



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

August 11, 2020

#### Variance Application VA-20-013

<b>Applicant:</b>	Stacy Lewis
<b>Owner:</b>	Stacy and Darren Lewis
<b>Location:</b>	313 Eddington Drive
<b>Acreage:</b>	0.27-acres
<b>Zoning:</b>	PDD – Planned Development District
<b>Request:</b>	Requesting approval of a variance from Section 1297.02(B)(2) to allow for pumps and filters associated with a Swimming Pool to be closer than the required 20-feet from a property line.

#### Description of the Request:

The applicant is seeking approval of a variance of six (6) feet and four (4) inches from Section 1297.02(B)(2) of the Pataskala Code which requires the pumps and filtering equipment for private swimming pools to be located no closer than 20-feet from a property line.

#### Staff Summary:

The property at 313 Eddington Drive is 0.27-acres in size and is currently occupied by a 1,549-square foot single-family home, as well as a 180-square foot accessory building (shed). Access to the property is via a concrete driveway onto Eddington Drive. There is an existing tree line along the south side property line where the lot adjoins a reserve area held by the Brooksedge Homeowner's Association.

The Applicant is proposing to construct a 29'8" x 15'1" (447.5-square foot) inground pool in the rear of their home. The pool will be surrounded by a concrete patio directly off the rear of the home, with the dimensions of 44'8" x 31', with the pool being located in the southwest corner of the patio, leaving a three (3) foot wide path of concrete on the south and west edges. The square footage of concrete will be 937.2, for a total amount of 1,385-square feet of impervious coverage.

The setbacks for the pool are proposed at: 24-feet from the south side property line, 38-feet from the north side property line, and 44-feet from the rear property line. The setbacks to the concrete surround will be: 21-feet from the south side property line, 26-feet from the north side property line, and 41-feet from the rear property line. Pursuant to Section 1297.02(B)(2) of the Pataskala Code, the pool, including any walks or paved areas, shall not be located any closer than 10-feet to a property line or easement; provided further that pump and filter installations shall not be located closer than 20-feet to any property line. The Applicant is proposing to install the pump and filter apparatus on the south side of the home, 13'8" away from the south side property line. Also proposed is a 48-inch (4-foot) tall fencing around the rear of the lot, including self-closing, self-latching gates.

In the Narrative Statement supplied by the Applicant; they stated that there was no other place to locate the equipment pad without requiring a variance, and that the equipment would be enclosed by a six (6) foot privacy fence and not visible from the road. Further stated, the Applicant does not believe the variance, if granted, will be a detriment to surrounding properties or the public welfare, that the variance is not substantial, and that they had purchased the property without knowledge of the zoning restrictions.

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

Planning and Zoning Staff

As mentioned in the Staff Summary, Section 1297.02(B)(2) of the Pataskala Code states: “pump and filter installations shall be located not closer than 20 feet to any property line”. The Applicant is proposing to install the pump and filter equipment 13’8” away from the south side property line and is requesting a variance of 6’4”, or a 31.67% decrease in the required setback.

Also stated in Section 1297.02(B)(2); “The pool, including any walks, paved areas, and appurtenances thereto, may be located anywhere on the premises except in required front yards, provided it shall not be located closer than 10 feet to any property line or **easement**”. The Applicant has indicated the proposed setbacks for the pool and paved areas to the property lines which, as proposed, are compliant. However, the distances to the easements in the rear of the property have not been identified. The rear easement begins at 32-feet and angles into the yard towards the house as it moves south. As proposed, the pool itself is 44-feet from the rear property line, with three (3) feet of concrete outside of it. This would only leave nine (9) feet between the edge of the pavement and the beginning the easement, which is just short of the required 10-feet. This would further decrease on the south side of the pool, as the easement angles inwards towards it, however, the exact distance of the easement was unable to be determined. It is estimated that the edge of the concrete will be within four (4) to six (6) feet of the easement. A supplementary condition was added for the Board to approve a further variance from Section 1297.02(B)(2) to allow for the construction of a pool and associated paved area to be within 10-feet of an easement, should the Board so choose.

Section 1297.02(B)(4) of the Pataskala Code requires either the pool itself, or, the entire property on which a swimming pool is located to be surrounded by a wall or fence at a minimum of five (5) feet in height, and equipped with a self-closing gate and lock. The Applicant has proposed a fence around the entirety of the rear of the lot with a height of 48-inches, which is only four (4) feet, or one (1) below the minimum height required. Staff spoke with the Applicant after they had submitted their variance application, and they stated that the actual height of the fence will be six (6) feet, and that an error was made on the site plan. Staff will need to see the correct height indicated on the site plan when the Applicant submits their application for the Swimming Pool Permit. Supplementary condition added.

