



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-20-014

Applicant:	Ryan Badger (ADR Associates)
Owner:	Howard & Rosemary Emswiler Trustees
Location:	11558 Refugee Road and 3000-3007 Etna Parkway (PID: 064-152862-00.000 and 064-152862-00.001)
Acreage:	8.5-acres
Zoning:	PM – Planned Manufacturing
Request:	Requesting approval of a variance from Section 1283.07(B) to forgo the installation of required perimeter screening along the north, east, and half of the south property lines

Description of the Request:

The Applicant is requesting the approval of a variance from Section 1283.07(B) of the Pataskala code to forgo the requirement to install L2 Standard screening along the north, east, and half of the south property lines.

Staff Summary:

Overall, the current properties are approximately 98-acres spanning both sides of Etna Parkway and located in the Pataskala Corporate Park. The properties have frontage on Etna Parkway to the east/west and Refugee Road SW to the south. The only structure on the property is an approximately 10,7000 square foot barn along the property line bordering Refugee Road SW that is to remain. The property is vacant and used as agricultural land.

The Applicant is proposing to split approximately 8.5-acres on the north east corner of Refugee Road and Etna Parkway in order to construct a new building to house “Meyer Shank Racing”, a race car manufacturing facility.

The Applicant has submitted a Planned Manufacturing application to be heard at the August 5 , 2020 Planning and Zoning Commission hearing (PM-20-002) the outcome of which has not been decided at the time of this Staff Report being written.

The applicant previously received approval for a variance from Section 1283.07(B) (VA-20-003) on March 11, 2020 to forgo the installation of a portion of the required screening. It was determined that the property on the west side is located in the Joint Economic Development District (JEDD) which holds a higher tax rate. Because the project relies on a favorable tax rate, the applicant chose to relocate to the east side of Etna Parkway thereby avoiding the JEDD.

Section 1283.07(B) of the Pataskala Code requires that all developments within the PM – Planned Manufacturing district provide L2 screening along the front property lines. Along the side and rear property lines L2 is required if it is abutting a similar use; L5 if abutting a residential use or district; or L3 if abutting any district other than residential. As the surrounding properties are all zoned PM – Planned Manufacturing, L2 type screening shall be required on all sides. L2 screening shall consist of a continuous three (3) foot high screen of shrubs, at least 95% opaque year-round, and one (1) tree per 30 lineal feet. A three (3) foot high berm or masonry wall may be substituted for the shrubs.

The Applicant is proposing to only install L2 screening along the frontage of Etna Parkway to the west, and along half of the frontage of Refugee Road to the south consisting of a three (3) foot high continuous shrub row with one (1) tree per 30-feet.

According to the supplied Narrative Statement: The Applicant has stated that their submitted site plans show landscape screening around the parking lot and building, and that further screening would only be hiding grass from cornfields or other like kind businesses in the future. The Applicant also believes that by granting this variance there will be no effect on adjoining properties, will not substantially or permanently impair adjoining properties, will not be detrimental to the public or delivery of public services.

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

Planning and Zoning Staff

As mentioned above, Section 1283.07(B) of the Pataskala Code requires L2 type screening on the front property lines. The subject property is a corner lot, having both frontage on Etna Parkway and Refugee Road. The applicant is proposing L2 type screening along Etna Parkway, but on only half of the frontage along Refugee Road. Additionally, Section 1283.07(B) requires L2 type screening on the rear and side property lines when abutting similar uses. The properties to the east, north, and west are also zoned PM – Planned Manufacturing and are vacant. However, even when no existing use is present screening is still required.

L2 type screening consists of a three (3) foot high continuous shrub screen, berm, masonry wall and one (1) tree per 30 lineal feet.

In addition to the previous variance granted to the applicant (VA-20-003), the Board of Zoning Appeals has previously approved a variance for similar landscaping screening for AEP's transmission substation and lay-down yard to the north. Those being applications VA-17-020 and VA-16-026.

Based on the information submitted by the Applicant, Staff has no other concerns with the proposal.

Other Departments of Agencies

No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	PM – Planned Manufacturing	Farm
East	PM – Planned Manufacturing	Farm
South	Etna Township	Farm Single-family home
West	PM – Planned Manufacturing	Farm

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-20-014:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – No comments
- SWLCWSD – 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.

