



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

September 9, 2020

Conditional Use Application CU-20-006

Applicant:	Katherine E. Sansone
Owner:	Katherine E. & Matthew M. Sansone
Location:	12436 Adams Ln SW, Pataskala, OH 43062
Acreage:	0.46-acres
Zoning:	R-20 – Medium Density Residential
Request:	Requesting approval of a Conditional Use to allow for a Type B Home Occupation, a hair salon, to be operated out of the Applicant's home.

Description of the Request:

The Applicant is seeking approval of a Conditional Use to allow for a type B Home Occupation, a hair salon, to be operated within a single-family residence.

Staff Summary:

The 0.46-acre property located at 12436 Adams Ln SW is currently occupied by an approximately 2,700-square foot single-family home built in 2005. Access to the property is via an asphalt driveway off Adams Ln SW which runs along the west of the existing home. A fence of unknown height surrounds an area behind the rear of the home.

The Applicant is requesting approval of a Conditional Use to allow for the establishment of a Type B Home Occupation in the single-family home. A Type B Home Occupation is where either one (1) employee or customers come to the site (ex: counseling, tutoring, daycare, hair cutting and styling). The Applicant plans to construct a front porch running the width of the front of the home, and around the west side, with stairs and a wheelchair ramp access. An additional door specifically for the salon will be added to the left (west) corner bedroom, 10'x13' to allow for a single stylist hair salon.

Per the Narrative Statement submitted by the Applicant, they feel the additions will retain the residential appearance of the property, and that the occasional passerby would not recognize it as a business. Their planned hours of operation are less than six (6) hours a day, four (4) days a week. Clients are required to come one at a time so there will only be one extra car in the driveway at any time. The Applicant will be the only hairdresser working in the home. The finished square footage of the working area will be 130-square feet. The Applicant also stated that their grandmother and young daughter are also in the home, and being able to run her business from inside the home would allow her to care for both of them concurrently.

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

Pursuant to Section 1231.04(1) of the Pataskala Code, Type B Home Occupations are a Conditional Use in the R-20 – Medium Density Zoning District in which this property is located. Staff would like to note that this application is only considering the use of the property to include a Type B Home Occupation, and not the Applicant's proposal to construct a new porch. The porch, and any other improvements to the property, would be subject to an additional zoning permit.

Section 1267.03(C) of the Pataskala Code provides additional standards that Type B Home Occupations must adhere to, those being:

1. Customers may visit the site only during the hours of 7:00 a.m. to 9:00 p.m.
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Variances to this subsection are prohibited.
3. Customers. Only twelve (12) customers or clients may visit the site in a day.
4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.
6. Floor area. Total area devoted to a Type B home occupation may not exceed 15 percent (15%) of the square footage of the primary dwelling unit. A Type B home occupation located in an accessory building space shall be subject to the Conditional Use regulations as defined in Chapter 1215.

From the information provided by the Applicant in their Narrative Statement: they will only operate for six (6) hours a day, four (4) days a week with only one customer at a time. The square footage of the home is approximately 2,700-square feet, of which 15% would be 405-square feet. The Applicant plans to use a 10' x 13', or 130-square foot area, which will be below the maximum permitted. Staff believes the Applicant will meet the requirements above, however, a possible condition has been added to enforce these requirements.

Only one sign is permitted, with a maximum size of two (2) square feet if within 15-feet of the right-of-way, or a maximum of six (6) square feet if over 15-feet away from the right-of-way. Section 1267.04(C) requires that the dwelling and site must remain residential in appearance and characteristics. The Applicant stated they believe the use will retain the residential appearances. As the Applicant also stated they wish to construct a porch for access to the salon, a possible condition has been added stating that any improvements constructed on site shall remain residential in appearance, subject to approval of the appropriate zoning permit if required.

City Engineer

- Drainage cannot impact abutting properties.
- We recommend the existing drive not be altered and parking be restricted to two vehicles.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Vacant
East	R-20 – Medium Density Residential	Vacant/Single-Family Home
South	M-1 – Light Manufacturing	AEP
West	R-20 – Medium Density Residential	Single-Family Home

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
- 4. Will not be hazardous or disturbing to existing or future neighboring uses.*
- 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
- 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
- 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
- 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-20-006:

- 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.

