# City of Pataskala Board of Zoning Appeals 

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

## STAFF REPORT

February 9, 2021
Variance Application VA-20-022

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Applicant:
Owner:
Location:
Acreage:
Zoning:
Request:
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Major Contracting, Co.
Major Contracting, Co.
6359 Summit Road SW, Pataskala, OH 43062
2.00-acres
M-1 - Light Manufacturing
Requesting approval of four (4) Variances total. Three (3) variances to allow for
reduced front, side, and rear setbacks of principal structures, and one (1) to
allow for a fence that exceeds the height limit within the front yard setback.

## Description of the Request:

The applicant is seeking approval of a four (4) variances. (3) variances to allow for reduced front, size, and rear yard setbacks within the M-1 - Light Manufacturing district, and one (1) variances to allow for a fence to exceed the maximum height limit within the front yard setback.

## Staff Summary:

The 2.00-acre property at 6359 Summit Road SW is a corner lot, with frontages on two (2) public rights-of-way; Summit Road SW to the west and Cleveland Road SW to the north. There is also railroad right-ofway along the south border of the property. It is currently occupied by 11,470 -square foot commercial building built in 1977, and a 2,160-square foot office built in 2014. The area in front (west) of the office is paved with asphalt, with an access drive running through the railroad right-of-way to Summit Road SW. The remaining acreage is paved with gravel, and there is a 6-foot wood fence along the north and west of the property. Previously, this property was operated as a Truss Factory, however it is currently unused.

The Applicant is requesting approval of a Conditional Use Application to allow for the property to be used as a self-storage facility. The North American Industry Classification System (NAICS) 2007 assigns the use code 531130 for 'Lessors of Miniwarehouses and Self-Storage Units'; establishments primarily engaged in "renting or leasing space for self-storage. These establishments provide secure space (i.e., rooms, compartments, lockers, containers, or outdoor space) where clients can store and retrieve their goods". Pursuant to Section 1251.04(10) of the Pataskala Code 'Lessors of Miniwarehouses and Self-Storage Units' is a Conditional Use in the $\mathrm{M}-1$ - Light Manufacturing District.

As proposed, the Applicant will be using 10-foot by 20-foot Shipping Containers as the self-storage units, with 48 units overall. Seven (7) in the northwest corner of the property; setback from the front property line on Cleveland Road SW 6 '10 $3 / 4^{\prime \prime}$, and 17 ' $1 / 4^{\prime}$ from the front property line on Summit Road SW. There are two (2) sets of containers in the northeast corner. Eight (8) will be set parallel to Cleveland Road SW, $6^{\prime} 103 / 4^{\prime}$ from the front property line, and $18^{\prime} 8 \frac{1}{2}$ ' from the side (east) property line. The next seven (7) will be set back from the front property line on Cleveland Road SW $36^{\prime} 91 / 4^{\prime}$, and $10^{\prime}$ from the side (east) property line. The remaining 26 containers will be along the rear property line, adjacent to the railroad
right-of-way. They will setback $10^{\prime} 11 / 4$ ' from the rear property line and $10^{\prime}$ from the side (east) property line.

The Applicant will also be replacing the existing six (6) foot tall wood privacy fence, which has been damaged and degrading, with a new six (6) foot privacy fence around the entire property, set back from the property line along Cleveland Road SW 5' $51 /{ }^{\prime}$ and $6^{\prime} 31 \frac{1 ⁄ 2}{\prime}$ from the property line along Summit Road SW. Shrubs and trees will be placed in front of the fence, between the fence and the property line.

Per the Narrative Statement submitted by the Applicant for this request: their intention is to convert an existing unused property into a self-storage facility utilizing re-purposed shipping containers as selfstorage units. The Applicant is anticipating 40 units of shipping containers. Further stated; The Applicant believes that the properties proximity to Cleveland Road SW and Summit Road SW prevent the property from being developed in strict conformity with the Zoning Code. They also believe that the existing character of the neighborhood will not be altered, would impair the use or development of adjacent parcels, and that the variance requested is the minimum amount required to afford relief.

