



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-20-010

Applicant:	Josh Fletcher
Owner:	Charles F. Baughman
Location:	5305 Mink Street SW, Pataskala, OH 43062
Acreage:	1.26-acres
Zoning:	AG – Agricultural
Request:	Requesting approval of two (2) variances from Sections 1221.05(A) and 1221.05(B)(1) to allow for the construction of a detached garage on a lot that will exceed the maximum number, and size permitted, and one (1) variance from Section 1291.02(A)(4) to allow for the construction of a gravel driveway extension within a platted subdivision.

Description of the Request:

The Applicant is seeking approval of two (2) variances to allow for the construction of a detached garage that will bring them over the maximum number of accessory structures permitted on one (1) lot and maximum square footage permitted, and one (1) variance to allow for the extension of a gravel driveway within a platted subdivision.

Staff Summary:

The 1.26-acre parcel located at 5305 Mink Street SW is currently occupied by a 1,704-square foot single-family home, a 1,008-square foot pole barn, a 1,296-square foot pole barn, and an approximately 173-square foot shed, for a total number of three (3) existing accessory structures. There is also a private swimming pool behind the principal structure. Access to the property is via an asphalt driveway off of Mink Street SW, which also wraps around the south face of the primary structure and runs past the pool to the pole barn closest to the residence.

The Applicant is proposing to build a 30' x 60', or 1,800-square foot pole barn adjacent to the existing accessory structure closest to the residence, approximately in the middle of the property. The proposed structure will be approximately 20-feet to the east of the existing structure, 10-feet from the side (north) property line, 63-feet from the side (south) property line, and approximately 228-feet from the rear property line. Also proposed is an additional gravel parking pad, approximately 10' x 60', in front of the proposed structure, and further connecting to the existing driveway.

Pursuant to Section 1221.05(A) of the Pataskala Code, the maximum number of accessory buildings on a single lot is no more than two (2). Currently, there are three (3) existing accessory structures, meaning that the Applicant already exceeds the maximum amount permitted by one (1), and with the additional proposed structure this would exceed the maximum amount by two (2).

The maximum total amount of square footage for accessory buildings on this property is 1,752-square feet Pursuant to Section 1221.05(B)(1) of the Pataskala Code. The maximum total amount is cumulative,

meaning that all accessory buildings on the property shall not exceed the maximum amount. Currently, the existing accessory structures on the property total 2,477-square feet, or 725-square feet over the maximum amount permitted. With the addition of a 1,800-square foot pole barn, this will bring the amount of square footage over the permitted amount of 2,525-square feet, for a total of 4,277-square feet.

Additionally, pursuant to Section 1291.02(A)(4) of the Pataskala Code, all off-street parking within platted subdivisions shall be hard-surfaced with asphaltic cement, concrete, or pavers to provide a durable and dust-free surface. This property is located within the Bates-Emswiler Subdivision, platted in 1957, therefore this regulation applies. The Applicant is proposing a gravel parking pad in front of the proposed accessory structure, with an extension to connect to the existing driveway. Although there may be existing gravel on the property, any time there is an extension, modification, or expansion, it must meet current City Code.

In the Narrative Statement supplied by the Applicant; they stated that the purpose of the new accessory structure is to store equipment and supplies for their family cleaning business, a Type "A" home occupation. They also believe that having the storage on-site would be more secure, and that the proposed accessory structure would not be detrimental to the surrounding characteristics of the neighborhood.

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 a total of three (3) variances. They are:

1. Section 1221.05(A): The maximum number of accessory buildings on a single lot shall not exceed two (2).
 - a. Existing, there are three (3) accessory structures, which is already over the permitted amount by one (1). The Applicant is requesting a variance to allow for a total of four (4) accessory structures, which would be double the amount of permitted accessory structures on a single lot.
2. Section 1221.05(B)(1): The maximum total amount of square footage for accessory buildings on a single lot less than two (2) acres shall be determined by multiplying the gross acreage of the lot by 600, adding 120 and multiplying by two (2).
 - a. Using the equation above, the maximum permitted square footage for accessory buildings on this lot is $((1.26 \times 600) + 120) \times 2 = 1,752$.
 - b. Existing, the total square footage of the three (3) accessory buildings is 2,477-square feet, which is 725-square feet over the maximum permitted amount, or 41.4%.
 - c. With the proposed 1,800-square foot pole barn, the Applicant is requesting a variance to allow for an additional 2,525-square feet over the maximum permitted amount of 1,752, or a 114% increase.
3. Section 1291.02(A)(4): All off-street parking shall be hard-surfaced with asphaltic cement, concrete, pavers to provide a durable and dust-free surface that meets the minimum requirements and specifications of the City Engineer.
 - a. Applicant is requesting a variance to extend the existing gravel driveway that is to the rear to the rear of the residence, to the proposed accessory structure with a gravel parking pad in front.

