



# CITY OF PATASKALA BOARD OF ZONING APPEALS

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

## STAFF REPORT

July 14, 2020

### Variance Application VA-20-007

<b>Applicant:</b>	Kessler Sign Company
<b>Owner:</b>	Licking County Family YMCA
<b>Location:</b>	355 W Broad Street, Pataskala, OH 43062
<b>Acreage:</b>	17.13-acres
<b>Zoning:</b>	M-1 Light Manufacturing
<b>Request:</b>	Requesting approval of three (3) variances from Sections 1295.09(b)(2)(c), 1295.09(b)(4)(c) and 1295.10(b)(7)(b)(6) for a ground sign with an Electronic Message Center (EMC) sign.

#### Description of the Request:

The applicant is seeking approval of three (3) variances to allow for the construction of a new ground sign for the Pataskala YMCA with an Electronic Message Center (EMC) sign.

#### Staff Summary:

The 17.03-acre property at 355 W Broad St SW is currently occupied by the Pataskala Branch of the Licking County Family YMCA. The structure itself is approximately 26,660 square feet, with an approximately 44,688 square foot asphalt paved parking lot, with an access drive onto Broad Street. The lot is a flag lot, with the length being larger than the width. The YMCA has been undergoing some renovations to their facility, notably some small additions approved in 2018 (Permit #18-951), and a new wall sign on the building itself (Permit #20-198). The YMCA is also proposing a new ground sign to be replace the existing one by E Broad Street, which as exists now is about 25 feet from the right-of-way on Broad Street.

As proposed, the ground sign is a total height of 13'-1 1/2" with a total width of 6'-3". There are multiple components to the sign; a 7'- 1/2" by 6'-3", or 44 square feet, white lexan sign with logos and a 3'-5" by 6'-3", or 21.35 square feet, full-color LED electronic message center (EMC). There is also a 2'-4" by 6'-3" sign base with white vinyl lettering showing the address, however, this not calculated into the total overall signage square footage.

Pursuant to Section 1295.09(b)(2)(C) and 1295.09(b)(4)(C) of the Pataskala Code a freestanding ground sign shall not exceed 32 square feet in size and 10' in height. As proposed the sign includes a 44 square foot sign and a 21.87-square foot EMC for a total of 65.35 square feet, and is a total height of 13'-1 1/2".

Pursuant to Section 1295.10(b)(7)(b)(6) of the Pataskala Code; Electronic Message Center (EMC) signs are limited to dark backgrounds with a single color employed at any one time for any message or image. The Applicant is proposing a full-color LED sign.

In the Narrative Statement supplied by the Applicant; they stated the need for the sign was to communicate the expanded YMCA's activities, classes and events well to people travelling along Route 16 (Broad Street), as well as to provide visibility to their location as the main building is over 300 feet from

Broad Street and not very visible. They also do not believe that the sign will impair visibility or public safety.

Further stated, the higher sign height than permitted is because the driveway where the sign will be located site below the grade than Route 16; the sign will be 13'-1 ½" from existing grade, and only 11'- ½" from road grade. The Applicant stated the EMC sign will hold messages for three (3) minutes, will employ static images and will not flash, roll, scroll or employ other motion or animation techniques during display or change of copy.

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

Planning and Zoning Staff

In summary, the Applicant is requesting three (3) variances total. They are:

1. Section 1295.09(b)(2)(C): to allow for a freestanding ground sign to exceed the 32 square feet maximum size and exceed the 10-foot maximum height.
  - a. The Applicant is proposing a total sign square footage of 65.87, which exceeds the maximum permitted square footage by 33.87 square feet, or a 104.2% increase.
  - b. The Applicant is proposing a 13'-1 ½" total height, which exceed the maximum permitted height of by 3'-1 ½" or a 31.3% increase
2. Section 1295.09(b)(4)(C): to allow for a freestanding ground sign to exceed the 10-foot maximum height (this requirement is mentioned twice in the code).
  - a. Applicant is proposing a 13'-1 ½" total height, which exceed the maximum permitted height of by 3'-1 ½" or a 31.3% increase
3. Section 1295.10(b)(7)(B)(6): to allow for an EMC that will be employ more than one (1) color at any time for a message or image.

