

CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

January 12, 2021

Variance Application VA-20-024

Applicant: Gary A. Pennington **Owner:** Gary A. Pennington.

Location: 6357 Summit Road SW, Pataskala, OH 43062

Acreage: 0.17-acres

Zoning: R-87 – Medium-Low Density Residential

Request: Requesting approval of three (3) variances total. One (1) to allow for a garage

to not meet the front setback, One (1) for reduced rear setback of an Addition,

One (1) to allow a porch to not meet the front yard setback.

Description of the Request:

The Applicant is seeking approval of three (3) variances. 1229.05(C)(1) to allow for a reduced rear yard setback for the construction of an addition to the primary structure. 1221.09(b) to allow for a Porch to encroach into the front yard setback. 1229.05(C)(4) to allow for an Accessory Building to encroach into the front yard setback.

Staff Summary:

The parcel located at 6357 Summit Road SW is an Existing Non-Conforming parcel in the R-87 Zoning District. Pursuant to Section 1229.05(B) of the Pataskala Code, lots within the R-87 district shall have a minimum width of 200-feet, and an area of not less than two (2) acres. The lot in its current configuration is only 0.17-acres and approximately 50-feet wide. It is currently occupied by a 1,310-square foot single-family home built in 1917, and an approximately 200-square foot shed built in 1900. The lot has frontage on three (3) public rights-of-way; Summit Road SW to the west, Broad Street SW to the north, and an unnamed alley to the east.

The Applicant is proposing to remove the rear awning and construct a 20-foot by 26-foot (520-square feet) addition to the rear of the existing home. The addition will maintain the side yard setbacks of the existing home at 13-feet, 11-inches on the south side and 9-feet, 8-inches feet on the north side. It will be set back from the rear property line 73-feet, 8-inches. A 6-foot wide covered porch projecting 7-feet, 3-inches from the north side of the home, and a 34-foot long, 4-foot wide access ramp running east to the proposed garage is included.

Also proposed is a 24-foot by 18-foot (432-square feet) detached garage (Accessory Building) with a 4-foot wide concrete landing for the access ramp on the west side of the garage. The detached garage will be set back from the north property line 12-inches (1-foot), and from the rear property line a distance of 37-feet, 10-inches. There is an existing garage currently located where the proposed one would go, however, it is to be demolished and replaced.

As stated in the Applicant's Narrative Statement, the lots that exist within this neighborhood were originally part of Lima Township, and quite small compared to the requirements of the R-87 district. A variance is required, in their opinion, to reasonably be able to make improvements to the property and

construct a first-floor master bedroom and bath as there is difficulty in climbing the stairs to the second floor of the home. They believe the variances requested are minimal to meet their needs, and that the character of the neighborhood would not be altered by granting the requested variances. Further stated, the Applicants were unaware of the requirements of the Zoning Code, as they purchased the house in 1978.

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:

As stated in the Staff Summary, the parcel is Existing Non-Conforming, because it does not meet the minimum lot size, and lot width requirements of the R-87 zoning district. The lot is currently approximately 50-feet wide, and 147-feet deep. The required setbacks of the R-87 zoning district, under Section 1229.05(C), are 75-feet from the front *and* rear property lines, and 25-feet from both side property lines; making any further improvements to the property impossible without a variance. The existing home is also Existing Non-Conforming, as it does not meet these setback requirements.

The Applicant is proposing three (3) different improvements to the property; an Addition, a Porch, and an Accessory Building. All three (3) require a different variance to be viable. First, for the Addition, it will only be set back from the rear property line 73-feet, 8-inches. As this lot has frontage on three (3) public rights-of-way, Section 1229.05(C)(4) would apply. Meaning, that all Principal Structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. Pursuant to Section 1229.05(C)(1), the required front yard setback for Principal Structures in the R-87 district is 75-feet. Therefore; the Applicant is requesting a variance 1-foot, 4-inches, or a 1.8% decrease from the requirement.

