



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 9, 2021

Variance Application VA-21-010

Applicant:	Timothy & Cynthia O’Cain
Owner:	Timothy & Cynthia O’Cain
Location:	3560 Mink St SW, Pataskala, OH 43602
Acreage:	2.00-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of four (4) variances. Two (2) to allow for a lot split that does not meet the minimum size or width. Two (2) to allow for the existing structure to not meet the required front or side yard setbacks.

Description of the Request:

Requesting approval of four (4) variances. Two (2) variances from Section 1229.05(B) to allow for a lot split that will not meet the required minimum lot size and width, and two (2) variances from Section 1229.05(C) to allow for reduced front and side yard setbacks of an existing structure.

Staff Summary:

The 2.00-acre property located at 3560 Mink Street SW is currently occupied by a 1,684-square foot single-family home built in 1900, and small shed to the north of the existing principal structure. The existing home is set back from the front property line 52-feet, and 6-feet from the south side property line. Access to the property is via a gravel driveway between the existing home and shed onto Mink Street SW. The lot dimensions are approximately 200-feet at the front (east), 434.34-feet on the north side, 183.71-feet on the west, and 513.4-feet on the south side.

The Applicant is proposing to split the existing single lot into two (2) separate lots, and eventually construct a new single-family home on the newly created lot, behind the existing single-family home. The newly created lot will be a flag lot, meaning that the buildable portion of the property is at the end of a narrow portion connecting it to the right-of-way. The proposed newly created lot will be 1.00-acres in size, approximately 185-feet wide at the buildable portion, with an approximately 296-foot by 54-foot strip connecting it to the right-of-way.

On this new lot, the Applicant would like to construct a new single-family home, 30-feet by 66-feet in size. When flag lots are created, the front yard setback is based off the interior property line parallel to the right-of-way, and not from the right-of-way itself. The proposed setbacks of this new home are 50-feet from the front (interior) property line, 30-feet from the north side property line, 79.3-feet from the rear property line, and 87.7-feet from the south side property line. The proposed driveway will extend from the new home, through the narrow strip (the “pole” of the flag lot) to the right-of-way. The proposed new home will utilize a water well and septic system.

The remaining property will be 1.00-acres and size, approximately 140-feet wide by 300-feet deep and containing the existing single-family home.

As stated in the Applicant's Narrative Statement, the purpose of this variance is to allow for a family member to build a new single-family home near their immediate family. The Applicant believes the requested variance will not substantially alter the surrounding characteristics of the neighborhood, will not impair the development of adjacent properties, will not be detrimental to public welfare, and that they believe the variance requested is not substantial. Further stated, they were not aware of the zoning restriction when the property was purchased.

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:

The 2.00-acre property is currently zoned R-87 – Medium-Low Density Residential. Pursuant to Section 1229.05(B) of the Pataskala Code, every lot within this zoning district shall have a minimum width of 200-feet throughout and a minimum lot area of not less than two (2) acres. The proposed lot split would create two (2) lots, both of which would meet neither of these requirements. As there will be two (2) separate lots that will not meet the minimum requirements, a variance request is required for each lot, this application being for the 'Remainder', and the Applicant has also requested variances for the 'New' lot, which are in VA-21-009. The first two (2) variance requests of this application are for lot size and width:

The proposed 'New' lot will be 1.00-acres in size; Therefore, the first variance request is for 1.00-acre, or a 50% decrease from the minimum requirement of Section 1229.05(B).

The proposed 'New' lot will have a minimum lot width of 133.71-feet; Therefore, the second variance request is for 66.29-feet, or a 33.1% decrease from the minimum requirement of Section 1229.05(B).

Pursuant to Section 1115.02(c) of the Pataskala Code, a Lot Split may be approved if the lot split complies with all applicable Subdivision and Zoning Regulations. The existing single-family home on the property is existing non-conforming with the Zoning Code, as it does not meet the minimum setbacks for both the front and side (south) property lines. However, as the Applicant is proposing a change to the property, the existing home must be brought into compliance with the Code, which in this case requires an additional two (2) variances.

Section 1229.05(C)(1) of the Pataskala Code requires a front yard setback of no less than 75-feet. The existing home is only set back from the front property line 52-feet; Therefore, the variance request is for a 23-foot, or 30.7% reduction of the required front yard setback.

