



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

July 13, 2020

#### Appeal Application AP-21-002

<b>Applicant:</b>	Dan Santa
<b>Owner:</b>	Dan Santa
<b>Location:</b>	460 Connor Avenue SW
<b>Acreage:</b>	+/- 0.99-acres
<b>Zoning:</b>	R-20 – Medium Density Residential
<b>Request:</b>	Requesting an Appeal pursuant to Section 1211.03 of the Pataskala Code.

#### Description of the Request:

The Applicant is appealing the decision of the Planning and Zoning Department to not accept an application for a variance from Section 1221.05(D)(4) of the Pataskala Code to allow for the construction of an accessory building on a lot without a principal structure.

#### Staff Summary:

In June of 2020 the Public Service Director approved a right-of-way permit (attached) to allow Jesse Maynard, the owner of the two northernmost properties on Connor Avenue, to construct a driveway within city right-of-way so that he may access his properties as the right-of-way on Connor Avenue is platted, but no road exists. The right-of-way permit included provisions stating that the City was still the owner of the right-of-way, not responsible for maintenance of the driveway, and could remove it, if necessary, in the future.

Following the completion of the driveway, Mr. Maynard listed his two properties on Connor Avenue for sale. Shortly thereafter, two properties south of Mr. Maynard's on Connor Avenue, owned by Kimberly Frostic, were also listed for sale. Although never formally discussed, it was not the understanding of the City that the installation of the driveway was done with the intent to sell the properties.

The Planning and Zoning Department, in consultation with the Public Service Director, determined that the properties were unsuitable for any structure until a road, constructed to city standards, was built within the right-of-way and dedicated to the City. The responsibility for the construction of the road would be the developer(s) of the properties, not the City. Section 305.06 allows the Public Service Director to make such determinations so long as it is documented pursuant to Section 305.07. A copy of this documentation is attached.

The City's concern with allowing structures of any kind to be constructed on these properties would be the perception, over time, that the driveway within the right-of-way is a public road and is the responsibility of the City to maintain. Because the driveway is not a road, nor is it constructed to city standards, maintenance could become costly. Additionally, there is also the concern of setting a precedent as there are other properties in platted subdivisions with dedicated right-of-way but no public road.

Several inquiries were received from realtors and prospective buyers of the afore mentioned properties. The Planning and Zoning Department shared the City's position that the properties were unbuildable until a public road was built by the developer(s) of the properties and dedicated to the City. This information was also shared with the respective owners of the properties.

Prior to purchasing 460 Connor Avenue, Mr. Santa spoke with City Planner, Jack Kuntzman. Mr. Kuntzman shared the City's position that no structures could be built on the property. Mr. Santa purchased the property in January 2021.

On April 16, 2021 Mr. Santa emailed the Zoning Clerk, Lisa Paxton, about the need for a permit for a shed. Ms. Paxton responded that a permit was necessary and provided an application. Upon receipt of the application on April 28, 2021, Ms. Paxton determined that there was no principal structure on the property; therefore, the accessory building application could not be approved. She recommended that Mr. Santa contact Mr. Kuntzman for more information. A copy of this communication is attached.

On June 1, 2021 Mr. Santa emailed documents to apply for a variance to allow for the construction of an accessory building on a property without a principal structure. On June 4, 2021 the Planning Director, Scott Fulton, responded stating that because no structures could be built on the property, the variance application would not be accepted. Mr. Fulton then advised Mr. Santa of the opportunity to appeal this decision to the Board of Zoning Appeals. A copy of this communication is attached.

As stated above, the Planning Director's decision to not accept the variance application is based upon the documented position of the City, pursuant to Section 305.06, that no structure can be built on the property until a road is constructed, to city standards, within the right-of-way and dedicated to the City. Therefore, even if the variance were approved by the Board of Zoning Appeals, it still would not allow the shed to be built. Furthermore, Mr. Santa was aware of the City's position prior to purchasing the property.

Aerials from the Licking County Auditor's website show some existing structures on Mr. Santa's and Ms. Frostic's property that first appeared around 2019. These structures do not have permits and are there illegally.

**Resolution:**

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

“I move to approve the applicant’s appeal pursuant to Section 1211.03 of the Pataskala Code because the Planning and Zoning Department should have accepted the variance application.”



