

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Tuesday, May 12, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, May 12, 2020.

Present were:

Alan Howe, Chairman

Joshua Butler

TJ Rhodeback

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 7:30 p.m., followed by the Pledge of Allegiance.

Present were: Alan Howe, TJ Rhodeback and Joshua Butler. William Cook was not present.

First on the Agenda, Variance Application VA-20-004, 1821 Hazelwood Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to construct an accessory building that will exceed the maximum permitted accessory building height. The Applicant is proposing to construct a 910 square foot detached garage with a height of 23'4", for a variance of 5'4", or a 29.63% increase over the maximum allowable height. Aerial view and rendering of accessory building were noted.

Joe DiPietro, 1821 Hazelwood Drive, was placed under oath.

Mr. Howe inquired as to the HOA.

Mr. DiPietro stated he has received an okay from the HOA.

No other comments were presented.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve Variance Application VA-20-004 with the following 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. Any proposed driveway extensions or additions shall comply with the requirements of the Pataskala Code.

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

Next on the Agenda, Conditional Use Application CU-20-003, 6747 Taylor Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use to allow the property to be used as a semi-truck storage facility. The property is currently zoned M-1 – Light Manufacturing; vehicle service, storage and maintenance uses require a conditional use in the M-1 District. Existing conditions were reviewed along with the concept plan. It was further noted fencing and an electronic gate would be installed. Future Land Use map was noted, along with landscaping and parking. There were no details regarding lighting, parking spacing or signage. Departmental and Agency comments were noted. Staff would like to see a complete and detailed site plan when Applicant applies for their Certificate of Compliance or any other required permits.

Glen Dugger, 37 West Broad Street, Columbus, Ohio was placed under oath.

Mr. Dugger noted landscaping will be in accordance with Code. Fencing, lighting and security were also noted as a requirement. Mr. Dugger stated the property has been used for manufacturing, distribution and transport of mulch material. It was further noted the property would store trucks and trailers for two to three days at a time.

Discussion was had regarding other possible uses of the property.

Access and emergency access were noted.

Findings of Fact were reviewed.

Mr. Butler made a motion to approve Conditional Use Application CU-20-003 with the following conditions:

1. The Applicant shall address all comments from City Staff, and the West Licking Joint Fire District.
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.

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

Next on the Agenda, Conditional Use Application CU-20-004, Belmar Drive, Parcel No. 063-151386-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of a Conditional Use to allow for the construction of a car wash. Parking, access, landscape and general operations were noted. Aerial view, access and concept renderings were reviewed. A proposed turn lane from Broad Street to N. Summit Ridge Drive was noted. Mr. Kuntzman noted the property is subject to TCOD, and an application has been submitted for the June Planning and Zoning Commission hearing. Staff comments were reviewed along with Departmental and Agency comments.

A discussion was had regarding the Comprehensive Plan.

Trent Walter, 1266 Middle Rowsburg Road, Ashland, Ohio, was placed under oath.

A discussion was had regarding access to the carwash.

Mr. Butler inquired as to the turn lane.

Mr. Fulton noted the turn lane's location was at the recommendation of the Public Service Director.

Mr. Howe noted a letter from a neighbor inquiring about noise.

Mr. Walter stated muffling vacuums and screening will be installed. Dryer muffling system was also noted along with hours of operations

Mr. Howe asked if there were any issues with the noted requirements.

Mr. Walter stated he had no issues.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve Conditional Use Application CU-20-004 with the following conditions:

1. The Applicant shall address all comments from Planning and Zoning, City Engineer, and the Public Service Director
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. Any Conditions from Section 1215.05 listed above that the Board of Zoning Appeals feels appropriate for the proposed use.
 - 1215.05(A)(7): All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, individual, or to the community in general.
 - 1215.05(B)(1): No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
 - 1215.05(B)(7): Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
 - 1215.05(E)(7): Such use should be subject to the restrictions outlined in Chapter 1259, Transportation Corridor Overlay District.

