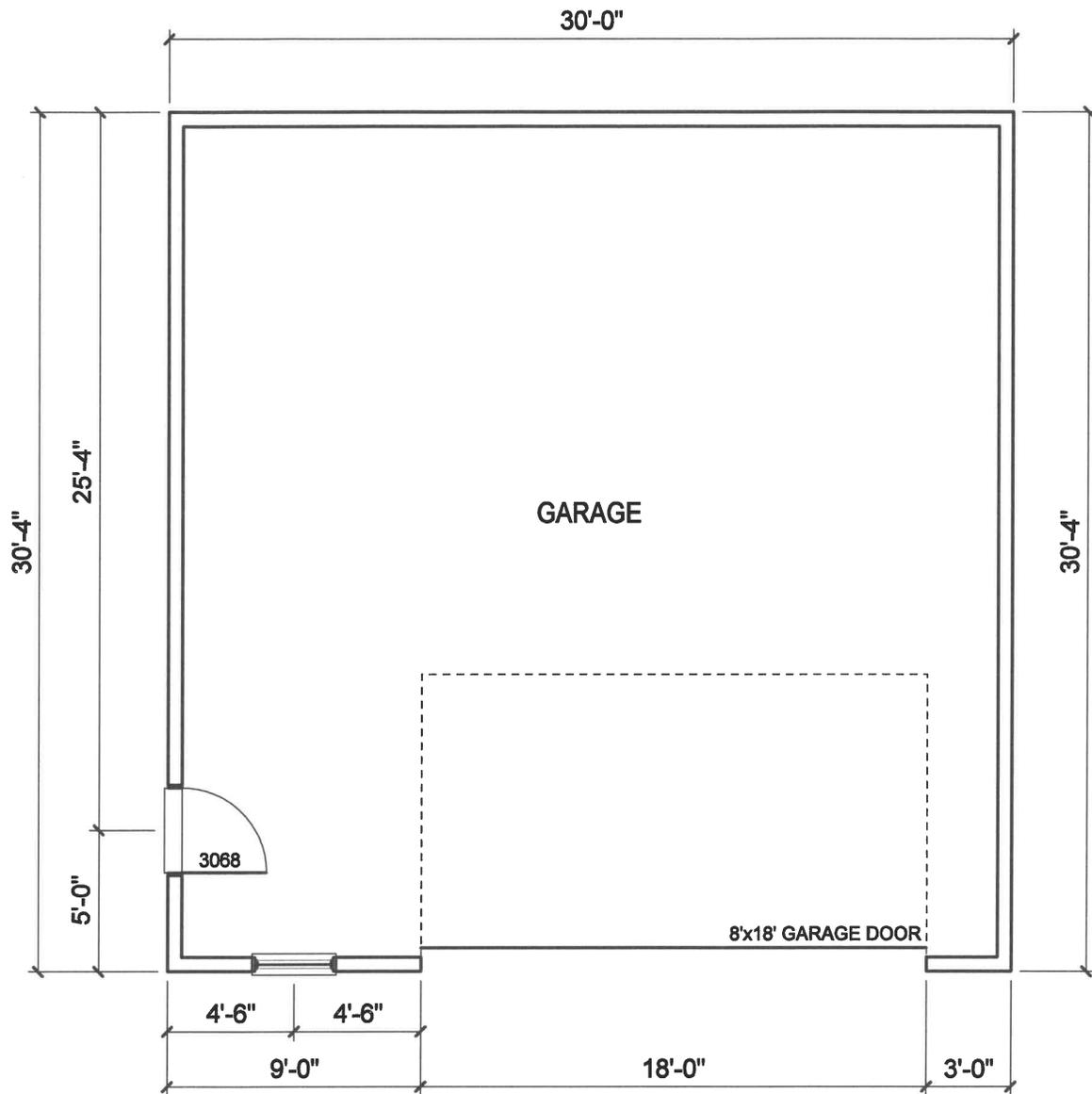
- Need a 12' ceiling height to allow enough clearance for a 2 post lift and to match the roof pitch of my house.
  
- A. Need a lift in Garage to do personal car maintenance to be beneficial for me.
  
- B. Zoning law does not allow for the 23'4" building height needed.
  