# City of Pataskala

*Alan W. Haines, P.E.*  
*Director of Public Services*

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621 West Broad Street  
Pataskala, OH 43062  
Office (740) 927-0145  
Fax (740) 927-0228

May 5, 2020

Jesse Maynard  
12164 Broad St  
Pataskala, Oh 43062

Dear Applicant:

Attached is the approved permit to allow a private driveway to be installed in the unimproved right-of-way of Connors Avenue using asphalt grindings material.

Read it carefully and comply with the provisions stated therein, including the date of completion.

All costs for the construction and maintenance of this installation shall be borne by the applicant or his successor in title.

The City of Pataskala and the Department of Transportation be saved harmless from any claims arising as a result of granting said permit.

This permit is granted and enforced under Ordinance 98-3213 of the City of Pataskala, and will be revoked anytime work is found to be non-compliant with the conditions imposed therein.

Sincerely,



Alan W. Haines, P.E.  
Director of Public Services



**PATASKALA  
PUBLIC SERVICE DEPARTMENT  
RIGHT-OF-WAY WORK PERMIT**

Subject to all of the terms, conditions and restrictions printed or written below, and on the following pages hereof, permission is hereby granted to: Allow a private driveway to be installed in the unimproved right-of-way of Connors Avenue using asphalt grindings material.

**This permit shall be void unless the work herein contemplated shall have been completed before:**

**JUNE 5<sup>th</sup>, 2020**

**DATED THIS 5<sup>th</sup> DAY OF MAY, 2020.**



Alan W. Haines, P.E.  
Director of Public Services  
740-927-0145

**\*NOTE: TWO WORKING DAYS BEFORE YOU DIG  
CALL TOLL FREE 1-800-362-2764  
OHIO UTILITIES PROTECTION SERVICE**

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## PRIVATE DRIVEWAYS WITHIN THE PUBLIC RIGHT-OF-WAY

With approval of this permit, the City of Pataskala (City) is allowing the applicant to install a driveway consisting of gravel or similar approved material within the public right-of-way. By proceeding with this work, the applicant understands and agrees to the following terms and conditions:

Maintenance of the driveway shall now and forever be the responsibility of the applicant, and responsibility for maintenance shall transfer to the party or parties using said driveway, ad infinitum.

In no case, now or ever, shall the City, or any other governmental entity be responsible for the maintenance of said driveway.

Maintenance shall be defined to include, but not be limited to: snow plowing, pot hole repair, addition of gravel, trimming of grass, trees, or shrubs from the right-of-way, etc.

Any future alterations within the right-of-way, beyond installation and maintenance of said driveway, must be submitted to the City for review and approval, and shall not be permitted without express consent, and as required, permitting from the City.

The applicant understands that the driveway is being installed at their own risk, and that if the City, or other governmental organization having authority, or other entity, under proper authority, has need for the use of said right-of-way, that said driveway may be subject to removal at the City's discretion.

If, in the event that the City, or other entity under proper authority decides to improve the right-of-way by installation of a road, said road shall be constructed to City standards as applicable at the time of installation, under the supervision of the City, and in coordination with the City, then, and only then, shall the City, with proper documentation and City Council acceptance of the improvements, accept maintenance of the roadway in accordance with any stipulations made by the proper authority at that time.

## GENERAL CONDITIONS

It is essential that the Director of Public Services for the City of Pataskala be notified between 24 and 72 hours prior to the start of this project.

This permit shall be in possession of employees in charge of work at all times. To be shown upon request to any employee of the City of Pataskala or the Department of Transportation.

The permittee shall cause notice of the work to be given to any and all residents and property owners adjacent to the work whose property could be affected by the work.

During this installation, complete safety precautions are to be exercised so as to avoid any inconvenience or danger to the traveling public.

It is the responsibility of the Permittee to contact the **OHIO UTILITIES PROTECTION SERVICE (OUPS)** prior to digging in the street right-of-way.

It is understood that the Permittee or his successors in title will be responsible for the maintenance of this installation.

This permit is not a substitute for satisfying the rights of any other party that may have an interest in the easement (or underlying fee).

The granting of this permit does not in any way abridge the right of the Director in his jurisdiction over Municipal Streets. If, in the process of any future work or for the benefit of the traveling public, it becomes necessary, in the opinion of the Director to order the removal, reconstruction, relocation, or repair of any of the fixtures, or work performed under this permit, said removal, reconstruction relocation, or repair shall be wholly at the expense of the owners thereof, and be made as directed by the Director.

The Director shall act for and in behalf of the City of Pataskala in the issuance of and the carrying out of the provisions of all permits.