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 adhere to the use-related regulations of Section 1267.03(C) of the Pataskala Code.
3. Any improvements made to the site or existing structures shall retain the residential appearance of the property.

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 Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-20-006 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Jim Roberts](#)
To: [Scott Fulton](#)
Cc: [Jack Kuntzman](#); [Alan Haines](#); [Scott Haines](#)
Subject: RE: Pataskala BZA Review memo for September 9, 2020
Date: Saturday, August 29, 2020 11:33:30 PM

Scott, Hull & Associates has reviewed the Agenda for the September 9 BZA meeting and we offer the following comments:

VA-20-015: This is a variance with two parts. One is to allow for an accessory building to exceed 18' on a lot less than two acres and the second is to allow for the extension of a gravel driveway on a residential lot.

- We offer the following engineering comments:
 - The construction must be such that drainage patterns are not changed and the drainage does not negatively impact any other properties.
 - The permit from the Health Department (or OEPA if commercial) for the septic system must be provided to the city to confirm it has been secured.

CU-20-006: This is a Conditional Use for a building addition for use as a hair salon in a residential structure.

- We offer the following engineering comments:
 - Drainage cannot impact abutting properties.
 - We recommend the existing drive not be altered and parking be restricted to two vehicles.

CU-20-007: This is a Conditional Use to allow for a chimney cleaning operation.

- We offer the following engineering comments:
 - The existing layout of the property has two drive accesses onto Broad Street and existing gravel for parking.
 - As long as no additional impervious area is added to the property, we have no additional concerns.

Please let us know if there are any questions regarding our comments. We appreciate the opportunity to provide these services for the city.

Jim

James G. Roberts, P.E.

Vice President
Newark Office Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | d: 740-224-0739

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CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: 12436 Adams Lane SW	
Parcel Number: 003-145392-00.002	
Zoning: R-20	Acres: 0.46
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: CU-20-006
Fee: 300
Filing Date: 8-13-20
Hearing Date: 9-9-20
Receipt Number: 21455

Applicant Information		
Name: Katherine E. Sansone		
Address: 12436 Adams Lane S.W		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-260-1543	Email: Sammy200138@gmail.com	

Property Owner Information		
Name: Katherine E. Sansone, Matthew M. Sansone		
Address: 12436 Adams Lane S.W.		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-260-1543	Email: Sammy200138@gmail.com	

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

Conditional Use Information
Request (Include Section of Code): Section 1267.03 (c) and 1267.04
Request permission to build and run a hair salon out of my home.
Describe the Project:
We are adding a full front porch that wraps around to the side and adding an additional entrance to make the first floor, left corner bedroom measuring 10x13 into an single stylist hair salon.

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use 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/paxworld/>

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 conditional use request.

Applicant (Required):

Katherine E. Sansone *Matthew M Sansone*

Date:

Aug 13, 2020

Property Owner: (Required):

Katherine E. Sansone *Matthew M Sansone*

Date:

Aug 13, 2020

Narrative Statement

August 13, 2020

12436 Adams Lane SW
Pataskala, Ohio 43062
Katherine E. Sansone.

This conditional use has been requested because I would like to conduct my hair salon business from my home. The plan is to add a front porch along the entire front of my home which will wrap around to include the length of the side. There will be a wheelchair ramp and stairs at its conclusion. There will also be an additional door added as an entrance to the salon. I don't feel the occasional passerby will be able to recognize this as a business. It will make my home more aesthetically pleasing.

My reasoning for doing this twofold. My 75 year old mother is at a point in her life where she needs to move in with me for her physical care. She has been a paraplegic for 30 years on her own and its time. I would have to quit my job to care for her. Second, I have a 7 year old daughter whom due to Covid 19 I have to manage her online schooling. This build seems to be a smart solution.

I have been self employed for 25 years. Most of my clients I have had for over 10. I don't advertise. The sign for my business will be conservatively placed beside the entrance door to the salon. It will be made of natural fibers

and be small in size. I will work part-time. my hours will be less than 6 per day, 4 days a week. I do not do two clients together. They are one at a time and spaced so that there is only one extra car in the driveway at a time. I am very strict on my clients being on time, not early - as to not encroach upon the previous clients time.

