

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

Tuesday, August 11, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 11, 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 6:30 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, Variance Application VA-20-012, 90 Railroad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to construct a deck that will fail to meet the required 50-foot front yard setback. An area map was reviewed, noting the property is a corner lot and has two public rights-of-way. The existing residential structure and lot are both nonconforming. The current structure is 14-feet from the front property line and the deck will be three feet from the front property line, and the property line is where the City's right-of-way begins. There were no Departmental or Agency comments.

A discussion was had regarding the merging of Lima Township and Village of Pataskala.

Ronald Rhoads, 90 Railroad Street, was placed under oath.

Mr. Rhoads stated he is upgrading his home and would like to place the deck where the patio doors are located. Mr. Rhoads indicated he was not aware of the zoning restrictions when he purchased the property.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1231.05(C)(1) of the Pataskala Code for variance application VA-20-012 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. Ms. Rhodeback, Mr. Howe, Mr. Cook, Mr. Butler and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-20-013, 313 Eddington Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the swimming pool pump to be closer than the required 20-feet from a property line. Area map and proposed site plan were reviewed. Drainage easement was noted. There were no Departmental or Agency comments.

Darren Lewis, 313 Eddington Drive, was placed under oath.

Mr. Lewis stated a six-foot fence would be installed around the pool.

Findings of Facts were reviewed.

Mr. Butler made a motion to approve a variance from Section 1297.02(B)(2) for variance application VA-20-013 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 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.

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

Next on the Agenda, Variance Application VA-20-014, 11558 Refugee Road.

Mr. Fulton gave an overview of the Staff Report, noting the current location, noting previous approval. Area map was reviewed along with development plan. A variance would be required regarding landscaping. It was noted the Applicant chose to relocate to the east side of Etna Parkway to avoid the JEDD requirement. There were no Departmental or Agency comments.

Mr. Howe asked about the barn that is on the property.

Mr. Fulton noted the barn is not part of the business and is being used for agricultural purposes.

Tony Fox, 1474 Highpoint Drive, Newark, Ohio was placed under oath.

Mr. Fox noted the barn is being leased and there's an agreement it will continue to be used for a number of years as a barn.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1283.07(B) of the Pataskala Code for

variance application VA-20-014 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-20-012

- | <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-20-012. Seconded by Mr. Butler. Mr. Howe, Mr. Cook, Ms. Rhodeback, Ms. Lawyer and Mr. Buter voted yes. The motion was approved.

Variance Application VA-20-013

- | <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</i> |

- 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.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-013. Seconded by Mr. Cook. Mr. Butler, Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Variance Application VA-20-014

- | <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-20-014. Seconded by Ms. Lawyer. Ms. Lawyer, Ms. Rhodeback, Mr. Butler, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, approval of the July 7, 2020 Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the July 7, 2020 regular meeting minutes. Seconded by Ms. Lawyer. Mr. Cook, Mr. Howe, Mr. Butler, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Mr. Cook made a motion to adjourn the meeting. Seconded by Mr. Butler. Ms. Rhodeback, Mr. Howe, Ms. Lawyer, Mr. Butler and Mr. Cook voted yes. The meeting was adjourned at 7:20 p.m.

Minutes of the August 11, 2020 regular meeting were approved on

_____, 2020.