Section 1229.05(C)(2) of the Pataskala Code required a side yard setback of no less than 25-feet. The existing home is only set back from the south side property line 6-feet; Therefore, the variance request is for a 19-foot, or a 76% reduction of the required side yard setback. However, it should be noted that in both these variance requests, the building is already existing.

Should the Variance be approved, the Applicant will require a Minor Subdivision Application for the lot split. From the information provided with the Variance Application, Staff has no other concerns with the proposal.

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 AG – Agricultural	Single-Family Home Agricultural
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-87 – Medium-Low 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:

- 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-21-010:

- 1211.07(2)(a): To permit any yard or setback less than the yard or setback required by the applicable regulation.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Licking County Health Department – 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 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.

Resolution:

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

"I move to approve two (2) variances from Section 1229.05(B), one (1) from Section 1229.05(C)(1), and one (1) from Section 1229.05(C)(2) of the Pataskala Code for Variance Application VA-21-010 ("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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information			
Address:		3560 Mink Street SW <i>LOT 1 (old)</i>	
Parcel Number:		63-14024-04.000	
Zoning:	R-87	Acres:	2
Water Supply:			
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site	
Wastewater Treatment:			
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking	<input checked="" type="checkbox"/> On Site	

Applicant Information			
Name: Timothy & Cynthia O'Cain			
Address: 3540 Mink Street SW			
City:	Pataskala	State:	Ohio
		Zip:	43062
Phone: 740-927-1599(H) 614-323-6310 (Cel)		Email: tocain41@gmail.com	

Property Owner Information			
Name: Timothy & Cynthia O'Cain			
Address: 3540 Mink Street SW			
City:	Pataskala	State:	Ohio
		Zip:	43062
Phone: 740-927-1599(H) 614-323-6310 (Cel)		Email: tocain41@gmail.com	

Staff Use
Application Number: <i>VA-21-010</i>
Fee: <i>\$300.00</i>
Filing Date: <i>2/11/2021</i>
Hearing Date: <i>3/3/2021</i>
Receipt Number: <i>21680</i>

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

Variance Information
Request (Include Section of Code):
1. Variance from Section 1229.05(B) to create a lot less than 2-acres in size., 2. Variance from Section 1229.05(B) to create a lot less than 200-feet wide., 3. Variance from Section 1229.05(C)(1) for reduced front yard setback of the existing home., 4. Variance from Section 1229.05(C)(2) for reduced side yard setback (south side) of the existing home.
Describe the Project:
The creation of a 1 Acre Flag Split for the purpose of building a new home for Son and Daughter in-law Damen/Brianna O'Cain and their infant daughter.
Since the existing house has been in this locations for over 100 plus years, variances for the reduction of front and side yard setbacks were submitted and OKed during the previous lot split done in 1998.

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

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.

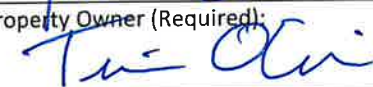
Applicant (Required):



Date:

2/11/2024

Property Owner (Required):



Date:

2/11/2024

Narrative for 3560 Mink Street SW, Pataskala, Ohio 43062 Lot Split.

We are requesting the approval for the lot split on the present lot, located at 3560 Mink St, SW Pataskala, Ohio 43062 to make way for the construction of the family home for our son, daughter in law and infant granddaughter. With the current size of the property, it has the capacity to fit another household, with little to no modifications to the current property or the nearby residences. By doing so, the couple would be fortunate enough to build their dream home, near immediate and extended family. The lot split and constructions would allow this young family, who grew up in Pataskala the ability to remain in the city they grew up in and for their future generations to do so as well. The young O'Cain family has been hoping this would be possible for a few years and hopes now it could be a reality for them.