Second, the Porch. Pursuant to Section 1221.09(b) of the Pataskala Code, all Porches and Balconies shall meet all required setbacks for a Principal Structure in the zoning district in which they are located. Again, Section 1229.05(C)(4) would apply. Meaning, that all Principal Structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. As mentioned above, the front yard setback in the R-87 district is 75-feet. The Applicant is proposing for the porch to be set back from the property line on Broad Street SW a distance of 1-foot, 8-inches, and is requesting a Variance from Section 1221.09(b) to allow for the porch to encroach into the required front yard setback a distance of 73-feet, 4-inches, or a 97.8% decrease,

And lastly, the Accessory Building, in this case a detached garage. As mentioned above, Section 1229.05(C)(4) applies because of the multiple road frontages. The Applicant is proposing that the Accessory Building be set back from the side property line on Broad Street SW a distance of 1-foot, and from the unnamed alley a distance of 37-feet, 10-inches. The Applicant is requesting a Variance from Section 1229.04(C)(4) to allow for an Accessory Building to encroach into the front yard setback when fronting a public right-of-way a distance of 74-feet (98.7% decrease) on the north side, and a distance of 37-feet, 2-inches (49.3% decrease) on the east side.

As proposed, the improvements are in compliance with all other applicable regulations. Staff does not have any further concerns.

Southwest Licking Community Water & Sewer District

The District has an 8" sanitary main along the south side of Broad Street SW located within the public right-of-way that is approximately 10' off the property line. Please see attached plan sheet for additional information.

City Engineer

The Applicant should clarify the offset distance to the cover stoop. On the Site plan the stoop shows 8' with an 1'-8" offset from the R/W line. On the rear elevation the Stoop is labeled as 8'-0", however the roofline overhangs this distance.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home
East	R-87 – Medium-Low Density Residential	Single-Family Home
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-20 – Medium Density Residential	Single-Family Home

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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;
- 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;
- Whether the variance requested is substantial;
- 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;
- Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
- Whether the variance, if granted, will be detrimental to the public welfare;
- Whether the variance, if granted, would adversely affect the delivery of government services;
- Whether the property owner purchased the subject property with knowledge of the zoning restriction;
- Whether the property owner's predicament con be obviated through some other method than variance;
- 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,

• 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-20-024:

None

Department and Agency Review

- Zoning Inspector No comments
- Public Service No comments
- City Engineer See attached
- SWLCWSD See attached
- Police Department No comments
- West Licking Joint Fire District No comments
- Licking Heights School District No comments

Modifications:

Should the Board choose to approve the applicant's request, the following modifications may be considered:

- 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.
- The Applicant shall address all comments from the City Engineer.
- The Applicant shall not impair any public utilities with the proposed improvements.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve variances from Sections 1229.05(C)(1), 1229.05(C)(4), and 1221.09(b) of the Pataskala Code for Variance Application VA-20-024 ("with the following conditions" if conditions are to be placed on the approval)."

From: Chris Gilcher

To: Jack Kuntzman; Steven Blake; Chris Sharrock; Jim Roberts; Scott Haines; Bruce Brooks; Doug White; Perkins,

Kasey (Southwest Licking Local Schools); Philip Wagner; Alan Haines; Chad Brown

Cc: Scott Fulton

Subject: RE: BZA Review Memo for 01-12-2021

Date: Thursday, December 17, 2020 3:57:37 PM

Attachments: <u>image001.png</u>

VA-20-24 (Broad Street SW Sanitary).pdf

Jack,

Please see below for the comments from SWLCWSD.

VA-20-24 – The District has an 8" sanitary main along the south side of Broad Street SW located within the public right-of-way that is approximately 10' off of the property line. Please see attached plan sheet for additional information.

VA-20-25 – The District does not have any comments at this time.

If you have any questions, please feel free to contact me at any time.