The Director shall have full authority to insure that the provisions of this permit are fully complied with, and retains the right to reject any materials or workmanship in the restoration of Municipal facilities. Failure on the part of the permittee to conform to the provisions of this permit will be cause for suspension, revocation or annulment of this permit, as the Director deems necessary.

If the party or parties to whom this permit is issued does anything contrary to the orders of the Director and after due notice, fails to correct such work or to remove such structure or material as he or they may be ordered to remove, the Director, with or without notice, may correct such work or remove such structures or material; and the party or parties to



whom this permit is issued shall reimburse the City of Pataskala for any expense incurred in correcting the work or removing the structure or materials.

The right is reserved, during the time any or all the work is being performed, to appoint an inspector over the work who shall represent the interest of the City of Pataskala on the work, and any compensation arranged for shall be paid wholly by the permit holder. All the work herein contemplated shall be done under the supervision and to the satisfaction of the Director, and the entire expense thereof, shall be borne by the party or parties to whom this permit is issued.

The permittee shall save harmless the City of Pataskala and all of its representatives from all suits, actions, or claims of any character, brought on account of any injuries or damages sustained by any person or property in consequence of any neglect or on account of any act or omission as a result of the issuance of this permit.

The acceptance of this permit or the doing of any work thereunder shall constitute an agreement by the party or parties to whom the permit is granted to comply with all of the conditions and restrictions printed or written herein.

#### SUPPLEMENTARY CONDITIONS

Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the street in such manner as to interfere with the travel over the road.

There shall be no parking of vehicles or stockpiling of equipment or materials on the right-of-way except as otherwise authorized by the Director.

All work requiring men or vehicles on the pavement or shoulders shall comply with all of the requirements of the Ohio Manual of Uniform Traffic Control Devices and Item 614 (Maintaining Traffic) of the Ohio Department of Transportation Construction and Material Specifications. Failure to comply with this requirement will be cause for immediate suspension of the permit until the proper traffic controls have been provided.

Road closures shall not be permitted except as otherwise coordinated with and authorized by the Director. Planned road closures must be coordinated with the Director no less than 2 weeks prior to planned closure.

The permittee shall at all times maintain the highway clean of all rubbish, excess materials, temporary structures, and equipment, and all parts of the road shall be maintained in an acceptable condition.

If any grading, sidewalk, or other work done under this permit interferes with drainage of the roads in any way, such catch basins and outlets shall be constructed as may be necessary to take proper care of said drainage.

The permittee shall be responsible for any damage to the public right-of-way resulting from this installation. Any and all corrective work necessary to restore the public right-of-way shall be performed at no cost to the City of Pataskala.

Any City property disturbed by the permittee shall be restored using materials, design, and workmanship in conformance with the Ohio Department of Transportation Construction and Material Specifications, Location and Design Manual or other existing Department Standards.

Upon completion of this work, the Permittee shall restore the public right-of-way to a condition which is equal to or better than that which originally existed, and to the satisfaction of the Director.

Restoration including seeding and mulching, of the public right-of-way is to be completed within 5 business days of completion of the work unless otherwise authorized by the Director.

Pavement restoration shall be according to City of Columbus, Department of Public Service Division of Engineering and Construction Pavement & Utility Cut Repair Standards.

All asphalt and pavement joints must be sealed.

All pole lines are to be built in accordance with Rule 4901:3-1-08 of the Ohio Administrative Code promulgated and enforced by the Public Utilities Commission of Ohio.

The permittee shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code promulgated and enforced by the Ohio Environmental Protection Agency.

All the above conditions shall be applicable to the work herein authorized, unless the same are inconsistent with the conditions on the face of the permit, in which case the conditions written or printed on the face of the permit shall apply.

# CITY OF PATASKALA, OHIO

621 West Broad Street  
Suite 2B  
Pataskala, Ohio 43062  
Telephone: 740-927-2021  
Fax: 740-927-0228



Permit # \_\_\_\_\_

**Fee: \$15.00**

**Right-of-Way  
Work Permit Application**  
(Ordinance 905.02)

Applicant: Jesse Maynard

Date: 5-4-20

Applicant's address: 12164 E Broad St  
(Street, City, Zip code)

Applicant's telephone #: 614-778-0235 Applicant's email: \_\_\_\_\_

Property owner: \_\_\_\_\_

Property owner's address: \_\_\_\_\_  
(Street, City, Zip code)

Property owner's telephone #: \_\_\_\_\_

Location of project: \_\_\_\_\_

**Please attach a copy of the project plans and submit with this application (if applicable).**

Describe the work to be completed, **including materials to be used:**  
(i.e. pipe type, fill material, etc...)

