



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

June 3, 2020

#### Variance Application VA-20-008

<b>Applicant:</b>	Arianna Pringle
<b>Owner:</b>	Arianna Delmindo
<b>Location:</b>	157 Cedar Street, Pataskala, OH 43062
<b>Acreage:</b>	0.34-acres
<b>Zoning:</b>	R-7 – Village Single-Family Residential
<b>Request:</b>	Requesting approval of a variance from Section 1279.03(A)(1) to allow for the construction of a fence exceeding 48 inches in the front yard setback.

#### Description of the Request:

The applicant is seeking a variance to allow for a fence that exceeds the 48-inch height limit to be erected in front of the building setback line.

#### Staff Summary:

The 0.34-acre property at 157 Cedar Street is currently occupied by a 1,344-square foot single-family home built in 1910. Additionally, there is a 480-square foot detached garage built in 1970. Access to the property is from a gravel driveway on Spring Street. The property is adjacent to three (3) public rights-of-way; Cedar Street to the north, Spring Street to the west, and Railroad Street to the south. There is an existing fence around a small portion of the northern half of the property, between the home and the garage.

Section 1279.03(A)(1) of the Pataskala Code states: "A fence or wall not exceeding 48-inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line". As the property has multiple frontages along public rights-of-way, Pursuant to Section 1237.05(C)(4), the building lines for all street frontages shall be the same required for the front yard. In the R-7 District, the front yard setback is 25-feet (1235.05(C)(1)). Applying these regulations to the property, any fence erected between a line 25-feet from the property line up and up to 3-feet off the street right-of-way line must be 48-inches (4-feet) in height.

The Applicant is requesting a variance in order to construct a six (6) foot (72-inches) privacy fence along the west property line where it borders Spring Street, from the front edge of the existing garage to a point 35-feet from the southwest corner of the property. The fence will then run diagonally southeast to a point 35 feet away from the corner to the east and continuing to the east property line. The Applicant has already applied for and received a permit to construct six (6) foot fence along the east property line. The existing fence is to be removed.

According to the Narrative Statement submitted by the Applicant, the fence will be 11.5 feet from Railroad Street to the south, and 21 feet from Spring Street to the west. The stated purpose for requesting a variance was for “increased privacy and enjoyment of my yard...with current requirements of placing a 6ft fence 25ft from my property lines, I would lose a substantial amount of my yard”. The Applicant does not believe the request to be substantial, and that it would not be detrimental to surrounding properties or public welfare.

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

The Applicant discussed the fence with Staff prior to submitting this Variance Application, and has included a “notch” in the southwest corner of the lot that meets the “sight triangle” visibility requirements of Section 1221.03(A)(2) to allow for proper visibility at the intersection of Railroad Street and Spring Street.

Pursuant to Section 1279.03(A)(4) No fence or wall shall be erected within three (3) feet of the street right-of-way line. According to the Narrative Statement, the Applicant intends to comply with this by being 11.5 feet away from Railroad Street and 21 feet from Spring Street, however, Staff would like to see these measurements be reflected on the actual site plan when the Applicant submits for a fence permit.

Staff has not identified any other concerns with the proposal.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 – Village Single-Family Residential	Single-Family Home
East	R-7 – Village Single-Family Residential	Single-Family Home
South	R-7 – Village Single-Family Residential	Railroad Tracks
West	R-7 – Village Single-Family Residential	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-20-008:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – 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 variance from Section 1279.03(A)(1) of the Pataskala Code for variance application VA-20-008 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

**From:** [Scott Haines](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Scott Fulton](#); [Alan Haines](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 06-09-2020  
**Date:** Sunday, May 31, 2020 8:14:11 PM

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Jack

Hull and Associates has reviewed the agenda items for the June 9, 2020 BZA Meeting and offer the following comments:

VA-20-006

1. The applicant shall ensure the fence does not encroach into the city's Right-of-Way.

VA-20-007

1. The applicant shall ensure the sign is placed outside the City's Right-of-Way
2. The applicant shall ensure the sign does not interfere with driver's sight lines on the street. **DISREGARD**

