

## 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-21-001**

**Applicant:** Josh Wise **Owner:** Josh Wise

**Location:** 25 Depot Street, Pataskala, OH 43062

Acreage: 0.08-acres

**Zoning:** DB – Downtown Business

**Request:** Requesting approval of a Variance from Section 1291.05(A)(3) of the Pataskala

Code to allow for the construction of an off-street parking lot that will fail to

meet the required setback from the street right-of-way.

## **Description of the Request:**

Requesting approval of a Variance from Section 1291.05(A)(3) of the Pataskala Code to allow for the construction of an off-street parking lot that will fail to meet the required setback from the street right-of-way.

## **Staff Summary:**

The 0.08-acre property located at 25 Depot Street is currently vacant, undeveloped land. It has frontage on two public rights-of-way: Depot Street to the north, and Wood Street to the west. There is remnants of an old sidewalk within the right-of-way along the north side of the property, and a fire hydrant at the corner off Wood and Depot streets.

The Applicant is proposing a 14-space surface parking lot, including one handicap accessible space, on the 0.08-acre property. Each parking space will be nine (9) feet wide by 19-feet deep, with the accessible space being 11-feet wide by 19-feet deep with a 6-foot ride access aisle adjacent. Each space shall have a parking block within it, and a 22-foot wide access aisle between parking rows for two-way traffic.

Four (4) foot wide sidewalks will be installed around the north and west perimeters of the proposed parking lot, with six (6) inch curbs. Six (6) feet of the parking lot on the north and west sides is also proposed to extend past the property line and into the City's Right-of-Way. There is a singular access to from the street to the parking lot, 28-feet wide, from Depot Street. The Applicant is also proposing a six (6) foot tall fence between the parking lot and the property directly adjacent to the south, and a small landscape island in the northwest corner of the parking lot. The proposed parking lot would remove one (1) on-street public parking space directly in front of the proposed entrance.

As stated in the Applicant's Narrative Statement, the purpose of this variance is to allow for the construction of a parking lot to provide space for the apartments above 351-355 Main Street (Mama Linda's/Hair Salon), as well as guests for 21 Depot Street (directly adjacent to the east).

#### **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:

Section 1291.03(A)(3) of the Pataskala Code states: "For uses within the Downtown Business zoning district, no off-street parking space or portion thereof shall be located closer than 10-feet to any established street right-of-way (landscaped to L1 standard identified in Chapter 1283)". L1 type landscaping shall consist of either one (1) tree per 30 lineal feet is the landscape area is less than 10-feet deep, or, if the area is 10 feet deep or greater, one (1) tree is required per 800 square feet. Either two (2) high shrubs or three (3) low shrubs per 100-square feet of landscaped area is also required regardless of depth.

The Applicant has proposed that the parking lot extend past their front property lines on Wood and Depot streets and into the public right-of-way six (6) feet. Because the proposed parking lot will extend past the property lines, the variance request is for the full 10-feet, or a 100% decrease from the requirement. Because the proposed parking area will extend six (6) feet into the right-of-way, and with the additional four (4) feet of sidewalk, there will be no room for the L1 type landscaping, as such, the Applicant has requested a variance from the full provisions of Section 1291.03(A)(3).

Because the Applicant is proposing to perform work within the public right-of-way, a Right-of-Way work permit will be required from the Public Service Department prior to construction commencing.

#### Pataskala Utilities

There is a hydrant and hydrant control valve on the corner of Wood and Depot Streets. The concrete sidewalk will not be permitted where the hydrant and valve are located. The hydrant and valve must remain in an area that is not asphalt or concrete. A possible suggestion might be to move the landscaping to be around the hydrant and for the sidewalk to curve along behind the hydrant, but the Utility director is open to discuss any feasible options.

#### Public Service Director

- 1. Appears the parking spaces will extend into the public right-of-way on both Depot and Wood Streets. There are no current issues with the plan, but it should be noted that placing this improvement within the right-of-way is at the risk of the owner. In other words, parking in the area is needed, and there are no objections to this project however, the City makes no guarantees that the improvements that are within the right-of-way will be maintained, and may be removed in the future if the needs of the City so dictate.
- 2. In light of the Utility Director's commentary, the sidewalk at the corner of Wood and Depot Streets will need to be re-routed such that the fire hydrant at this location is not in concrete. This condition must be met, but the proposed improvement would be a benefit to the area, and there is willingness to find a mutually agreeable solution. Coordination with the Public Service Director and Utility Director is recommended.
- 3. Final Plans shall be provided that show the right-of-way, address the sidewalk, and also show proposed stormwater drainage including routing, inlets and tie-ins to the City infrastructure.