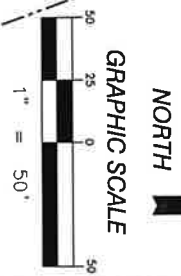
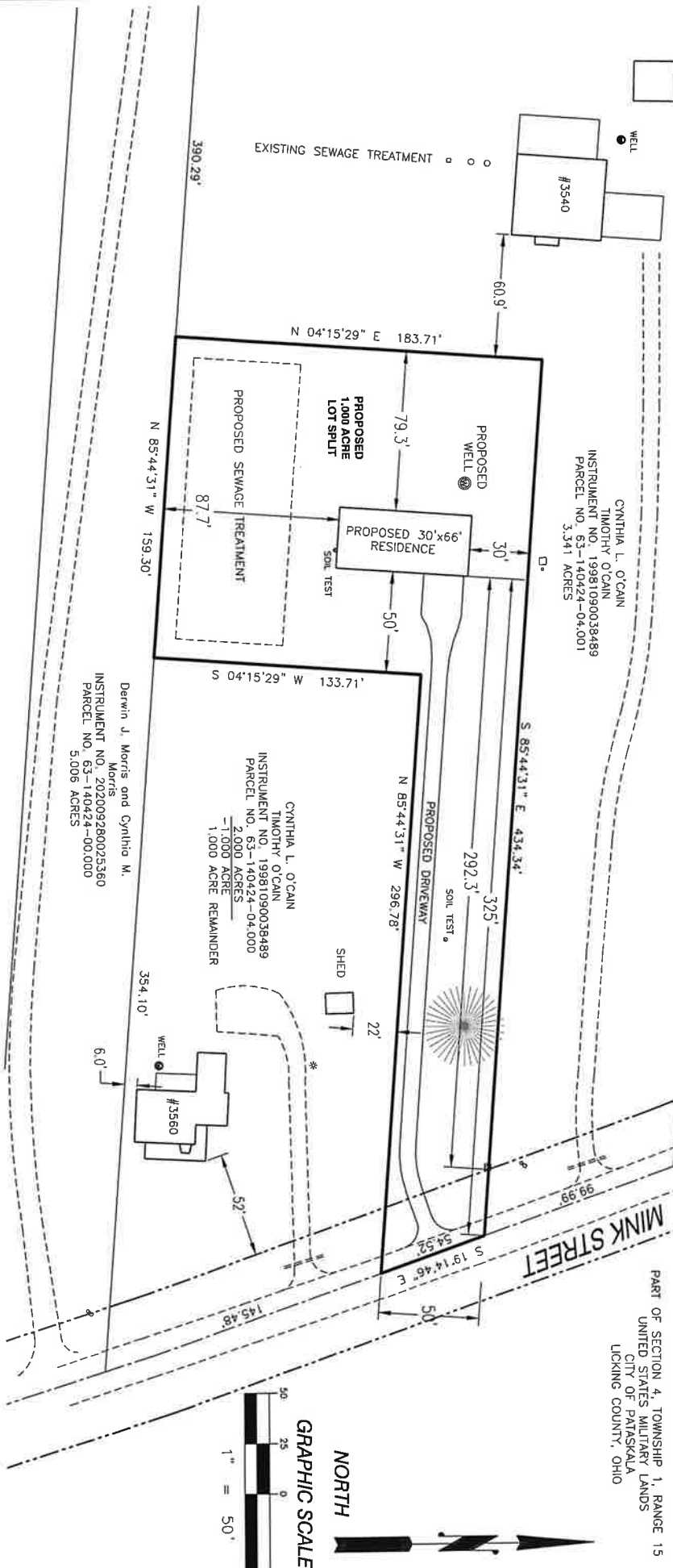
The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:

- 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;
No- Variance needed to allow for the construction of a new family home.
- 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;
None
- c) Whether the variance requested is substantial; No
The current requirement is a minimum lot size of 2-acres, splitting the lot in half to create two 1-acre lots would allow for both the remaining and proposed new lots to have enough comfortable space for both. The proposed Split follows the pattern of several lots in the general area/
- 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;
No- The new construction would fit into the current family living environment. The location of the new construction would not hinder the view nor alter the use of any of the surrounding properties.
- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
No – All surrounding lots will continue having comfortable space to the existing.
- f) Whether the variance, if granted, will be detrimental to the public welfare;
No – Granting the variance would enhance public welfare. By allow for the construction of a family home, the area will remain a solid residential area. As with other nearby lots, family will remain in close proximity to each other.