Pursuant to Section 1267.02(A) of the Pataskala Code, a “Type A” Home Occupation is “where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work”. Type A Home Occupations are also subject to Chapter 1287 – Off-Site Impacts, but pursuant to Section 1267.06(A) they are not required to have a permit.

Staff has not identified any other concerns with the proposal.

City Engineer

1. The Applicant shall ensure the existing drainage patterns are maintained.

Southwest Licking Community Water & Sewer District

2. Extension of water and sewer services to the proposed facility, if requested, would require additional tap and capacity fees.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Single-Family Home
East	AG – Agricultural	Single-Family Home Agricultural Land
South	AG – Agricultural	Single-Family Home
West	RR – Rural 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-20-010:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See Attached
- SWLCWSD – See attached
- 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. The Applicant shall address all comments from the City Engineer and the Southwest Licking Community Water & Sewer District.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve two (2) variances from Section 1221.05(A) and Section 1221.05(B)(1), and one (1) variance from Section 1291.02(A)(4) for variance application VA-20-010 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Alan Haines](#); [Jim Roberts](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala Board of Zoning Appeals - Review Memo for 07-14-2020
Date: Sunday, June 28, 2020 7:51:21 PM

Jack

Hull and Associates has reviewed the agenda items for the July 14, 2020 BZA Meeting and offer the following comments:

VA-20-007

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

VA-20-009

1. Applicant shall ensure the existing drainage patterns are maintained

VA-20-010

1. Applicant shall ensure the existing drainage patterns are maintained

VA-20-011

1. Applicant shall ensure there are no existing easements are located within the setback area that would be affected.
2. Applicant shall ensure the existing drainage patterns are maintained

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, June 16, 2020 10:45 AM

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; Greg Chumney <gchumney@lickingcohealth.org>; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>

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

Subject: Pataskala Board of Zoning Appeals - Review Memo for 07-14-2020

Importance: High

Good morning Everyone,

You are receiving this email because one or more of the Applications submitted for the July 14, 2020 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-20-007 (Revised Plans): Steven Blake, Jim Roberts, Chris Sharrock, Bruce Brooks, Doug White, Kasey Perkins, Alan Haines

VA-20-009: Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

VA-20-010: Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, Greg Chumney, CJ Gilcher, Alan Haines

VA-20-011: Steven Blake, Jim Roberts, Doug White, Bruce Brooks, Philip Wagner, CJ Gilcher, Alan Haines

Please review the applications, and if you have any comments or concerns regarding them have them submitted to me on or before June 26th. They will be included in the Staff Report that is given to the Board members.

And if you have any questions about the Applications themselves, feel free to contact me.

Here is a link to download the review memo: https://pataskala-my.sharepoint.com/:f/g/personal/jkuntzman_ci_pataskala_oh_us/EheMFm2HtMVJv7IFhZgI1_OBCeAnGDNVlzIt0lzUjuqXsQ?e=02wi27

JACK R. KUNTZMAN

City Planner

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-964-1316

From: [Chris Gilcher](#)
To: [Jack Kuntzman](#); [Steven Blake](#); [Chris Sharrock](#); [Jim Roberts](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [Philip Wagner](#); [kperkins@laca.org](#); [Greg Chumney](#); [Alan Haines](#)
Cc: [Scott Fulton](#)
Subject: RE: Pataskala Board of Zoning Appeals - Review Memo for 07-14-2020
Date: Wednesday, June 24, 2020 10:56:53 AM
Attachments: [image001.png](#)

Jack,

Please see below:

VA-20-009 – The District requests that the water and sanitary sewer services for Lot #59 (063-145470-00.000) not be paved over. The property owner can request a OUPS locate for the District to mark the lines.

