



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-20-011

Applicant:	Kirk Hall
Owner:	Pataskala Meats LLC
Location:	12397 Broad St SW, Pataskala, OH 43062
Acreage:	5.00-acres
Zoning:	PM – Planned Manufacturing
Request:	Requesting approval of a variance of 20-feet from Section 1253.05(C)(2) to allow for the construction of a building addition that will not meet the required side yard setback.

Description of the Request:

The applicant is seeking approval of a variance from Section 1253.05(C)(2) of the Pataskala Code to allow for the construction of a building addition that will not meet the required side yard setback of the PM – Planned Manufacturing District.

Staff Summary:

The 5.00-acre property at 12397 Broad Str SW is currently occupied by the Pataskala Meats LLC building. The structure itself was built in 2014 and is approximately 5,104-square feet in size, with a paved asphalt parking area along the north and west sides of the building. Access to the property is via an access road which connects to a shared entrance on Broad St SW. There is an additional turnaround from the access drive on the east side of the property. Approximately one (1) acre of the property at the front (north) side is developed, with the remaining acreage in the rear being undeveloped and wooded.

The Applicant is proposing to construct a building addition, a new cold storage space, on the east side of the existing structure that will extend 20-feet from the structure towards the east property line, and 32-feet along the building face. The new cold storage structure will be eight (8) feet in height, and the front face of the addition will line up with the existing front face of the structure.

Pursuant to Section 1253.05(C)(2) of the Pataskala Code, the side yard setback in the PM – Planned Manufacturing District is 50-feet. Currently, the existing structure is 50-feet from the east side property line, and 91.72-feet from the west property line. As proposed, the Applicant would like to construct the 20' x 32' cold storage space on the east side of the existing building, which is already at the absolute minimum distance for the side yard setback.

In the Narrative Statement supplied by the Applicant they stated that the reason for the chosen location is that it was the only place it could physically fit without interrupting the utility connections into the building or taking up existing parking spaces. They also stated that the current store is becoming too small to meet demand, that more cold storage space is required, and that the extension is part of the show room area, so the location is critical to them. The Applicant does not believe there will be any adverse effects to the surrounding community, that the structure will not give off any noise or smell. They also

stated that should the Board require it; they could reuse the siding that would come off from the building to side in the cooler for aesthetics.

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

Planning and Zoning Staff

As mentioned above, Pursuant to Section 1253.05(C)(2) of the Pataskala Code, the side yard setback in the PM – Planned Manufacturing District is 50-feet. As the existing building is already at that 50-foot required setback, and the proposed addition to the building will project from the east side 20-feet, the Applicant is requesting a variance of 20-feet from Section 1253.05(C)(2), or 40%. This will leave the remaining setback as 30-feet from the east side property line.

Staff has not identified any other concerns with the proposal.

City Engineer

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

Other Department or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	M-1 – Light Manufacturing	AEP
East	PM – Planned Manufacturing	Agricultural
South	PM – Planned Manufacturing	AEP
West	GB – General Business	Gun Store/Range

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-20-011:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- SWLCWSD – 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. Applicant shall address all comments from the City Engineer.

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 1253.05(C)(2) of the Pataskala Code for variance application VA-20-011 (“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

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[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_OBCeAnGDNvIzIt0IzUjuqXsQ?e=02wi27

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: 12397 Broad St	
Parcel Number: 202001310002732 6314359800000	
Zoning: PM	Acres: 5
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: YA-20-011
Fee: 300
Filing Date: 6-12-20
Hearing Date: 7-14-20
Receipt Number: 21312

Applicant Information		
Name: KIRK HALL		
Address: 6043 Wesleyan Church Rd		
City: Alexandria, OH	State: OH	Zip: 43001
Phone: 740-739-3589	Email: KIRK@WORLDTOUR.COM	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name: SAME		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code):
PM HAS 50' SIDE YARD SETBACK 1253.05 (C)(2)
requesting variance of 20'
Describe the Project:
INSTALL NEW COOLER BOX IN SIDE YARD 32'x20'

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

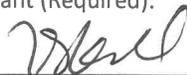
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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.