Section 1297.02(B)(3) limits the area of swimming pools, *exclusive* of decks, walks, and other appurtenances to a maximum of 10% of the lot area. 10% of the lot area of 0.24-acres, or 10,454-square feet, would be 1,045-square feet. The proposed pool is 447.5-square feet in size, therefore; it is compliant with this requirement.

The Applicant also stated in their Narrative that they will be installing a six (6) foot fence around the pump and filter equipment, Staff would like to see this indicated on the site plan when submitting for the application for their Swimming Pool Permit. Supplementary condition added.

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	PDD – Planned Development District	Single-Family Home (Brooksedge)
East	PDD – Planned Development District	Single-Family Home (Brooksedge)
South	PDD – Planned Development District	Reserve Area / Playground
West	Jefferson Township	Multi-Family Residential

**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-20-009:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- 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. The Applicant shall indicate the correct fence height, with a minimum height of five (5) feet, and location of the fence when submitting for their Zoning Permit.
3. The Board of Zoning Appeals shall grant a variance from Section 1297.02(B)(2) to allow for the pool, including any walks, paved areas, and appurtenances thereto to be located closer than 10-feet from the rear easements, provided those do not encroach within the easements.

**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 1297.02(B)(2) for variance application VA-20-013 ("with the following supplementary conditions" if conditions are to be placed on the approval)."



# 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: 313 Eddington Dr Pataskala OH 43062		
Parcel Number: 063-140022-00.088		
Zoning: PDD	Acres: .27	
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: VA-20-013
Fee: 300
Filing Date: 7-17-20
Hearing Date: 8-11-20
Receipt Number: 21391

Applicant Information		
Name: Stacy Lewis		
Address: 313 Eddington Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-641-3404	Email: Stacymlewis@iCloud.com	

Property Owner Information		
Name: Stacy and Darren Lewis		
Address: 313 Eddington Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-641-3404	Email: Stacymlewis@icloud.com	

Documents
<input 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

Variance Information
Request (Include Section of Code): 1291.02B2- Applying for variance of the rule regarding pool equipment being 20ft from property line.
Describe the Project: Inground pool project. The placement of our pool equipment pool would be 13 feet, 8 inches from property line.

## 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; **NO**
  - 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; **YES**
  - c) Whether the variance requested is substantial; **NO**
  - 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; **NO**
  - e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; **NO**
  - f) Whether the variance, if granted, will be detrimental to the public welfare; **NO**
  - g) Whether the variance, if granted, would adversely affect the delivery of governmental services; **NO**
  - h) Whether the property owner purchased the subject property with knowledge of the zoning restriction; **NO**
  - i) Whether the property owner's predicament can be obviated through some other method than variance; **NO**
  - 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, **YES**
  - k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **YES**
- 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:

Property Owner (Required):

Date:

7-17-2020

7-17-2020

Darren and Stacy Lewis  
313 Eddington Dr Pataskala, OH 43062  
stacymlewis@icloud.com  
740-641-3464

To whom it may concern,

We are requesting a variance of the rule that the pool equipment must be at least 20 feet from the property line.

We are installing an inground pool and will need the pool equipment pad to be located on the side of our house. There is no other place for us to put the pad without running into the same issues. If approved, the desired location would be 13 feet, 8 inches from the property line.

The equipment pad would be enclosed by the 6-foot privacy fence that we are installing, and therefore, would not be visible from the road.



[View the Treasurer's message regarding 2nd half collection and COVID-19 precautions](#)

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

**Taxes Due July 15th**

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values

[Help](#)  
[Login](#)



Search by:  
Address   
Search for:  
  
  
[Trouble Searching?](#)



063-140022-00,088  
**LEWIS DAREN & STACY**  
313 EDINGTON DR  
PATASKALA, OH 43062

Acre: 0.27  
**LOT 85 BROOKSEDE**  
**SEC 4**

Land: \$38,900  
Improv: \$131,500  
Total: \$170,400

Sale Date: 07/25/2016  
Amount: \$185,000  
Conveyance: 2249  
Valid Sale: Yes

Homestead: No  
Owner Occ: **Yes**

Foreclosure: No  
Certified Delq: No  
On Contract: No



# Lewis, Darren PLAN

PUMP: PENTAIR SUPERFLO 1.0HP PUMP  
 FILTER: STA-RITE PXCPR150 150 SQ FT CARTRIDGE  
 HEATER: AQUACAL TROPICAL T150 HEAT PUMP  
 SANITATION: AUTOPILOT NANO SALT CHLORINE GENERATOR

Proposed new underground Powerline over 5' away from waters edge

Water & Sewer to front of house, not pictured  
 No storm drains in rear yard

20A GFCI

Pool Equipment pad

New Decorative Concrete Stairs

30' 1"

12'

New Decorative Concrete

12'

New Pool

29' 8"

15' 1"

12'