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

Next on the Agenda, Revocation Request, Conditional Use Application CU-19-002, 12425 Broad Street.

Mr. Fulton gave an overview of the revocation request, as a complaint was submitted by Leatrice Guttentag, pursuant to Section 1215.09 of the Pataskala Code. Conditional Use Application CU-19-002 was approved, with conditions, on October 14, 2019 for an outdoor trap shooting range.

Leatrice Guttentag, 280 Charles Lane, was placed under oath.

Ms. Guttentag read from paperwork she submitted in the Complaint, including the October 14, 2019 Board of Zoning Appeals transcription and a log with dates and times noting shooting activity. Ms. Guttentag also read neighbor letters and emails. Noise concerns and issues were noted.

A discussion was had regarding Chapter 509.08 of the Pataskala Code and enforcement.

Mr. Butler asked what Ms. Guttentag would like the Board to do specifically.

Ms. Guttentag stated the Bullet Ranch has not been kept in check, the business is not self-policing and it is time to end it. It was stated that compromises and agreements were made and have been broken.

A discussion was had regarding discharge areas.

Ms. Guttentag noted documentation from the Lima Township merger regrading commercial businesses.

Brad Baker, 2263 Webster Canyon Court, Columbus, was placed under oath.

Mr. Baker reiterated what was in his written statements.

Steven Garavuso, 12425 Broad Street, was placed under oath.

Mr. Garavuso noted the Board's previous approval for the Bullet Ranch. It was stated he allowed a doctor to shoot on two Sunday mornings, and agreed it was in violation. He further stated the conditions for approval were subject to not shooting before 2:00 p.m. due to a church moving into the adjoining property; however, that property is now being sold. Mr. Garavuso stated he thinks he has been subjected to harassment by Ms. Guttentag.

Videos submitted by Ms. Guttentag were played for the Board.

Mr. Howe noted the Conditional Use approval was based on the times of 2:00 to 6:00, and the Board expected that to be abided by and to comply with all applicable State and Federal laws.

A discussion was had regarding State laws and Ohio Revised Code.

Ms. Guttentag noted her concerns and the reasoning for the revocation of the Conditional Use.

Mr. Howe noted the Board's reasoning for the previous approval and needing to adhere to those conditions. Mr. Howe asked Mr. Garavuso if there was anything preventing him to adhere to the conditions that were approved.

Mr. Garavuso stated making a mistake and not doing it again.

Mr. Howe made a motion to approve the revocation of Conditional Use Application CU-19-002 from October of 2019.

A discussion was had regarding affirmation of the motion.

Seconded by Mr. Butler. Mr. Howe, Ms. Rhodeback and Mr. Butler voted no. The motion failed.

Next on the Agenda, Findings of Fact.

Variance Application VA-20-004

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| | ✓ | b) <i>Whether there are unique physical circumstances or conditions that prohibit the</i> |

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.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-004. Seconded by Mr. Butler. Mr. Butler, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-20-003.

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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-20-003. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Howe and Mr. Butler voted yes. The motion was approved.

Conditional Use Application CU-20-004

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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-20-004. Seconded by Mr. Butler. Mr. Howe, Ms. Rhodeback and Mr. Butler voted yes. The motion was approved.

Next on the Agenda, approval of the March 10, 2020 Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the March 10, 2020 regular meeting minutes. Seconded by Ms. Rhodeback. Mr. Butler, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Other Business.

Mr. Fulton noted the decision by the Planning and Zoning Commission for apartment buildings to be constructed on Watkins Road, Parcel No. 064-068442-00.047, was appealed and the Commission's decision was overturned

by the Common Pleas Court of Licking County.

Ms. Rhodeback made a motion to adjourn the meeting. Seconded by Mr. Butler. Mr. Howe, Mr. Butler and Ms. Rhodeback voted yes. The meeting was adjourned at 9:25 p.m.

Minutes of the May 12, 2020 regular meeting were approved on

_____, 2020.
