



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 11, 2021

Variance Application VA-21-017

Applicant:	Roger Coulson
Owner:	Roger Coulson
Location:	35 Broad Street SW. Summit Station, OH 43073
Acreage:	0.17-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of two (2) Variances from Sections 1221.05(D)(1) and 1229.05(C)(4) to allow for the construction of an accessory building that will exceed the maximum square footage allowable and be located within the front yard.

Description of the Request:

The Applicant is requesting approval of two (2) variances, the first from Section 1221.05(D)(1) and the second from Section 1225.05(B)(1) of the Pataskala Code to allow for the construction of an accessory building that will exceed the maximum square footage allowable and be located within what is technically the front yard.

Staff Summary:

The 0.17-acre property located at 35 Broad Street SW, in the old Summit Station area, is currently occupied by a 1,120-square foot single-family home built in 1920. An approximately 400-square foot garage, which was deteriorated, is to be removed from the property (Demolition Permit #21-268). The Property Owner also owns the two (2) lots adjacent to the east of the subject property. These three (3) lots are all approximately 0.17-acres in size and approximately 50-feet wide by 150-feet deep. As such, they are all existing non-conforming, as they do not meet the minimum requirements of the R-87 – Medium-Low Density Residential zoning district. The property in question also has frontage on three (3) public rights-of-way, those being: Broad St SW to the South, an unnamed alley along the west, and an unnamed alley along the north. The northern alleyway is currently not in use, and access to the property is via a shared gravel driveway within the right-of-way that also serves 6335 Summit Road SW.

As mentioned above, the Applicant is in the process of removing the existing detached garage and is proposing to replace it with a 32-foot by 24-foot 768-square foot detached garage. The proposed garage would be 2-feet from the west side property line, near the alleyway, 45-feet from the rear property line and 26-feet from the east side property line.

As stated in the Applicant's Narrative Statement, they believe there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulations, those being the existing non-conforming lot, and the multiple frontages on public rights-of-way. Further stated, they also believe that the essential character of the neighborhood will not be substantially altered, that the use or development of adjoining property would not be altered, and that the property owner's predicament could not be obviated through some other method other than a variance.

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:

As stated in the Staff Summary, the parcel is Existing Non-Conforming, because it does not meet the minimum lot size, and lot width requirements of the R-87 zoning district. The lot is currently approximately 50-feet wide, and 150-feet deep. The required setbacks of the R-87 zoning district, under Section 1229.05(C), are 75-feet from the front *and* rear property lines, and 25-feet from both side property lines; making any further improvements to the property difficult without obtaining a variance. The existing home is also Existing Non-Conforming, as it does not meet these setback requirements.

Section 1221.05(B)(1) of the Pataskala Code that on lots less than two (2) acres the maximum square footage for all accessory buildings on said lot shall be determined by the following equation:

$$((\text{Gross acreage of lot} \times 600) + 120) \times 2 = \text{Maximum permitted square footage.}$$

Using the acreage of the lot in question, 0.17-acres, the maximum permitted square footage for the lot would be 444-square feet.

$$((0.17) \times 600) + 120) \times 2 = 444$$

The Applicant is proposing a detached garage that is 32' x 24', or 768-square feet. Therefore; the Variance request is for an increase in the maximum square footage allowable by 324-square feet, or a 76.97% increase over the maximum allowable. The Applicant also owns the two (2) lots adjacent to the east. Should these three lots be Replatted into one lot, the gross acreage would become 0.51-acres and allow for a maximum accessory building square footage of 852-square feet, which would negate the need for this variance. However, the Applicant decided not to go through with this option, as the Replat would have to go before the Planning and Zoning Commission for approval, a Variance would still be required for the location of the structure, and because the cost of hiring a surveyor to survey the property and prepare a Replat Application and Application Fee (\$500.00) would greatly increase the cost.

As mentioned in the Staff Summary, the property is adjacent to three (3) public rights-of-way. Section 1229.05(C)(4) of the Pataskala Code states that the principal and accessory structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. In the R-87, zoning district, this is 75-feet. Per Code, the accessory structure would have to be 75-feet from the front property line, 75-feet from the west side property line, and 75-feet from the north side property line. As the lot is only approximately 50-feet wide by 150-feet deep, it would be impossible to locate the garage on the property without a Variance. The Applicant is requesting a Variance from Section 1229.05(C)(4) of the Pataskala Code to locate the garage 2-feet (97.3%) from the west side property line, and 45-feet from the north rear property line. These are reductions of 73-feet, and 30-feet (40%), respectively.

