



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-21-012

Applicant:	Cassandra Helm
Owner:	Cassandra Helm
Location:	6379 Summit Road SW, Pataskala, OH 43062
Acreage:	0.17-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of a Variance from Section 1279.03(A)(1) to allow for the construction of a fence that will exceed the maximum height within the front yard setback, and a Variance from Section 1291.02(A)(4) to allow for the construction of a gravel driveway.

Description of the Request:

Requesting approval of two (2) variances. One (1) from Section 1279.03(A)(1) to allow for the construction of a fence that will exceed the maximum allowable height when within the front yard setback, and one (1) from Section 1291.02(A)(4) to allow for the construction of a gravel driveway within a platted subdivision.

Staff Summary:

The 0.17-acre property located at 6379 Summit Road SW is currently occupied by a 1,662-square foot single-family home built in 1940. It is a corner lot, with frontage on three (3) public rights-of-way: Summit Road SW to the west, an unnamed alley to the south, and another unnamed alley to the east. Currently, the property has no driveway, but there is a small gravel area along Summit Road SW in the front of the home. The lot and structure are currently existing non-conforming, as the lot itself does not meet the minimum size and width requirements of the zoning district, and the home does not meet the required setbacks.

The Applicant is proposing to construct a six (6) foot tall around the rear perimeter of their property, set back from the property line three (3) feet. The southeast corner of the fence will be angled in towards the property, similar to the neighboring property at 6393 Summit Road SW, providing sight visibility at the intersection of the alleys. The proposed fence will surround a 20-foot by 24-foot gravel driveway at the rear of the property.

As stated in the Applicant's Narrative Statement, the purpose of the fence is to allow them to utilize the most of their yard space, and the driveway will allow them to park off the main road. The Applicant also believes that the variance request is not substantial, will not alter the character of the neighborhood, and will not adversely affect the delivery of government services.

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 1279.03(A)(1) of the Pataskala Code states that a fence or wall, not exceeding 48-inches (4-feet) in height may be erected between the building setback line, and a line three (3) feet in from the street right-of-way line. No fence shall be within three (3) feet of the street right-of-way line. In the R-87 – Medium-Low Density Residential zoning district, the front yard setback is 75-feet. And as the property is a corner lot, when multiple property lines front on a public street, each of them shall have the same minimum setback distance as required for the front yard. This means that any fence within 75-feet of Summit Road SW, the alley to the south, and the alley to the north can only be four (4) feet in height.

As mentioned in the Summary, the lot is currently existing non-conforming. Section 1229.05(B) requires a minimum lot size within the R-87 zoning district of two (2) acres, and a minimum width of at least 200-feet throughout. Currently, the lot is only 0.17-acres and approximately 50-feet wide, much less than what is required by the R-87 zoning.

The Applicant is requesting a variance from Section 1279.03(A)(1) of the Pataskala Code to construct a fence that is six (6) feet tall within the front yard setback. The variance request is for a two (2) foot, or a 50% increase over the maximum permitted height. The Applicant will adhere to the requirement that it be at least three (3) feet away from the street right-of-way lines. Additionally, a ‘notched’ or angled portion of the fence in the southeast corner of the property would provide the sight-visibility required under Section 1221.03 of the Pataskala Code, similar to what was done with the neighbors’ fence to the south at 6396 Summit Road SW. The Board of Zoning Appeals granted a variance (VA-19-013) for the neighbors to build a six (6) foot fence in 2019.

Additionally, the Applicant is proposing to construct a 20’x24’ gravel driveway at the rear of the property. Pursuant to Section 1291.02(A)(4) of the Pataskala Code, all off-street parking spaces within a platted subdivision shall be of hard-surfaced asphalt, concrete, or pavers. Gravel is not permitted. The property is Lot 4 of Besse’s Addition, platted in 1906. The Applicant is requesting a variance to allow them to construct a gravel driveway.

Should the variance(s) requested be approved, the Applicant will require a Fence Permit and a Driveway Permit to construct the improvements. From the information provided through the variance application, Staff has no other concerns.

Other Departments and Agencies

No other comments received.