VA-20-010 – Extension of water and sewer services to the proposed facility if requested would require additional tap and capacity fees.

VA-20-011 – No comments at this time.

If you have any questions please feel free to contact me at any time.

CJ Gilcher
Utilities Superintendent
8718 Gale Road
Hebron, Ohio 43025
Ph: 740-928-2178 Cell: 614-348-6627



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, June 16, 2020 10:45 AM
To: Steven Blake <slake@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; Greg Chumney <gchumney@lickingcohealth.org>; Chris Gilcher <cgilcher@swlcs.com>; Alan Haines <ahaines@ci.pataskala.oh.us>
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JACK R. KUNTZMAN

City Planner

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-964-1316



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: <u>5305 Mink St</u>	
Parcel Number: <u>063-143730-00.000</u>	
Zoning: <u>AG</u>	Acres: <u>1.26</u>
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Applicant Information		
Name: <u>Josh Fletcher</u>		
Address: <u>8848 Kingsway Dr.</u>		
City: <u>Reston, VA</u>	State: <u>OH</u>	Zip: <u>43068</u>
Phone: <u>614-440-0948</u>	Email: <u>onedownsup@yahoo.com</u>	

Property Owner Information		
Name: <u>CHARLES F BAUGHMAN</u>		
Address: <u>5305 MINK ST. S.W</u>		
City: <u>PATASKALA</u>	State: <u>OH.</u>	Zip: <u>43062</u>
Phone: <u>614-206-2671</u>	Email: <u>CBAUGHMAN@G-MAIL.COM</u> <u>316@gmail.com</u>	

Variance Information
Request (Include Section of Code):
<u>1221.05 "A" - more than 2 Acyr. Structures</u>
<u>1221.05 "B1" - exceeds max. SQ. FT. by 2,525 ft</u>
Describe the Project: <u>1291.02 "A4" - Allow for gravel driveway Extension</u>
<u>- See attached. -</u>

Staff Use
Application Number: <u>VA-20-010</u>
Fee: <u>300</u>
Filing Date: <u>6-12-20</u>
Hearing Date: <u>7-14-20</u>
Receipt Number: <u>21311</u>

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

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):

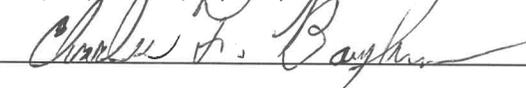
Date:



6/12/20

Property Owner (Required):

Date:



6/12/20

• We would like to build a 30' x 60' pole barn for the purpose of storing & maintaining equipment for our small family owned cleaning business "TYPE A".

a) This building will be beneficial to maintaining a low cost to the business overhead, an increase to the value of the property and the security of it being on the family lot.