The State Board of Cosmetology and other COVID related regulations make working on two clients at a time illegal, and I don't work that way anyway. I have never sold retail, nor do I plan to start. In my opinion Amazon can do that.

I will be the only hairdresser doing hair in my space. The space will be used for nothing else.

The finished square footage of the shop will be 1309 sq ft. My home is 2700 sq ft, so well below 15%.

The shop will be run by me alone. This way I will be accessible to my mother and my daughter and can still run my business.

Thank you,

Katherine E. Sansone

View the Treasurer's message regarding 2nd half collection and COVID-19 precautions

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

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Owner ▼
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063-145392-00.002
SANSONE MATTHEW M &
KATHERINE
12436 ADAMS LN
PATASKALA, OH 43062

Acres: 0.46
LOT 6 PT 0.46 AC

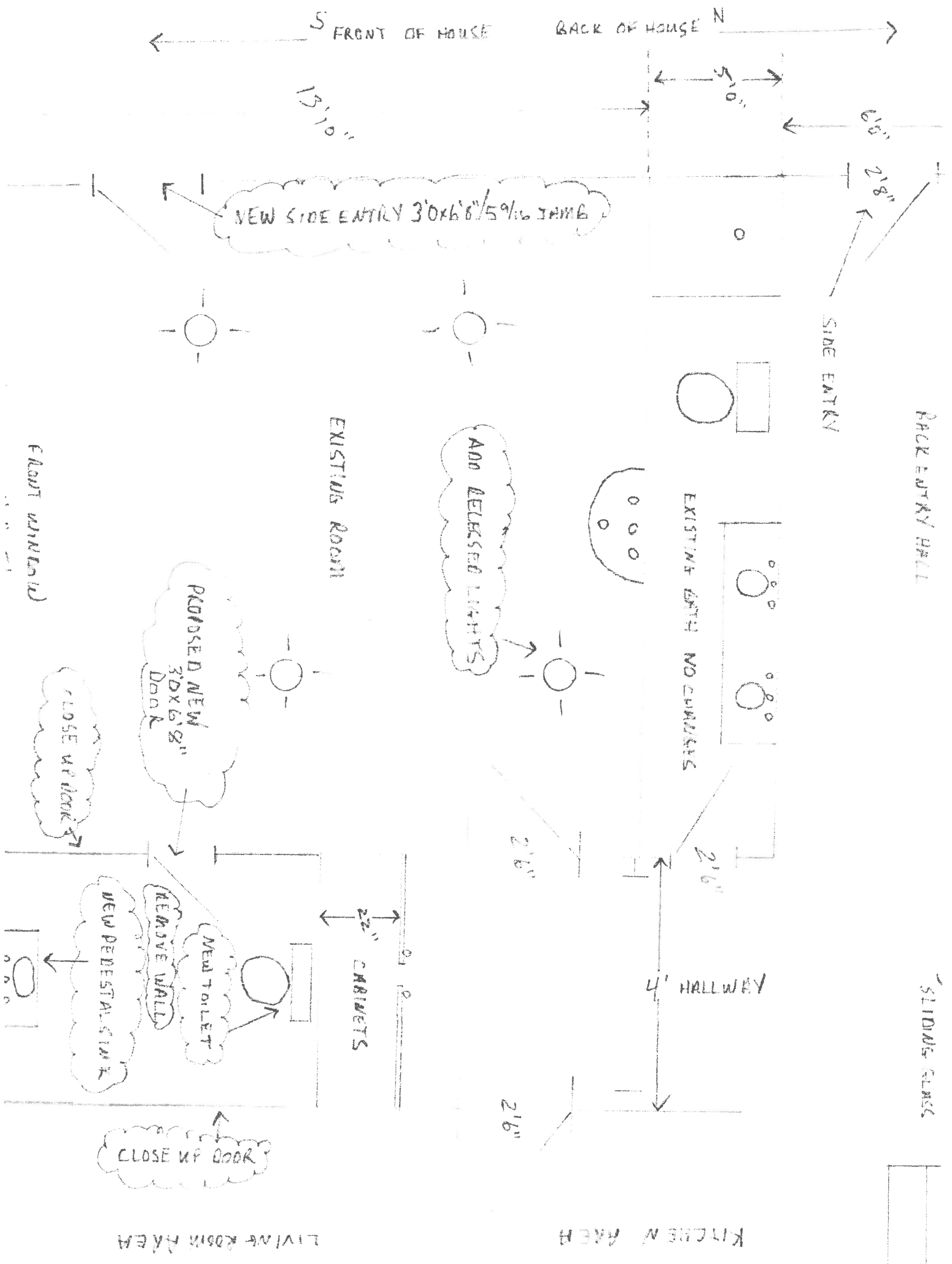
Land: \$16,000
Improv: \$178,600
Total: \$194,600