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 1251.05(C)(1) of the Pataskala Code requires a front yard setback of 50-feet (when the property has central sewer and water) in the M-1 - Light Manufacturing District. Furthermore, Section $1251.05(C)(4)$ states that the principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. As this property has two (2) frontages on a right-of-way, the front yard setback shall be applied from both Summit Road SW and Cleveland Road SW.

- Minimum setback from Cleveland Road SW (north) is $5^{\prime} 5 \frac{1 / 4 \prime \text {; }}{}$; Therefore, the Applicant is requesting a variance of $44^{\prime} 63 / 4^{\prime \prime}$, or a $89.125 \%$ decrease from the requirement on the north side.
- Minimum setback from Summit Road SW (west) is $17^{\prime} 2 \frac{1 / 4 \prime \prime}{\prime \prime}$; Therefore, the Applicant is requesting a variance of $32^{\prime} 93 / /^{\prime \prime}$, or a $65.625 \%$ decrease from the requirement on the west side.

The side yard setback (east property line) shall be 25 -feet per 1251.05(C)(2), the side (east) yard setback is proposed at a minimum of $10^{\prime}$; Therefore, the Applicant is requesting a variance of $15^{\prime}$, or a $60 \%$ decrease from the requirement on the east side property line.

The rear yard setback (south property line) shall be 50 -feet per 2351.05 (C)(3). As proposed the minimum setback is at $10^{\prime} 1 \frac{1}{4} 4^{\prime \prime}$; Therefore, the Applicant is requesting a variance of $39^{\prime} 103 / 4^{\prime \prime}$, or a $79.79 \%$ decrease from the requirement on the south rear property line.

Pursuant to Section 1279.03(A)(1) of the Pataskala Code, a Fence or Wall not exceeding 48-inches (4-feet) in height may be erected between the front building setback line ( 50 -feet in $M-1$ ) and a line three (3) feet from the street right-of-way line. No fence shall be erected within three (3) feet of the street right of way. As the proposed fence is $5^{\prime} 51 / 4^{\prime}$ away from Cleveland Road SW and $6^{\prime} 31 / 2^{\prime}$ from Summit Road SW, the maximum fence height is four (4) feet. The Applicant has proposed a six (6) foot high fence around the property. Therefore, the Applicant is requesting a variance of two (2) feet, or a $50 \%$ increase over the maximum allowable fence height when in the front yard setback.

Additionally, after further review staff has determined the need for an additional Variance not initially requested by the Applicant. Pursuant to Section $1251.05(\mathrm{H})$, All structures shall have at least 600 square feet per business unit and not be less than 24 feet in width and depth. A 10-foot by 20 -foot shipping container would not meet this requirement. A possible condition has been added for the Board's consideration to add the approval of a Variance from Section $1251.05(\mathrm{H})$ of the Pataskala Code.

Other Departments and Agencies
No other comments were received.

Surrounding Area:

| Direction | Zoning | Land Use |
| :---: | :---: | :---: |
| North | R-87-Medium-Low Density Residential | Single-Family Homes |
| East | M-1 - Light Manufacturing | Construction Company |
| South | M-1-Light Manufacturing | Railroad <br> Single-Family Homes |
| West | R-20-Medium Density Residential | Single-Family Homes |

## 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 con 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-20-022:

- None


## Department and Agency Review

- Zoning Inspector - No comments.
- Public Service - No comments.
- City Engineer - No comments.
- 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 Board of Zoning Appeals shall approve a Variance from Section 1251.05(H) of the Pataskala Code.
2. The Applicant shall address all comments from Planning and Zoning Staff and the Public Service Director.
3. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within six (6) months of the date of approval, unless an extension Pursuant to Section 1215.09 of the Pataskala Code is granted.