b) No physical circumstances or conditions

c) No

d) No

e) No

f) No

g) No

h) No

i) No

j) Yes, minimum variance needed

k) Yes

T. Fry 6/12/20

5305 Mink St Site plan



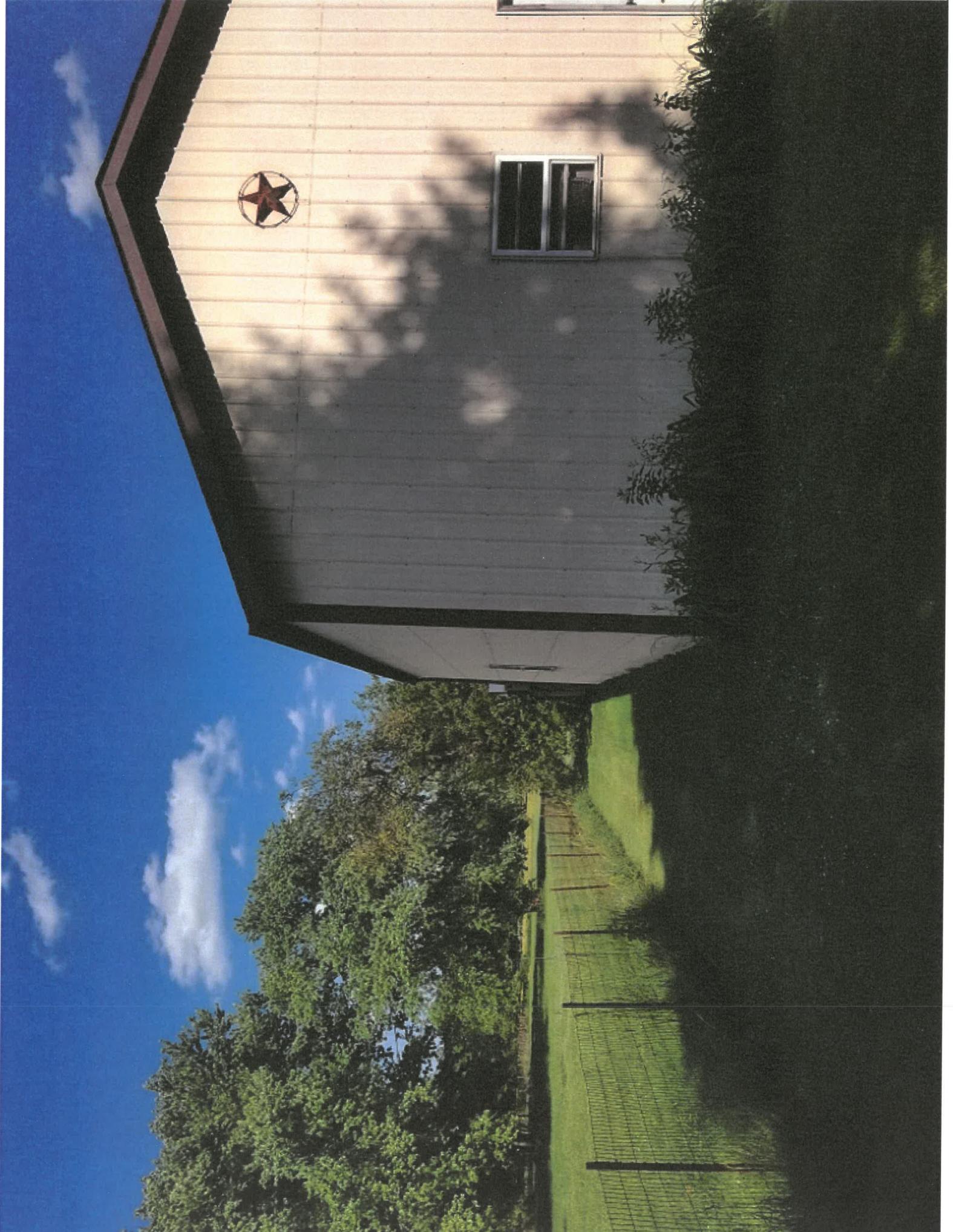
T. F. W. 6/12/20

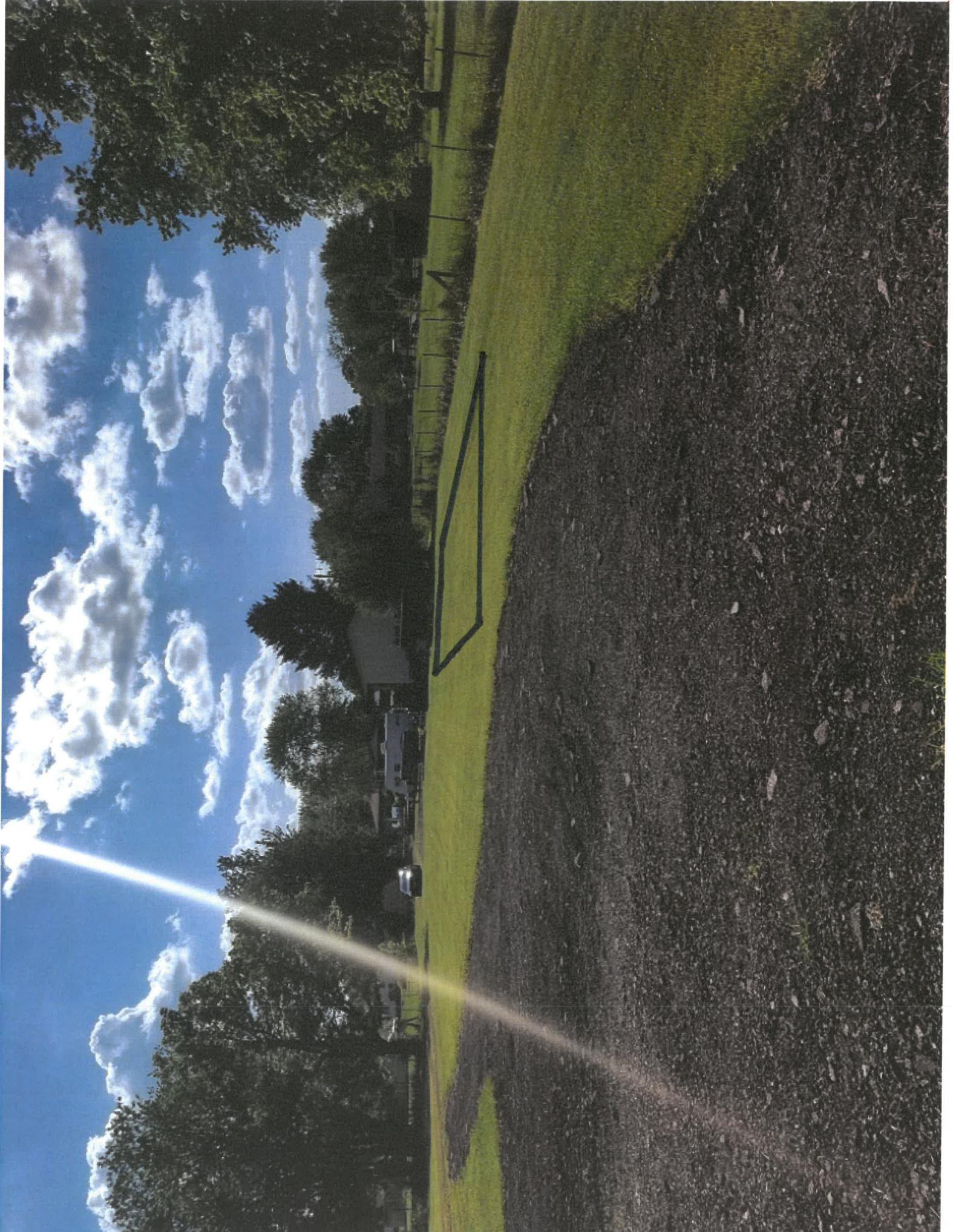


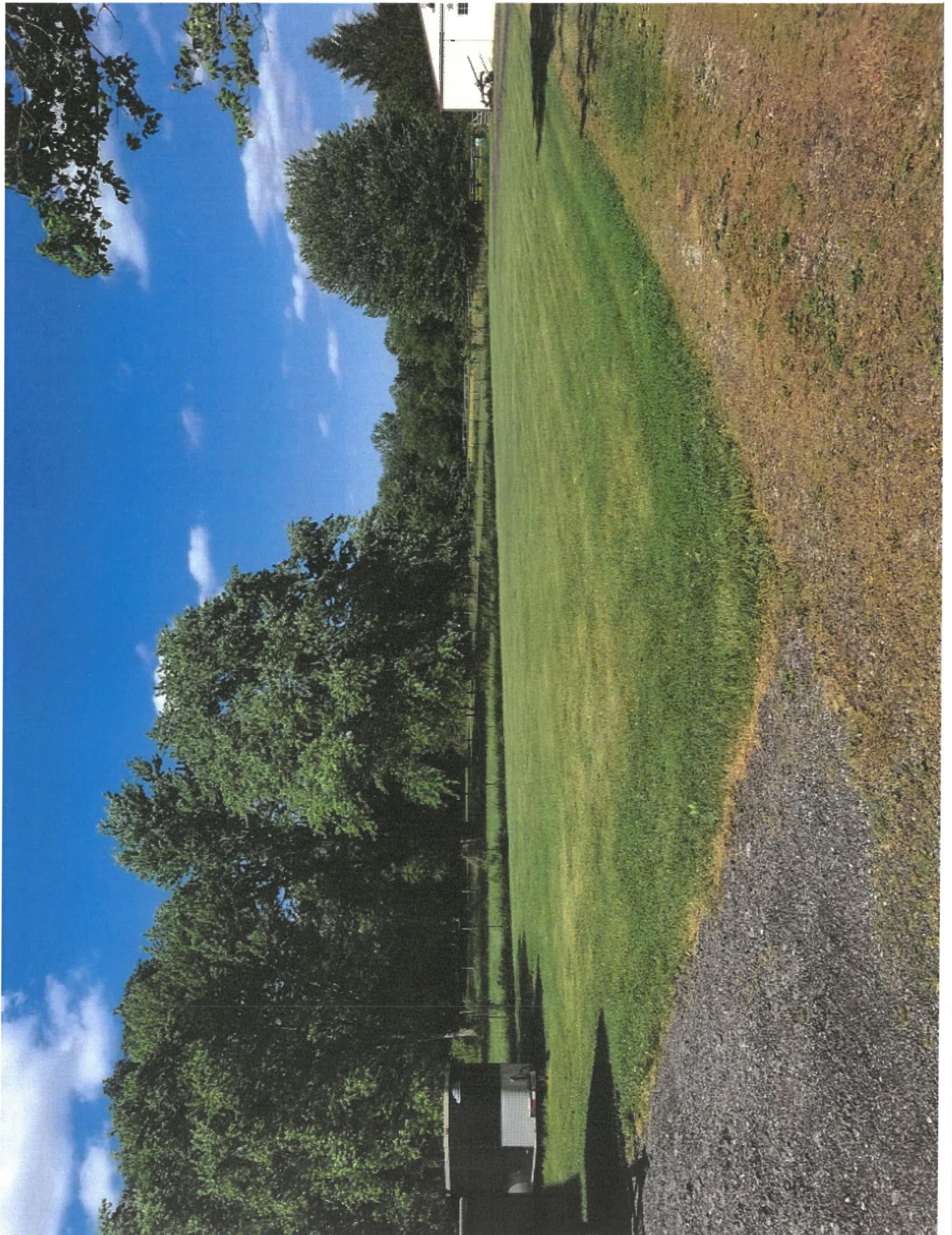












16449 GENERAL WARRANTY DEED *

James O. Morgan and Rosemary Morgan, husband and wife,

(1), of Licking County, Ohio

for valuable consideration paid, grant(s), with general warranty covenants, to

Charles F. Baughman and Monica A. Baughman, whose tax-mailing address is

the following REAL PROPERTY: Situated in the County of Licking in the State of Ohio and in the Township of Lima (2)

Being Lot 5 of BATES-EMSWILER SUBDIVISION, as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book 5, Page 218, Recorder's Office, Licking County, Ohio