## City Engineer

- 1. The Applicant should ensure the existing drainage pattern is not altered.
- 2. The City should consider drainage improvements and/or detention be required for the improvements per Chapter 1119.

## Other Departments and Agencies

No other comments received.

## **Surrounding Area:**

| Direction | Zoning                 | Land Use                 |
|-----------|------------------------|--------------------------|
| North     | DB – Downtown Business | Commercial               |
| East      | DB – Downtown Business | Commercial               |
| South     | DB – Downtown Business | Single-Family Home       |
| West      | DB – Downtown Business | Multi-Family Residential |

#### **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-21-001:

• None

## **Department and Agency Review**

- Zoning Inspector No comments
- Public Service See attached
- City Engineer See attached
- Pataskala Utilities See attached
- 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 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 Public Service Director, Pataskala Utilities Director, and City Engineer.

#### **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 variance from Section 1291.05(A)(3) of the Pataskala Code for Variance Application VA-21-001 ("with the following conditions" if conditions are to be placed on the approval)."

From: Chris Sharrock
To: Jack Kuntzman

 Subject:
 RE: BZA Review Memo for 02-09-2021

 Date:
 Thursday, January 21, 2021 2:27:27 PM

Jack,

Please see my comments below. Let me know if you have any questions or comments.

Thank you,

Chris Sharrock
City of Pataskala
Utility Director
430 South Main Street
csharrock@ci.pataskala.oh.us

Office: (740) 927-4134 Cell: (614) 554-2799

## "The soldier is the Army. No army is better than its soldiers." – Gen George Patton

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

Sent: Tuesday, January 19, 2021 2:25 PM

**To:** Steven Blake <sblake@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Fulton <sfulton@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <br/>
<br/

**Subject:** BZA Review Memo for 02-09-2021

**Importance:** High

Good Afternoon Everyone,

You are receiving this email because one or more of the Applications submitted for the February 9. 2021 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**VA-20-026:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

**VA-20-022:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

**CU-20-012:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

**\*VA-20-001:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

There is a hydrant and a hydrant control valve on the corner of Wood and Depot. The concrete sidewalk will not be permitted where the hydrant and valve are located. The hydrant and valve must remain in an area that is not asphalt or concrete. A possible suggestion might be to move the landscaping to be around the hydrant and the sidewalk to curve along behind the hydrant, but I am open to discuss any feasible suggestions.

**\*VA-20-002:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

The Utility Department has no comment

**\*VA-20-003:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

The Utility Department has no comment

**\*VA-20-004:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

The Utility Department has no comment

**VA-20-005:** Steven Blake, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chris Sharrock, Alan Haines

The Utility Department has no comment

If you have any comments or concerns regarding these applications, please have them submitted to me by at least <u>January 29th</u>. They will be included in the Staff Report that is given to the Board members.

Note: '\*' Applications in reference to same project, Applicant chose to submit a single application per Variance request.

Here is a link to download the review memo:

https://pataskala-

my.sharepoint.com/:f:/g/personal/jkuntzman\_ci\_pataskala\_oh\_us/EryfqDmqsOdBmi\_71tGKKG4BqU Tn4jWXazuiVMfpeDL1KQ?e=qtYE0i

JACK R. KUNTZMAN
City Planner
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062

From: Alan Haines
To: Jack Kuntzman

Subject: RE: BZA Review Memo for 02-09-2021

Date: Tuesday, February 2, 2021 4:51:22 PM

Jack,

My comments for the 2-9-21 BZA hearing are as follows:

## 1. VA-20-026

a. Current expansion does not require stormwater controls; however, any future expansion of impervious/semi-pervious area will require installation of stormwater control facilities.

#### 2. VA-21-001/002/003/004

- a. It appears that the parking spaces will extend into the public right-of-way on both Depot St. and Wood St. There are no current issues with this plan, but it should be noted that placing this improvement in the right-of-way is at the risk of the owner. In other words, parking in the area is needed, and there are no objections to this project; however, the City makes no guarantees that the improvements that are in the right-of-way will be maintained, and may be removed in the future if the needs of the City so dictate.
- b. In light of the Utility Director's commentary, the sidewalk at the corner of Wood St. and Depot St. will need to be re-routed such that the fire hydrant at this location is not in concrete. This condition must be met, but the proposed improvement would be a benefit to the area, and there is willingness to find a mutually agreeable solution. Coordination with the Public Service and Utility Director's is recommended.
- c. Final plans shall be provided that show the right-of-way, address the sidewalk, and also show proposed stormwater drainage including routing, inlets and tie-in's to City infrastructure.
- 3. VA-21-005
  - a. No comment.
- 4. CU-20-012
  - a. No comment
- 5. VA-20-022
  - a. No comment

Let me know if questions.