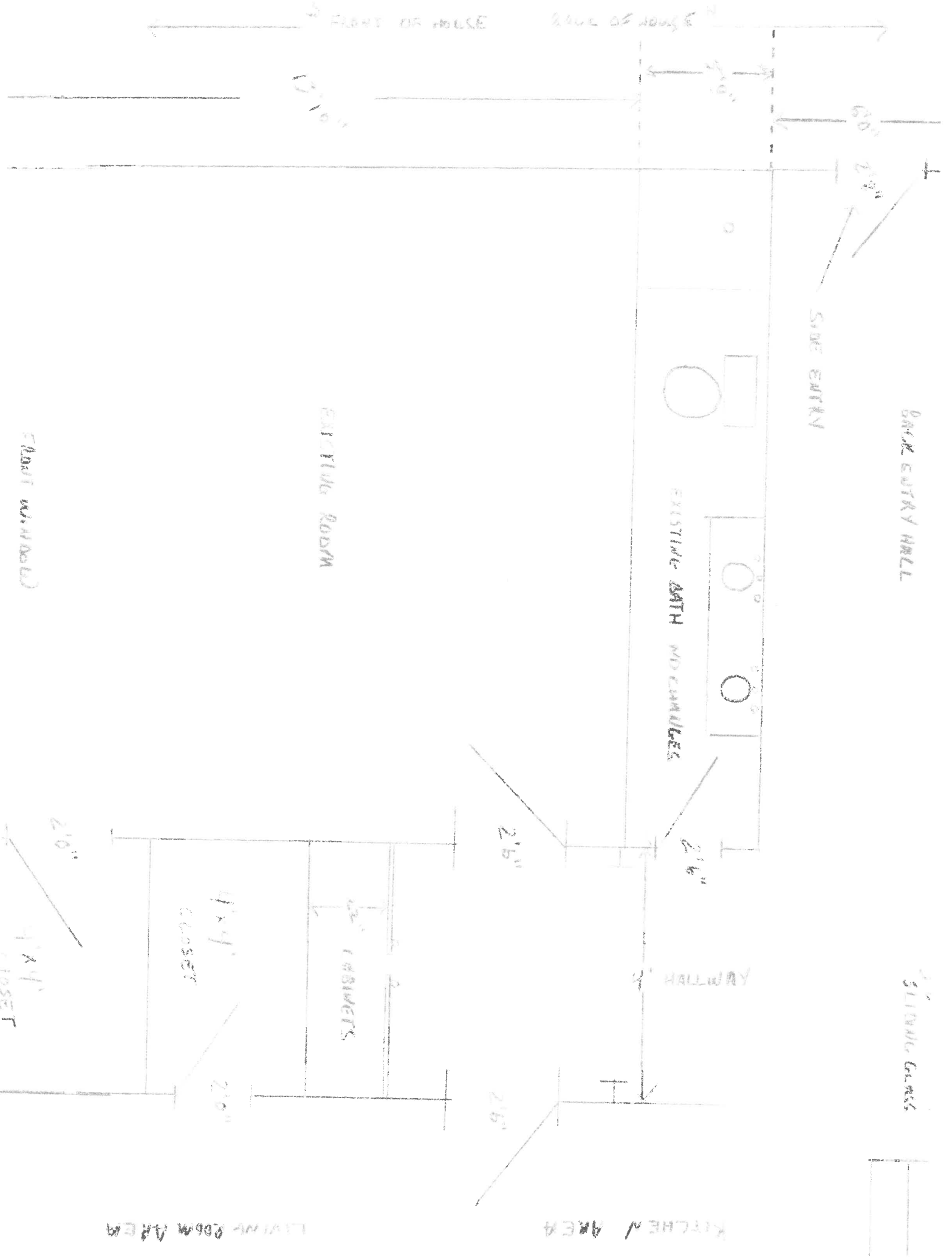
Sale Date: 11/10/2016
Amount: \$193,500
Conveyance: 3607
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