Previously, the Applicant had requested six (6) variances for the EMC sign, however, during the June 9, 2020 BZA hearing the Applicant requested that the application be tabled in order for revised plans to be submitted. These revised plans, attached to this Staff Report, have removed the need for three (3) of the variances from Section 1295.10. The Applicant has also reduced the size of the proposed sign by 38.13 square feet (reduction of 37.17%), sign height by 3'-4 ½" (reduction of 20.4%), and size of the EMC by 10.13 square feet (reduction of 68.34%).

Pursuant to Section 1295.09(b)(2)(C) of the Pataskala Code, freestanding ground signs shall be at least 10 feet from the road right-of-way. It appears to be compliant if replacing the existing sign in the same location, however the actual distance should be indicated on the site plan when submitting for their Sign Permit.

Staff has not identified any other concerns with the proposal.

City Engineer

1. The Applicant shall ensure the sign is placed outside the City's Right-of-Way.

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	GB – General Business R-10 – High Density Residential	Auto Sales/Storage Single-Family Homes
East	R-MH – Manufactured Home Residential	Trailer Park
South	AG – Agricultural	Railroad Tracks, Vacant Land
West	M-1 – Light Manufacturing	Auto Sales/Storage Lumber Yard

**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-20-007:

- 1211.07(2)(g): To increase the maximum allowable height or area of signs on a lot (it is suggested that the same should not be increased more than 25%).

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See Comments
- Health Department – 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 variances from Sections 1295.09(b)(2)(C), 1295.09(b)(4)(C) and 1295.10(b)(7)(B)(6) of the Pataskala Code for variance application VA-20-007 ("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

---

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)

<b>Property Information</b>	
Address:	355 W. Broad St Pataskala OH 43062
Parcel Number:	064308136-00.000
Zoning:	M-1 Light Manufacturing Acres: 17.13
Water Supply:	N/A
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	N/A
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

<b>Staff Use</b>	
Application Number:	VA-20-007
Fee:	\$300.00
Filing Date:	5-15-2020
Hearing Date:	6-9-2020 7-14-20
Receipt Number:	21231

<b>Applicant Information</b>		
Name:	Kessler Sign Co	
Address:	2609 National Rd	
City:	Tanesville	State: OH Zip: 43701
Phone:	740-453-0668	Email: ashley@kessler-sign.com

<b>Documents</b>	
<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

<b>Property Owner Information</b>		
Name:	Licking County Family Ymca	
Address:	355 W Broad St	
City:	Pataskala	State: OH Zip: 43062
Phone:		Email:

<b>Variance Information</b>	
Request (Include Section of Code):	1259.09(b)(2)(c), 1259.09(b)(4)(c), <del>1259.10(b)(7)(a)(2)</del> <del>1259.10(b)(7)(b)(4)</del> , <del>1259.10(b)(7)(b)(5)</del> , 1259.10(b)(7)(b)(6)
Describe the Project:	Installation of new Road Sign

**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.lickingcounty.com/recordstheRecording-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):

*Ashley Janner*

Date:

5/4/2020

Property Owner (Required):

*[Signature]*

Date:

5-5-2020

## **YMCA- Western Licking County**

The Road Sign will be 13'-1 ½" from existing grade. The sign will 11'-1/2" approximately from road grade.

The overall square footage of the sign will be 65 sq. ft. We will be over the allowable area by 33 sq. ft.

The EMC is 3'-5" x 6'-3"= 21.87 sq. ft. which is under the allowable area. The hold time will be for 3 minutes and a change time of less than 1 second. Content will be 10 words or less. It will have colored logos and colored images. The EMC will not change more than once in 3 minutes. It will be static and will not flash, roll, scroll, employ other motion or animation techniques during display or changing of copy. We believe we will need a variance because it will be a full color EMC.