Subject, however, to all conditions, covenants, reservations, and restrictions and easements of record. Except taxes and assessments due and payable hereafter.

SEC. 510.022 COMPLIES WITH GEORGE D. BUCHANAN AUDITOR BY [Signature]

DESCRIPTION APPROVED JERRY K. WRAY LICKING COUNTY ENGINEER TAX MAP DRAWING NO. 76-19 APPROVED BY [Signature]

TRANSFERRED

Date March 13 1985

George D. Buchanan Licking County Auditor

Prior Instrument Reference: Vol. 767 Page 5 of the Deed Records of Licking County, Ohio.

Witness their hand(s) this 5th day of March, 1985.

Signed and acknowledged in the presence of:

Witnesses: Rose W. Howard, Gloria J. Johnson, James O. Morgan, Rosemary Morgan

State of Ohio County of Franklin ss.



Notary Public, That on this 5th day of March, 1985, before me, in and for said county, personally came, James O. Morgan and Rosemary Morgan the Grantor(s) in the foregoing Deed and acknowledged the signing thereof to be their voluntary act and deed. IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid. Gloria J. Johnson

This instrument was prepared by Jeffrey A. Paine, Attorney at Law, 81 South Fourth Street, Columbus, OH 43215

- 1. Name of Grantor(s) and marital status.
2. Description of land or interest therein, and encumbrances, reservations, exceptions, taxes and assessments, if any.
3. Date(s) which ever does not apply.
4. Execution in accordance with Chapter 5301 of the Revised Code of Ohio.

Fidelity Box #1394

* See Sections 5302.01 and 5302.06 Ohio Revised Code.

16449 07

GENERAL WARRANTY DEED

FROM

TO

Recorder's Office, Litchfield Co., Conn.
 Registered 3/10/2007 - 1985
 a. 3-58 (Book)
 Recorded 3/10/2007 10:55
 in Vol. 377 Page 167
 CLERK OF RECORD
 ROBERT E. WISE, Recorder
 Feb 8 10:55

Ex-2. Fidelity