As proposed, the detached garage is in compliance with the other requirements of the Pataskala Code and Staff has no additional comments.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Agricultural
East	R-87 – Medium-Low Density Residential	Undeveloped
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-21-017:

- a) 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
- SWLCWSD – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Licking Heights School District – No comments

Modifications:

Should the Board choose to approve the applicant's request, the following modifications may be considered:

1. 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.
2. The Applicant shall not impair any public utilities with the proposed improvements.

Resolution:

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

"I move to approve variances from Sections 1221.05(D)(1) and 1229.05(C)(4) of the Pataskala Code for Variance Application VA-21-017 ("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: 35 BROAD ST S.W.	
Parcel Number: 063-150510-00.000	
Zoning: R-87	Acre: 0.17
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number:
VA-21-017
Fee:
\$300.00
Filing Date:
3/18/2021
Hearing Date:
5/11/2021
Receipt Number:
21734

Applicant Information		
Name: ROGER CONLSON		
Address: 35 BROAD ST SW.		
City: PATASKALA	State: OHIO	Zip: 43062
Phone: 740 927 1384	Email: ROGER CONLSON59@YAHOO	

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: SAME AS ABOVE		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code):
1221.05 (D)(1) 1221.05 (B)(1)
Describe the Project:
TEAR DOWN EXISTING GARAGE REPLACE WITH GARAGE EXCEEDING MAXIMUM SQ FOOTAGE BY 324 SQ FT. 32x24 GARAGE

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:
 - YES* 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;
 - YES* 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;
 - YES* 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;
 - YES* 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.
- 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):

Roger D Coulson

Date:

3-18-21

Property Owner (Required):

ROGER D. COULSON

Date:

3-18-21



ROAD ST 52

↑N



General Warranty Deed*

Jimmy D. Dowden, unmarried, of Franklin County, Ohio
for valuable consideration paid, grant(s) with general warranty covenants, to

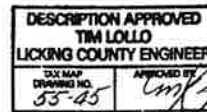
ROGER D. COULSON

whose tax-mailing address is

the following **REAL PROPERTY**: Situated in the County of Licking in the State
of Ohio and in the Township of Lima

Being Lot Number Ten (10), in S. B. BESSE'S ADDITION to said Village of Summit
Station, as shown upon the plat of said Addition, recorded in Volume 3, page
150, of the Plat Records of Licking County, Ohio.

Lot Number Ten (10) was conveyed to Arthur A. Held, under the name Arthur Allen
Held, and Margaret Held by Paul Surver and Ruth Surver, by deed dated October 4, 1944
and recorded in Volume 363, page 209 of the Deed Records of Licking County, Ohio.



Parcel No: 44-150510-00.000

Property address: 35 Broad Street, Summit Station, Oh

File # 2130

Prior Instrument Reference: Volume 533 Page 772 of the Deed Records of Licking
County, Ohio.
Witness my hand(s) this 11th day
of February, 19 94

Signed and acknowledged in presence of:

[Signature]
Cecil R. Faust
Notary Public

[Signature]
Jimmy D. Dowden

State of Ohio

County of Franklin ss.

BE IT REMEMBERED, That on this 11th day of February, 19 94, before me,
the subscriber, a Notary Public, in and for said state, personally came,
Jimmy D. Dowden, the Grantor(s) in the
foregoing deed, and acknowledged the signing thereof to be his voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my Official seal



and year last aforesaid.
JULIA A. FAIST, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

Document was prepared by Julia A. Faist, 142 Granville St., Gahanna, Oh 43230

- (1) Name of Grantor(s) and marital status.
(2) Description of land or interest therein, and encumbrances, reservations, and exceptions, taxes and assessments, if any.
(3) Delete whichever does not apply.
(4) Execution in accordance with Chapter 5301 Ohio Revised Code.

Auditor's and Recorder's Stamps

SEC.318.202 COMPLIED WITH
GEORGE D. BUCHANAN, AUDITOR
BY 08149.80

TRANSFERRED
Date February 16, 19 94
George D. Buchanan
Licking County Auditor

*See Sections 5302.05 and 5302.06 Ohio Revised Code.

RECEIVED A RECORDED Feb 16, 19 94
at 9:45 a'clock A M IN OFFICIAL RECORD
VOL 606 PAGE 173 FEE 14.00
ROBERT E. WISE, LICKING COUNTY RECORDER

3414

[Handwritten mark]



Search by:
Address
Search for:

063-150510-00-000
**COULSON ROGER D &
BRENDA K**
35 BROAD ST W
SUMMIT STATION, OH
43073

Acres: 0.17
LOT 10

Land: \$11,300
Improv: \$69,900
Total: \$81,200

Sale Date: 01/29/2007
Amount: \$0
Conveyance:
Valid Sale: No

Homestead: No
Owner Occ: Yes

Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No