Thanks,

CJ Gilcher Utilities Superintendent 8718 Gale Road Hebron, Ohio 43025

Ph: 740-928-2178 Cell: 614-348-6627

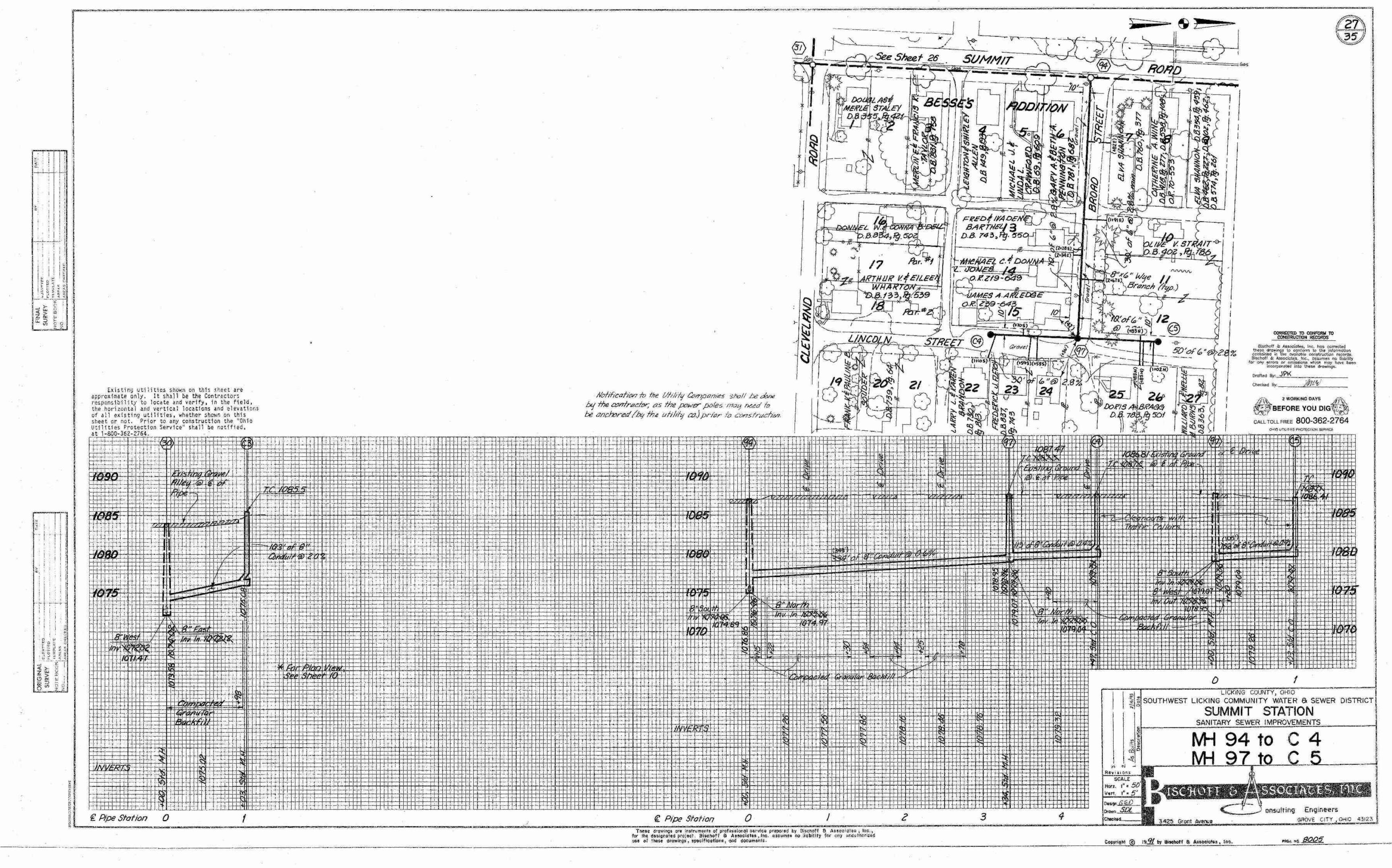


From: Jack Kuntzman < jkuntzman@ci.pataskala.oh.us>

Sent: Wednesday, December 16, 2020 10:52 AM

To: Steven Blake <sblake@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Perkins, Kasey (Southwest Licking Local Schools) <kperkins@laca.org>; Philip Wagner <pwagner@lhschools.org>; Alan Haines <ahaines@ci.pataskala.oh.us>; Chad Brown <cbrown@lickingcohealth.org>; Chris Gilcher <cgilcher@swlcws.com>

Cc: Scott Fulton <sfulton@ci.pataskala.oh.us> **Subject:** BZA Review Memo for 01-12-2021



From: Scott Haines
To: Jack Kuntzman

Cc:Jim Roberts; Scott Fulton; Lisa PaxtonSubject:RE: BZA Review Memo for 01-12-2021Date:Saturday, January 2, 2021 11:17:01 AM

Jack

Hull & Associates have review the BZA Review Memo and offer the following comments

- 1. CU-20-010 (Revised)
 - a. We have no engineering related comments on this application
- 2. VA-20-018 (Revised)
 - a. We have no additional engineering related comments on this application
- 3. CU-20-011 (Revised)
 - a. We have no engineering related comments on this application
- 4. VA-20-019 (Revised)
 - a. The City should ensure that no existing easements are located within the setback variance's requested.
- 5. VA-20-020 (Revised)
 - a. We have no engineering related comments on this application
- 6. VA-20-023
 - a. We have no engineering related comments on this application
- 7. VA-20-24
 - a. The applicant should clarify the offset distance to the cover stoop. On the Site plan the stoop shows 8' with an 1'-8" offset from the R/W line. On the rear elevation the Stoop is labeled as 8'-0", however the roofline overhangs this distance.
- 8. VA-20-25
 - a. We have no engineering related comments on this application