- g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
No – The variance would it affect the delivery of any government services.
- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
No – Same owner
- i) Whether the property owner's predicament can be obviated through some other method than variance;
No – The variance would be the best solution for allowing for the construction of a new single family home that will be occupied by the son and daughter-in-law of the current owners, Timothy and Cynthia O'Cain, who would be next door.
- 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,
Yes – The variance would be the best solution for allowing for the construction of a new single family home that will be occupied by the son and daughter-in-law of the current owners, Timothy and Cynthia O'Cain, who would be next door.
- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
Yes-All rules and guidance would be followed.

NATHAN SCOTT HILDEBRAND
KIMBERLY MAE HILDEBRAND
INSTRUMENT NO. 199510270024553
PARCEL NO. 63-140620-00.003
2.000 ACRES

PROPOSED
1.000 ACRE LOT SPLIT
CITY OF PATASKALA, LICKING COUNTY, OHIO
PART OF A 2.000 ACRE TRACT OF
CYNTHIA L. O'CAIN AND TIMOTHY O'CAIN
3560 MINK STREET, PATASKALA, OHIO 43062
PART OF SECTION 4, TOWNSHIP 1, RANGE 15
UNITED STATES MILITARY LANDS
CITY OF PATASKALA
LICKING COUNTY, OHIO



DRIVEWAYS	DISTANCE
60' ± AGRIC. DRIVE EAST	74' NORTH
3540 MINK STREET	86' NORTH
3524 MINK STREET	171' NORTH
3560 MINK STREET	67' SOUTH
3600 MINK STREET	197' SOUTH

PREPARED BY:
ANTHONY R. SHECK, PROFESSIONAL SURVEYOR #6954
6750 REFUGEE ROAD, PICKERINGTON, OHIO 43147
614-837-6805

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that, Valerie S. Lambert,
Trustee, of Licking County, Ohio, for Ten Dollars (\$10.00) and other good and
valuable consideration paid, grants, with general warranty covenants, to Cynthia
L. O'Cain and Timothy O'Cain, husband and wife, for their joint lives,
remainder to the survivor of them, the following described real property situated
in the State of Ohio, County of Licking and in the Village of Pataskala:

Being an approximate 3.341 acre tract and an approximate 2.000 acre
tract more particularly described on Exhibit "A" and Exhibit "B",
respectively, attached hereto and made a part hereof.

Parent Parcel Number: 63-140424-04.000

SEC.319.202 COMPLIED WITH
GEORGE D. BUCHANAN, AUDITOR
BY TH. E. M. L.

Subject to easements, conditions, covenants, restrictions and reservations of
record, zoning ordinances and legal highways, and real estate taxes and
assessments not yet due and payable.

Prior Instrument Reference: Official Record _____, Page _____, Recorder's
Office, Licking County, Ohio.

IN WITNESS WHEREOF, Valerie S. Lambert Trustee has caused this
instrument to be executed this 25th day of August, 1998.

Signed and acknowledged
in the presence of:

Gloria J. Johnson

Yanna Sheets

TRANSFERRED
Date October 8, 1998
George D. Buchanan
Licking County Auditor
Valerie S. Lambert Trustee

STATE OF OHIO :
:SS.
COUNTY OF FRANKLIN :

The foregoing instrument was acknowledged before me this 25th day of
August, 1998 by Valerie S. Lambert Trustee.

Gloria J. Johnson
Notary Public

Gloria J. Johnson
My Commission Expires 3-27-2003



This instrument prepared by:

Robert C. Roesch, II, Esq.
555 South Front Street, Suite 400
Columbus, Ohio 43215

EXHIBIT "A"

3.341 ACRE TRACT

Situated in the State of Ohio, County of Licking, Village of Pataskala, being located in Section 4, Township 1, Range 15, United States Military Lands and being part of the Cynthia L. O'Cain 5.341 acre tract, of record in Official Record 175, Page 846 and Official Record 312, Page 144, all references being to records in the Recorder's Office, Licking County, Ohio and bounded and described as follows:

Beginning for reference at the intersection of the centerline of Mink Street (County Road 41), with the centerline of Graham Road (Township Road 159);

thence along said centerline of Mink Street, the following courses and distances:

South 2° 08' 16" West, a distance of 285.60 feet to an angle point in said centerline; and

South 21° 13' 49" East, a distance of 1197.58 feet to a railroad spike found at the northeasterly corner of said Cynthia L. O'Cain 5.341 acre tract, being the TRUE POINT OF BEGINNING and the northeasterly corner of the tract herein intended to be described;

thence South 19° 41' 30" East, along said centerline of Mink Street, a distance of 99.99 feet to a railroad spike set;

thence North 86° 11' 15" West, a distance of 434.34 feet to an iron pin set;

thence South 3° 48' 45" West, a distance of 183.71 feet to an iron pin set in the northerly line of the Derwin J. and Cynthia Morris 5.006 acre tract, of record in Official Record 131, Page 43;

thence North 86° 11' 15" West, along said northerly line of the Derwin J. and Cynthia Morris 5.006 acre tract, a distance of 390.29 feet to an iron pin found at an angle point in said line;

thence North 3° 48' 45" East, along an easterly line of said 5.006 acre tract, a distance of 275.40 feet to an iron pin set in the southerly line of the William Geiger, et al 33.506 acre tract, of record in Official Records 255, Page 666, 424, Page 26 and 476, Page 158;

thence South 86° 11' 15" East, along said southerly line of the 33.506 acre tract and the southerly line of the Nathan and Kimberly Hilderbrand 2 acre tract, of record in Official Record 748, Page 436, a distance of 784.75 feet (passing an iron pin at 752.29 feet) to the point of beginning, containing 3.341 acres, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

Bearings contained herein are based on the same meridian as the bearing of the centerline of Mink Street (South 19° 41' 30" East) of record in Official Record 175, Page 846.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



By

Thomas D. Sibbalds

Thomas D. Sibbalds

Registered Surveyor No. 5908

EXHIBIT "A" - LEGAL DESCRIPTION

Situated in the State of Ohio, County of Licking and in the Village of Pataskala:

Being located in Section 4, Township 1, Range 15, United States Military Lands and being part of the Cynthia L. O'Cain 5.341 acre tract of record in Official Record 175, page 846 and Official Record 312, page 144, all references being the records in the Recorder's Office, Licking County, Ohio and bounded and described as follows:

Beginning for reference at the intersection of the centerline of Mink Street (County Road 41), with the centerline of Graham Road (Township Road 159);

thence along said centerline of Mink Street, the following courses and distances:

South 2 degrees 08' 16" West, a distance of 285.60 feet to an angle point in said centerline;

South 21 degrees 13' 49" East, a distance of 1197.58 feet to a railroad spike found at the northeasterly corner of said Cynthia L. O'Cain 5.341 acre tract; and

South 19 degrees 41' 30" East, a distance of 99.99 feet to a railroad spike set at the True Point of Beginning and the northeasterly corner of the tract herein intended to be described;

thence South 19 degrees 41' 30" East, continuing along said centerline, a distance of 174.73 feet to a railroad spike found at an angle point in said centerline;

thence South 17 degrees 57' 32" East, continuing along said centerline, a distance of 25.28 feet to a railroad spike found at the northeasterly corner of the Derwin J. and Cynthia Morris 5.006 acre tract, of record in Official Record 131, page 43;

thence North 86 degrees 11' 15" West, along the northerly line of the Derwin J. and Cynthia Morris 5.006 acre tract (passing an iron pin found at 32.30 feet), a distance of 513.40 feet to an iron pin set;

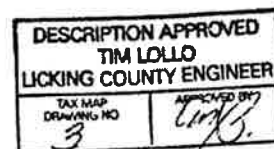
thence North 3 degrees 48' 45" East, a distance of 183.71 feet to an iron pin set;

thence South 86 degrees 11' 15" East, a distance of 434.34 feet to the point of beginning, containing 2.000 acres more or less.

