



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

September 9, 2020

Variance Application VA-20-015

Applicant:	Jason Empson
Owner:	Jason Empson & Allison Capek
Location:	5097 Columbia Rd SW, Pataskala, OH 43062
Acreage:	0.915-acres
Zoning:	AG - Agricultural
Request:	Requesting a variance from Section 1221.05(C)(1) of the Pataskala Code to allow for the construction of an accessory building that will exceed the maximum permitted height on a parcel less than two (2) acres, and from Section 1291.02(A)(4) to allow for the extension of a gravel driveway on a platted lot

Description of the Request:

The Applicant is requesting approval of two (2) variances. The first, from Section 1221.05(C)(1) of the Pataskala Code, to allow for the construction of an accessory building that will exceed the maximum height of 18-feet on a lot less than two (2) acres. The second, from Section 1291.02(A)(4) of the Pataskala Code, to allow for the expansion of a gravel driveway on a platted lot.

Staff Summary:

The 0.915-acre property located at 5097 Columbia Rd SW is current occupied by an approximately 1,175-square foot single-family home built around 1900. The home is located approximately 20-feet from the right-of-way on Columbia Rd SW. Access to the property is via a gravel driveway off Columbia Rd SW. The rear of the parcel is undeveloped.

The Applicant is proposing to construct a 30' x 40' detached garage approximately 131-feet behind the existing home. The proposed structure will be eight (8) feet from the east side property line, and 62-feet from the west side property line. The roof pitch of the proposed structure will match the existing house, bringing the overall height of the structure to 24'4". Pursuant to Section 1221.05(C)(1) of the Pataskala Code, accessory structures on lots less than two (2) acres shall have a maximum height of 18-feet, hence the need for a variance.

Along with the proposed garage, the Applicant is proposing to construct a 10-foot wide, approximately 140-foot long gravel driveway extension from the existing driveway to the proposed structure. Pursuant to Section 1291.02(A)(4) of the Pataskala Code, when a parcel is platted, driveways and any off-street parking shall be concrete, asphalt, or pavers.

In the Narrative Statement submitted by Applicant, they stated that their hope is to build the detached garage to allow the property to suit their needs for garage, work area, and storage space. The variance

request for the garage will allow them to have the roof pitch match the existing house and provide attic storage space. The proposed garage colors and materials will match the existing house. The Applicant does not believe the proposed variance is substantial, will not be a substantial detriment to adjoining properties, and that the large trees between the proposed site and adjoining properties will help screen the proposed structure from neighbors.

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

Planning and Zoning Staff

Pursuant to Section 1221.05(B)(1), the maximum square footage allowable for structures on lots less than two (2) acres is determined by the equation $((\text{gross acreage of lot}) \times 600) + 120 \times 2$. Using the gross acreage of 0.915 acres the total allowable square footage for the lot would be $((0.915) \times 600) + 120 \times 2 = 1,338$ -square feet. The proposed garage is 30' x 40', or 1,200 square feet, which meets the requirement of the code.

As mentioned in the Summary, the proposed garage is 24'4" in height. Section 1221.05(C)(1) states that on lots less than two (2) acres, the maximum height of accessory structures shall be 18'. The Applicant is requesting a variance of 6'4", or an approximately 35% increase over the maximum allowable height.

Pursuant to Section 1291.02(A)(4) of the Pataskala Code, all driveways and off-street parking within platted subdivisions shall be either concrete, asphalt, or pavers. This parcel is part of the Swinning Subdivision, Platted in 1954. Although the Applicant's property has an existing gravel driveway, any time an existing nonconforming structure is enlarged, extended, modified, etc. it shall be brought into conformance with the current applicable regulations.

The Site Plan submitted by the Applicant does not indicate the distance from the proposed structure to the rear property line. Section 1221.05(E)(1) requires a minimum setback of five (5) feet from side and rear property lines on lots less than two (2) acres. Staff believes the applicant will have more than enough room to meet this requirement but would ask that these measurements be included when submitting for a zoning permit.

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

City Engineer

1. Construction must be such that drainage patterns are not changed and the drainage does not negatively impact any other properties.
2. Permit from the Health Department for septic system must be provided to city to confirm it has been secured.

Licking County Health Department

Has not received any info regarding alteration to septic system at 5097 Columbia Road (Possible condition added to have applicant receive all permits required from Licking County Health Department).