## 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 Section 1251.05(C)(1), 1251.05(C)(2), 1251.05(C)(3), 1251.05(H), and $1279.03(\mathrm{~A})(1)$ of the Pataskala Code for application VA-20-022 ("with the following conditions" if conditions are to be placed on the approval)."

# City of Pataskala Planning \& Zoning Department 

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

CU-20-012 Staff Review<br>6359 Summit Road SW<br>February 9, 2021

## Chapter 1251-M-1 Light Manufacturing District

1251.04 Conditionally Permitted Uses

- 1251.04(10): All uses marked as "Conditional Uses" in the Light Manufacturing District (M-1) as listed in the NAICS Classification and Zoning District Matrix.
$\theta$ As described previously, the use as a storage facility would fall under NAICS: 531130 "Lessors of Miniwarehouses and Self-Storage Units" which is a Conditional Use in the M1 zoning district.
- Applied for CU-20-012, hearing 02-09-2021
1251.05 General Requirements of the M-1 District
- 1251.05(C) Setbacks and Yards
- $1251.05(\mathrm{C})(1)$ : There shall be a front yard of not less than 50 feet in depth.
- This applies to both north (Cleveland road) and west (summit road) property lines.
- North: at minimum, $5^{\prime} 5$ 1/4" Variance requested (VA-20-022)
- West: at minimum, 17' $21 / /^{\prime \prime}$ Variance requested (VA-20-022)
- $1251.05(C)(2)$ : There shall be a side yard of not less than 25 feet.
- East: at minimum, 10 ' Variance requested (VA-20-022)
- 1251.05(C)(3): There shall be a rear yard of not less than 50 feet.
- South: at minimum, 10' 1 1/" Variance requested (VA-20-022)
$\ominus$ 1251.05(C)(4): The principal building and its accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard
*- As you have multiple street frontages (Summit Rd SW and Cleveland Rd SW), a 50 foot setback is required from both the north and east.
- Setbacks are measured from the edge of the right-of way.
- $1251.05(\mathrm{D})$ : The maximum percentage of the total lot area which may be occupied by both principal and accessory buildings for commercial uses shall be $90 \%$.
- Appears to be compliant but will need square footage calculations to confirm.
- $1251.05(\mathrm{G})$ All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. Screening of trash and garbage areas shall meet the requirements of Section 1283.06. Container systems shall not be located in front yards.
- If a dumpster or other trash container is to be used, must not be located within front yards and screened from view. No details provided.
- $1251.05(\mathrm{H})$ : All structures shall have at least 600 square feet per business unit and not be less than 24 feet in width and depth. All structure requirements for the $\mathrm{M}-1$ District are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.
- New proposed structures comprised of $10 \times 20$ containers would not meet this requirement on the 10 -foot side. Variance needed (VA-20-022).


## Chapter 1279 - Fences

1279.03 Height and Location

- $1279.03(A)(1):$ A fence or wall not exceeding 48 inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line.
- Between 3 feet of the R/W and the 50-foot front yard setback, the maximum fence height is 4 feet. Proposed fence height is 8 feet, which is 4 feet over maximum. Variance request VA-20-022.
- $1279.03(A)(3)$ : A fence or wall higher than 72 inches may be requested as a variance which would be considered by the Board of Zoning Appeals with notification of adjoining property owners. A living fence shall not be limited by the 72 -inch restriction.
- Variance may be requested for fence height, but a living fence may be substituted instead.
- $1279.03(A)(4)$ : No fence or wall may be erected within three (3) feet of the street right of way line.
$\theta$ Setback from north right-of-way 5' $5 \frac{1 / 4 \prime \prime}{\prime \prime}$, from west $6^{\prime} 31 / 2^{\prime \prime}$.
Chapter 1283 - Landscaping and Screening
1283.06 Landscaping and Screening Standards
- 1283.06(3) Low Screen (L2)
- 1283.06(b) Required Material: enough low shrubs to form a continuous 3' high screen, and 1 tree per 30 lineal feet. A 3; high berm or wall may be substituted for the shrubs.
- 1283.06(7): The minimum standards identified in this section may be waived upon presentation of an equivalent landscaping plan to the approval of the Planning and Zoning Department.
- Meaning, that if you can meet the intent of the L2 code regarding landscaping, modifications can be made. I believe the fence would be a good idea as a substitute.
1283.07 Application of Landscaping Standards
- M-1 zoning district requires the following landscaping standards for the:
- Front: L2.
- Side: L2 if abutting similar use/district
- Rear: L2 if abutting similar use/district