VA-20-008

1. The applicant shall ensure the fence does not encroach into the city's Right-of-Way.

CU-20-005

1. We have no engineering related comments on this application.

Thank You

**Scott R. Haines, P.E., CPESC**

Senior Project Manager

**HULL** | Newark, Ohio

Environment / Energy / Infrastructure

d: 740-224-0839 | o: 740-344-5451 | f: 614-973-9070

Follow Hull on [Facebook](#) & [LinkedIn](#)

[web](#) | [directions to offices](#)

**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

**Sent:** Tuesday, May 19, 2020 12:01 PM

**To:** Steven Blake <sblake@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; kperkins@laca.org; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>

**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>

**Subject:** Pataskala BZA Review Memo for 06-09-2020



# 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: 157 Cedar St		
Parcel Number: 064-312132-00.00		
Zoning: R-7	Acres: .34	
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

Staff Use
Application Number: VA-20-008
Fee: \$300.00
Filing Date: 5-14-2020
Hearing Date: 6-9-2020
Receipt Number: 21238

Applicant Information		
Name: Arlianna Pringle		
Address: 157 Cedar St		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-584-3026	Email: arliannard@gmail.com	

Property Owner Information		
Name: Arlianna Delmindo		
Address: 157 Cedar St		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-584-3026	Email: arliannard@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

Variance Information
Request (Include Section of Code): Requesting a variance to code 1279.03A1.
Describe the Project: I would like to enclose my back and side yard with a 6ft privacy fence.

## 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

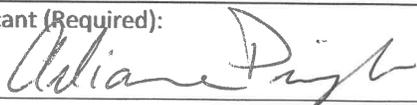
**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

**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.

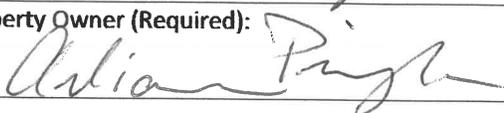
Applicant (Required):



Date:

5-14-2020

Property Owner (Required):



Date:

5-14-2020

## Fence Variance Request

Arlianna Delmindo Pringle

157 Cedar Street

Pataskala, Ohio 43062

May 14, 2020

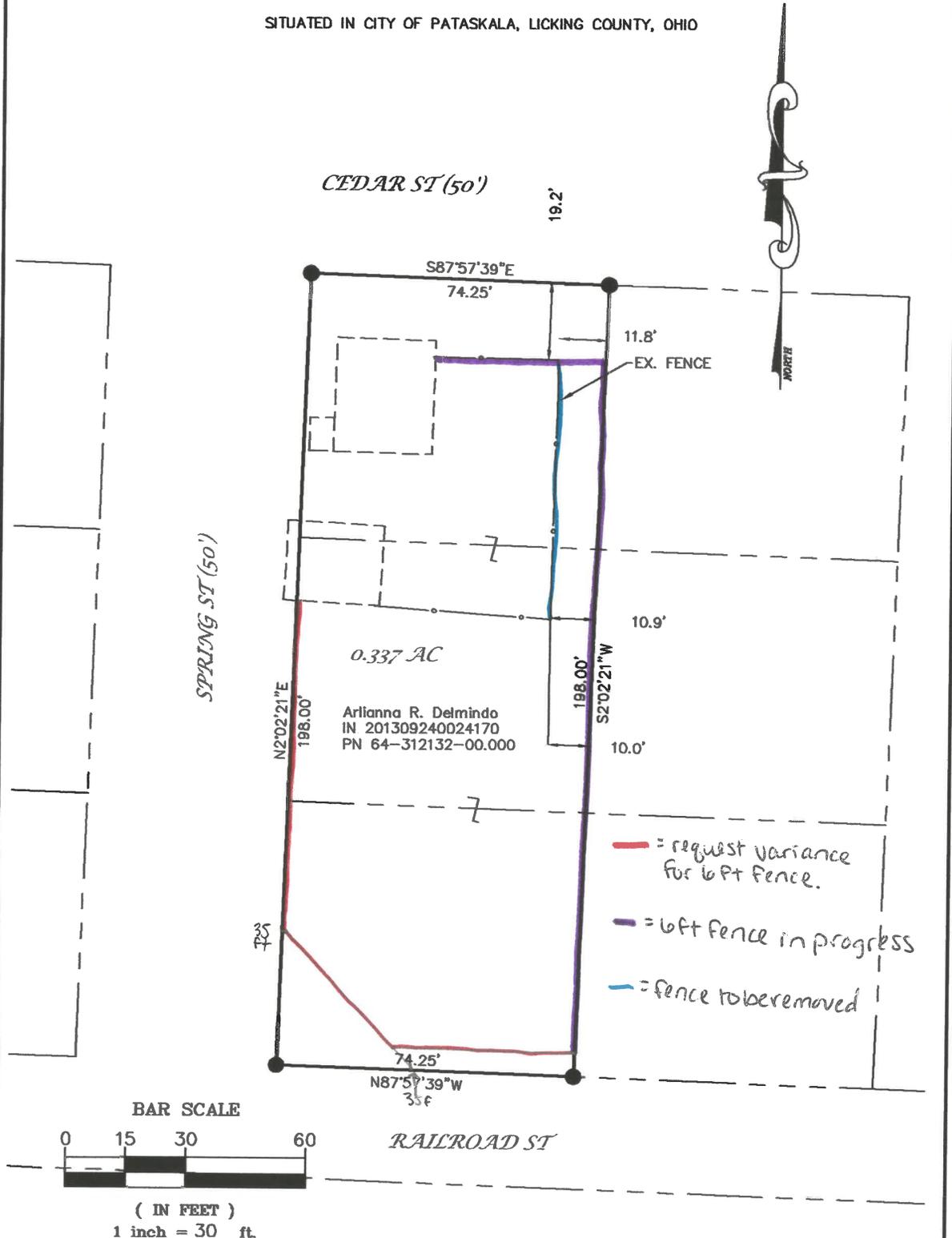
I am writing to request a variance to place a 6ft privacy fence enclosing my back and side yard. My backyard runs along Railroad Street, and my west-facing side yard runs along Spring Street. I am requesting a 19ft variance for Railroad Street, which would place my fence 11.5ft from the road. I am also requesting a 25ft variance for my side yard along Spring Street, which would place my fence 21ft from the road.

I am requesting these variances for increased privacy and enjoyment of my yard. With the current requirements of placing a 6ft fence 25ft from my property lines, I would lose a substantial amount of my yard. Both Railroad Street and Spring Street are not commonly used thoroughfares and have very little traffic. Spring Street only has three houses, and Railroad Street is a service road, so the variance would not pose a safety threat to the public.

- a) A fully enclosed back yard with a 6ft fence will increase my property's value as well as lessen the sound vibrations from the train, making the backyard useable throughout the day.
- b) My corner lot has 3 front-facing yards, which hinders my ability to achieve privacy and enjoyment of my yard with the zoning regulations.
- c) I do not believe that this variance request is substantial.
- d) A 6ft privacy fence located where requested would not alter the character of my neighborhood and does not affect any adjoining properties.
- e) No, it would not.
- f) No, the variance would not be detrimental to the public welfare as the roads are not commonly used thoroughfares, and I would ensure that the fence abides by code 1221.03 A2 for the street intersection triangle. See attached document.
- g) No, all utilities poles and sewage lines will be outside of the fence.
- h) No, I bought the property, believing I would be able to fully enclose my back yard with a 6ft fence.
- i) No, a variance is the only way to achieve full use and enjoyment of my property.
- j) Yes, the variance requested is the minimum variance that will afford relief.
- k) Yes, there will still be a substantial yard between Spring Street and the fence because my property line is 21ft from the road, and there will be 11.5 feet of yard between Railroad Street and the fence. I do believe that these amounts maintain the spirit of the zoning requirement because cars will be able to park and pass one another in the yard if needed without damaging their vehicles on the fence.