- a. Current expansion of YMCA and all the different activities, classes and events need to be communicated and as well as the visual activity for people traveling along Route 16.
- b. Yes, the facility sits off the highway over 300ft and is not very visible to the traveling public.
- c. We are only 6'9" higher than code and that is needed because where the sign sits it is below the grade of the highway.
- d. The adjoining properties are commercial in nature. The sign will promote better safety of motoring public to have a timely turn into property.
- e. The sign will not impair visibility or promotion of adjacent property.
- f. No it will not , it will promote safety and promote welfare in the community to be able to travel safely.
- g. No in fact in the event EMS/Fire/Police would be called to the area they would be able to find the entrance easily and quickly.
- h. No
- i. No the variance is necessary.
- j. Yes it is minimum and mirrors other signs such as BP, First Federal, McDonald's and Dairy Mart.
- k. Absolutely, it will allow the YMCA to communicate with travelers in the community the classes and activities.



CLIENT | YMCA

LOCATION | Pataskala

SAVED AS | YMCA\_Pataskala

DATE | 2/27/20

REVISIONS | 6/10/20

SALESMAN | Rodger Kessler

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X

- |                          |            |                          |       |
|--------------------------|------------|--------------------------|-------|
| <input type="checkbox"/> | GLOSS      | <input type="checkbox"/> | SATIN |
| <input type="checkbox"/> | SEMI-GLOSS | <input type="checkbox"/> | FLAT  |