- C. No. Minimal request
- D. No
- E. No
- F. No
- G. No
- H. No
- I. No
- J. Yes
- K. Yes



800 Cross Pointe - Gahanna, OH 43230  
 Phone: 614.864.9999 - Fax: 614.864.9990  
 www.keiserdesigngroup.com

DIPIETRO NEW GARAGE  
 1821 HAZELWOOD DRIVE  
 PATASKALA, OHIO

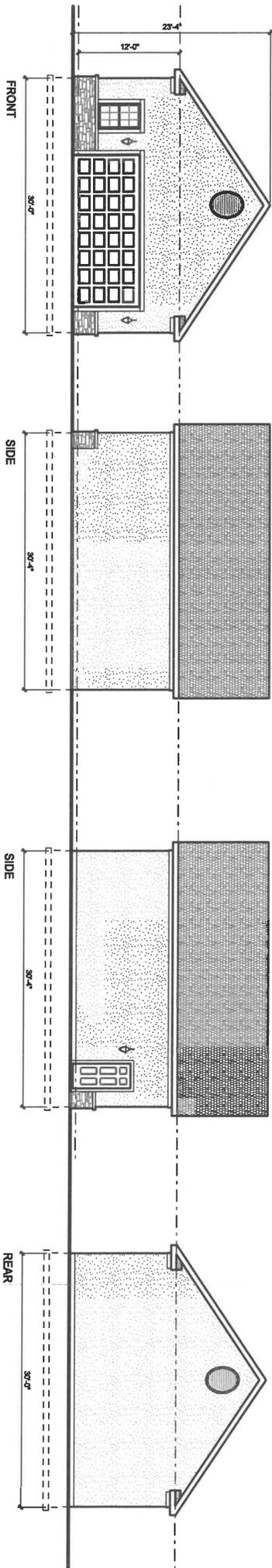
02.03.2020



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[www.keiserdesigngroup.com](http://www.keiserdesigngroup.com)

**DIPIETRO NEW GARAGE**  
**1821 HAZELWOOD DRIVE**  
**PATASKALA, OHIO**

02.12.2020



**KES** KEISER  
 KEISER  
 DESIGN  
 GROUP  
 10000 W. 12th Street, Suite 100  
 Overland Park, KS 66204

DIPIETRO NEW GARAGE  
 1821 HAZELWOOD DRIVE  
 PATASKALA, OHIO  
 02.12.2020



201809260020201  
 Page: 1 838.86 T20180014059  
 02/20/2018 3:36 PM EXSTEWART  
 Myron A. Leeg Licking County Recorder

TRANSFERRED  
 Date September 26, 2018  
*Michael L. Smith*  
 Licking County Auditor  
 SEC. 319.202 COMPLIED WITH  
 MICHAEL L. SMITH, AUDITOR  
 BY: *KAE* 1154.70

DESCRIPTION APPROVED  
 JARED N. KERR  
 LICKING COUNTY ENGINEER  
 APPROVED BY  
*D-28-18 JW*



01140760717156001000

File No.: 01032-28424

**GENERAL WARRANTY DEED**

*AKA Sandra L. Hofacker*

Steve K Hofacker and Sandy L Hofacker, husband and wife, for valuable consideration paid, grants with general warranty covenants to Joe A DiPietro and Lynda G DiPietro,

for and during their joint lives, remainder in fee simple to the survivor of them, whose tax mailing address is: The Union Bank Co., 105 Progressive Dr., Columbus, OH 43230, the following Real Property:

Situated in the State of Ohio, County of Licking and in the City of Pataskala:

Being Lot Number One (1) in THE RAVINES AT HAZELWOOD PART 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, Page 156 through 160, Recorder's Office, Licking County, Ohio.

Property Address: 1821 Hazelwood Drive, Pataskala, OH 43062

Parcel Number: 064-068322-00.004

Prior Instrument Reference: Instrument # 200609110026632, of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.

Executed this 13<sup>th</sup> day of September, 2018.

*Steve K Hofacker*  
 Steve K Hofacker  
*Sandy L Hofacker*  
 Sandy L Hofacker

State of Ohio, County of Franklin

The foregoing deed was acknowledged before me this 13<sup>th</sup> day of September, 2018, by Steve K Hofacker and Sandy L Hofacker.

*Andrea M. Ignasiok*  
 Notary Public  
 My Commission Expires:



Andrea M. Ignasiok  
 Notary Public State of Ohio  
 My Commission Expires  
 October 1, 2018

This instrument was prepared by:  
 Joseph E. Budde  
 Attorney at Law  
 259 W. Schrock Road  
 Westerville, OH 43081

Stewart Title Box  
 1072

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

Taxes Due July 15th

- BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

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064-068322-00.004  
DIPIETRO JOE A & LYNDA  
G  
1821 HAZELWOOD DR  
PATASKALA, OH 43062

Acre: 0.56  
LOT 1 RAVINES AT  
HAZELWOOD PT 1

Land: \$83,700  
Improv: \$264,500  
Total: \$348,200

Sale Date: 09/26/2018  
Amount: \$384,900  
Conveyance: 3114  
Valid Sale: Yes

Homestead: No  
Owner Occ: Yes

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

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions.  
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