**PLAT OF SURVEY  
157 CEDAR ST**

SITUATED IN CITY OF PATASKALA, LICKING COUNTY, OHIO



- LEGEND**
- 5/8" Dia. Iron Pin Found
  - ⊙ 3/4" O.D. Iron Pipe Found
  - Iron Pin Set 5/8" Dia x 30" L rebar w Org ID Cap

I hereby certify that this plat represents a true and accurate survey made under my direct supervision of the parcel herein shown and all measurements were made in accordance with Chapter 4733-37 of the Ohio Administrative Code.

**BASIS OF BEARINGS**  
Ohio State Plane Grid, South Zone, NAD83(2011)

PROJ. NO. 20096  
DATE: 5-13-2020

Todd D. Willis, PS  
Reg. No. S-7996  
Willis Engineering & Surveying  
740-739-4030

DESCRIPTION APPROVED  
WILLIAM C LOZIER  
LICKING COUNTY ENGINEER  
APPROVED BY  
*Wm C. Lozier* 9-23-13

201309240024170  
Pgs: 2 \$28.00 T20130026176  
09/24/2013 12:50PM BXRREAL LIVING  
Bryan A. Long  
Licking County Recorder

01150574001112015000

TRANSFERRED  
Date September 24, 2013  
Michael L. Smith BF  
Licking County Auditor  
SEC.319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY BF \$321.00

**WARRANTY DEED**

File # 135880

KNOW ALL MEN BY THE PRESENTS THAT; Laurie L. Patterson fka Laurie L. Lowe, Married, Grantor(s), for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to Arlianna R. Delmindo, unmarried, Grantee, whose Tax Mailing Address will be 157 Cedar Street, Pataskala OH 43062.

The following described real property:

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

Being the West One Half of the following property:

Being Lot Number One Hundred Four (104), of One Hundred Five (105) and One Hundred Eight (108) in Joseph's Addition to the said City of Pataskala, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page(s) 112, Recorder's Office, Licking County, Ohio.

Parcel Number: 064-312132-00.000  
Known as: 157 Cedar Street  
Pataskala, OH 43062

**REAL LIVING TITLE BOX**

Subject to covenants, conditions, restrictions, easements and zoning ordinances, if any, contained in prior instruments of record.

Excepting therefrom taxes and assessments if any, now a lien and thereafter due and payable.

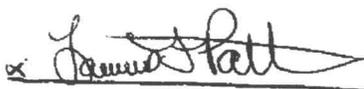
Prior Instrument Number: Instrument Number 200207160026097, of the Records of the office of the Recorder, Licking County, Ohio.

01150574001112017000

01150574001112019000

Rex A. Patterson, Spouse of Grantor, hereby releases all rights of Dower therein.

Witness their hand(s) this 13th day of September, 2013



  
 \_\_\_\_\_ FRA \_\_\_\_\_  
 Laurie L. Patterson fka Laurie L. Lowe  
  

  
 \_\_\_\_\_  
 Rex A. Patterson

State of Ohio )  
 County of Licking )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Laurie L. Patterson fka Laurie L. Lowe and Rex A. Patterson who acknowledged that they did sign this Warranty Deed and the same is their free act and deed.

In Testimony Whereof, I have hereunto set my hand and official seal, this 13th day of September, 2013.



**JOHN ROBNEY**  
 Notary Public  
 In and For the State of Ohio  
 My Commission Expires 05/18/2018

\_\_\_\_\_  
 Notary Public  
 Commission Expiration  
 Date: \_\_\_\_\_

This instrument was prepared by:  
 \_\_\_\_\_  
 Thomas J. Olix  
 Attorney at Law  
 2131 Pinebrook Road  
 Columbus, Ohio 43220

File # 135880

# OnTrac Property Map



May 14, 2020

- Street Number Only
- Sales - 2020
- Owner Name & Acres
- Centerline Labels
- Interstate/US/State Route
- Other Road
- Driveway
- Interstates
- Municipal Corporations
- Jurisdictional Townships

0 47 Feet  
Township Road  
0.01 M

LICKING COUNTY TAX MAP