



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-21-003

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 1291.13 of the Pataskala Code to allow for the construction of an off-street parking lot with reduced interior landscaping.

Description of the Request:

Requesting approval of a Variance from Section 1291.13 of the Pataskala Code to allow for the construction of an off-street parking lot with reduced interior landscaping.

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, they believe Section 1291.13 would call for two (2) trees or bushes for every parking spot. They would only like to plant two (2) trees. The Applicant believes that trees will not be unsafe for drivers' visibility.

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:

Staff would like to note that the information in the Applicant's Narrative Statement is incorrect, and may have been a misunderstanding of the language in the code. Two (2) trees or bushes for every parking space is not required. Pursuant to Section 1291.13 of the Pataskala Code, all surface parking areas with more than 10 spaces shall provide curbed interior landscaping complying with one or a mix of the standards set forth in 1291.13(B)(1)(a) and 1291.13(B)(1)(b). Those being:

1. 1291.13(B)(1)(a): Interior landscaping shall be provided at the rate of 20 square feet per stall. At least one tree must be provided for every 200 square feet of landscaped area. Ground cover plants as listed in Chapter 1283 must completely cover the remainder of the landscaped area.
2. 1291.13(B)(1)(b): One tree must be provided for every four parking spaces. The tree planting area must have a minimum dimension of 25 square feet. All island trees shall be protected from potential damage by vehicles.

Should the Applicant utilize Option 1, for 14 spaces at 20-square feet per stall, a landscaping area of 280-square feet and one tree would be required. Option 2 would require three (3) trees. A mix of both options may be used. The Applicant is proposing two (2) trees in a small landscape island mostly within the public right-of-way in the northwest of the proposed parking lot. As the proposed landscaping would not meet the above requirement(s), the Applicant has requested a Variance from Section 1291.13 to allow for a reduced interior landscaping requirement. Planning and Zoning Staff has no concerns with the proposed Variance.

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.

Southwest Licking School District

District has no issue as it won't impact schools, although decrease of 28 to 2 trees may change look of area.

Staff Note As mentioned above, 28 trees are not required.

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 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-21-003:

- 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 – See attached

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 1291.13 of the Pataskala Code for Variance Application VA-21-003 ("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 <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; Perkins, Kasey (Southwest Licking Local Schools) <kperkins@laca.org>; Chris Gilcher <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>
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 January 29th. 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/EryfqDmq5OdBmi_71tGKKG4BqUTn4jWXazuiVMfpeDL1KQ?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 Haines](#)
Subject: BZA Review Memo for February 9, 2021
Date: Sunday, January 31, 2021 7:18:15 PM

Jack

Hull & Associates have reviewed 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

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

From: [Perkins, Kasey \(Southwest Licking Local Schools\)](#)
To: [Philip Wagner](#); [Jack Kuntzman](#); [Steven Blake](#); [Jim Roberts](#); [Scott Fulton](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [Chris Gilcher](#); [Alan Haines](#); [Chris Sharrock](#)
Subject: RE: BZA Review Memo for 02-09-2021
Date: Thursday, January 21, 2021 2:36:17 PM

Good afternoon,

Please see my responses for the following variances. Please also note the District has concerns regarding VA-20-005.

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

- [The District has no issue with this variance.](#)

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

- [The District no has issue with this variance.](#)

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

- [The District has no issue as this doesn't impact the schools, although a decrease of 28 to 2 trees may change the look of the area.](#)

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

- [The District has no issue with this variance.](#)

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

- [The District does not agree with postponing the tree survey for this property. The impact on the school district for this housing development of over 220 homes will be drastic. It is the opinion of the school district that the original plans should be followed.](#)

Respectfully,

Kasey Perkins, Ed.D.
Superintendent



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: 25 Depot	
Parcel Number: 064307968-00.000	
Zoning: DB	Acres: .09
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-21-003
Fee: \$300
Filing Date: 1-14-21
Hearing Date: 2-9-21
Receipt Number: 21649

Applicant Information		
Name: Josh Wise		
Address: 7081 North 2nd Street		
City: Newark	State: OH	Zip: 43055
Phone: 614 271 7516	Email: josh.wise@ps1749@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: Josh Wise		
Address: 1081 North 2nd Street		
City: Newark	State: OH	Zip: 43055
Phone: 614 271 7516	Email: josh.wise@ps1749@gmail.com	

Variance Information
Request (Include Section of Code): 1291.13 1291.13
Describe the Project: Turn grassy lot into parking. No space for 2 trees asking for 26 reduction.

