



## 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-20-007

<b>Applicant:</b>	Kathryn Poole
<b>Owner:</b>	Tammy & Arnell Schrock
<b>Location:</b>	421 W. Broad Street, Pataskala, OH 43062
<b>Acreage:</b>	1.66-acres
	GB – General Business
<b>Request:</b>	Requesting approval of a Conditional Use to allow for the property to be operated as a chimney cleaning and repair business, NAICS 561790.

#### Description of the Request:

The Applicant is seeking approval of a Conditional Use to allow for the operation of a chimney cleaning and repair business (NAICS: 561790) located at 421 W Broad Street.

#### Staff Summary:

The property located at 421 W Broad Street is 1.66-acres in size with approx. 160-feet of frontage on W Broad Street. It is currently occupied by one 4,900-square foot commercial building built in 1971, and one 2,250-square foot pole barn built in 1986. Areas on all sides to the commercial building, and to the front of the pole barn are surfaced in gravel. Access is handled by two gravel surfaced entrance drives off W Broad Street. An existing sign is present between the two access drives in the middle of the property's frontage. The property was previously the location for "Sally's Hearth & Home".

The Applicant is requesting approval of a Conditional Use to allow for the operation of a chimney cleaning and repair business on the property. The North American Industry Classification System (NAICS) 2007 assigns this use the code 561790 for 'Other Services to Buildings and Dwellings', which is described as "establishments primarily engaged in providing services to buildings and dwellings (except exterminating and pest control; janitorial; landscaping care and maintenance; and carpet and upholstery cleaning)". Pursuant to Section 1249.04(19) of the Pataskala Code; this use is a Conditional Use within the GB – General Business zoning district in which this property is located.

As indicated by the submitted site plan, the Applicant does not intend to make any exterior changes to the property aside from parking spaces. The chimney services use will occupy the rear of the building, utilizing the office and storage area. Per the Narrative Statement submitted by the Applicant, there will be 2-3 office personnel onsite during the office hours of 8:00AM-6:00PM Monday-Friday, and 8:00AM-4:00PM Saturdays. There are also four (4) service personnel that will operate the two (2) service trucks, with plans to expand with a third service truck and an additional two (2) personnel. The service personnel will be onsite in the morning to load the service trucks, get work orders, and attend meetings then returning at the end of the day to unload. Service personnel may be there after hours depending on the work being done that day.

The two (2) service vehicles they currently operate will be parked in the locked garage when not in use. With current Staff, there will only be five (5) vehicles parked onsite, with possibly nine (9) total vehicles if the Applicant were to add a third service vehicle and fully staff the office. The employees will park on the east side of the building in the gravel lot.

Additionally, per the Applicant's Narrative Statement, they do not believe the proposed use will be detrimental to neighboring uses, will be adequately served by public facilities, will be harmonious with and in accordance with the general objectives of the Zoning Code, and will not involve uses detrimental to any persons, property, or the general welfare because "we will abide the city code and plan and as it is a pre-existing commercial space there will no physical changes to lot".

**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:

The Future Land Use map from the City's Comprehensive Plan (2006) designates this property as Light Industrial; however, the property is currently zoned for commercial use.

The Applicant also stated on their Application that they are requesting approval of a Conditional Use for a "stove shop" that is planned to open in the Spring of 2021. The NAICS 2007 designates a "stove shop" as 'All Other Home Furnishings Stores', use code 442299, which is a *permitted* use in the GB – General Business zoning district; therefore, a Conditional Use approval is not required. However, a retail store has different requirements than the proposed use and would require an additional Certificate of Compliance and compliance with all applicable regulations of the Pataskala Code. This would be done administratively as it is a permitted use and should not factor into the decision of the Board to allow for the use of the property at a chimney cleaning and repair service facility. A possible modification has been added to clarify that this approval is only for the proposed Conditional Use, and that establishment of the retail use will be subject to all applicable zoning regulations.

Pursuant to Section 1291.16 of the Pataskala Code; office uses shall provide one (1) parking space for every 400-square feet of gross floor area. Per the Site Plan, there appears to be around 800-square feet of office space in the building, meaning only two (2) parking spaces are required. Additional parking will be required when establishing the retail use, again, however, this will be handled administratively.

Pursuant to Section 1283.07(B) of the Pataskala Code, all uses within the GB – General Business zoning district shall provide L2 type screening along the any frontage. No screening is required along the sides or rear if the use does not abut a residential use. Per Section 1283.06(3)(b), L2 type screening requires enough low shrubs to form a continuous three (3) foot high and 95% opaque screen. In addition, one tree is required per 30 lineal feet. A three (3) foot high berm or a masonry or stone wall may be substituted for the shrubs. Section 1287.07(7) allows the minimum standards of this section to be waived upon presentation of an equivalent landscaping plan subject to approval by City Staff.