Other Departments of Agencies

No comments were submitted.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Undeveloped
East	AG – Agricultural	Single-Family Home
South	AG – Agricultural	Agricultural
West	AG – Agricultural	Undeveloped

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-20-015:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Licking County Health Department – See attached
- 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, the Licking County Building Department, and the Licking County Health Department within one (1) year of the date of approval.
2. The Applicant shall address all comments from City Staff, City Engineer, and Licking County Health 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 one (1) variance from Section 1225.05(C)(1) of the Pataskala Code, and one (1) variance from Section 1291.02(A)(4) for variance application VA-20-015 ("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

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

From: [Scott Fulton](#)
To: [Chad Brown](#)
Cc: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review memo for September 9, 2020
Date: Friday, August 21, 2020 12:11:49 PM
Attachments: [image003.png](#)

Thanks Chad. We will make a condition, if passed, that the applicant receives all applicable permits from the Health Department

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

From: Chad Brown <cbrown@lickingcohealth.org>
Sent: Friday, August 21, 2020 11:16 AM
To: Scott Fulton <sfulton@ci.pataskala.oh.us>
Subject: RE: Pataskala BZA Review memo for September 9, 2020

Good morning Scott. To my knowledge, we have not received any info regarding the alteration to the septic system at 5097 Columbia Road.

Just wanted to make you aware.

Thanks
Chad

Chad Brown, RS, MPH
Health Commissioner
Licking County Health Department
675 Price Rd. | Newark, OH | 43055
Office: (740) 349-6487
www.lickingcohealth.org



Find LCHD on Social Media:





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:	5097 Columbia Rd SW	
Parcel Number:	063-145780-00.000	
Zoning:	AG	
Acres:	0.915	
Water Supply:		
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" 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-20-015
Fee:	300
Filing Date:	8-6-2020
Hearing Date:	9-9-2020
Receipt Number:	21440

Applicant Information		
Name:	Jason Empson	
Address:	5097 Columbia Rd SW	
City:	Pataskala	State: OH
Phone:	336 240 1724	Zip: 43062
Email:	justjpe@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

Property Owner Information		
Name:	Jason Empson & Allison Capek	
Address:	5097 Columbia Rd. SW	
City:	Pataskala	State: OH
Phone:	336 240 1724	Zip: 43062
Email:	justjpe@gmail.com	

Variance Information	1221.05(C)(2) and 1291.02(A)(4)
Request (Include Section of Code):	For the variance of the proposed detached garage height to be 24'4", from current code of 18'. For a variance to extend the existing gravel driveway to the new detached garage with more gravel.
Describe the Project:	On this 0.915 acre lot with a 1250 sqft. home, I am asking to build a 30x40 detached garage with attic storage. The garage will match the existing house roof pitch, clay siding and 30 year drift wood shingles. Also pending an Alteration variance for the septic, if passed there will be the addition of a bathroom in the detached garage.

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:

8-5-2020

Property Owner (Required):



Date:

8-5-2020

Narrative

We are hoping to build a detached garage to make this property suit our needs for garage space, shop space and storage. We currently are renting a storage container to help aid in storing items, shop equipment and lawn equipment.

We would like to invest into this property by building a detached garage that will match the existing house and meet our needs for space. We are asking for the variance to allow the building height of 24'-4" instead of the current code of 18'. This will allow us to match the same roof pitch on the existing home along with making reasonable storage space in the attic. Along with building the garage in an acceptable area for grade and elevation changes we would need to extend the existing gravel driveway to the garage. (please see gravel site plan)

A: Currently the property does not have any buildings of any type for storage or home owner use.

B: To meet the code of lot size to building size equation of 1338 sqft for 0.915 acres, the extra space gained by raising the height of the building to 24' 4" from 18 ' will allow valuable and needed space without making the foot print of the building seem oversized for the lot.

C: In our belief and opinion the difference in the height will not be substantial. The aesthetics of matching the roof pitch to the house roof pitch will be appreciated.

D: There will be no substantial detriment to adjoining properties. There are large trees between proposed site and adjoining properties.

E: No. Referring to (D)

F: NO

G: NO

H: NO

I: We have considered other options that are not economical, legal or valuable to the property.

J: Yes, I feel that we are not asking for a substantial variance and will greatly help in our needs, the value of the property and value of adjoining properties.

K: Yes! We and the Property will greatly benefit from these variances.