Regards,

Alan W. Haines, P.E. Public Service Director City of Pataskala

621 W. Broad St. Suite 2B Pataskala, Ohio 43062 From: Scott Haines
To: Jack Kuntzman

Cc:Jim Roberts; Lisa Paxton; Alan HainesSubject:BZA Review Memo for February 9,2021Date:Sunday, January 31, 2021 7:18:15 PM

Jack

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

#### 1. VA-20-026

- a. The applicant should ensure the existing drainage pattern is not altered should the variance be approved.
- 2. VA-21-001, VA-21-002, VA21-003, & VA21-004
  - a. The applicant should ensure the existing drainage pattern is not altered should the variances be approved.
  - b. The city should consider drainage improvements and/or detention be required for the improvements per Chapter 1119.
- 3. VA-21-005
  - a. We have no engineering related comments on this application
- 4. CU-20-012
  - a. We have no engineering related comments on this application
- 5. VA20-022
  - 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

Municipal Engineering Practice Leader Senior Project Manager

## **HULL** | Newark, Ohio

Environment / Energy / Infrastructure

**d:** 740-224-0839 | **o**: 740-344-5451 | **f**: 614-360-0023

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## 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: 25 Depot Street   | Application Number: |  |  |
| Parcel Number: 064307968 -00.000                                       | VA-21-001           |  |  |
| Zoning: Acres: , OB  | Fee:                |  |  |
| Water Supply:  | \$300               |  |  |
| © City of Pataskala ☐ South West Licking ☐ On Site                     | Filing Date:        |  |  |
| Wastewater Treatment:  | 1-14-21             |  |  |
| City of Pataskala  | Hearing Date:       |  |  |
|  | 2-9-21              |  |  |
| Applicant Information  | Receipt Number:     |  |  |
| Name: Josh Wise  | 21649               |  |  |
| Address: 108/ With 21st Street   |                     |  |  |
| City: Nework State: Of Zip: 43055                                      | Documents           |  |  |
| Phone: 614 271 75/6 Email: joshua dickays 1749 egms!                   |                     |  |  |
| , com  | ☐ Fee               |  |  |
| Property Owner Information   | ☑ Narrative         |  |  |
| Name: Josh Wist  | ☑ Site Plan         |  |  |
| Address: 10st Worth 2lst Street  | Deed                |  |  |
| City: Newesk State H Zip: 43055  | ☐ Area Map          |  |  |
| Phone: 614 271 75/6 Email: joshus diceas 1749 agmail.com               |                     |  |  |
|  |                     |  |  |
| Variance Information   |                     |  |  |
| Request (Include Section of Code): 1291.05 (13)                        |                     |  |  |
| Wase asking for fell 10ft variance to construct bi- curb /4ft sidemalk |                     |  |  |
| andmoke 25 Depot Perleng.  |                     |  |  |
| Describe the Project:  |                     |  |  |
| We will make asphalt parting lot 4Pt Walk Concrete                     |                     |  |  |
| cusb.  |                     |  |  |
|  |                     |  |  |
|  |                     |  |  |
|  |                     |  |  |

# 300, 00 a piece

## **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;
  - 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,
  - 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: <a href="https://apps.lcounty.com/recorder/recording-search/">https://apps.lcounty.com/recorder/recording-search/</a>

**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: <a href="https://www.lickingcountyohio.us/">https://www.lickingcountyohio.us/</a>