EQUIPOTENTIAL BONDING PATH, 8AWG BARE COPPER, TO BE TIED INTO REBAR GRID AND CONTINUOUS TO POOLS EQUIPMENT LOCATION

BONDSAFE680IG TO BE INSTALLED IN THE SKIMMER FOR THE BONDING OF POOL WATER

Concrete Apron Edge

BENCH THAT MEET ANSI / NSPI - 5 STANDARDS FOR REQUIRED ENTRY / EXIT IN DEEP AREA (SECTION 6.1.1)

31'

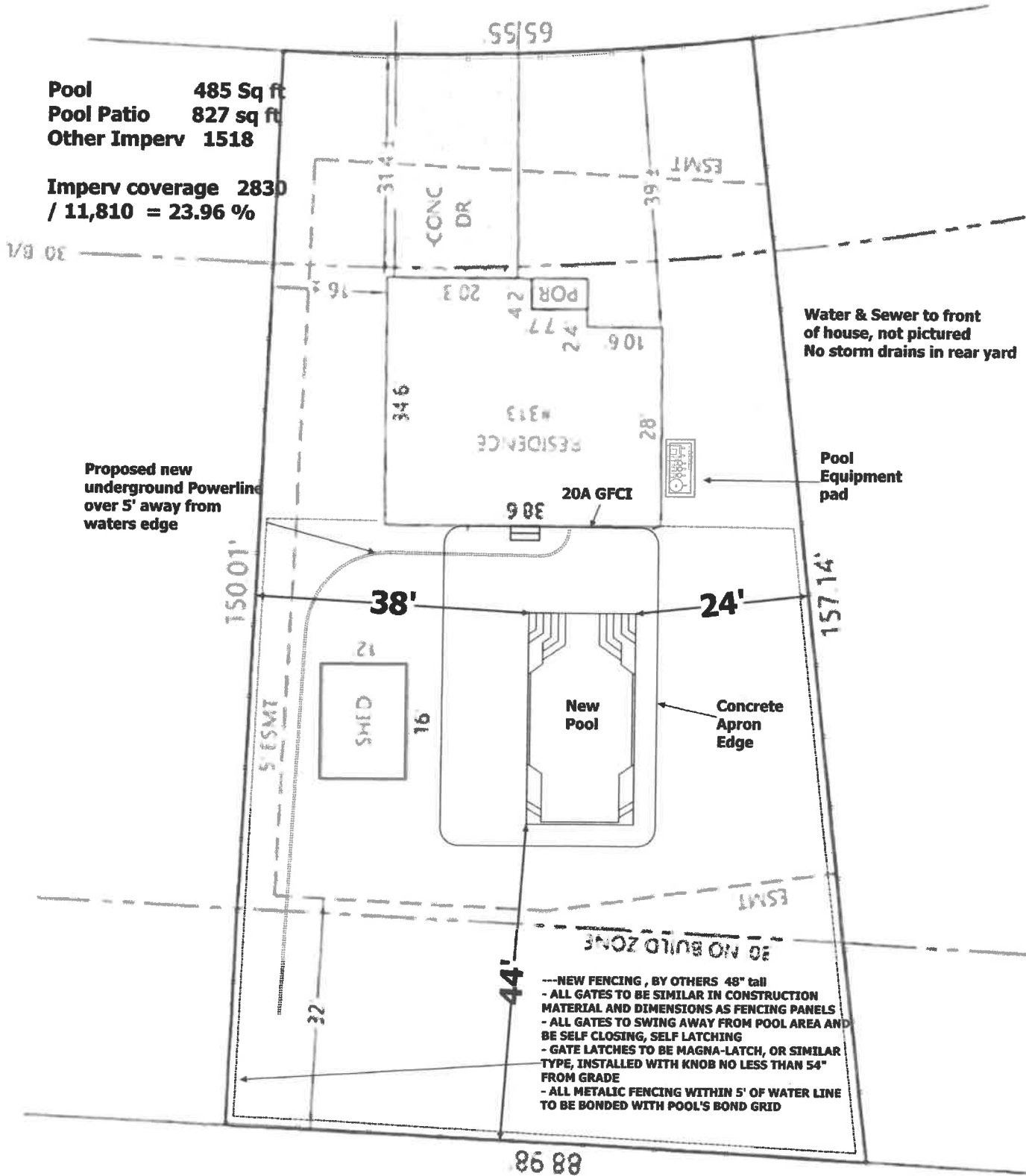
- NEW FENCING , BY OTHERS 48" tall
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF CLOSING, SELF LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BOND GRID

Scale: 3/32" = 1 ft

# Lewis, Darren SITE EDDINGTON DRIVE 50'

Pool 485 Sq ft  
Pool Patio 827 sq ft  
Other Imperv 1518

Imperv coverage 2830  
/ 11,810 = 23.96 %



- NEW FENCING, BY OTHERS 48" tall
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS FENCING PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF CLOSING, SELF LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALLIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BOND GRID