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

Thanks

Scott R. Haines, P.E., CPESC

Senior Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

d: 740-224-0839 | **o**: 740-344-5451 | **f**: 614-973-9070

Follow Hull on <u>Facebook</u> & <u>LinkedIn</u> web | directions to offices



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information			Staff Use	
Address: 6357 Sum	nit Rd., Pataskala, Ohio	0-43062	Application Number:	
Parcel Number: 063 - 1	42936-00,000		VA-20-024	
Zoning: R-87	Acres: .17		Fee:	
Water Supply:			7 300	
☐ City of Pataskala	South West Licking	On Site	Filing Date:	
Wastewater Treatment:		<	12-10-20	
☐ City of Pataskala	South West Licking	On Site	Hearing Date:	
			1-12-21	
Applicant Information			Receipt Number:	
Name: Gary A. Pennington			216.18	
Address: 6357 Sun	mit Rd			
City: Pataskala	State: Ohio	Zip: 43062	Documents	
Phone: 740 -927-0	122 Email: Fint. ste	eelegmail, com	Application	
			☑ Fee	
Property Owner Information			Narrative	
	AS ABOVE		Site Plan	
Address:			Deed	
City:	State:	Zip:	Area Map	
Phone:	Email:			
Variance Information			33.00 M S	
Request (Include Section of Co	dol: 6 + 1 1000 0000	Va) F A	- C)	
1229.05(c)(1) f)(4) for Garage	Section	
1201,00 (0)(1) 10	or Addition; Section	1221,09(b) to	r porch/ramp	
Describe the Project: R	co existing consider production		11:41	
addition with has	rier free holosom & ho	throom relocate	the room entry	
ohor to the north	Wall and rebuild corch	story haveling	The real entry	
Describe the Project: Remove existing garage, replace with larger one and build an addition with barrier free bedroom + bathroom, relocate the rear entry obor to the north wall and rebuild porch, steps, handicap ramp added to new garage				
The state of the s			I	
3				

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	The state of the s		
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:		
Gary a. Pennington	10 Dec. 2020		
Property Owner (Required):	Date:		
Gary a. Pennington	10 Dec. 2020		

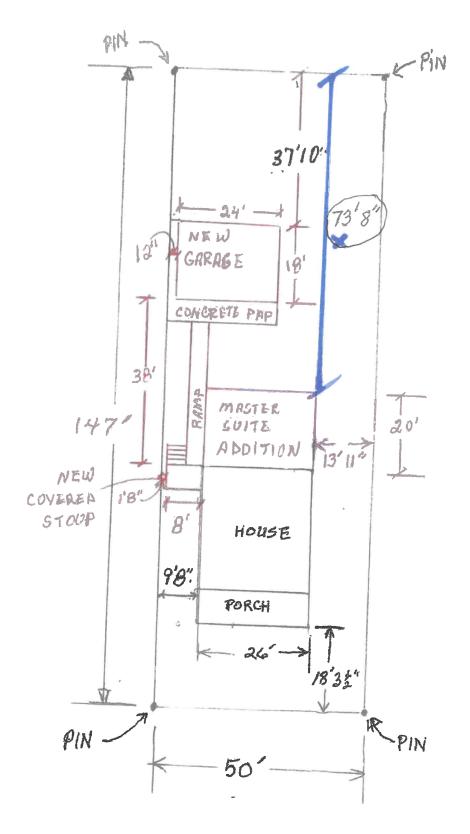
Narrative Statement

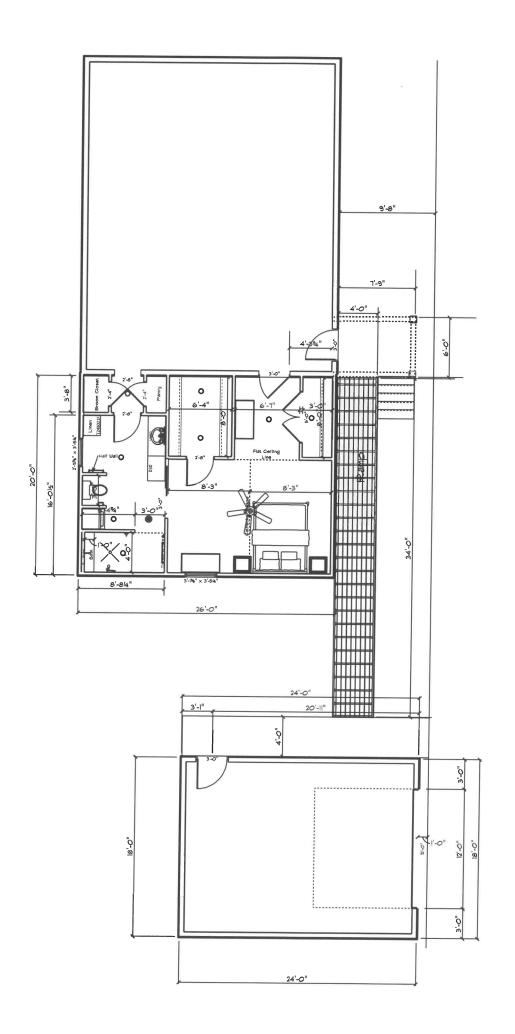
re: Variance Application for 6357 Summit Rd., Pataskala, Ohio, 43062