Based on the information supplied by the Applicant, Staff had no other concerns with the proposal.

#### City Engineer

- Existing layout of the property has two access drives onto Broad Street and an existing gravel lot.
- As long as no additional impervious area is added, we have no additional concerns.

#### Other Departments and Agencies

No other comments were received.

#### **Surrounding Area:**

Direction	Zoning	Land Use
North	GB – General Business	Farm Field
East	GB – General Business	Vacant
South	M-1 – Light Manufacturing	Warehouse Space
West	M-1 – Light Manufacturing	CenturyLink

#### **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-20-007:

- None

**Department and Agency Review**

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – See attached.
- Pataskala Utilities – No comments.
- Police Department – No comments
- West Licking Joint Fire District – No comments.
- Southwest Licking 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 Conditional Use shall apply to the "office" and "non-rental space" as indicated on the site plan. At such time that the "Future Showroom" as indicated on the site plan is established the Applicant shall meet all applicable requirements of the Pataskala Code.
3. L2 Landscaping, or and equivalent landscaping plan pursuant to Section 1287.07(7), shall be installed along the Broad Street frontage 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-20-007 ("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

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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

Follow Hull on [Facebook](#) & [LinkedIn](#)  
[web](#) | [directions to offices](#)

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**From:** Scott Fulton <sfulton@ci.pataskala.oh.us>

**Sent:** Thursday, August 20, 2020 9:35 AM

**To:** Steven Blake <sblake@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; gchumney@lickingcohealth.org

**Subject:** Pataskala BZA Review memo for September 9, 2020

Good Morning Everyone,

You are receiving this email because one or more of the Applications submitted for the September 9th, 2020 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**VA-20-015:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, Greg Chumney, Alan Haines

**CU-20-006:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

**CU-20-007:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, Chris Sharrock, Alan Haines

Please review the applications, and if you have any comments or concerns regarding them have them submitted to me by at least August 31<sup>st</sup>. They will be included in the Staff Report that is given to the Board members.

And if you have any questions about the Applications themselves, feel free to contact me.

Here is a link to download the review memo: [https://pataskala-my.sharepoint.com/:f/g/personal/sfulton\\_ci\\_pataskala\\_oh\\_us/Epb-18yijQ1FsTXds8eh2wQBRr3GdS\\_HZhwcysswV0D8tw?e=BMSUL1](https://pataskala-my.sharepoint.com/:f/g/personal/sfulton_ci_pataskala_oh_us/Epb-18yijQ1FsTXds8eh2wQBRr3GdS_HZhwcysswV0D8tw?e=BMSUL1)

**SCOTT FULTON**

Director of Planning

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-2168

Cell: 614-440-5222



# 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: 421 W. Broad St. Pataskala, OH 43062	
Parcel Number: 063-307014-00.000	
Zoning: GB	Acres: 1.66
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number:
20-007
Fee:
300.00
Filing Date:
8-14-2020
Hearing Date:
9-9-2020
Receipt Number:
21458

Applicant Information		
Name: Kathryn <del>Blanchard</del> Poole		
Address: 343 Masonglen Ct.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-446-1221	Email: Katie@the real chimney guys.com	

Property Owner Information		
Name: Tammy & Arnell Schrock		
Address: 4259 Stemen Rd NW		
City: Baltimore	State: OH	Zip: 4305
Phone: 614-309-0279	Email:	

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

Conditional Use Information
Request (Include Section of Code): NAICS 2007 561790 Request to use property for the office of a chimney cleaning & repair company & Stove Shop.
Describe the Project:
The Chimney Guys provide in home chimney cleaning & repair services. There are 2 people who work in office & 4 field technicians. We plan to open Stove Shop Spring 2021.

## 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):

Date:

7/13/20

Property Owner: (Required):

Date:

7-13-20



The Chimney Guys chimney sweeping business will provide in home Chimney cleaning and repair services. We wish to operate out of 421 West Broad Street, Pataskala OH 43062.

There will be 2-3 office personnel that will be onsite working in the office. There will be 3 technicians (2 currently) and 3 (2 currently) assistants that will be onsite in the early morning to load the company vehicles, and work orders for the day, proceed to complete daily work orders then they will return to office to turn in work orders completed. They will only be onsite at the beginning of the day and at the end of the day and for scheduled meetings. The field technicians will be driving vans, utility vans, or smaller work trucks. We currently have 2 Service trucks and are working on getting a 3<sup>rd</sup> technician and helper.