Drive way TO Property

material will be Grinding Asphalt.

The above applicant agrees to adhere to all sections of City of Pataskala Codified Ordinances, Chapter 905, as it relates to work in the right-of-way.

If the proposed construction/installation requires the opening of the pavement, you must provide the following information:

1. Conditions necessitating opening of pavement: \_\_\_\_\_

2. The opening to be made in the pavement will be \_\_\_\_\_ feet long by \_\_\_\_\_ feet wide and \_\_\_\_\_ feet deep.

3. Pavement will be replaced by (list contractor) \_\_\_\_\_ to the satisfaction of the Director of Public Services.

The applicant hereby agrees to backfill the trench of said opening in compliance with the standards of the Ohio Department of Transportation using construction methods, materials, and workmanship as prescribed in the Construction Materials Specifications (Current Edition) of the Department of Transportation.

*All work requiring workers or vehicles on the pavement or roadway shoulders shall comply with all of the Ohio Manual of Uniform Traffic Control Devices and item 614 (Maintaining Traffic) of the Ohio Department of Transportation construction and material specifications. Failure to comply with this requirement will be cause for immediate suspension of this permit until proper traffic controls have been implemented.*

**48 HOURS PRIOR TO EXCAVATION, ALL PERMITTEES MUST NOTIFY THE OHIO UTILITIES PROTECTION SERVICE AT 1-800-362-2764.**

We agree to comply with all of the conditions, restrictions, and regulations of the Department of Transportation and the City of Pataskala.

Jess Maynard  
Applicant's name (print)