CIRCUITS | 1

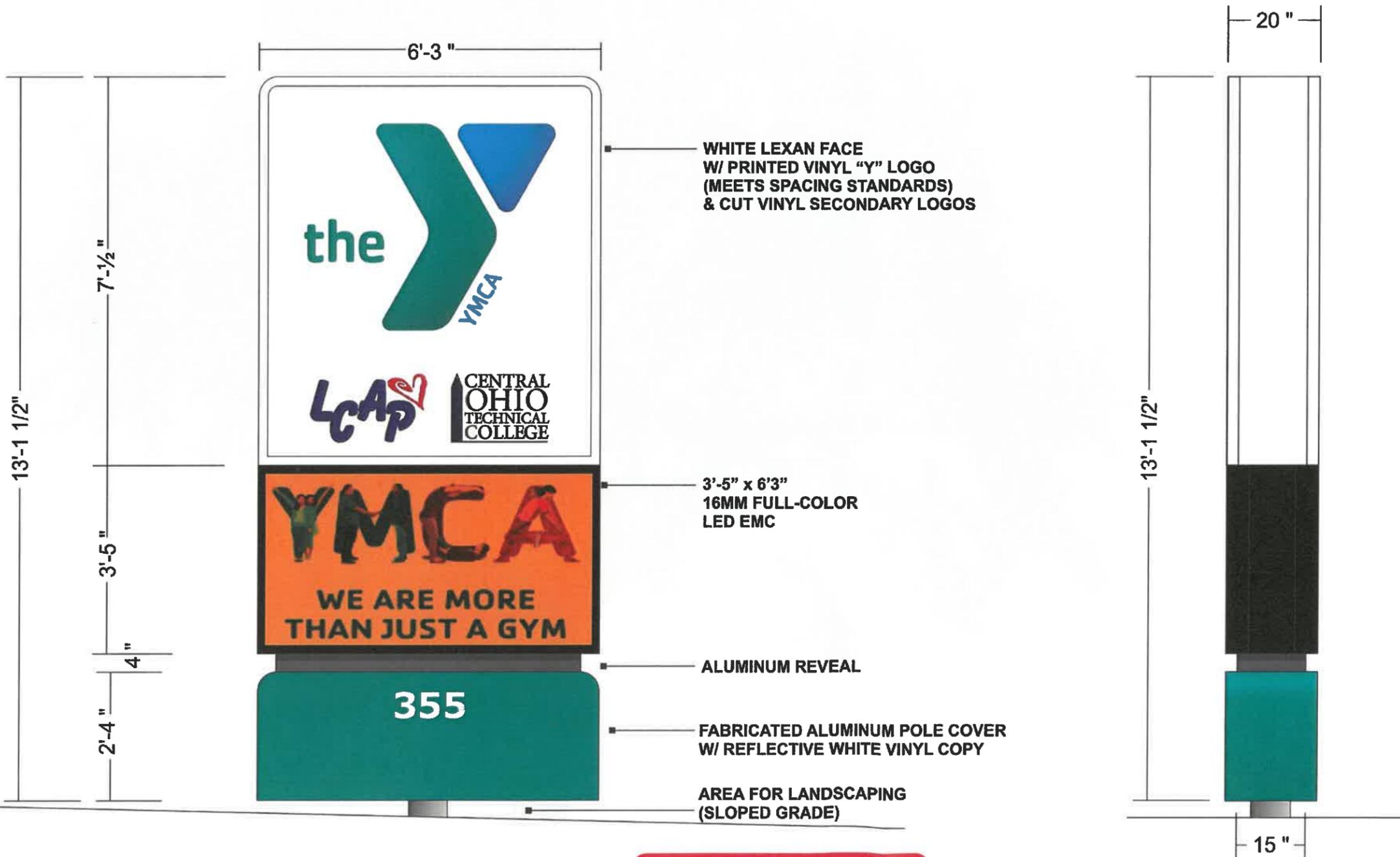
VOLTAGE | 120V



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2669 NATIONAL ROAD  
P.O. BOX 0785  
ZANESVILLE, OHIO 43701-0785  
740-453-0668 | 1-800-686-1870



STEEL PIPE: 8.625" OD x 0.322"  
FOUNDATION: 3' x 6 1/2' AUGURED CONCRETE

NEW D/F LED ILLUMINATED ROAD SIGN W/ 16MM FULL-COLOR LED EMCs

SCALE: 3/8" = 1'





CLIENT | YMCA

LOCATION | Pataskala

SAVED AS | YMCA\_Pataskala

DATE | 2/27/20

REVISIONS | 6/10/20

SALESMAN | Rodger Kessler

DESIGNER | Jared Faber

SALESMAN INITIAL OF APPROVAL |

X

- |                                     |                                |
|-------------------------------------|--------------------------------|
| <input type="checkbox"/> GLOSS      | <input type="checkbox"/> SATIN |
| <input type="checkbox"/> SEMI-GLOSS | <input type="checkbox"/> FLAT  |

CIRCUITS | 1

VOLTAGE | 120V



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2669 NATIONAL ROAD  
P.O. BOX 0785  
ZANESVILLE, OHIO 43701-0785  
740-453-0668 | 1-800-686-1870



**NEW D/F LED ILLUMINATED ROAD SIGN W/ 16MM FULL-COLOR LED EMCs**

SCALE: 3/8" = 1'



**GENERAL WARRANTY DEED**

Acuity Lighting Group, Inc., formerly L & C Lighting Group, Inc., a corporation organized and existing under the laws of the State of Delaware for valuable consideration paid, grants, with general warranty covenants, to The Licking County Family YMCA, a not-for-profit corporation whose tax-mailing address is 470 W. Church St., Newark, OH the following real property situated in the Village of Pataskala, County of Licking and State of Ohio and bounded and described as follows: 43055

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

Subject to easements, conditions, and restrictions of record and taxes and assessments now and hereafter due and payable.

Parcel No. 064-308136-00.000  
Parcel Address: 355 West Broad Street, Pataskala, Ohio

Prior Instrument Reference: Instrument No. 200109130033385 of the Deed Records of Licking County, Ohio.

IN WITNESS WHEREOF, grantor has caused its corporate name to be subscribed hereto by Vernon J. Nagel, its Chairman, thereunto duly authorized by resolution of its Board of Directors, this 31 day of March, 2006.