* parking will be one client, one extra vehicle
at a time





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

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

Taxes Due July 15th

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
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KATHERINE
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LOT 6 PT 0.46 AC

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201611100025068
Pgs: 4 \$44.00 T20160028763
11/10/2016 2:21PM BXB08 NEEDHAM
Bryan A. Long
Licking County Recorder

TRANSFERRED
Date NOV 10, 2016
Michael Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: SS 580.50

DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
11-7-16 SW

01150564000000019200

GENERAL WARRANTY DEED

Chase Rule
11/6/16
KNOW ALL MEN BY THESE PRESENTS that Thomas J. Hendricks and Marie Hendricks, Husband and Wife ("Grantors"), of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to Matthew M Sansone and Katherine Sansone, Husband and Wife ("Grantee"), for their joint lives remainder to the survivor of them, whose tax mailing address is Equity Resources, 25 1/2 S Park Place, Newark, Oh 43055 the following real property:

City of Pataskala
Situating in the State of Ohio, County of Licking, ~~Township of Lima~~ and being further described as follows:

See Attached Exhibit "A"

Prior Instrument Reference: 200412210044921 Licking County Ohio Recorder's Office.

Parcel Number: 063-145392-00.002

Property Address: 12436 Adams Ln, Pataskala, Oh 43062

This conveyance is:

- 1) Subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances, building, use and occupancy restrictions, and all existing public streets and legal highways, if any,
- 2) The lien of real estate taxes and assessments not yet due and payable.

IN WITNESS WHEREOF, the said Grantors have caused this instrument to be executed this 4th day of November, 2016.

Thomas J Hendricks
Thomas J Hendricks

Marie Hendricks
Marie Hendricks

STATE OF OHIO : ss.
COUNTY OF LICKING

On this 4th day of November, 2016, the foregoing instrument was acknowledged before me, a Notary Public in and for said State, by Thomas J Hendricks and Marie Hendricks, Husband and Wife, who acknowledged the signing thereof to be their voluntary act and deed. In testimony thereof, I have here unto subscribed my name and affixed my official seal on the day and year last aforesaid.



Robert E. Needham, Jr.
Notary Public-State of Ohio
My Commission Expires
August 22, 2021

[Signature]
Notary Public

This instrument prepared by: Forsythe, Mills & Neff, Co. L.P.A., Attorneys at Law

EXHIBIT "A"

City of Pataskala
Situating in the State of Ohio, County of Licking, ~~Township of Lima~~, being a part of Tract 21 of Ijams East Broad Street Parcels, Plat Book 4, pg. 149, and being a part of Quarter Township 4, Township 1, Range 15, United States Military Lands, and being part of a 2 acre tract conveyed to Alice Gordon in Deed Book (D.B.) 640, pg. 481, Licking County Recorder's Office;

All records referred to are those of record at the Licking County Recorder's Office;

Beginning at the southwest corner of the said Tract 21, being the intersection of the west line of the said Quarter Township 4 and the north line of the Baltimore and Ohio Railroad, being a point in the south line of Adams Lane (T.R. 420, 30.00 feet wide), and being the southeast corner of a 11.5 acre tract conveyed to The Thomas J. Evans Foundation in D.B. 636, pg. 114;

Thence North 88 degrees 20 minutes 00 seconds East, 241.57 feet along the south line of the Adams Lane and of the said Tract 21, and the north line of the said Baltimore and Ohio Railroad, to a point;