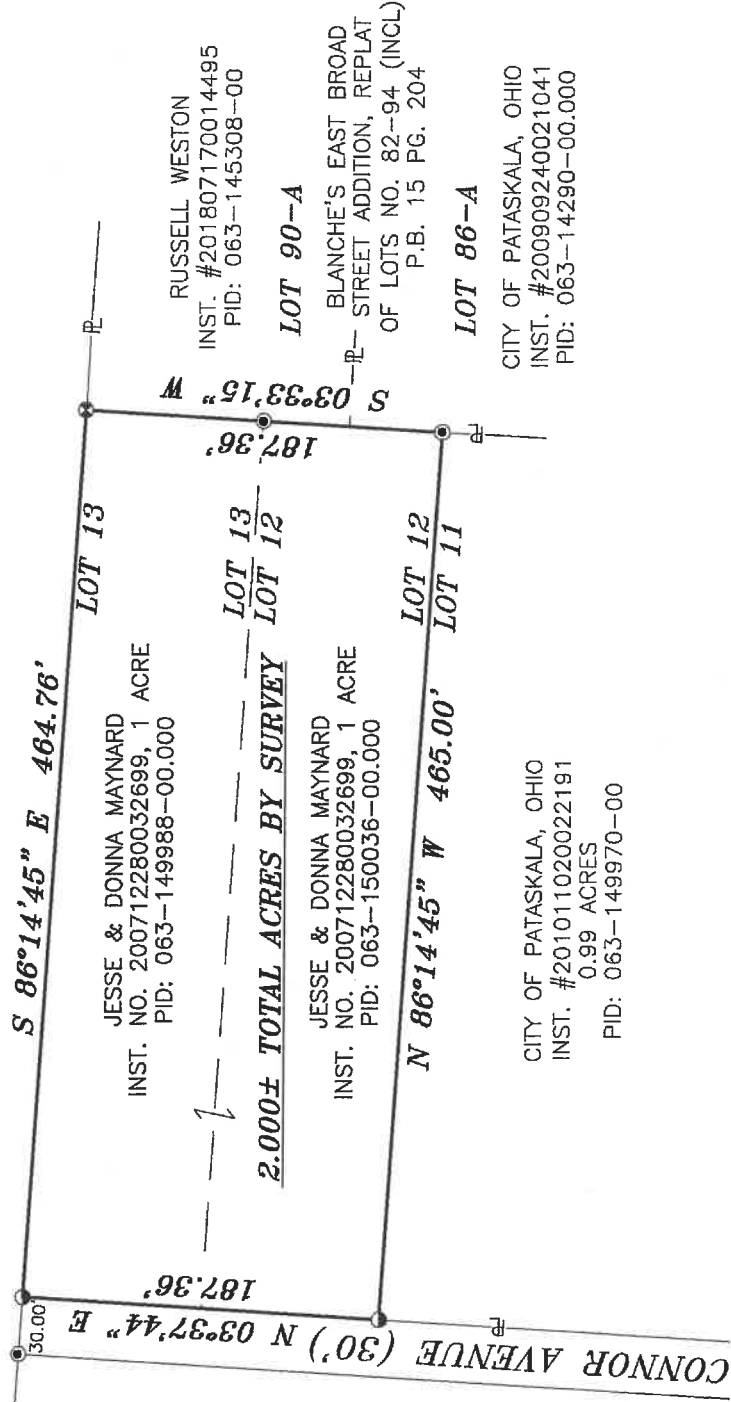
5 - 4 - 20  
Date

\_\_\_\_\_  
Applicant's signature

DEDICATION:

SITUATED IN THE STATE OF OHIO, COUNTY OF LICKING, CITY OF PATASKALA, TOWNSHIP 1, RANGE 15, SECTION 4, UNITED STATES MILITARY LANDS, BEING LOT 12 AND LOT 13 OF ELMWOOD ALLOTMENT (EAST BROAD STREET), PLAT BOOK 4, PAGE 184, AND BEING A TRACT OF LAND CONVEYED TO JESSE MAYNARD AND DONNA MAYNARD, AS RECORDED IN INSTRUMENT NO. 200712280032699. ALL REFERENCES CONTAINED HEREIN ARE TO LICKING COUNTY RECORDER'S RECORDS, NEWARK, OHIO.

PARK NATIONAL BANK, SUCCESSOR TRUSTEE  
OF THE EVA IRENE FOUR TRUST U/A  
INST. #201409300018971  
214.8377 ACRES, PID: 063-140586-00



- LEGEND
- 5/8" x 30" REBAR & CAP SET, STAMPED "CENTRAL SURV. CO., LTD."
  - 1" IRON PIPE FOUND
  - 1 1/2" IRON PIPE FOUND
  - PROPERTY LINE



SCALE: 1 INCH = 100 FEET

CENTRAL SURVEYING CO., LTD.

ROBERT N. McFARLAND, P.S. 7492 DATE: 12/03/19

NOTES:

SUBJECT TO ALL LEGAL STREETS, HIGHWAYS, RIGHT-OF-WAYS, ALLEYS, EASEMENTS, AGREEMENTS AND/OR CONDITIONS OF RECORD, IF ANY.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, OHIO SOUTH ZONE, U.S. SURVEY FOOT, NORTH AMERICAN DATUM OF 1983.

Central Surveying Co., Ltd.

7563 East Main Street  
Reynoldsburg, Ohio 43068

FOR:  
**JESSE & DONNA MAYNARD**  
**BOUNDARY SURVEY-2.000± ACRES**

Drawn By: RNM	Checked By: RNM
Scale: 1"=100'	Date: 12/03/19
File Name: 19-1012	Drawing Number:
Revisions: -	2019-1012



## **CITY OF PATASKALA PUBLIC SERVICE DEPARTMENT**

621 West Broad Street, Suite 2B  
Pataskala, Ohio 43062

### **RECORDS OF THE DIRECTOR**

Pursuant to Section 305.07 of the Pataskala Codified Ordinances, the Director of Public Services shall keep a record of all rules, regulations and proceedings in connection with the powers of the Public Service Director as enumerated in Sections 305.04 and 305.06.

1. No structure, building, or other improvement shall be made to a lot without direct access onto an improved City right-of-way. An improved right-of-way being; a public road which has been dedicated to public use and accepted by the City Council.
2. Driveways within Platted Subdivisions
  - a. Lots within Platted Subdivisions shall be limited to a maximum of one (1) access point onto City right-of-way.
  - b. The maximum width of driveway aprons within Platted Subdivisions shall be limited to 22-feet.
  - c. The maximum width of driveways within Platted Subdivisions shall be limited to 16-feet within the right-of-way.

Alan Haines  
Public Service Director  
City of Pataskala  
t: 740-927-0145  
e: ahaines@ci.pataskala.oh.us



**From:** [Dan S](#)  
**To:** [Scott Fulton](#)  
**Subject:** Re: FW: FW: Shed under 200 sqft permit  
**Date:** Wednesday, June 9, 2021 6:29:24 PM  
**Attachments:** [2021 Appeal Application.pdf](#)

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Like this?

On Wed, Jun 9, 2021 at 3:17 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:

Dan,

I will need the completed Appeal application (attached) not the Variance application. Otherwise, you're all set.