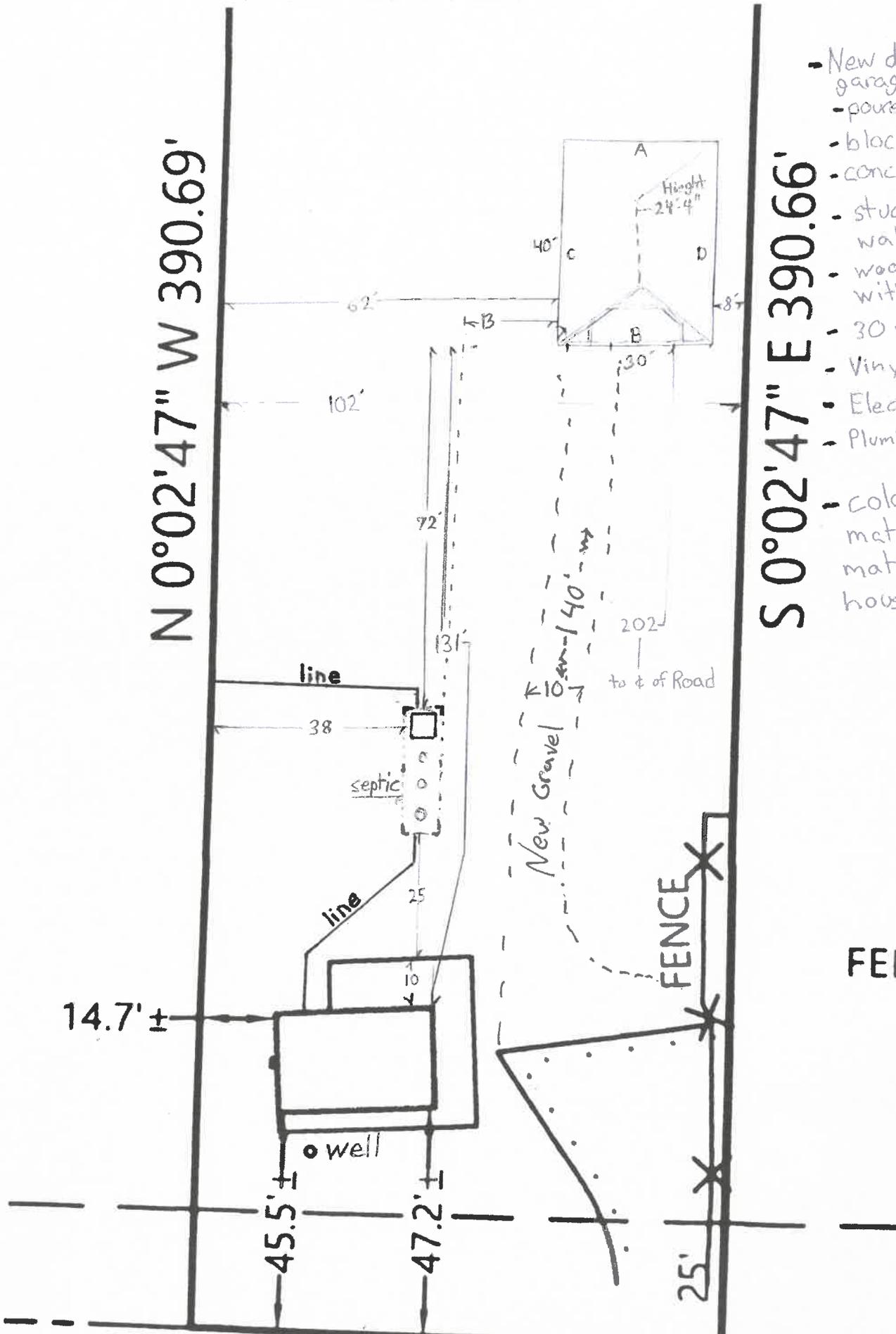
Thank you for your time and consideration.

Jason Empson and Allison Capek

N 0°02'47" W 390.69'

S 0°02'47" E 390.66'

- New detached garage
- poured footing
- block foundation
- concrete slab
- stud framed walls
- wood truss with storage
- 30 year shingle
- Vinyl siding
- Electric
- Plumbing for toilet
- Colors & materials to match existing house



S 90°00'00" W 102.00'