ACUITY LIGHTING GROUP, INC.  
formerly L & C Lighting Group, Inc.,  
a Delaware corporation

By: [Signature]  
Vernon J. Nagel  
Print Name

Signed and acknowledged in the presence of:  
By: [Signature]  
KENNETH ZORKMAN  
Print Name

TRANSFERRED  
Date April 7, 2006  
[Signature]  
Licking County Auditor

State Of Georgia )  
County Of Fulton ) ss:

SEC.319.202 COMPLIED WITH  
J. TERRY EVANS, AUDITOR  
BY [Signature] 1600

Be It Remembered, that on this 31 day of March, 2006, before me, the subscriber, a Notary Public in and for said County, personally came the above named, Vernon J. Nagel, as Chairman of Acuity Lighting Group, Inc., formerly L & C Lighting Group, Inc., the Grantor in the foregoing Deed, and acknowledged the signing of the

same to be his and its voluntary act and deed, pursuant to authority of its board of directors.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal, on the day and year last aforesaid.

*Jeanette Hayward*  
Notary Public



This instrument was prepared by: J. Anthony Kington, CHESTER WILCOX & ASSOCIATES LLP, 65 East State Street, Suite 1000, Columbus, Ohio 43215

239985.1



**Exhibit "A "**

**Parcel No. 1**

Situated in the Village of Pataskala, County of Licking, State of Ohio, being located in Section 4, Township 1, Range 15, United States Military, and being bounded and described as follows:

Beginning at an iron pin in the Southwest corner of Lot 28 in Van Atta's Third Addition, recorded in Plat Book 8, Page 8 of Licking County Records; thence South 0 deg. 7' 00" West, 1262.54 feet to an iron pin set in the North right of way line of the Pennsylvania Railroad; thence South 88 deg. 05' 00" West, along the North right of way of said railroad, 758.81 feet to an iron pin, being also the Southwest corner of said Byron Van Atta's land and the Southeast corner of the Hugh A. Cook 2.9 acre tract, recorded in Book 618, Page 233 of Licking County Records; thence North 0 deg. 07' 00" East, along the West line of said Van Atta's tract, 738.55 feet to an iron pin at the Southwest corner of the Loren S. Ramsey 2.12 acre tract, recorded in Book 578, Page 270 of Licking County Records; thence North 87 deg. 48' 00" East, along the South line of the Ramsey and Dave Smith Ford, Inc. tracts, 464 feet to an iron pin in the center line of Van Atta - Smith Road; thence North 0 deg. 07' 00" East, along the center line of Van Atta - Smith Road, 350 feet to an iron pin; thence North 0 deg. 38' 00" East, continuing along the center line of said Van Atta - Smith Road, 99.3 feet to an iron pin; thence North 74 deg. 22' 00" East, 305.28 feet to an iron pin at the place of beginning, containing 16.168 acres of land.

**Parcel No. 2**

Situated in the Village of Pataskala, County of Licking, State of Ohio, being a 60 foot strip of land running from the North line of the above described Parcel No. 1 and running North to State Route 16, and being bounded and described as follows:

Beginning at an Iron pin at the Southwest corner of Lot 28 in the Van Atta's Third Addition, recorded in Plat Book 8, Page 8 of Licking County Records; thence South 74 deg. 22' 00" West, 216.75 feet to a point for the true place of beginning; thence North 0 deg. 38' 00" East, 672.46 feet to the centerline of State Route 16 for a corner; thence South 74 deg. 22' 00" West, along the centerline of State Route 16, 62.49 feet to a point for a corner; thence South 0 deg. 38' 00" West, 672.46 feet to a point in the North line of Parcel No. 1 for a corner; thence North 74 deg. 22' 00" East, 62.49 feet to the place of beginning, containing 0.926 acres of land.