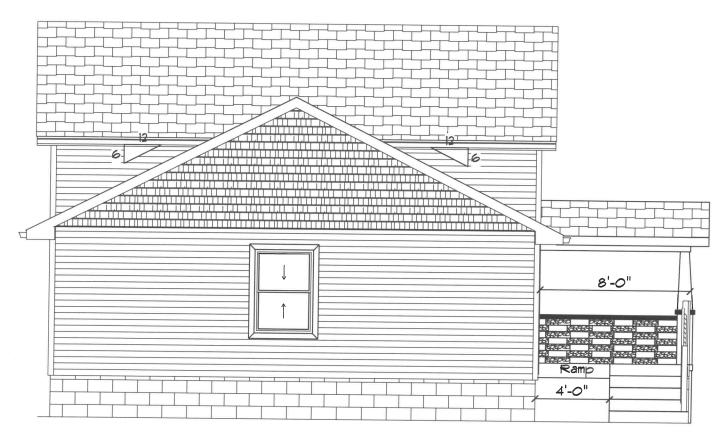
The variance is necessary so that the addition, garage and new entryway can be constructed to relieve the issue of my wife and myself climbing stairs to the second story bedrooms and bath and to make first floor barrier free access for my family.

- a. I feel the home and property will be greatly enhanced by all 3 portions of this project but without being able to do these improvements we would eventually be unable to continue living in our home.
- b. Each of the lots that exist in this addition were once part of Lima Township and are pretty small. This is why we seek variance from the code to be able to reasonably make the changes that will meet our current needs.
- c. The variances requested are minimal to get our needs met.
- d. The character of our neighborhood would not be altered but certainly enhanced without detriment to others.
- e. Will not affect other properties.
- f. No.
- g. No.
- h. No, we purchased in 1978.
- I. No
- j. Yes.
- k. Yes

Gary Pennington - 6357 Summit Rd., Pataskala, Chio







Rear Elevation

Pennington and Beth A. Pennington

other terms but on my co-

as to the control for the control of the control of the husband and wife the control of any office of the control of the contr (single) (husband and wife), GRANTOR, for and in consideration of the sum of NINETEEN THOUSAND EIGHT HUNDRED

(name and address)

GRANTEE, the receipt of which is hereby acknowledged by Grantor, does hereby give, grant, bargain, sell and convey unto Grantee, its successors and assigns, the following described premises, situated in the ERYXII Township of Franklin and State of Ohio and known as:

> Being Lot No. Six (6) of BESSE ADDITION to the Village of Summit Station, as the same is numbered and delineated upon the recorded plat thereof of record filed July 7, 1908, recorded July 8, 1908 and recorded in Vol. 3, pages 149 and 150, Plat Records, Licking County, Ohio.

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in Mortg e Record 680, Page 213 and that Grantor will warrant and defend said premises, with the appuirtenances thereunto belonging against all lawful claims or demands whatsoever, except those herein set forth.

And for a valuable consideration each of the undersigned does hereby remise, release and forever quitclaim unto Grantee, its successors

payable in installments at the times and with interest as therein specified, the final installment thereof being payable on Sept. 10 ____, <u>t9_200</u>2

AND WHEREAS Grantor further covenants and agrees that:

1. Grantor Wilfriot commit or permit waste, will keep the mortgaged premises in good order and condition and will permit Grantee and its agents and representatives to inspect any part or portion of the mortgaged premises, including the interior of any buildings and improves with

2. Grantor will keep all improvements now existing or hereafter erected on the above-described premises insured in companies approved by Grantee against loss by fire and such other hazards, casualties and contingencies and in such amounts as Grantee may require and will pay promptly when due any premiums on such insurance.

Recorded

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