Elevation

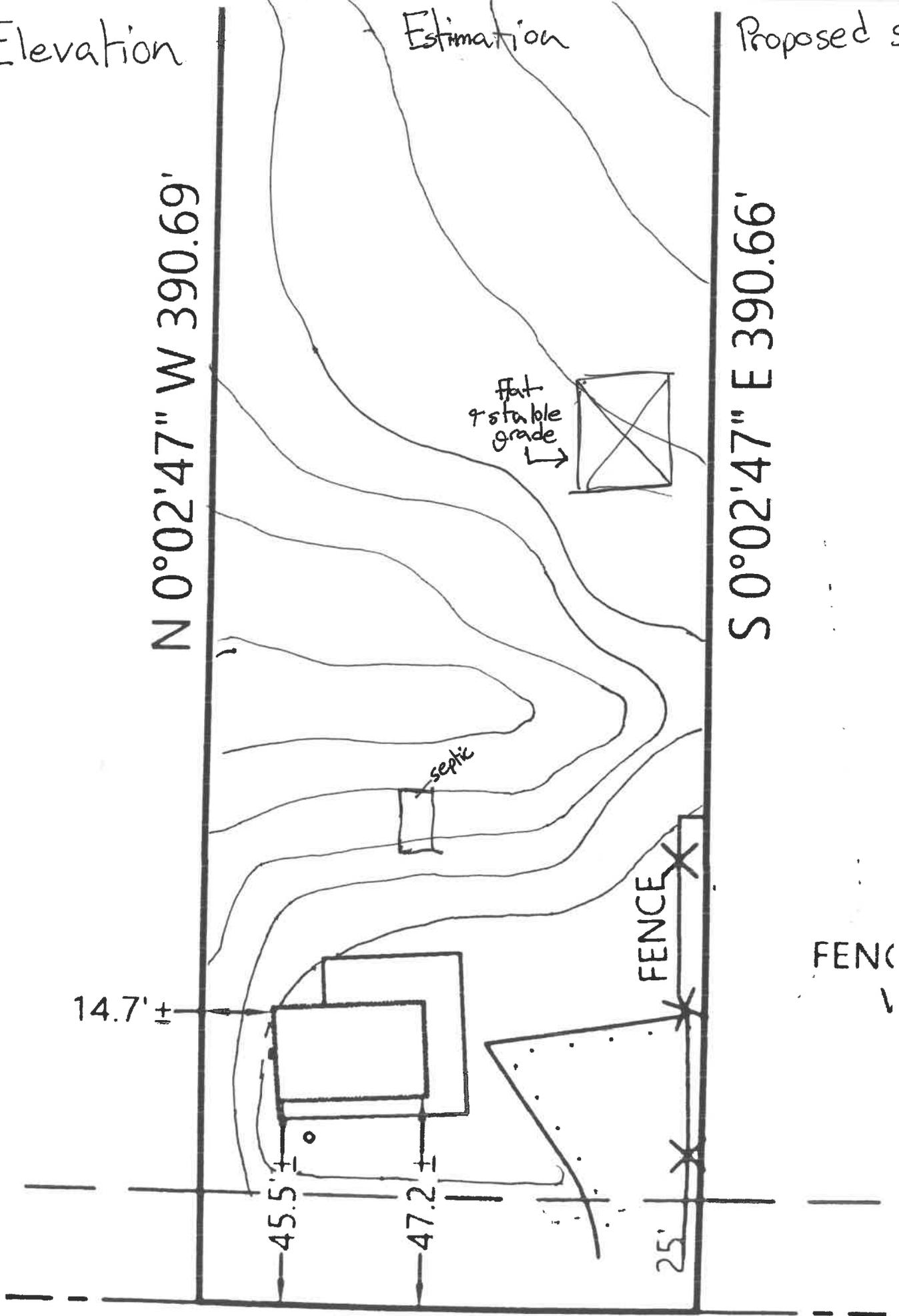
Estimation

Proposed site

N 0°02'47" W 390.69'

S 0°02'47" E 390.66'

S 90°00'00" W 102.00'



14.7' ±

45.5' ±

47.2' ±

25'