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

Taxes **Due July 13th**

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login
- Download
- GIS
- Homestead
- Taxes
- Other



Search by: **Owner** ▼  
Search for:

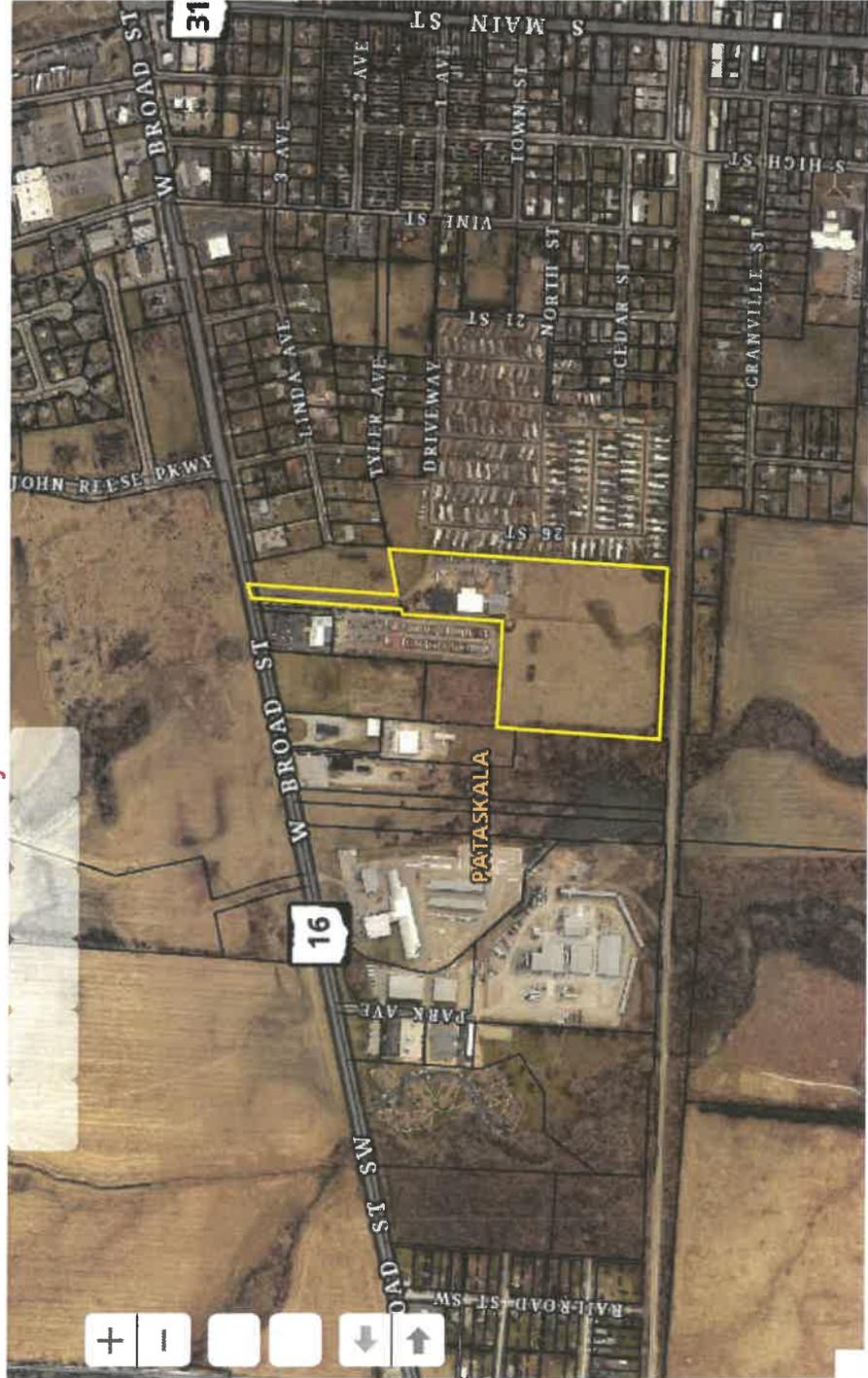
Trouble Searching?



064-308136-00.000  
**LICKING COUNTY FAMILY YMCA**  
355 W BROAD ST  
PATASKALA, OH 43062

Acres: 17.13  
17.13 AC LOT 13 R15 T1  
Q4

Land: \$523,400



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. Using a low screen resolution? Try our Mobile Version.