1/11/2021

To: City of Pataskala Zoning

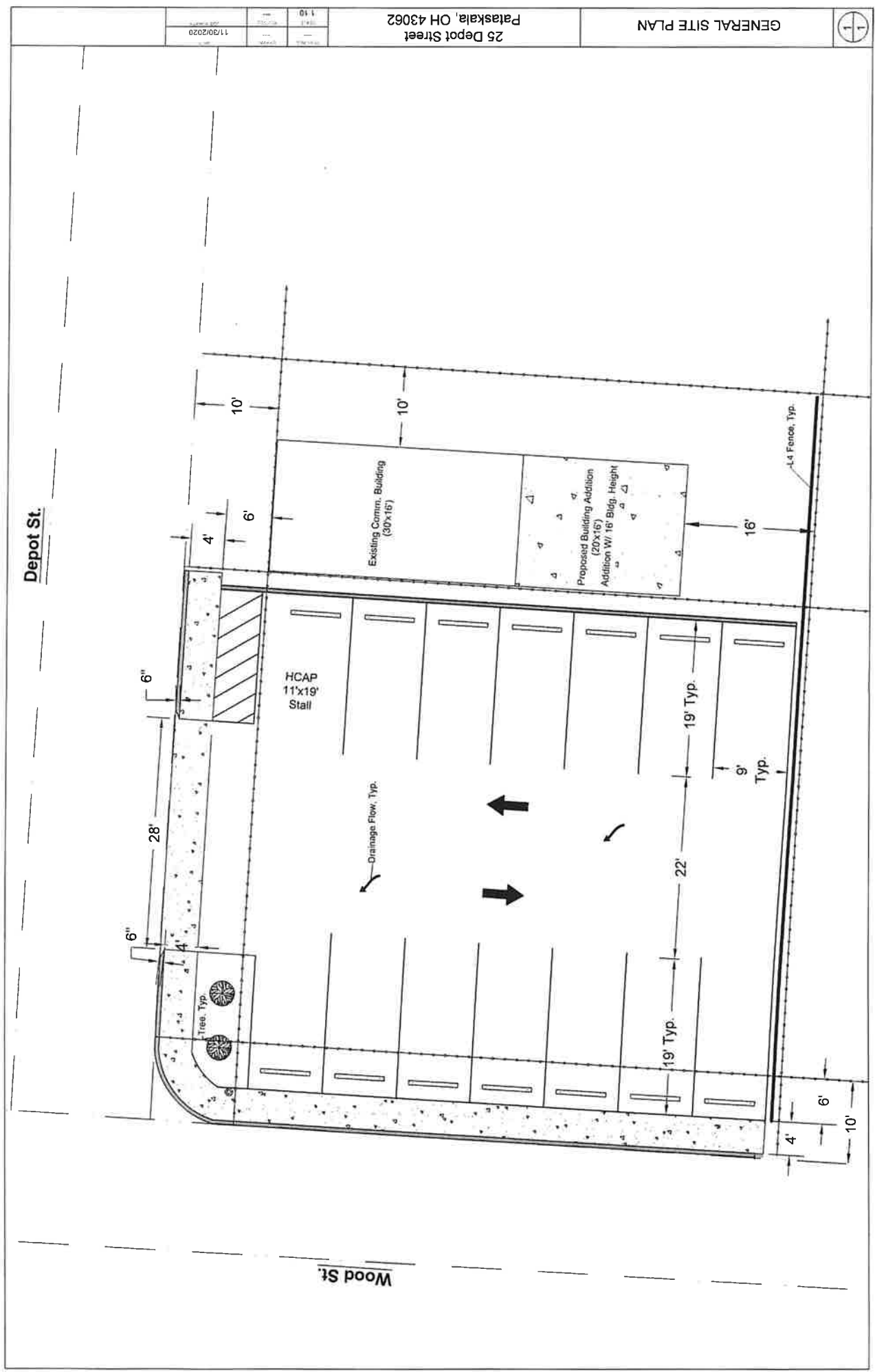
Subject: 1291.13

Zoning code 1291.03 calls for two trees or bushes for every parking spot. I am asking for a variance of 26 and let us plant 2. The lot is only .09 acres and 28 trees would just be too much. The neighbors would not like an overgrown parking lot. The two that we plant will look nice for the community and not be unsafe for the drivers visibility.

Thank You
Josh Wise

Depot St.

Wood St.



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: \$78.00 12:33 PM
Bryan A. Long T20200030671
Licking County Recorder

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, an Ohio 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


NOTARY

This document prepared by:

HAYES
LAW OFFICES, INC.
A Legal Professional Association

- ☐ MELINDA G. SEEDS
- ☐ C. DANIEL HAYES
- ☒ LAURIE R. WELLS
- ☐ WILLIAM SCOTT HAYES
- ☐ SHEENA A. SJÖSTRAND-POST



Search by:
Address
Search Log

064-307968
JAMES WISE INVESTMENT VISION LLC
25 DEPOT ST
PATASKALA, OH 43084
Acres: 0.08
0.082AC LOT Q4
Land: \$14,600
Improv: \$0
Total: \$14,600
Sale Date: 12/20/2019
Amount: \$90,000
Conveyance: General Warranty Deed
Valid Sale: Yes
Homestead: No
Owner Occ: No
Foreclosure: No
Certified Del: No
On Contract: No
Bankruptcy: No
Tax Lien: No

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