

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

Wednesday, September 9, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Wednesday, September 9, 2020.

Present were:

Alan Howe, 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, William Cook, Christine Lawyer and TJ Rhodeback.

First on the Agenda, Variance Application VA-20-015, 5097 Columbia Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to construct a 30' x 40' detached garage and to construct a gravel driveway extension from the existing driveway. Area map and proposals were reviewed. Staff and Agency comments were noted.

Jason Empson, 5097 Columbia Road, was placed under oath.

Mr. Empson noted not being aware of the code requirement when purchasing the property.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1225.05(C)(1) of the Pataskala Code and a variance from Section 1291.02(A)(4) for Variance Application VA-20-015, with the following conditions:

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.

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

Next on the Agenda, Conditional Use CU-20-006, 12436 Adams Lane.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use to allow for a hair salon, a Type B Home Occupation, to be operated out of the Applicant's home. Area map and proposals were reviewed. Standards for Type B Home Occupation were noted along with the Applicant's Narrative Statement. Staff and Agency comments were noted.

Katherine Sansone, 12436 Adams Lane, was placed under oath.

Ms. Sansone had no comments.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve a Conditional Use Application CU-20-006, pursuant to Section 1215.08 of the Pataskala Code, with the following 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 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.

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

Next on the Agenda, Conditional Use CU-20-007, 421 West Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use to allow for the property to be operated as a chimney cleaning and repair business. Area map and proposals were reviewed. Applicant's Narrative Statement was also reviewed. Driveway location was discussed. Staff and Agency comments were noted.

Applicant was not sworn, and no comments given.

Findings of Fact were reviewed.

Mr. Cook made a motion to approve Conditional Use Application CU-20-007, pursuant to Section 1215.08 of the Pataskala Code, with the following 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 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.

Ms. Lawyer second the motion. Ms. Lawyer, Mr. Howe, Ms. Rhodeback and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.**Variance Application VA-20-015**

- | <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-20-015. Seconded by Ms. Lawyer. Mr. Cook, Mr. Howe, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Conditional Use CU-20-006

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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 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
- ✓ 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,
- ✓ 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.

Mr. Howe made a motion to approve Findings of Fact for Conditional Use CU-20-006. Seconded by Mr. Cook. Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Conditional Use CU-20-007

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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 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 |
| ✓ | | 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, |
| ✓ | | 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.

Mr. Howe made a motion to approve Findings of Fact for Conditional Use CU-20-007. Seconded by Mr. Cook. Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

Next on the Agenda, approval of the August 11, 2020 Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the August 11, 2020 regular meeting. Seconded by Mr. Cook. Ms. Rhodeback, Ms. Lawyer Mr. Howe and Mr. Cook voted yes. The motion was approved.

No other business was given.

Mr. Howe made a motion to adjourn the meeting. Seconded by Ms. Lawyer. Ms. Rhodeback, Ms. Lawyer, Mr. Howe and Mr. Cook voted yes. The meeting was adjourned at 7:12 p.m.

Minutes of the September 9, 2020 regular meeting were approved on

_____, 2020.