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 1283.07(B) of the Pataskala Code for variance application VA-20-014 ("with the following 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: 11558 Refugee Rd & 3000-3007 Etna Parkway,		
Parcel Number: 064-152862-00.001 & 064-152862-00.000		
Zoning: PM	Acres: 8.5 after split	
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 type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site

Staff Use
Application Number: VA-JD-014
Fee: \$300
Filing Date: 7-20-20
Hearing Date: 8-11-20
Receipt Number:

Applicant Information		
Name: George Fox		
Address: 1474 Highpoint Drive		
City: Newark	State: OH	Zip: 43055
Phone: 614-578-4898	Email: Tony @ ProjectConstructionACO.com	

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

Property Owner Information		
Name: Emswiler, Howard P & Rosemary A Trustees		
Address: 13167 Morse Rd, SW		
City: Pataskala	State: OH	Zip: 43062
Phone:	Email:	

Variance Information
Request (Include Section of Code): 1283.07(B) No LZ or Similar Landscaping on North, East, South, and South 1/2 of West property Line
Describe the Project: New #35,000 sq.ft Building with Parking for Myers Shank Racing.

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:



7-18-20

Property Owner (Required):

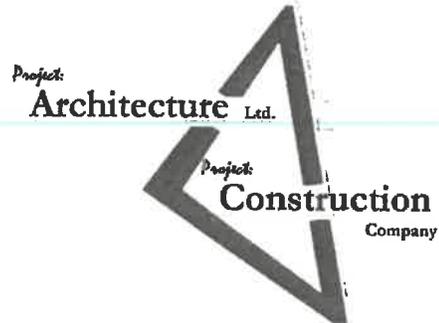
Date:

Howard P Emelen trust - Rosemary a Emawiler trust

7-21-2020

February 14, 2020

Scott Fulton
Pataskala Planning Director
621 West Broad St, Suite 2A
Pataskala, Ohio 43062



Providing Solutions for Your Project

Re: Application for Variance – Landscaping

Dear Mr. Fulton,

Myers Shank Racing and the current property owner, Howard Emswiler, request a variance from code section 1283.07(B) for the North, West, and ½ of the South property lines. We have submitted plans showing landscape screening around the parking lot and building, any other screening would only be hiding grass from cornfields or other like kind businesses in the future. The cost of the remaining +/- 1400 feet of landscape screening adds no significant value to this project.

The granting of this variance will have no effect on the adjoining properties, nor will it substantially or permanently impair the adjoining properties. It will not be detrimental to the public or have any effect on public services. The granting of this variance would be no different than that already given to AEP just north of this property.

We would like to thank you in advance for your consideration and approval of the request for variance as described above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Fox', written over a light blue horizontal line.