I / We have received a copy  
of this survey & find the

STATE OF OHIO

Scale: 1/20" = 1 ft

<b>TRANSFERRED</b>	
Date	<i>July 25, 2016</i>
<i>Michael L. Smith</i> Licking County Auditor	
SEC. 319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR	
BY:	<i>Dem \$555.00</i>

<b>DESCRIPTION APPROVED</b>	
<b>WILLIAM C LOZIER</b>	
<b>LICKING COUNTY ENGINEER</b>	
APPROVED BY	
<i>JC</i>	<i>7-25-16</i>

201607250015472  
Pgs: 3 \$36.00 T20160018109  
07/25/2016 10:47AM BXCROWN  
Bryan A. Long  
Licking County Recorder

Order Number: 211460

**Crown-TTA-P**

## **SURVIVORSHIP DEED**

**Jaclyn Renee Myers and Cheyenne C. Myers, husband and wife**, of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants to **Darren Lewis and Stacy Lewis, husband and wife, for their joint lives, remainder to the survivor of them**, whose tax mailing address is Fifth Third Mortgage Company 5001 Kingsley Drive, MD 1MOB2X, Cincinnati, Ohio 45227 the following real property:

**"See Exhibit "A" attached hereto and made a part hereof...."**

Parcel Number: 063-140022-00.088


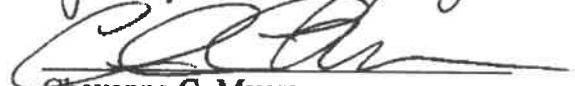
Property Address: 313 Eddington Drive, Pataskala, Ohio 43062

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: 201212130029465, Recorder's Office, Licking County, Ohio.



Witness their hand(s) this 21st day of July, 2016.

  
Jaclyn Renee Myers  
  
Cheyenne C. Myers

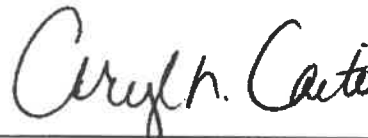
**State of Ohio**  
**County of Fairfield ss:**

**Be It Remembered**, that on this 21st day of July, 2016, before me, a Notary Public in and for said State, personally appeared the above named Jaclyn Renee Myers and Cheyenne C. Myers, the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.

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



**CARYL N. CAITO**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES NOVEMBER 26, 2016



Notary Public

This instrument prepared by Magnuson & Barone, Attorneys at Law

## **EXHIBIT 'A'**

211460-TTA

### **LEGAL DESCRIPTION**

Situated in the City of Pataskala, County of Licking, State of Ohio, and is described as follows:

Being Lot Number Eighty-Five (85), in BROOKSEGE SECTION FOUR (4), as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, pages 1 and 2, Recorder's Office, Franklin County, Ohio.

For Informational Purposes only:

Property Address: 313 Eddington Drive Pataskala, Ohio 43062

Parcel No.:063-140022-00.088





### Trouble Searching?

On Contract: No

## Brooksedge SW HOA Architectural Review Form

Owner(s) name: 1 Darren Lewis

Date Submitted: 7/18/20

Request to build a: Ingrand Pool

Date to be Completed by: 9/15/20

Address: 313 Eddington Dr

Zip: 43062 Lot Number: 85

Home Phone: \_\_\_\_\_

Cell: 740 404 8336

Email: darrenslewis@icloud.com

Please attach the following (as applicable): drawing of improvement on plotted map of property, full description of improvement including blueprints, and description of materials and colors to be used (check website for deed restriction guidelines <http://www.brooksedgesw.com>), contractor or person(s) name that will be performing the work.

Your request to build a: FIBER GLASS - 10' x 6' ROUSMAKER has been reviewed.

We approve / Disapprove \_\_\_\_\_ based on the following conditions:

- 1) \_\_\_\_\_ Homeowner secures permits from local municipality.
- 2) \_\_\_\_\_ The structure is built according to the plans submitted.
- 3) N/A Color of shed and roofing need to match materials and existing colors of the house.
- 4) \_\_\_\_\_ The structure is within the deed restriction guidelines.
- 5) \_\_\_\_\_ Other: \_\_\_\_\_

[Signature]  
Brooksedge SW Architectural Review Committee Trustee

7-21-2020  
Date

[Signature]  
Brooksedge SW HOA Committee Member

7/22/20  
Date

\_\_\_\_\_  
Brooksedge SW HOA Committee Member

\_\_\_\_\_  
Date

[Signature]  
Homeowner(s)

7/18/20  
Date

Mail to:  
Brooksedge SW HOA  
PO BOX 354

Date Received:

Blacklick, OH 43004-0354