Surrounding Area:

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

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- 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-21-012:

- 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 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 a variance from Section 1279.03(A)(1), and Section 1291.02(A)(4) of the Pataskala Code for Variance Application VA-21-012 ("with the following conditions" if conditions are to be placed on the approval)."



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		Staff Use
Address: 6379 Summit Rd. SW, Pataskala OH 43062		Application Number:
Parcel Number: 06314540400.000		VA-21-012
Zoning: Residential R87	Acres: 0.17	Fee:
Water Supply:		\$300.00
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking	<input type="checkbox"/> On Site
Wastewater Treatment:		Filing Date:
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking	2/12/2021
		Hearing Date:
		3/9/2021
		Receipt Number:
		21682

Applicant Information		
Name: Casandra Helm		
Address: 6379 Summit Rd. SW		
City: Pataskala	State: OHIO	Zip: 43062
Phone: 502-767-0454	Email: casseylu6978@yahoo.com	

Owner Information		
Name: Same		
Address:		
City:	State:	Zip:
Phone:	Email:	

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"/>	Address List
<input checked="" type="checkbox"/>	Area Map

Variance Information
Request (Include Section of Code): Installation of fence and driveway, Section 1279.03(A)(1) and Section 1291.02(A)(4)
Describe the Project: See attached document

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 **See attached document**
- 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**
 - 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;* **No**
 - c) *Whether the variance requested is substantial;* **No**
 - 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**
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;* **No**
 - f) *Whether the variance, if granted, will be detrimental to the public welfare;* **No**
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;* **NO**
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;* **No**
 - i) *Whether the property owner's predicament can be obviated through some other method than variance;* **No**
 - 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**
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.* **Yes**

Site Plan: Submit 1 copy 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 1 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 1 copy 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.lcounty.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.

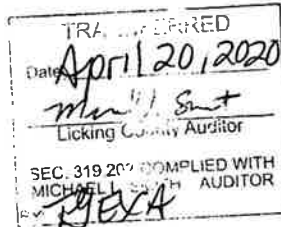
Applicant: <i>Cassandra L Helm</i>	Date: 2/10/21
Owner: <i>Cassandra L Helm</i>	Date: 2/10/21

We would like to install a 6 ft. tall, wood, privacy fence on our property. At this time there is no fencing and in order to utilize all of our property we would like to be able to install the fence closer to the property line. Our home is on a corner lot, the rear being an ally, so we would like to do 3 feet inside the property line. We would also do a slanted corner on the south side, similar to the fence setup at our neighbor's home to the south of us.

In order to accomplish this, we are asking for a variance from Section 1279.03(A)(1) to exceed the maximum height of a fence between the building setback line and the street right-of-way by two (2) feet. Per Section 1279.03(A)(4), no fence shall be within three (3) feet of the street right of way. The street right-of-way begins where our property line stops, so we are asking to place the fence (3) feet in from the property lines. We also have included an angled fence section in the rear where the intersection between the alleys is. This will allow better viewing for anyone at the intersection. The fence is marked on the site plan in black.

We are also asking for a variance to Section 1291.02(A)(4) to allow for construction of a gravel driveway within a platted subdivision. Our hope is to also add gravel parking in the rear since the only parking at this time is near the main road, in front of the home. This area would be outside of the fence and 20 x 24 ft, made with gravel. I have marked that area on the site plan in red.





SHERIFF'S DEED
Revised Code Sec. 2329.36
2019 CV 00640/Gina C. Scarver
201903477



I, Randy Thorp, Sheriff of **Licking** County, Ohio, pursuant to the Order of Sale entered on November 6, 2019, the Confirmation of Sale entered on March 5, 2020, and in consideration of the sum of \$65,000.00 dollars, the receipt whereof is hereby acknowledged, do hereby **GRANT, SELL AND CONVEY** unto **Federal National Mortgage Association**, all the rights, title and interest of the parties in Court of Common Pleas, Licking County, Ohio, Case Number **2019 CV 00640**, Bayview Loan Servicing, LLC vs. **Gina C. Scarver, John Doe, name unknown, spouse of Gina C. Scarver. Licking County Treasurer, JPMorgan Chase Bank, N.A.** and all pleadings therein incorporated herein by reference in and to the following Lands and Tenements situated in the County of Licking AND State of Ohio, known and described as follows, to-wit:

SEE ATTACHED LEGAL DESCRIPTION



Premises commonly known as: 6379 Summit Road Southwest, Pataskala, OH 43062

Tax Mailing Address: P.O. Box 650043, Dallas, TX 75265-0043

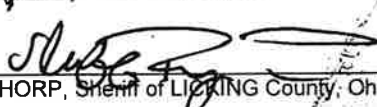
This deed does not reflect any restrictions, conditions or easements of record.

Prior Owner: Gina C. Scarver

Parcel Number: 063-145404-00.000

Prior Instrument Reference: Instrument No. 200002030003548

Executed this 17 day of April, 2020


RANDY THORP, Sheriff of LICKING County, Ohio

STATE OF OHIO)
) SS:
COUNTY OF LICKING)

The foregoing was acknowledged before me this 17 day of April, 2020 by RANDY THORP, Sheriff of Licking County, Ohio.


Notary Public
State of Ohio
My Commission Expires



This instrument was prepared by:
LERNER, SAMPSON & ROTHFUSS
120 East Fourth Street, 8th Floor
Cincinnati, OH 45202-4007
4/13/20

Legal Description

Situated in the State of Ohio, County of Licking, City of Pataskala, to wit:

Being Lot Number Four (4) of Besse's Addition, to the Village of Summit Station, as laid out and platted by Edmond Besse and Maggie Besse, dated May 15, 1906.
Plat 3-149

Property Address: 6379 Summit Road Southwest, Pataskala, OH 43062

Parcel No: 063-145404-00.000

Prior Deed Reference: Instrument No. 200002030003548

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED <input checked="checked" type="checkbox"/>	CONDITIONAL <input type="checkbox"/>
APPROVED BY:	<i>JC</i>
DATE:	<i>8-6-19</i>

Closing Disclosure

This form is a statement of final loan terms and closing costs. Compare this document with your Loan Estimate.

Closing Information		Transaction Information		Loan Information	
Date Issued	2/9/2021	Borrower	Cassandra Helm	Loan Term	30 years
Closing Date	2/12/2021		1103 Jefferson Chase Way	Purpose	Purchase
Disbursement Date	2/12/2021		Blacklick, OH 43004	Product	Fixed Rate
Settlement Agent	Solidifi Title & Closing, LLC	Seller	FNMA	Loan Type	<input type="checkbox"/> Conventional <input checked="" type="checkbox"/> FHA
File #	FNM-1896309-REO		5600 Granite Parkway		<input type="checkbox"/> VA <input type="checkbox"/>
Property	6379 Summit Rd SW	Lender	Plano, TX 75024	Loan ID #	22014008
	Pataskala, OH 43062		State Bank and Trust Company, The	MIC #	413-7488502-703

Sale Price

Loan Terms		Can this amount increase after closing?
Loan Amount		NO
Interest Rate		NO
Monthly Principal & Interest <i>See Projected Payments below for your Estimated Total Monthly Payment</i>		NO
Does the loan have these features?		
Prepayment Penalty		NO
Balloon Payment		NO

Projected Payments		Years 1-30
Payment Calculation		
Principal & Interest		
Mortgage Insurance	+	
Estimated Escrow <i>Amount can increase over time</i>	+	
Estimated Total Monthly Payment		
Estimated Taxes, Insurance & Assessments <i>Amount can increase over time See page 4 for details</i>	Monthly	This estimate includes <input checked="" type="checkbox"/> Property Taxes <input checked="" type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Other: <i>See Escrow Account on page 4 for details. You must pay for other property costs separately.</i>
		In escrow? YES YES

Costs at Closing	
Closing Costs	Includes in Loan Costs in Other Costs - \$17.00 in Lender Credits. See page 2 for details.
Cash to Close	Includes Closing Costs. See Calculating Cash to Close on page 3 for details.