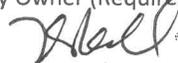
Applicant (Required):



Date:

6-12-20

Property Owner (Required):



Date:

6-12-20

Narrative statement – 6-12-2020 – Pataskala Meats request for reduction in side yard requirement of 50-feet

12397 Broad Street, Pataskala, Ohio 43062 - 5-acre lot
business, butcher shop and grocery
currently zoned PM with side yard of 50-feet requirement

Pataskala Meats wants to put in a new cooler to expand cold storage and the only place that it will physically fit without interrupting major utilities into building or taking up any parking spaces is in the grass side east yard – this is equipment, a walk in cooler, not building structure so we are not sure if the variance applies or not as to the set back to 50-feet applies to building structures or also equipment.

In any case drawings attached. Pataskala Meats is too small to meet demand, and requires more cold storage space. The new space is an extension of the show room so its location is critical as can be seen on the drawings attached.

In the opinion of Pataskala Meats there is absolutely no adverse affects to the community, allowing this expansion, as it makes no noise, or smell and we will be still maintaining 30 feet to the property line which is now an undeveloped corn field.

If necessary we can reuse the siding that will come off the building and use to side the cooler for aesthetics so it looks like the building has been expanded, no problem

Many thanks

Kirk hall
Owner
Pataskala Meats



American Tower Company

Towers - Boat Docks - Fabrication

----- Since 1953 -----

P.O. Box 29 • 5085 St. Rt. 39 W • Shelby, OH 44875

www.amertower.com • www.ameritedocks.com

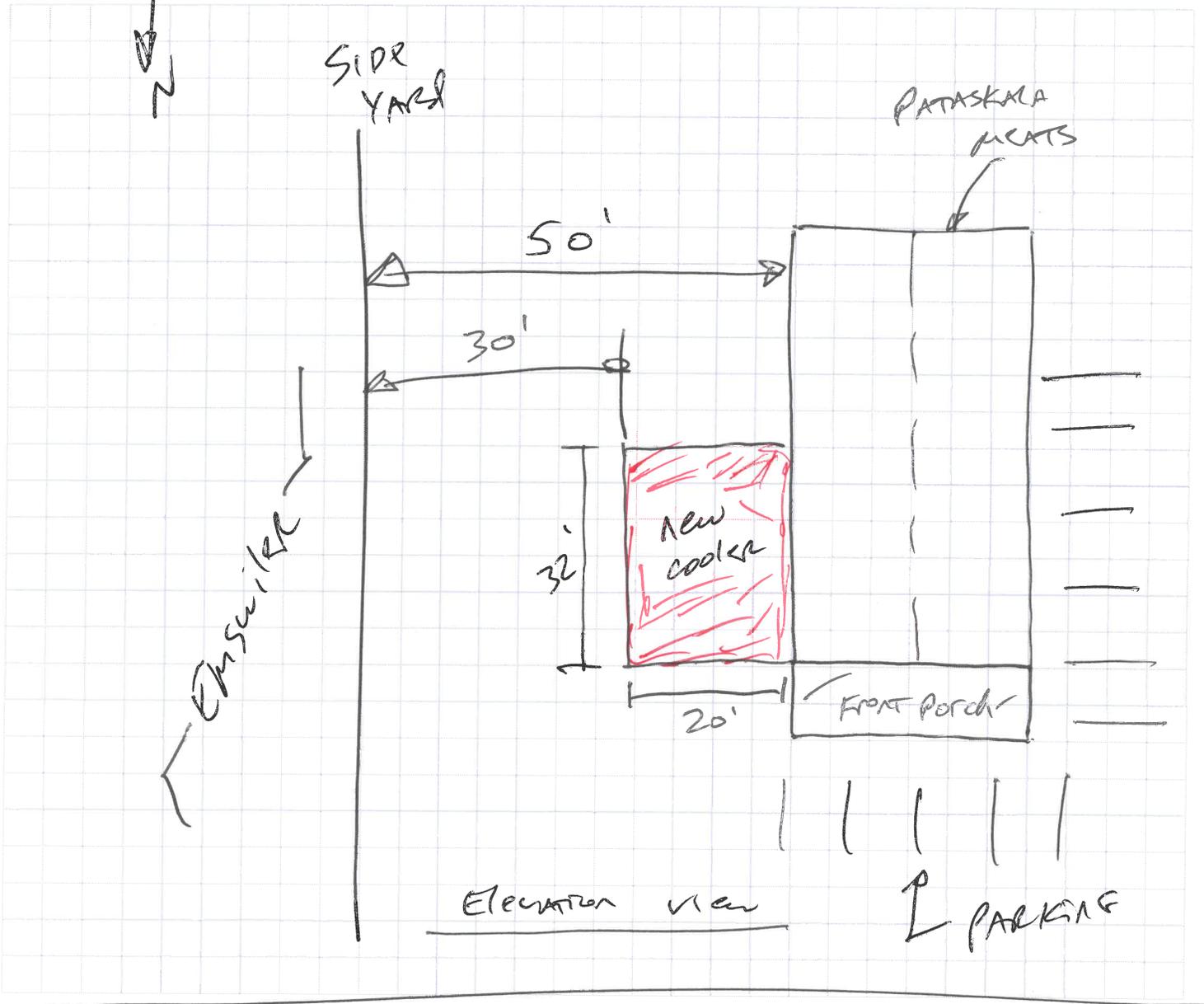
(419) 347-1185 • Fax: (419) 347-1654

To: _____

Subject: _____

From: _____

Date: _____





American Tower Company

Towers - Boat Docks - Fabrication

----- Since 1953 -----

P.O. Box 29 • 5085 St. Rt. 39 W • Shelby, OH 44875

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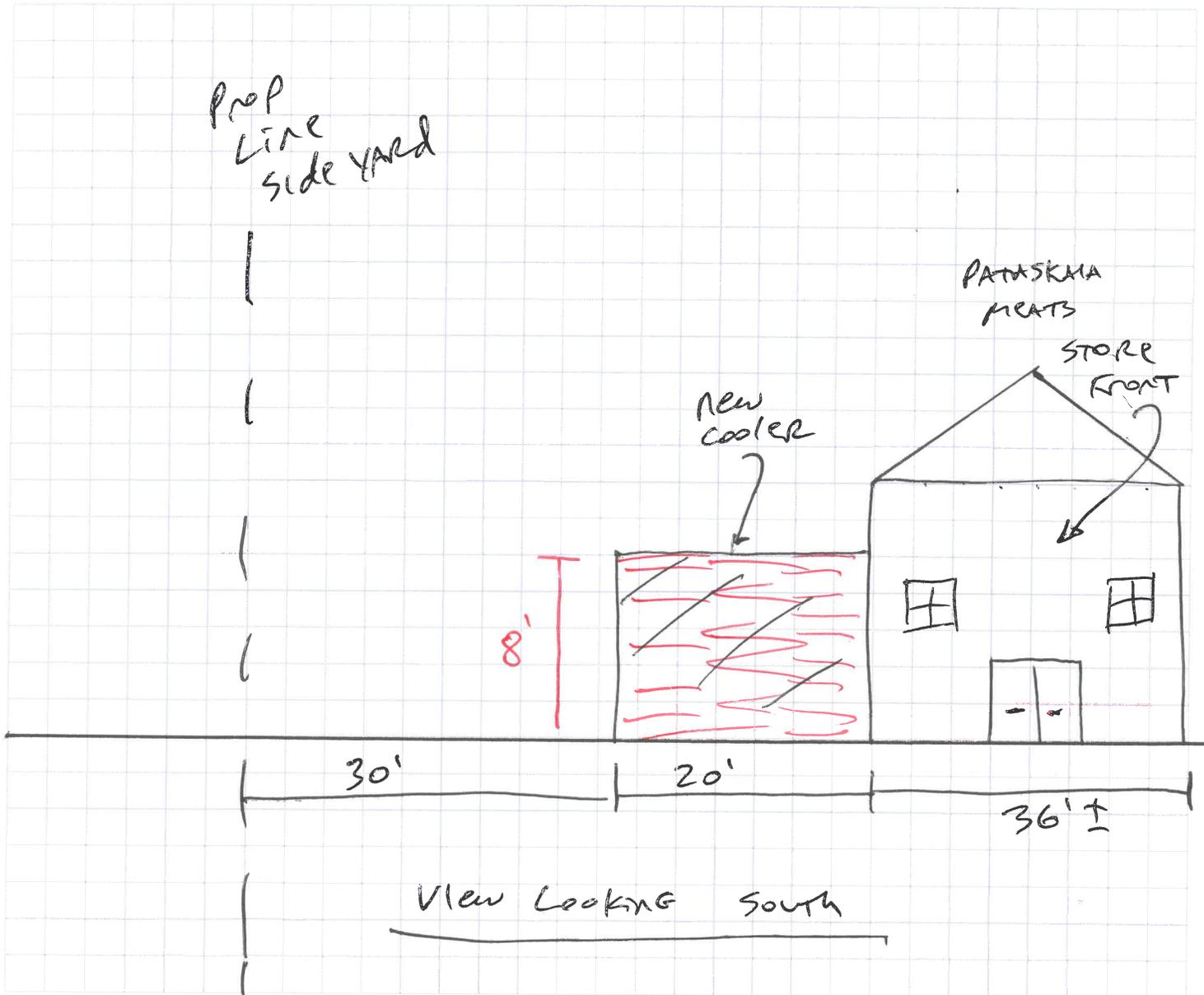
(419) 347-1185 • Fax: (419) 347-1654