## Jack Kuntzman

City Planner
City of Pataskala
t: 740-964-1316
e: jkuntzman@ci.pataskala.oh.us



Applicant Information


Owner Information
Name: MAJOR CONTAACTINGCO
Address: 3923 E M. M N
City: colv.msUS
Phone: 614-237-2933

Staff Use
Application Number: VA. $20-022$
Fee:
$\$ 300$
Filing Date:

$$
11-16-20
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Hearing Date:


Receipt Number:
21604

Documents
Application
Fee
Narrative
Site Plan
Deed
Address List
Area Map

Variance Information
Request (Include Section of Code):
$1251.05(\mathrm{c})(1), 1251.05(c)(2), 1251.05(c)(3)$
1279.03 (A) (1),

Describe the Project:
Reduce front, side and rear yard setbachis. Increase in allowable fence heosit.

## Documents to Submit

Variance Application: Submit 14 copies of the variance application.
Narrative Statement: Submit 14 copies 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 os 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;
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,
k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
Site Plan: Submit 14 copies of a site plan to scale of the subject property indicating the following:
- All property lines and dimensions
- 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 at www.lcounty.com/rec.
Address List: Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

Area Map: Submit 14 copies of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at www.Icounty.com/taxparcelviewer/default.

## 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.



## Page 1 of Application:

DESCRIBE THE PROJECT

Our intention is to convert an existing unused portion of land that was previously used as a Truss Factory at 6359 Summit Road SW, Summit Station, Oh 43073 into a self-storage facility. Our vision is to repurpose shipping containers into self-storage units. Per the enclosed architect rendering, we anticipate placing 40 units within the location. The land would be developed to include shrubbery, trees, and new fencing.

## Narrative statement

The reason the variance is necessary is that with the existing setback, we would not be able to create a viable storage facility.
a. The property in question will yield a reasonable return as it will create revenue in an area that is currently unused. We are not able to determine another use for the property without the variance.
b. The unique characteristic feature of the property is that the existing building is within a few feet of the East/West road, Cleveland Road SW. Per existing zoning, fencing the property $50^{\prime}$ from the street would make any development on the property unfeasible.
c. The variance requested is not substantial. In fact, it would be in-line with the existing building.
d. The essential character of the neighborhood would not be altered nor would any adjoining properties suffer any detriment as a result of the variance as there is currently, and has been for over 20 years, a fence in the exact position that we would place the new fence.
e. The variance, if granted, would not impair the appropriate use of development of adjacent properties. There is a street on two sides of the property, the third side is a railroad track and the fourth side has a fence and shrubbery between the properties.
f. There would be no public detriment to public welfare. It actually will enhance the area giving people storage capabilities.
g. There would not be any adverse affect of the delivery of governmental services.
h. The property owner is aware of a zoning restriction.
i. There is no other method to obviate the current predicament without a variance.
j. Granting the variance is the minimum amount of variance that will afford relief and represent the least modification possible.
k. The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Dane H. Merrill and Betty Merrill, husbend and wife, Ethel M. Merrill, unremarried widow

Dane H. Merrill also known as Dane Merrill
of the Township of Lima ,County of Licking
and State of Ohio Grantors int consideration of the sume of
One Dollar and other valueble considerations
to them paid oy
Major Contracting Company, an Ohio Corporation