Our hours of operation are Monday – Friday 8-6 & Saturday 8 – 4. There may be days where technicians may be later depending on work being completed.

The 2 service vehicles will be parked in the locked garage when not in service. With the current staff there will be only 5 vehicles used in the parking lot on the side of the building in the gravel lot.

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 or parcels listed on this application.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

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.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

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.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

4. Will not be hazardous or disturbing to existing or future neighboring uses.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

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.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

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.

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

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.

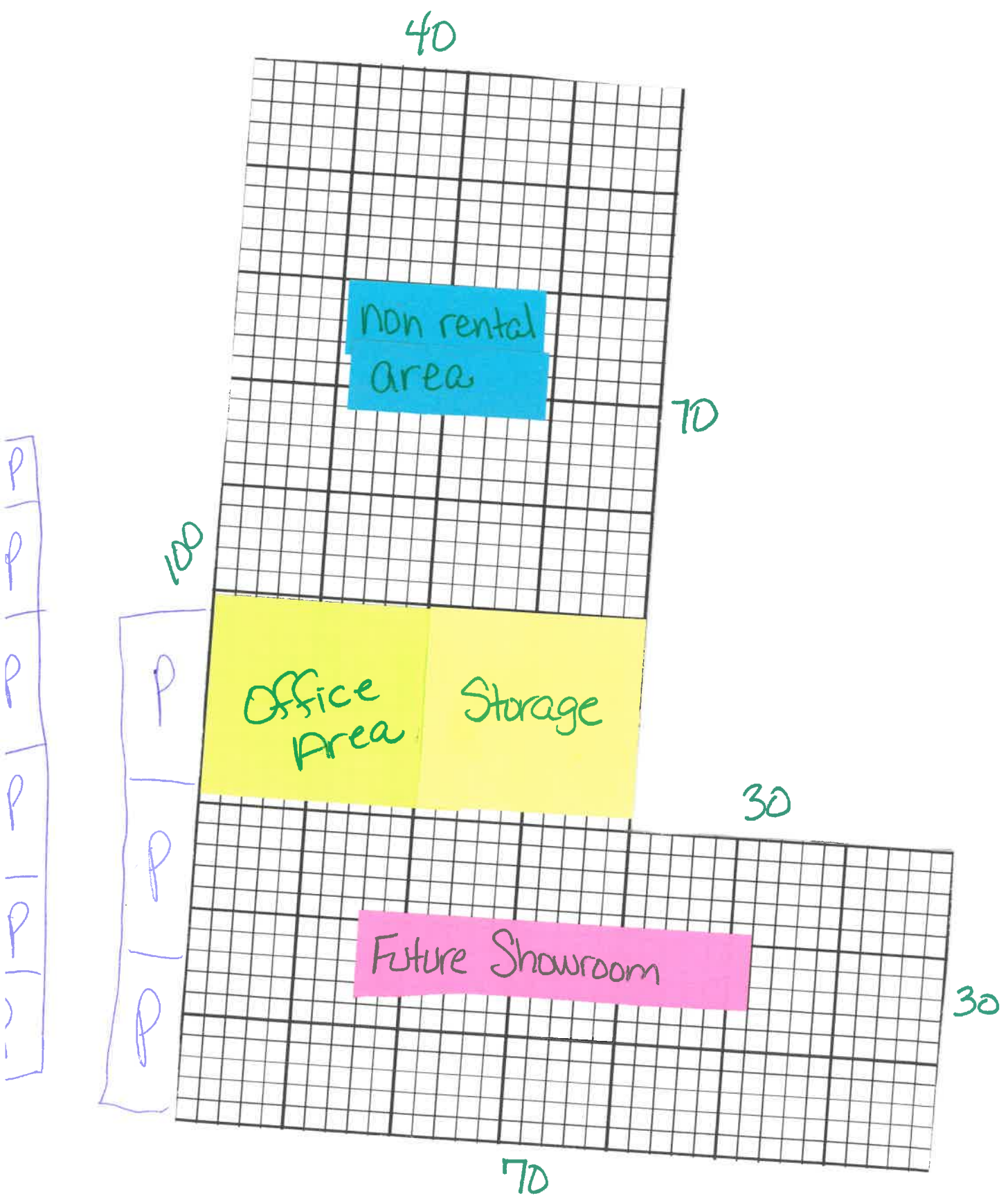
Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

8. Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.