Thanks,

**SCOTT FULTON**  
Director of Planning  
City of Pataskala  
621 West Broad Street, Suite 2-A  
Pataskala, Ohio 43062  
Phone: 740-927-2168  
Cell: 614-440-5222

---

**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>  
**Sent:** Wednesday, June 9, 2021 3:30 PM  
**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Subject:** Re: FW: FW: Shed under 200 sqft permit

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Attached. Thank you!

On Sun, Jun 6, 2021 at 3:06 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:

Yes, you can.

Get [Outlook for Android](#)

---

**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>  
**Sent:** Sunday, June 6, 2021 2:56:37 PM  
**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Subject:** Re: FW: FW: Shed under 200 sqft permit

**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Can I email it to you?

On Sun, Jun 6, 2021 at 2:28 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:  
Complete the application and submit it, along with all associated documents, to our office by this Friday.

Get [Outlook for Android](#)

---

**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>  
**Sent:** Sunday, June 6, 2021 9:33:50 AM  
**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Subject:** Re: FW: FW: Shed under 200 sqft permit

**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Yes, please. How do I submit it?

On Fri, Jun 4, 2021 at 4:30 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:

Dan,

The City's position remains the same that the variance application will not be accepted by the Planning and Zoning Department. You may appeal my decision to the Board of Zoning Appeal pursuant to Section 1211.03 of the Pataskala Code. If you submit the attached application by Friday, June 11, your appeal would be heard by the Board of Zoning Appeals on July 13.

If you have any questions, please let me know.

Thanks,

**SCOTT FULTON**

Director of Planning

City of Pataskala

[621 West Broad Street, Suite 2-A](#)

[Pataskala, Ohio 43062](#)

Phone: 740-927-2168

Cell: 614-440-5222

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**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>  
**Sent:** Friday, June 4, 2021 3:44 PM  
**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>  
**Subject:** Re: FW: FW: Shed under 200 sqft permit

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It doesn't matter, I would still like to apply for the variance and I would like to receive a formal reply.

Thank you.

On Fri, Jun 4, 2021 at 3:27 PM Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)> wrote:

Dan,

The variance application cannot be accepted as the City will not allow any structures to be constructed on parcels fronting on the unimproved Conner Avenue right-of-way until a road is built. Feel free to give me a call at the numbers below if you would like to discuss.

Thanks,

**SCOTT FULTON**

Director of Planning

City of Pataskala

[621 West Broad Street, Suite 2-A](#)

[Pataskala, Ohio 43062](#)

Phone: 740-927-2168

Cell: 614-440-5222

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**From:** Jack Kuntzman <[jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)>

**Sent:** Wednesday, June 2, 2021 1:39 PM

**To:** Scott Fulton <[sfulton@ci.pataskala.oh.us](mailto:sfulton@ci.pataskala.oh.us)>

**Subject:** FW: FW: Shed under 200 sqft permit

Lets talk about this when you have a minute

---

**From:** Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>

**Sent:** Tuesday, June 1, 2021 4:01 PM

**To:** Jack Kuntzman <[jkuntzman@ci.pataskala.oh.us](mailto:jkuntzman@ci.pataskala.oh.us)>

**Subject:** FW: FW: Shed under 200 sqft permit





Lisa Paxton, Zoning Clerk

City of Pataskala

Planning & Zoning

[621 W. Broad Street, Suite 2A](#)

[Pataskala, Ohio 43062](#)

(740) 927-4910

Office Hours M-F 8:00 a.m. to 4:00 p.m.

**Permit Application link:** <http://www.cityofpataskalaohio.gov/city-departments/planning-zoning/permits/>

**\*\*Permit approval may take up to 30 days\*\*** Section 1209.05 of the Pataskala Code

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**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>  
**Sent:** Tuesday, June 1, 2021 2:50 PM  
**To:** Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>  
**Subject:** Re: FW: Shed under 200 sqft permit

**CAUTION:** This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Good afternoon,

I have spoken with the mayor and he suggested applying for a variance.

I would like to apply for a variance.

I have attached the documents to this email, please tell me the payment options.

Thank you.

On Wed, Apr 28, 2021 at 8:53 AM Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)> wrote:

Good morning, Dan. I am in receipt of your accessory building application.

Since this parcel has no principal structure (house), accessory buildings cannot be located on a lot without a principal structure (See Page 2 of the application, bullet point 8).

Please reach out to our City Planner, Jack Kuntzman, at 740-964-1316; he will be able to provide more information.