2244 Mock Road, Columbus, Ohio
,County of Franklin
of the
and State of
acknowledged, do
Grantee of

Ohio hereby grant.lrangititwell and rontrpy tothesaid

Minjor Contracting Company, its successors
strecines and assigns forever, the
following IRPal H5titte situaten in the County of
inthe State of Ohio
Ifma
and in the
Township
and bounded and described as follows:


#### Abstract

Being located in Lot No. 21 of the Third Quarter of Township 1, Range 15, United States Military Lands, and being the same tract as conveyed to Charles A. and Dane lierrill by deed of record in Deed Book 515 page 631, all references being to records of the Recorder's Office, Licking County, Ohio, and being more particularly bounded and described as follows:


Beginning at a railroad spike in the centerline of County Road No. 26 and at the northwesterly corner of the said Lot No. 21, being also the southwesterly corner of "BESSE ADDITION" as the plat of same is shown of record in Plat Book 3, page 149; thence along the southerly line of the said "BESSE ADDITION" being the centerline of Cleveland Street, and the northerly line of the said Merrill tract, South $89^{\circ} 43^{\prime}$ East, 416.2 feet to a point, said point being the northeasterly corner of the said Merrill tract; thence along the easterly line of the said tract, being the westerly line of the tract conveyed to James M. and Corinne Faye Garrett by deed of record in Deed Book 591, page 512, South $0^{\circ}$ $53^{\prime} 30^{\prime \prime}$ East, (passing an iron pin found at 0.53 foot and passing a second iron pin found at 13.85 feet), 166.03 feet to a railroad spike in a wooden post at the southeasterly corner of the said Merrill tract and in the northerly right-of-way line of the Baltimore and Ohio Railroad; thence along the northerly right-ofway line of the said railroad, South $88^{\circ} 30^{\prime} 30^{\prime \prime}$ West, (passing an iron pin at 393. 92 feet), 418 . $\varnothing$ feet to a railroad spike at the intersection of the said right-of-way line with the centerline of County Road No. 26; thence along the centerline of the said County Road No. 26 , NORTH, 179.0 feet to the place of beginning, containing 1.653 acres, more or less.

Subject to all planning, zoning and other governmental land use regulations and restrictions, if any, and all easements, leases, street and highwey righta of way and any and all other conditions and restrictions of record, if any.

The foregoing description being based on a survey and plat thereof made on February 13, 1970 by W. H. Mechwart, Registered Surveyor No. 4072.

LAST TRANSFER: Deed Record Volume, 657
Page 558
(1) II hat init tit hold said premises, with all the privileges and appurtenances
thereunto belonging, to the said Grantee
Major Contracting Company, its successors
leix artel assigns forever.

And the said Granter s Dane H. Merrill and Betty Merrill and Ethel M. Merrill
for themselves and their heirs,
do hereby covenant with the sain Grurilee
Major Contracting Company, its successors
hamonarud cosigns, that they are lawfully seized of the premises

except the taxes and assessments for the year 1970 amount not yet determined
which the grantee assumes and agrees to pay as a part of the consideration hereof.

aypuremances, unto the said Grantee
Major Contracting Company, its successors
Zxtizas and a.ssiglis
arfrimst. The Ireful claims of cell. persons whomsoever-

## \#n

Dane H. Merrill and Betty Merrill, husband \& wife and Ethel M. Merrill, unremarried widow
whokerebr release their respective rights of dowerinethepremises, ha. we
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in the year of our Lord one thenesmerf mine hemidred and seventy (1170).
Signeỳ mix ardurawieùgrì inprestrrer of

M. Merrill

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LICKING
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## STATE OF OHIO, COUNTY OF LICKING, SS:

BE IT REMRMBERED, that on this 11th day of March, 1970, before me, the subscriber, a Notary Puolic in and for said county, personally came the abave named Ethel $h$. Merrill, one of the Grantors in the foregoing Deed, and acknowledged the signing of the same to be her voluntary act and deed, for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.


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