septic

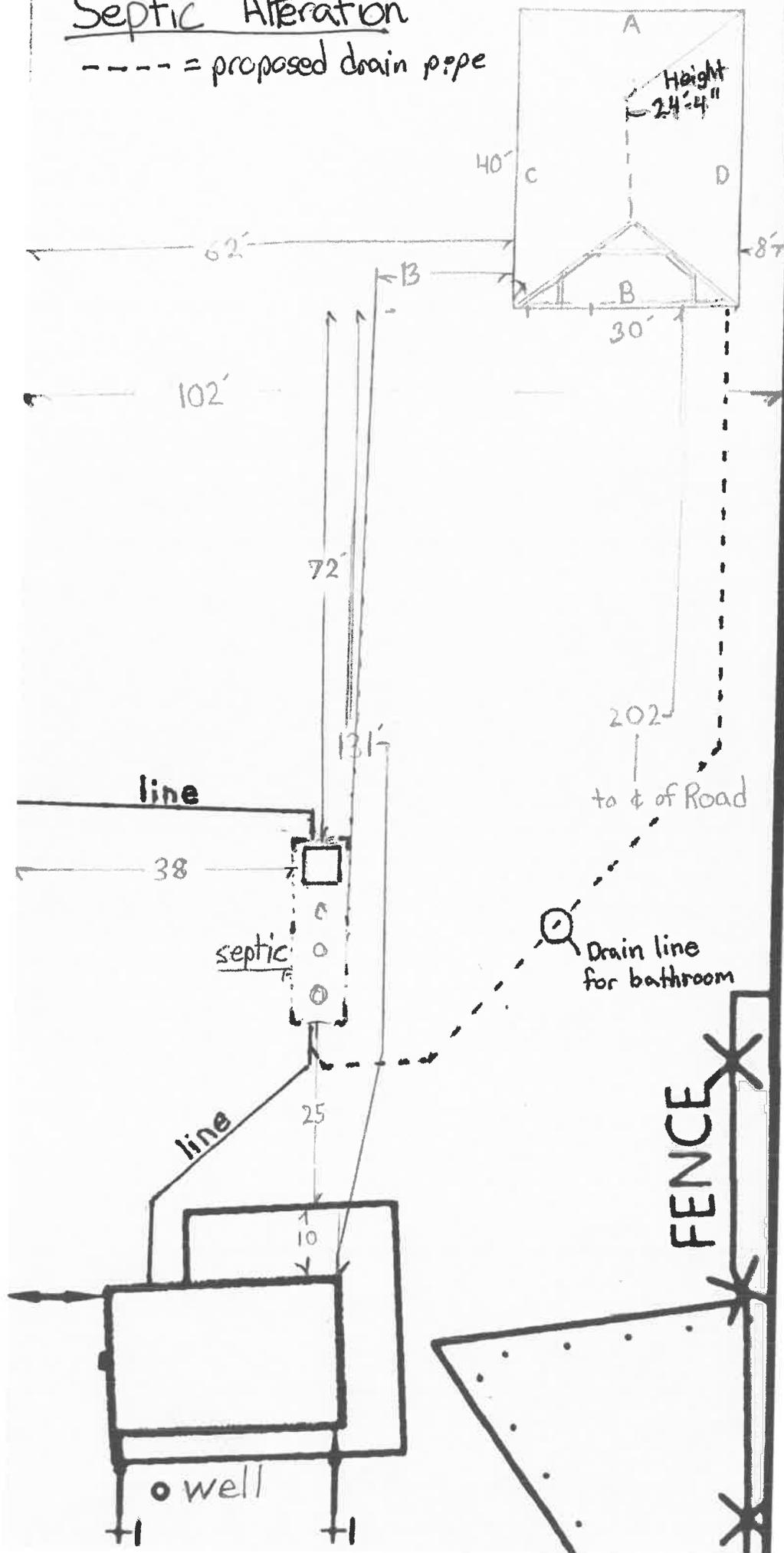
flat & stable grade

FENCE

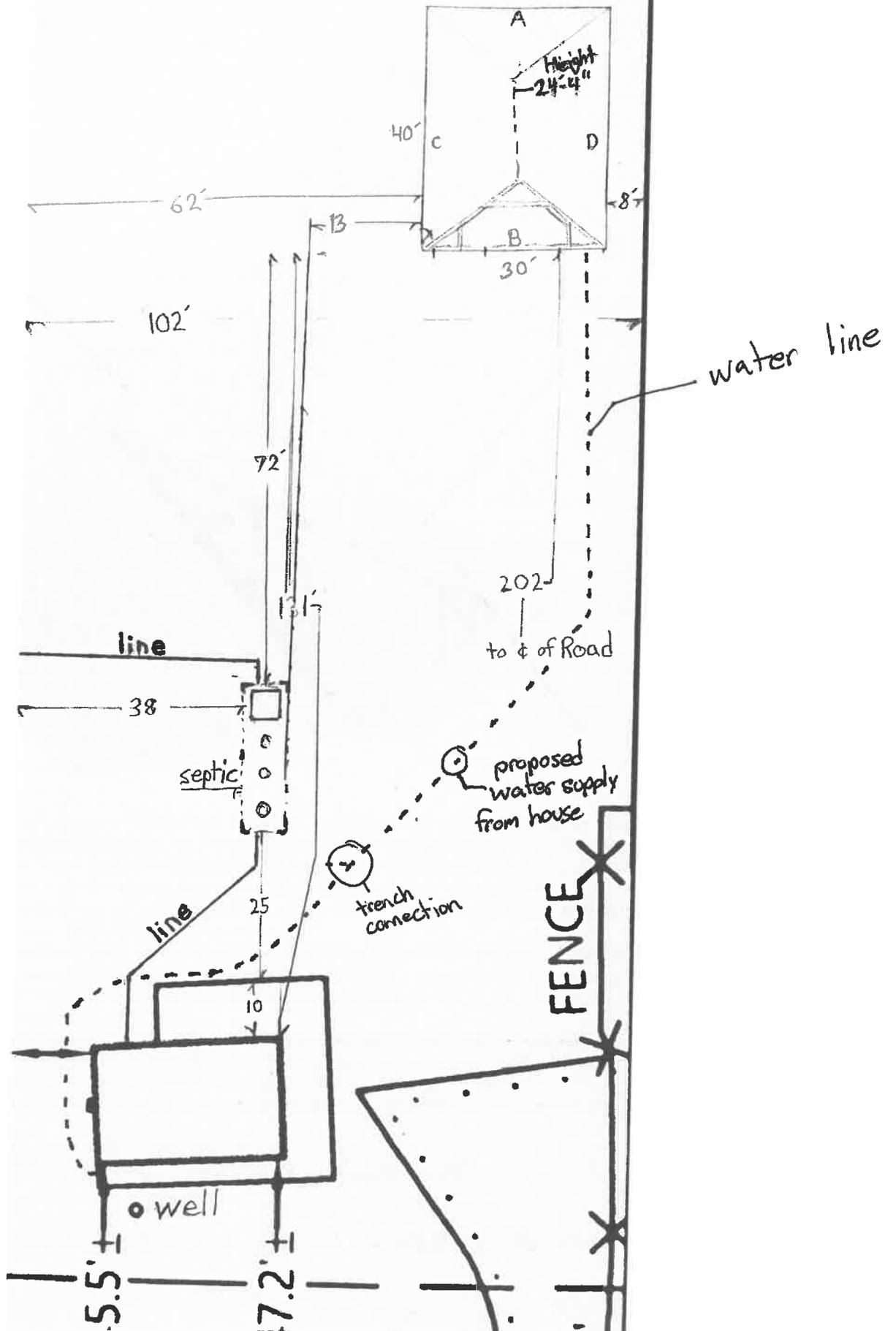
FENCE

Septic Alteration

----- = proposed drain pipe



Water line = (- - - - -)

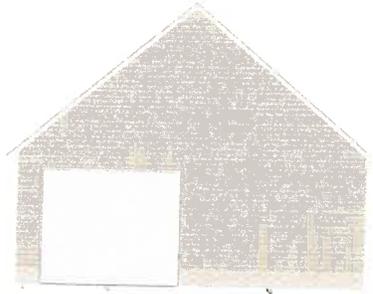




COLUMBUS EAST, 6800 E BROAD ST, COLUMBUS, OH, 614-501-1654

Wall Configurations

*Illustration may not depict all options selected.

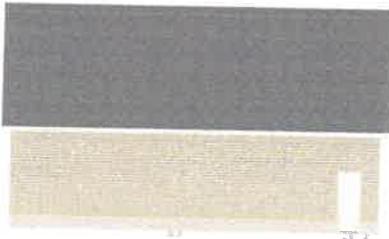


ENDWALL B

(1) - Ideal Door® Commercial 12' x 10' White Insulated Ga...

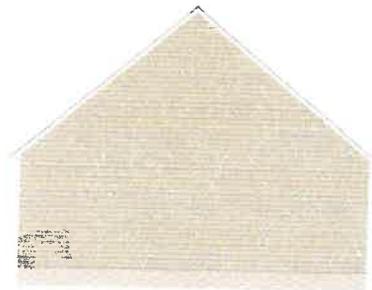


SIDEWALL D



SIDEWALL C

(1) - Mastercraft® Primed Steel 6-Panel Prehung Exterior ...



ENDWALL A

*Some items like wainscot, gutter, gable accents, are not displayed if selected.