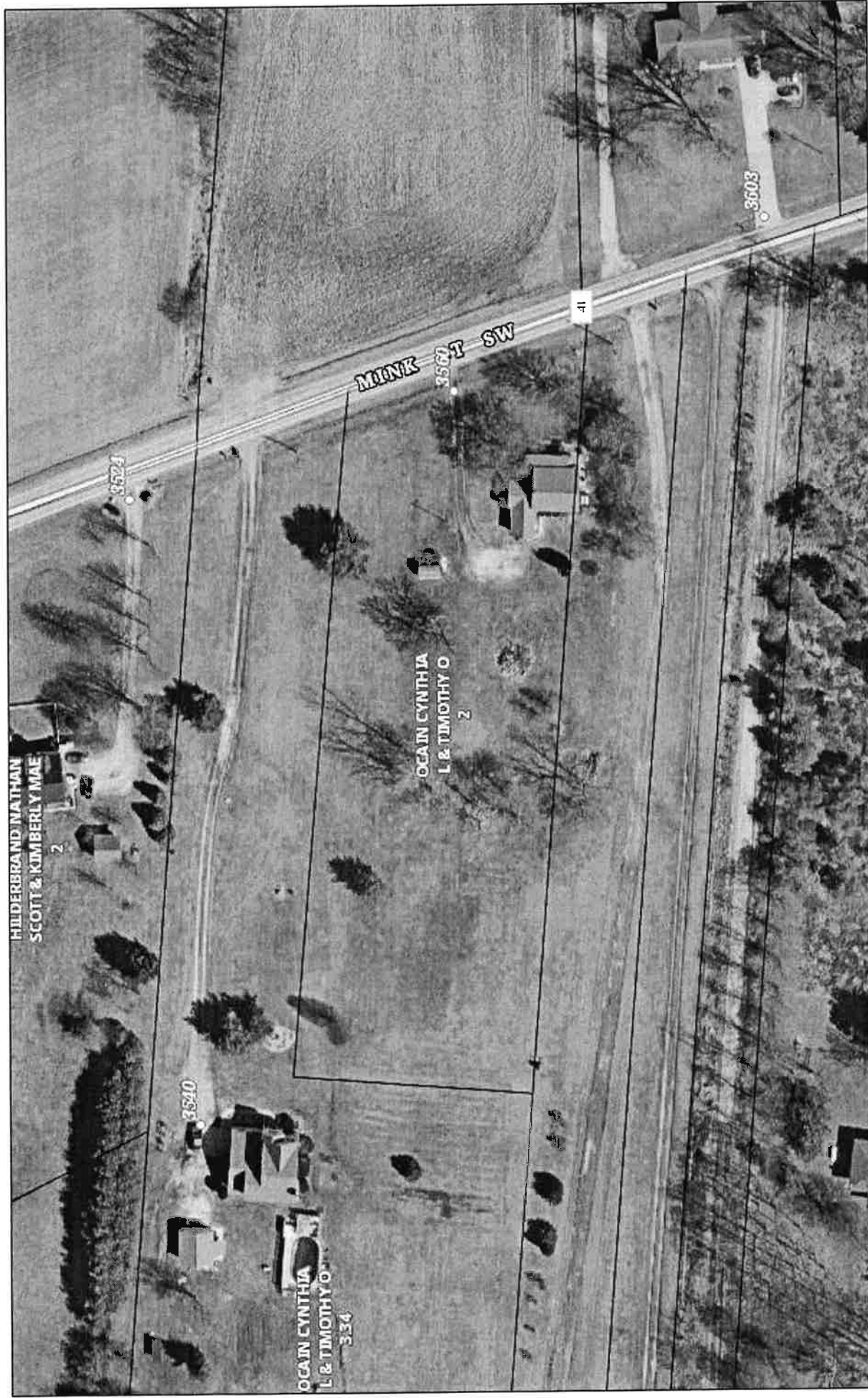
Bearings contained herein are based on the same meridian as the bearing of the centerline of Mink Street (South 19 degrees 41' 30" East) of record in Official Record 175, page 846.

Evans, Mechwart, Hambleton & Tilton, Inc.

Thomas D. Sibbalds, Registered Surveyor No. 5908.



OnTrac Property Map



February 8, 2021

Centerline Labels

○ Street Number Only

○ Sales - 2021

Owner Name & Acres

Interstate/US/State Route

County Road

0 94 Feet Township Road

Other Road Type

Driveway

Interstates

Municipal Corporations

Jurisdictional Townships

Licking County Auditor GIS

LICKING COUNTY TAX MAP