To: _____

Subject: _____

From: _____

Date: _____



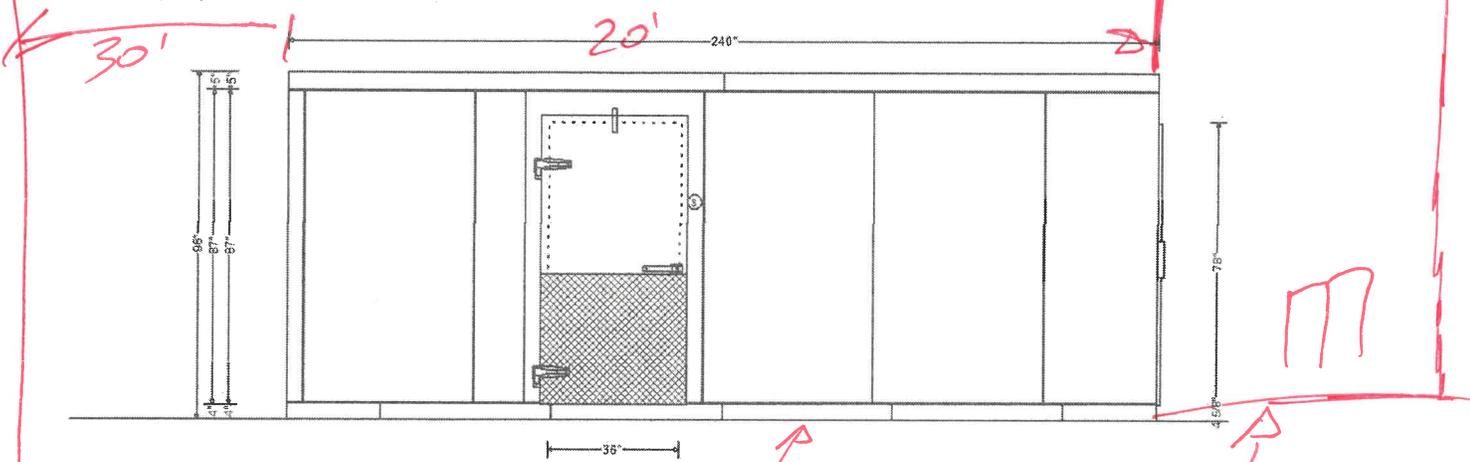
Quotation



Quote #:
Quote Date: 05/06/2020
Revision: 05/06/2020(#0)

Box description: Freezer/Cooler comb. -- Front elevation

SIDE YARD



- Approved as submitted
- NOT APPROVED - Revise and resubmit for approval

Before signing this document, verify that the content you are signing is correct.

PM
STONE
FRONT

X

Accepted By:

Date:

Looking
South

PROGRESS SUPPLY INC.

Quotation

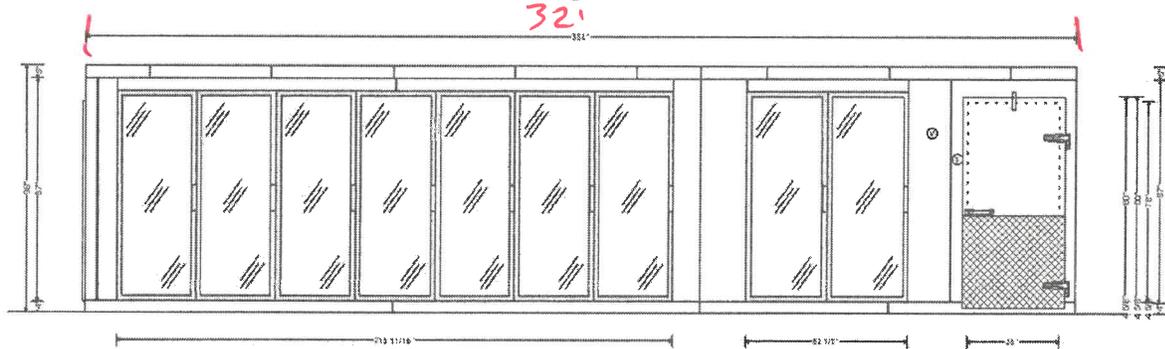


Quote #:

Quote Date: 05/06/2020

Revision: 05/06/2020(#0)

Box description: Freezer/Cooler comb. -- Right elevation



- Approved as submitted
- NOT APPROVED – Revise and resubmit for approval

Before signing this document, verify that the content you are signing is correct.

X

Accepted By:

Date:

*new view inside
PATASKIA MEATS -
GAS STATION style reach - in space*



202001310002732

Pgs:3 S42.00 T20200002449
1/31/2020 1:43 PM MFPWEAVER L.A.W
Bryan A. Long Licking County Recorder

TRANSFERRED
Date JAN 31, 2020
Michael L. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: KAE EK.M

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
JARED N. KNERR, LICKING COUNTY ENGINEER
NO-1/31/20-BOR
BEARINGS

QUIT-CLAIM DEED

*AKA KIRK R. HALL

KIRK REED HALL, unmarried, of Licking County, Ohio, for valuable consideration

paid, grants to PATASKALA MEATS, LLC, whose tax mailing address is 6043 Wesleyan Church Rd., Alexandria, OH 43001, the following **REAL PROPERTY**: Situated in the State of Ohio, County of Licking, and in the City of Pataskala

See Exhibit A For Legal Description

Parcel #: 063-143598-00.000

Property Address: 12397 BROAD ST SW PATASKALA, OH 43062

Mail Tax Statements to: 6043 Wesleyan Church Rd., Alexandria, OH 43001

Prior Instrument Reference 201801250001682 of the Deed Records of Licking County, Ohio.



0115PA00704149002000

Witness his hand this 16 day of Dec, 2019.

Signed and acknowledged in the presence of:

X [Signature]
KIRK REED HALL

State of Ohio)
County of Franklin) ss:

BE IT REMEMBERED, That on this 16 day of Dec, 2019, before me, the subscriber, a Notary Public in and for said county, personally came KIRK REED HALL the Grantor in the foregoing Deed, and acknowledged the signing thereof to be her voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day and year aforesaid.



[Signature]
Notary Public

This instrument was prepared by:

Roger L. Weaver, Esq.
Weaver Law Offices, LLC
3 South High Street
Canal Winchester, OH 43110
(614) 834-1750

ROGER L. WEAVER, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

Return after filing to Roger L. Weaver

Auditor's and Recorder's Stamps

* See Section 5302.11 Ohio Revised Code

Being part of the 4th Quarter of the 1st Township and 15th Range U.S. Military Lands, and being that parcel of land conveyed by William D. Fulton and Josephine M. Fulton, his wife to George E. Bazler and Frank H. Bazler, as shown of record in Volume 265, Page 161, Licking County Recorder's Office, as Recorded on May 17, 1923.

Beginning at a point in the centerline of East Broad Street 191.7 feet north-easterly from the west line of said Quarter Township line thence on a line parallel to said Quarter Township line southerly 1201.1 feet to an iron pipe in the south line of the above mentioned tract and passing an iron pipe at 31.06 feet; thence easterly with said south line 177.8 feet to an iron pipe; thence northerly and parallel to the west line of 1248.9 feet to the centerline of East Broad Street and passing an iron pipe at 1217.84 feet; thence with the centerline of Broad Street southwesterly 184.11 feet to the place of beginning and containing five (5) acres, more or less

Also known as Lot 2, Williams East Broad Street Addition.



Navigation and utility icons including a grid, a double arrow, a magnifying glass, a location pin, a print icon, and a refresh icon.

Map navigation controls including a zoom in (+) button, a zoom out (-) button, a home button, a compass button, and directional arrow buttons (up, down, left, right).

16

BROAD ST SW

MILL STREET RD SW

ETNA PKWY

PATASKALA

MINK ST SW

MINK ST SW