# 

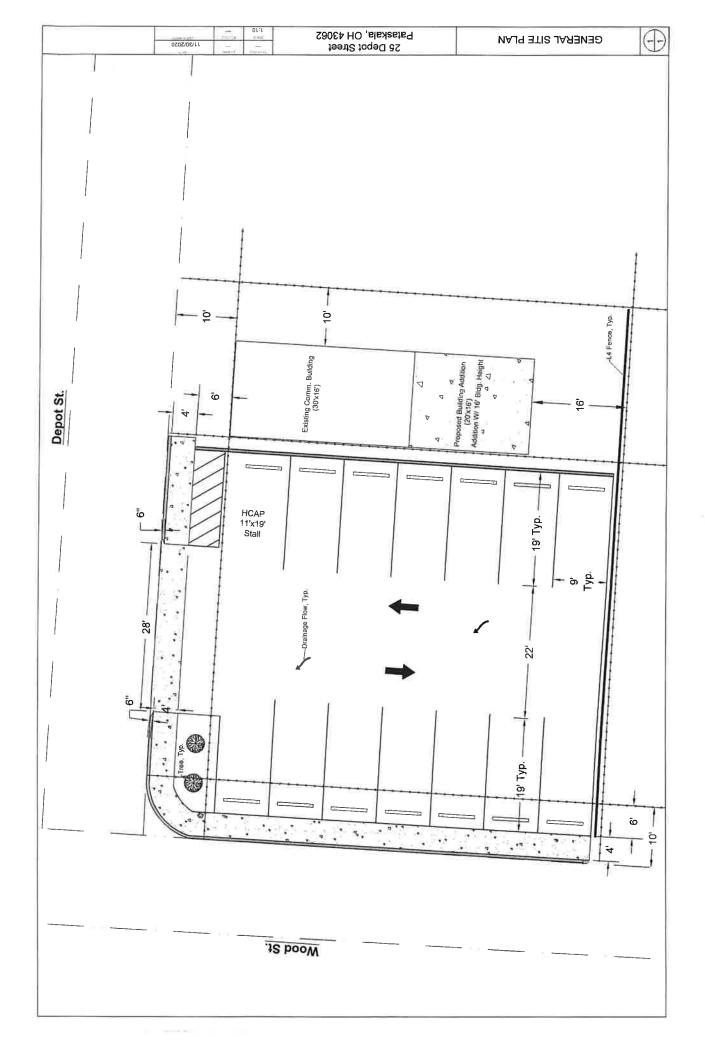
1/12/2021

To: City of Pataskala Zoning

Subject: 1291.05 A(3) Variance

Zoning code 1291.05 A3 requires a 10 foot set back before improvement and parking lot can start. There is already a variance granted beside 21 Depot as parking is butted right up against the building and parking in lot is butted right up to the street. I am asking for full 10 foot variance so I can build an asphalt parking lot and 4 foot concrete sidewalks. We will build 4 wide and 4 in deep concrete sidewalk. After 4 feet we will start our asphalt parking lot. The parking lot is required as we are renovating the upstairs of the Mama Lyndas building and upstairs of salon. We are also renovating the Local and will have to have parking for guests. The size of the lot is only .09 acres and a nice sidewalk is needed for the community. We will be helping beautify the downtown and it starts with people being able to feel safe. It starts with sidewalks and parking. With the size so small we will only get 14 spots if we spend mony on sidewalks and we are. With size however we will need to not do the L1 landscaping. Just not enough room.

Thank You Josh Wise



#### DESCRIPTION APPROVED JARED N. KNERR LICKING COUNTY ENGINEER

Approved By JW Dec 10, 2020

01150583101034017000

#### **TRANSFERRED**

Dec 11, 2020
Michael L, Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: SAS 270.00

| InstrID:202012110033904 | 12/11/2020 | Pages:5 F: S78.00 | 12:33 PM | T20200030671 | Licking County Recorder | Technology | Technolog

## GENERAL WARRANTY DEED

43062 Company LLC, an Ohio Limited Liability Company, for valuable consideration paid, grants with general warranty covenants to James Wise Family Investments, LLC, an Ohio Limited Liability Company and A VISION, LLC, an Ohio Limited Liability Company, whose tax mailing address is 1081 N 21st Street, Newark, OH 43055, the following real property:

AN UNDIVIDED ONE-HALF INTEREST TO JAMES WISE FAMILY INVESTMENTS, LLC; AN UNDIVIDED ONE-HALF INTEREST TO A VISION, LLC:

Situated in the State of Ohio, County of Licking, City of Pataskala, and being further described and delineated in the Exhibit "A" and Exhibit "B", incorporated herein by reference.

Prior Deed Reference: Instrument Numbers 201801240001552 & 201708020016161, Recorder's Office,

Licking County, Ohio

Also known as:

21 E Depot Street and 25 Depot Street, Pataskala, OH 43062

Auditor's Parcel No.:

064-307968-00.000 & 064-307824-00.000

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.

Subject to the conditions and restrictions further described in Exhibit "C", incorporated herein by reference.

Executed this 4th day of December 2020.

C. Daniel Hayes, Sole Member of 43062 Company, LLC, in Chio Limited

Liability Company

State of Ohio County of Licking SS:

The foregoing instrument was acknowledged before me this 4th day of December 2020, by C. Daniel Hayes, Sole Member of 43062 Company LLC, an Ohio Limited Liability Company.



KELLY GASTINEAU Notary Public State of Ohio My Comm. Expires November 30, 2021

This document prepared by:

HAYES

LAW OFFICES, INC.

☐ MELINDA G∷ SEEDS

☐ Ç. DANIEL HAYES

LAURIE R. WELLS

☐ WILLIAM SCOTT HAYES

☐ SHEENA A. SJÖSTRAND-POST