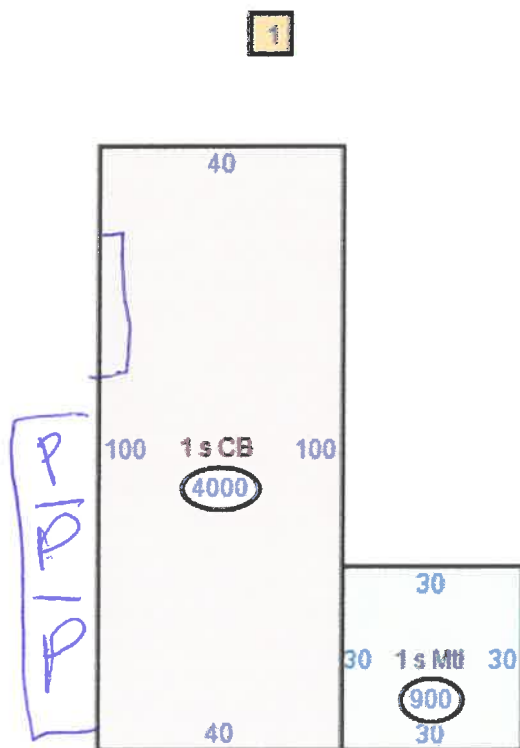
Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.

9. Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance

Yes, we will abide by the city code and plan and as it is a pre existing commercial space there will be no physical changes to lot.



P = Parking Space



P = Parking Space

TRANSFERRED  
Date April 25, 2019  
Michael Smith  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY: KAG 1050.00  
BY 2 DEEDS 1 OF 2



201904250007674

Pgs: 2 \$28.00 T20190006584  
4/25/2019 1:17 PM BXHAYFF  
Bryan A. Long Licking County Recorder



0115PA00700000017000

CONDITIONAL APPROVAL FOR THIS TRANSFER  
CORRECTION REQUIRED FOR NEXT TRANSFER  
JARED N. KNERR, LICKING COUNTY ENGINEER  
JW - 4/25/19 - MISSING  
BEARINGS ON LOST CALL

## GENERAL WARRANTY DEED

Ruth M. Ness and David C. Ness, her husband, for valuable consideration paid, grants with general warranty covenants to **Arnell Schrock and Tammy Schrock**, husband and wife, to be held for their joint lives remainder to the survivor of them, whose tax mailing address is \_\_\_\_\_, the following real property:

### AN UNDIVIDED ONE-HALF INTEREST:

*Situated in the State of Ohio, County of Licking and in the former Township of Lima, now and by merger, City of Pataskala, and being further described and delineated in the Exhibit "A" incorporated herein.*

Prior Deed Reference: *Instrument Number 200701170001411, Recorder's Office, Licking County, Ohio*  
Also known as: *421 West Broad Street, Pataskala, OH 43062*  
Auditor's Parcel No.: *063-307014-00.000*

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

David C. Ness, husband of Ruth M. Ness, releases any interest of dower herein.

Executed this 24<sup>th</sup> day of April, 2019.

Ruth M. Ness  
Ruth M. Ness

David C. Ness  
David C. Ness

State of Ohio  
County of Licking SS:

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of April, 2019, by Ruth M. Ness and David C. Ness.

Michael Smith

Exhibit "A"

**Property 1:**

Situated in the State of Ohio, County of Licking and in the former Township of Lima, now and by merger, City of Pataskala:

Being a part of Lot 12 in the Fourth Quarter, First Township and the Fifteenth Range of the United States Military Lands.

Beginning at a point in the center line of State Route #16 which point is located South 78 degrees 55 minutes West along the center line of State Route #16 a distance of 1010.6 feet from the East line of Lot 12, aforesaid; thence South 4 degrees 31 minutes 30 seconds West, passing an iron pin at 32.60 feet on the right of way line of State Route 16, along an existing fence row four hundred eighty-seven and eighty-two hundredths (487.82) feet to an iron pin for a corner; thence North 85 degrees 28 minutes 30 seconds West at right angles to the previous line 155 feet to an iron pin for a corner; thence North 4 degrees 31 minutes 30 seconds East parallel to the first described line of the tract (passing an iron pin at 396.56 feet on the right of way line of State Route #16) 444.52 feet to a point in the center line of State Route #16 160.93 feet to the place of beginning, containing 1.659 acres of land subject to all legal highways of record.

**421 West Broad Street, Pataskala, OH 43062**

**Permanent Parcel Number(s): 063-307014-00.000**

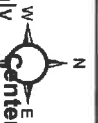


# OnTrac Property Map



July 10, 2020

☐ Street Number Only



Centerline Labels

☐ Sales - 2020

☐ Interstate/US/State Route

☐ Owner Name & Acres

☐ County Road

0 198 Feet  
Township Road  
Other Road Type

Interstates

Municipal Corporations

LICKING COUNTY TAX MAP

Driveway

☐

Jurisdictional Townships

Licking County Auditor GIS