Thence North 00 degrees 10 minutes 31 seconds West 30.01 feet, to a set iron pin, being a point in the south line of the said 2 acre tract and in the north line of the said Adams Lane; and being the True Point of Beginning;

Thence North 00 degrees 10 minutes 31 seconds West, 194.63 feet, crossing the said 2 acre tract, to a set iron pin, being a point in the north line of the said 2 acre tract and in the south line of a 1.241 acre tract conveyed to Henry L. Nelson in Official Record 420, pg. 750;

Thence North 88 degrees 20 minutes 03 seconds East, 103.00 feet, along the north line of the said 2 acre tract and the south line of the said 1.241 acre tract, to a set iron pin;

Thence South 00 degrees 10 minutes 31 seconds East, 194.63 feet, crossing the said 2 acre tract, to a set iron pin, being a point in the south line of the said 2 acre tract and in the north line of the said Adams Lane;

Thence South 88 degrees 20 minutes 00 seconds West, 103.00 feet, along the south line of the said 2 acre tract and the north line of the said Adams Lane, to the True Point of Beginning, containing 20,040 square feet or 0.460 acres, according to a field survey by J&J Surveying Services, Inc. in August of 2002;

EXHIBIT "A" Cont.

The Basis of the bearings is the north line of Adams Lane as being South 88 degrees 20 minutes 00 seconds west, as stated in D.B. 640, pg. 481, and is used to denote angles only. All iron pins set are 5/8" in diameter 30" long, with a cap stamped "J&J Surveying".

Property Address: 12436 Adams Ln, Pataskala, OH 43062
Tax ID No.: 063-145392-00.002



View the Treasurer's message regarding 2nd half collection and COVID-19 precautions

Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer
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 SANSONE MATTHEW M &
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 12436 ADAMS LN
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Acres: 0.46
 LOT 6 PT 0.46 AC

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 Valid Sale: Yes

Homestead: No
 Owner Occ: Yes

Foreclosure: No
 Certified Delq: No
 On Contract: No
 Bankruptcy: No
 Tax Lien: No