Tony Fox

Project Construction Co

MEYER SHANK RACING SITE & ZONING COMPLIANCE PLAN

SITUATED IN THE CITY OF PATASKALA,
LICKING COUNTY, OHIO



SURVEY INFORMATION
SURVEY INFORMATION BASED ON FIELD OBSERVATION BY SMART SERVICES, INC. IN NEWARK, OHIO

FOR MORE INFORMATION CONTACT:
SMART SERVICES, INC.
80 W. CHURCH STREET
NEWARK, OH 43085
(740) 345-4700

CONTROL POINTS

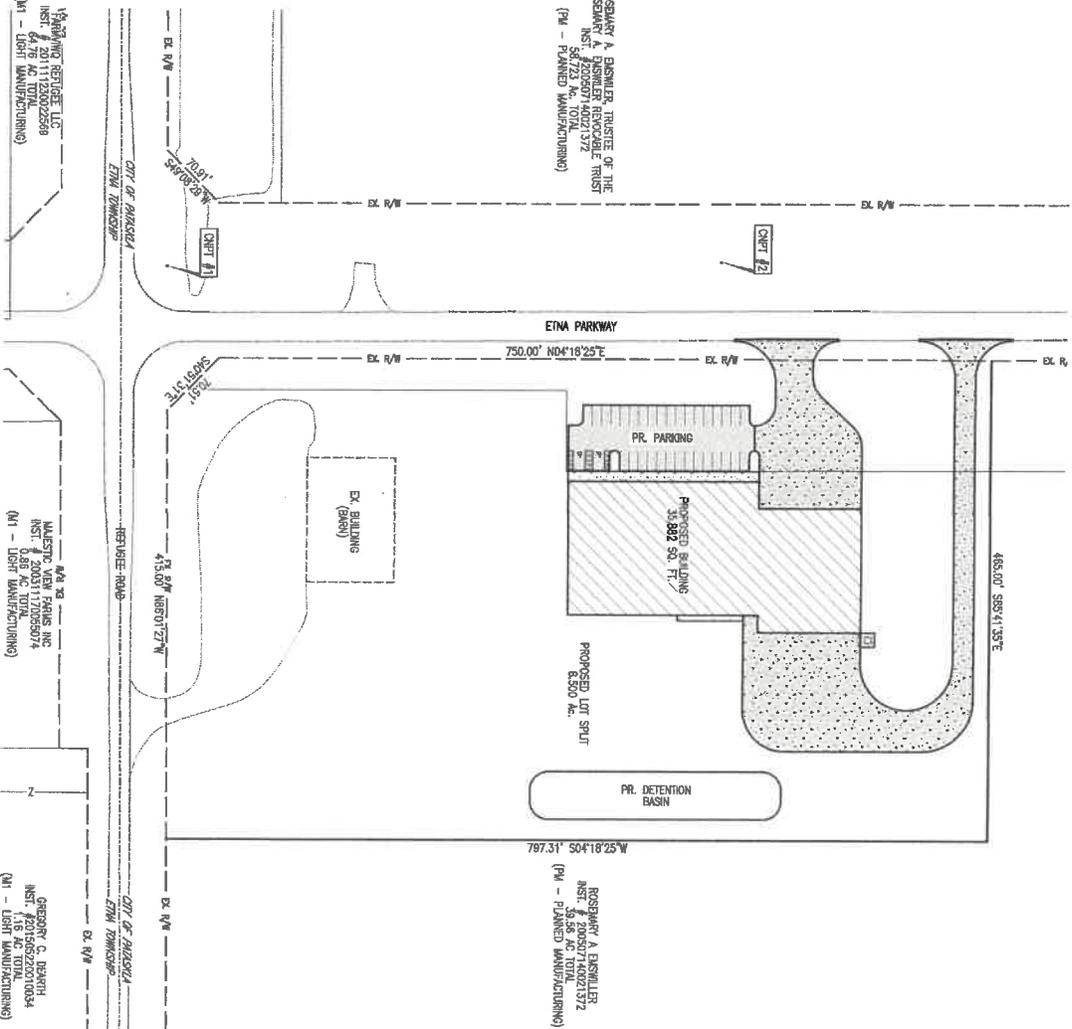
POINT	NORTHING	EASTING	FILE DESCRIPTION
CHPT #1	718725.482	1810951.849	7/8" NEWARK W/ CHPT
CHPT #2	718725.482	1810971.322	5/8" NEWARK W/ CHPT

HORIZONTAL CONTROL IS BASED ON STATE PLANE OHIO (SOUTH ZONE) DESCRIBED. GRID COORDINATES DETERMINED FROM GPS SURVEY OBSERVATIONS IN OCTOBER 2019.

VERTICAL CONTROL IS BASED ON NAD83(EGC80D 128) BASED ON GPS SURVEY OBSERVATIONS IN OCTOBER 2019.

UTILITY LOCATIONS ARE BASED ON FIELD OBSERVATION AND RECORD PLANS AS REQUESTED BY O.U.S. TICKET # 4628020264-004 (WARRIORS) & 4628020270-004 (PLANS)

ROSEMARY A. ENSWILER, TRUSTEE OF THE
ROSEMARY A. ENSWILER REVOCABLE TRUST
NS. 56722.971 AC TOTAL
107
(PL - PLANNED MANUFACTURING)



ROSEMARY A. ENSWILER
NS. 2905077.40021972
6
(PL - PLANNED MANUFACTURING)

MANAGING REFUGEE LLC
38 W. WYOMING STREET
NEWARK, OH 43085
(740) 345-4921 (PH)
(740) 345-4921 (FX)
WWW.ADDITION.COM

MAJESTIC VIEW TRAILS INC
NS. 200311170959074
0.88 AC TOTAL
(M1 - LIGHT MANUFACTURING)

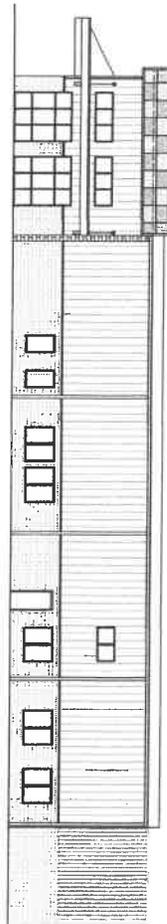
GREENSBORO C. BERTH
NS. 115 AC TOTAL
(M1 - LIGHT MANUFACTURING)

INDEX OF SHEETS

SITE PLAN	1
DEVELOPMENT PLAN	2
ARCHITECTURAL ELEVATIONS	3



ARCHITECTURAL ELEVATIONS



NORTH ELEVATION
AS1



WEST ELEVATION
AS1



SOUTH ELEVATION
AS1



EAST ELEVATION
AS1

	<p>DATE: 7/1/2020 ADR 1/20000 MEYER SHANK RACING SITE & ZONING COMPLIANCE PLAN CITY OF PATASKALA, OH</p>	<p>ARCHITECTURAL ELEVATIONS</p>	<p>REVISIONS</p> <table border="1"> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>					<p> DESIGN: [] SUP CHECKED: [] PLOT REVIEWED: [] DATE: [] </p>