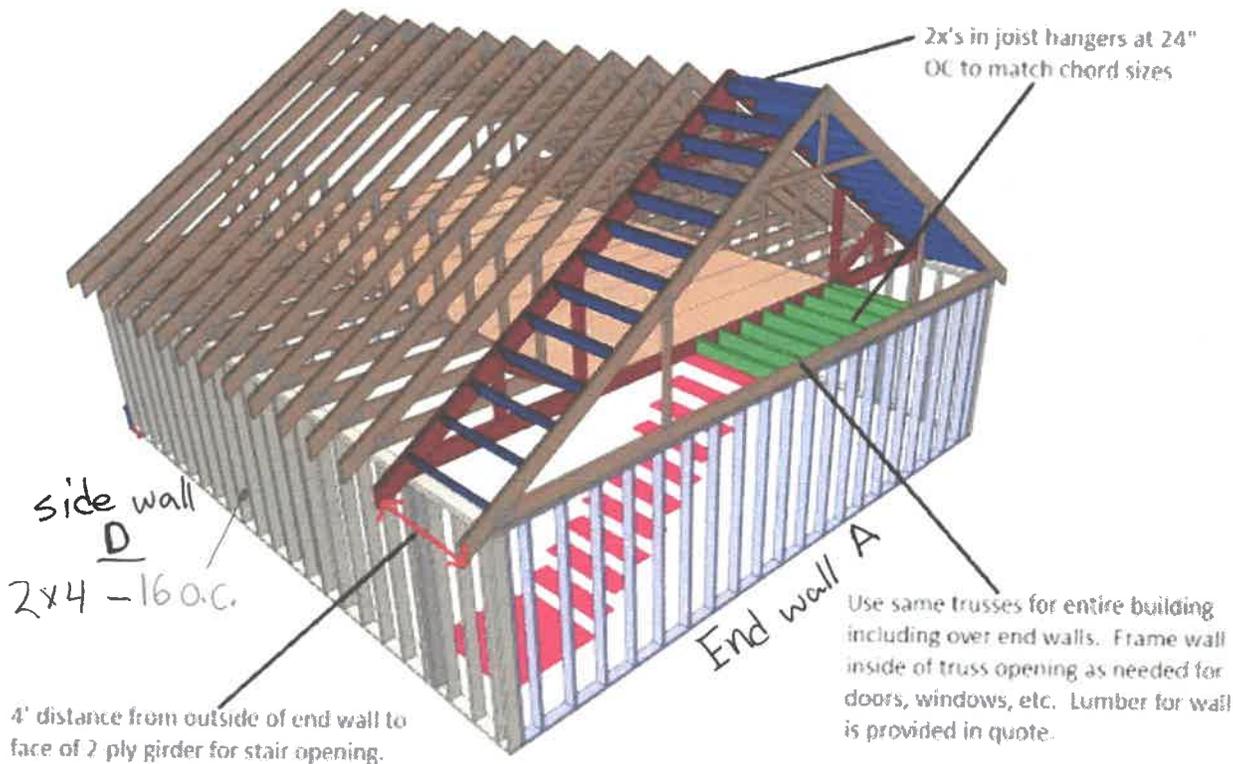
Design Name: Garage Design

Design ID: 328054838980

Estimate ID: 95591

Helpful Hints for Gable Room In Attic Garage Construction

- Trusses CANNOT be cut, modified, or drilled into.
- 40# Per Square Foot live load in room area only.
- Trusses included in this estimate will have 12" overhangs. Overhangs can be trimmed back as needed.
- Span and/or pitch may require trusses to be built in 2 parts, assemble at jobsite.
- Additional truss designs are also available, including trusses with no overhangs, additional room sizes and more. See a building materials team member for more information about truss design and overhang framing detail.
- For Stair Construction:
 1. Stairway for this estimate is located next to and parallel with one of the end walls.
 2. Stairway opening will require a 2-ply girder truss located 4' from outside of end wall to face of girder. Girder is plied on site by nailing 2 Room In Attic trusses together using the following nailing pattern: 10d nails at 9" OC, 2 staggered rows on chords, 1 row on webs.
 3. Hand frame roof and floor at stair area with lumber that matches Top and Bottom chords.
 4. Do not place a truss between end wall and 2-ply girder, leave open for stairs.
 5. Use same trusses over end walls as are used for main part of building. Lumber included in this estimate to frame in plates and studs for walls at each end of room area. Using regular trusses over end walls makes it easier to install wiring, insulation, doors, and windows. Specify if walls at each end are to be 2x4 or 2x6.