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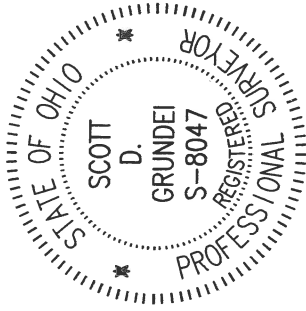
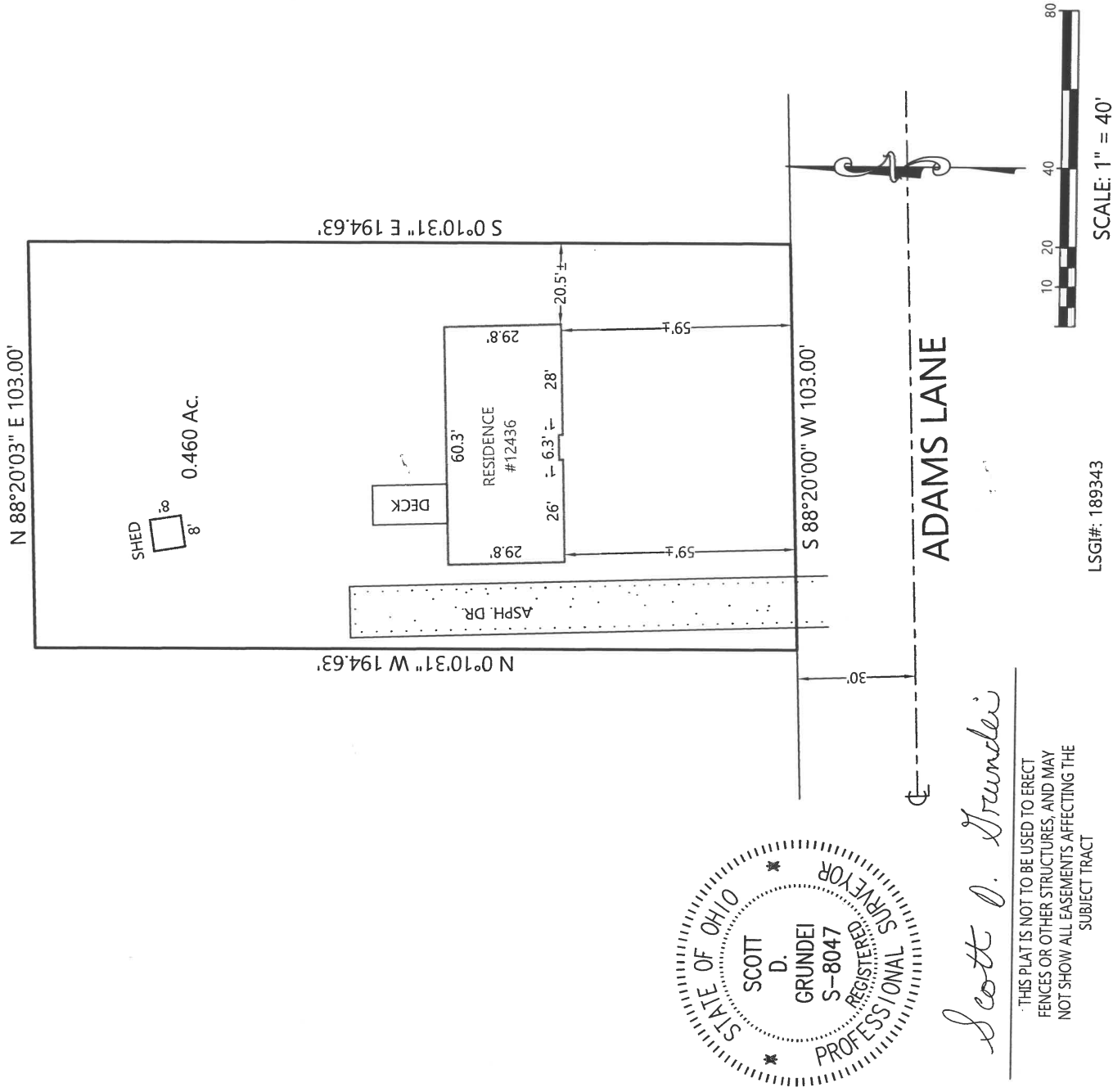


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PROPERTY ADDRESS: 12436 ADAMS LANE PATASKALA, OHIO 43062

SURVEY NUMBER: 189343



Scott D. Grundeel

THIS PLAT IS NOT TO BE USED TO ERECT
FENCES OR OTHER STRUCTURES, AND MAY
NOT SHOW ALL EASEMENTS AFFECTING THE
SUBJECT TRACT

POINTS OF INTEREST: NONE VISIBLE.

CLIENT NUMBER: DATE: 9/26/2016

BUYER: MATTHEW SANSONE

SELLER: THOMAS J HENDRICKS AND MARIE HENDRICKS

SUBLOT / ORIGINAL LOT: .46 AC

SUBDIVISION: METES AND BOUNDS

PLAT: PG: COUNTY: LICKING

CERTIFIED TO: CHICAGO TITLE + MOVEMENT MORTGAGE LLC

THIS PLAT DEPICTS THE SUBJECT PROPERTY IN ACCORDANCE WITH THE OHIO
ADMINISTRATIVE CODE, CHAPTER 4733-38, MINIMUM STANDARDS FOR MORTGAGE
SURVEYS IN THE STATE OF OHIO, AND IS NOT A BOUNDARY SURVEY PURSUANT TO
CHAPTER 4733-37, OHIO ADMINISTRATIVE CODE.

THIS MORTGAGE LOAN IDENTIFICATION SURVEY IS NOT TO BE USED
FOR THE INSTALLATION OR BUILDING OF FENCES, SHEDS, GARAGES,
ADDITIONS OR ANY OTHER STRUCTURE. TO DETERMINE EXACT
BOUNDARY LINES, A BOUNDARY SURVEY IS REQUIRED.

Landmark Survey
is proud to support:

susan g. komen
FOR THE CURE
COLUMBUS

LANDMARK
Survey Group

Landmark Survey Group
2099 West Fifth Avenue
Columbus, Ohio 43212
Phone: 614.485.9000
Fax: 614.485-9003