

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

Tuesday, July 14, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, July 14, 2020.

Present were:

Alan Howe, Chairman

Joshua Butler, Vice Chairman

William Cook

Christine Lawyer

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:31 p.m., followed by the Pledge of Allegiance.

Present were: Alan Howe, Joshua Butler, William Cook, Christine Lawyer and TJ Rhodeback.

First on the Agenda, remove from table Variance Application VA-20-007.

Mr. Cook made a motion to remove from table Variance Application VA-20-007. Seconded by Mr. Butler. Ms. Rhodeback, Mr. Howe, Mr. Cook, Mr. Butler and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-20-007, 355 West Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting, the Applicant's request for variances from Section 1295.09(b)(2)(c), to exceed maximum square footage; 1295.09(b)(4)(c), to exceed the maximum permitted height and 1295.10(b)(7)(b)(6) for a ground Electronic Message Center sign that will have more than one color at any time. Location, current signage and proposed signage were reviewed. Area map was reviewed. Departmental and Agency comments were noted.

Roger Kessler, Kessler Sign Company, 2669 National Rd, Zanesville, was placed under oath.

Mr. Kessler noted the reduction of the size and height of sign.

Edward Bohren, YMCA Director, 355 West Broad Street, was placed under oath.

Mr. Bohren noted the electronic sign would be used for community events.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion 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 with the following supplementary conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.

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

Next on the Agenda, Variance Application VA-20-009, 133 Annette Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting, the Applicant's request for approval of variances from Sections 1221.05(D)(4), 1221.05(E)(1), 1221.05(D)(1) to allow for the construction of a detached garage on a separate lot, and two variances from Section 1121.13 to allow for the construction of a driveway across two separate lots. It was noted the Applicant proposes the accessory building to be set back from the parcel line dividing the north and south parcels at zero feet, along with the proposed circular driveway that will cross over the parcel line between the north and south parcels. Existing conditions and area map were reviewed. Departmental and Agency comments were noted.

A discussion was had regarding a replat or combining of the lots.

Joseph Ponzio, 133 Annette Drive, was placed under oath.

Mr. Ponzio noted the cost to replat played a big factor in the decision to do a variance instead of a replat.

Findings of Facts were reviewed.

Mr. Butler made a motion to approve variances from Sections 1221.05(D)(4), 1221.05(E)(1), 1221.05(D)(1) of the Pataskala Code, a variance from Section 1121.13 of the Pataskala Code for the north lot (063-145470-00.000), and a variance from Section 1121.13 of the Pataskala Code for the south lot (063-145458-00.000) for Variance Application VA-20-009, with the following supplementary conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall remove one (1) of the existing sheds on Parcel Number 063-145470-00.000 prior to construction of the new Accessory Building.
3. The Applicant shall address all comments from the City Engineer and the Southwest Licking Community Water & Sewer District.

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

Next on the Agenda, Variance Application VA-20-010, 5305 Mink Street.

Mr. Kuntzman gave an overview of the Staff Report, noting, the Applicant's request for approval of variances from Sections 1221.05(A) and 1221.05(B)(1) to allow for the construction of a detached garage that will exceed the maximum number of structures on a lot, and a variance from Section 1291.02(A)(4) to allow for the construction of a gravel driveway extension within a platted subdivision. The Applicant's Narrative Statement

indicated the purpose of the new accessory structure is to store equipment and supplies for their family cleaning business, which is a Type "A" home occupation and no employees or customers will be at the site. A review of the proposed structure along with the gravel parking pad were noted. Area map was reviewed. Departmental and Agency comments were noted.

Josh Fletcher, 8848 Kingsley Drive, Reynoldsburg, was placed under oath.

Mr. Howe inquired as to adding a fourth structure as there are already three.

Mr. Fletcher stated the other buildings are being used for lawn equipment, storage and a horse barn.

Ms. Rhodeback inquired as to adding on to an existing building.

Mr. Fletcher noted it would be possible, but it would be a large attachment.

A discussion was had regarding agricultural exemption.

Chuck Baughman, 5305 Mink Street, was placed under oath.

Mr. Baughman noted being the owner of the property.

Mr. Howe asked Mr. Baughman if he were aware of the variance requirements.

Mr. Baughman stated owning the property for about 36 years, and a couple of the buildings were there before zoning took effect, as it was in Lima Township.

Mr. Howe asked if any buildings were constructed since being there.

Mr. Baughman noted the accessory building closest to the pool and the horse barn.

Mr. Butler asked if any variances were needed for any of the buildings.

Mr. Baughman noted the horse barn needed approval.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve variances from Section 1221.05(A) and Section 1221.05(B)(1), and Section 1291.02(A)(4) for Variance Application VA-20-010, with the follow supplementary conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from the City Engineer and the Southwest Licking Community Water & Sewer District.

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

Next on the Agenda, Variance Application VA-20-011, 12397 Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for 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. The property is occupied by Pataskala Meats, LLC, and the proposed addition will be used for cold storage. Area map was reviewed. Departmental and Agency comments were noted.

Kirk Hall, 12397 Broad Street, was placed under oath.

A review of the addition and a/c unit were noted.

Mr. Hall stated the addition would be used as a cooler, allowing the kitchen area to be enlarged.

Findings of Facts were reviewed.

Mr. Cook made a motion 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:

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.
3. Applicant shall side the side the addition to match the existing building.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-20-007

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>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;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other</i> |

- method than variance;*
- ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-007. Seconded by Mr. Butler. Mr. Howe, Mr. Cook, Ms. Rhodeback Ms. Lawyer and Mr. Butler voted yes. The motion was approved.

Variance Application VA-20-009

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>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;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>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,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-009. Seconded by Mr. Cook. Mr. Butler, Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Variance Application VA-20-010

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

- variance is necessary to enable the reasonable use of the property;*
- ✓ c) *Whether the variance requested is substantial;*
 - ✓ d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
 - ✓ e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - ✓ f) *Whether the variance, if granted, will be detrimental to the public welfare;*
 - ✓ g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
 - ✓ h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
 - ✓ i) *Whether the property owner's predicament can be obviated through some other method than variance;*
 - ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-010. Seconded by Mr. Butler. Ms. Lawyer, Ms. Rhodeback, Mr. Butler, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Variance Application VA-20-011

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>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;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |

- ✓ j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- ✓ k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-011. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Cook, Mr. Butler, Mr. Howe and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, approval of the June 9, 2020 Regular Meeting Minutes.

Ms. Rhodeback made a motion to approve the minutes from the June 9, 2020 regular meeting minutes. Seconded by Mr. Butler. Mr. Butler, Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Mr. Butler made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Howe, Ms. Lawyer, Mr. Butler and Mr. Cook voted yes. The meeting was adjourned at 7:58 p.m.

Minutes of the July 14, 2020 regular meeting were approved on

_____, 2020.