Garage Floor Plan

**Illustration may not depict all selections.

Endwall A

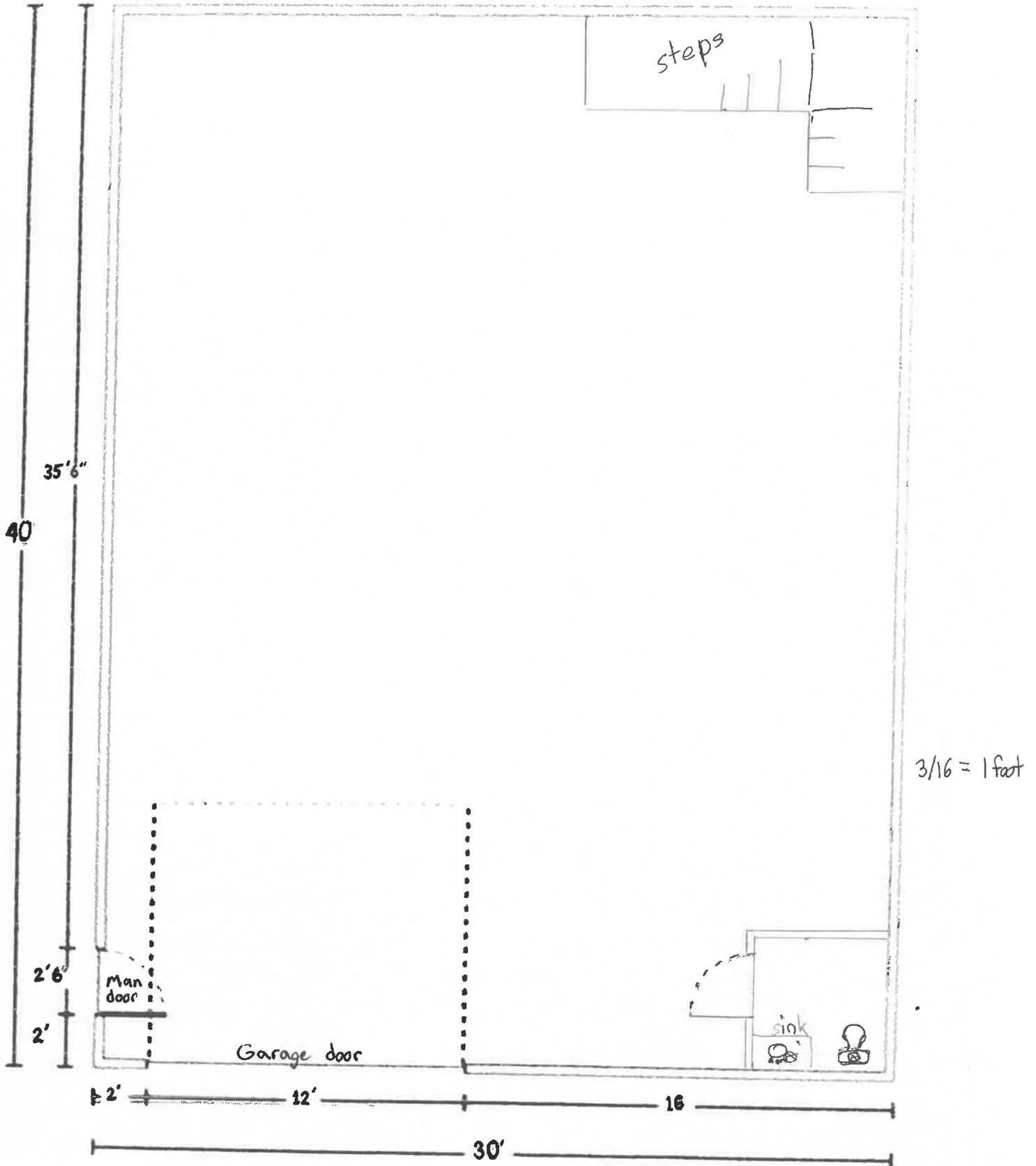


EXHIBIT A
PROPERTY DESCRIPTION

The land referred to in this Commitment is described as follows:

Situated in the State of Ohio, County of Licking, City of Pataskala, being a part of Lot 25 in the First Quarter of Township 1, Range 15, United States Military Lands, and being the property conveyed to Grover C. Fraley III, by Instrument No. 200204100013774 of the Licking County Recorder's Office, and being more particularly bounded and described as follows:

Beginning at an Iron Pin Set at the Northeast corner of Lot 21, Swinning Subdivision, as recorded in Plat Book 9, Page 156, sad point being Northwest corner of said Fraley property and a corner of the property conveyed to Steven L. and S. Irene Blamer by Official Record 270, Page 832, thence along the Northerly line of said Fraley property and a line of said Blamer property, South 89° 59' 04" East, 102.00 feet to an iron pin set at the Northeast corner of said Fraley property;

Thence along the Easterly line of said Fraley property, a line of said Blamer property, and the Westerly line of the property conveyed to Thomas A. Lott by O.R. 940-903, South 00° 02' 47" East, 390.66 feet to a point at the Southeast corner of said Fraley property, in the centerline of County Road 38 - Columbia Road (50' wide right-of-way), passing an iron pin set at 365.66 feet;

Thence along the Southerly line of said Fraley property and the centerline of Columbia Road, North 90° 00' 00" West, 102.00 feet to a point at the Southwest corner of said Fraley property;

Thence along the Westerly line of said Fraley and along the Easterly line of said Lot 21, North 00° 02' 47" seconds West, 390.69 feet to the True Point of Beginning, containing 0.915 acres, 39,849 S.F., more or less, passing a 5/8" Rebar Found at 22.24 feet. Subject to any and all easements, right-of-ways, conditions and restrictions of record. All iron pins set are 5/8 Inch by 30 inch rebar with yellow identification cap labeled "Smart Surveying". Bearings shown herein are based upon the centerline of Columbia Road being North 90° 00' 00" West, as shown on the Plat of Swinning Subdivision, as recorded in Plat Book 9, Page 156. This description was prepared by Smart Surveying, Inc. in July 2003 and is based upon actual field measurements.

Commonly known as: 5097 Columbia Road, SW, Pataskala, Ohio
43062 PPN: 063-145980-00.000

The property address and/or tax parcel identification number listed are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.

Floodplain Map Viewer



1

Search Your Property (See results below)

Search by EPIN, Parcel Number, Name, or Address: 5097 Columbia rd sw



2

Results (Click on row below to zoom in)

EPIN	Parcel Number	Name	Address	Flood Insurance Requirement	Flood Zone
01150751100000002000	6314598000000	TERRY FAMILY L L C,	5097 COLUMBIA RD SW	NO	X

3

Additional Resources

OnTrac Property Map



August 6, 2020

- Street Number Only
- Sales - 2020
- Centerline Labels
- Interstate/US/State Route
- County Road
- Owner Name & Acres
- Driveway
- Jurisdictional Townships

- 0 94 Feet
- Township Road
- Other Road type
- Municipal Corporations
- Jurisdictional Townships

LICKING COUNTY TAX MAP

Licking County Auditor GIS