Lisa ~



Lisa Paxton, Zoning Clerk  
City of Pataskala

Planning & Zoning

[621 W. Broad Street, Suite 2A](#)

[Pataskala, Ohio 43062](#)

(740) 927-4910

Office Hours M-F 8:00 a.m. to 4:00 p.m.

**Permit Application link:** <http://www.cityofpataskalaohio.gov/city-departments/planning-zoning/permits/>

**\*\*Permit approval may take up to 30 days\*\*** Section 1209.05 of the Pataskala Code

---

**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>

**Sent:** Tuesday, April 27, 2021 11:26 PM

**To:** Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>



**Subject:** Re: Shed under 200 sqft permit

**CAUTION:** This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Awesome! Documents attached. If there's no option to pay online or through phone call, then I can pay in person Friday at noon. Thank you.

On Mon, Apr 19, 2021 at 7:35 AM Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)> wrote:

Good morning.

Yes, a zoning permit is required. I've attached the application for your convenience. At this time, we only accept cash or check.

You may mail everything in, or drop off at our office, or drop in the afterhours drop box located at the front entrance of City Hall. If you are in need for an expedited permit, you may set up an appointment for same day approval.

Along with the Application and fee, please submit a rendering of what the shed will look like, along with a site plan showing where the shed will be placed and the distance to property lines.

Page 2 of the Application notates Accessory Building Regulations.

If you have any questions, or would like to set up an appointment, please email me or call 740-927-4910.

Thank you.

Lisa ~



Lisa Paxton, Zoning Clerk

City of Pataskala

Planning & Zoning

[621 W. Broad Street, Suite 2A](#)

[Pataskala, Ohio 43062](#)

(740) 927-4910

Office Hours M-F 8:00 a.m. to 4:00 p.m.

**Permit Application link:** <http://www.cityofpataskalaohio.gov/city-departments/planning-zoning/permits/>

**\*\*Permit approval may take up to 30 days\*\*** Section 1209.05 of the Pataskala Code

---

**From:** Dan S <[dansanta2003@gmail.com](mailto:dansanta2003@gmail.com)>

**Sent:** Friday, April 16, 2021 8:20 PM

**To:** Lisa Paxton <[lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us)>

**Subject:** Shed under 200 sqft permit

**CAUTION:** This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Hello,

Do I need a zoning permit for a small/medium shed (under 200 sqft)?

Zoning is R-20 - Medium Density Residential

If yes, can I email the application and pay the fee online?

thank you.



## CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A  
Pataskala, Ohio 43062

### APPEAL APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 460 Connor Ave SW, Pataskala, OH 43062	
Parcel Number: 063-149958-00.000	
Zoning: 500 Residential	Acres: 0.99
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Applicant Information		
Name: Dan Santa		
Address: 3514 Clover Hill dr		
City: Clarksville	State: TN	Zip: 37043
Phone: 704-605-2396	Email: dansanta2003@gmail.com	

Property Owner Information		
Name: same as above		
Address:		
City:	State:	Zip:
Phone:	Email:	

Appeal Information
Request (Include Section of Code):
permit for a shed on my property
Describe the Project:
a shed on my property

Staff Use
Application Number: <b>AP-21-002</b>
Fee: N/A
Filing Date: <b>06/09/2021</b>
Hearing Date: <b>07/13/2021</b>
Receipt Number: N/A

Documents
<input checked="" type="checkbox"/> Application
<input 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

## Documents to Submit

**Appeal Application:** Submit 1 copy of the appeal application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the appeal is necessary
- The specific reasons why the appeal 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.*

**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 appeal 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 appeal request.

Applicant (Required):

*Dan D Santa*

Date:

6/9/2021

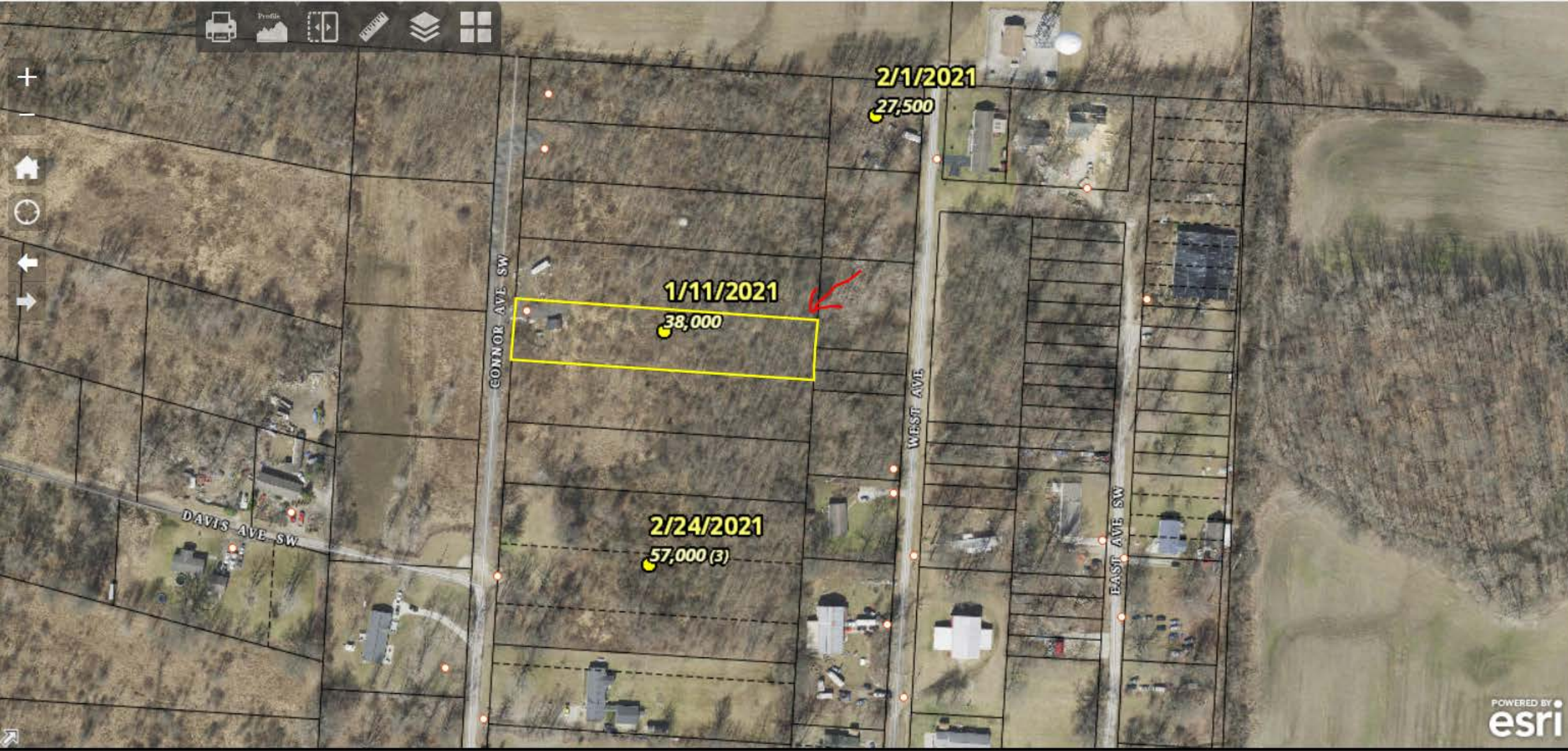
Property Owner (Required):

*Dan D Santa*

Date:

6/9/2021





Search by:

Owner

Search for:

Trouble Searching?

063-149958-00.000

SANTA DAN D

460 CONNOR AVE

PATASKALA, OH 43062

Acres: 0.99

LOT 9 ELMWOOD ALLOT

Land: \$11,900

Improv: \$0

Total: \$11,900

Transfer Date: 01/11/2021

Amount: \$38,000

Conveyance: 127

Valid Sale: Yes

Homestead: No

Owner Occ: No

Foreclosure: No

Certified Delq: No

On Contract: No



DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER

Approved By JW Jan 11, 2021

01150740504184001000

InstrID:202101110000982	1/11/2021
Pages:4 F: \$50.00	3:28 PM
Bryan A. Long	T20210000863
Licking County Recorder	

**TRANSFERRED**

Jan 11, 2021  
Michael L. Smith  
LICKING COUNTY AUDITOR  
SEC 319.902 COMPLIED WITH  
MICHAEL L. SMITH  
By: SAS 114.00

## GENERAL WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENT:** That **Kimberly Frostic, a married woman** ("Grantor"), for valuable consideration paid, grants with general warranty covenants to **Dan D. Santa** ("Grantee"), whose tax mailing address is: 3514 Clover Hill Drive, Clarksville, TN 37043, the following described Real Property:

## SEE EXHIBIT "A" ATTACHED HERETO

Prior Instrument Reference: 201804030006231, Licking County Recorder's Office

Parcel Number: 063-149958-00.00

Property Address: 460 Connor Avenue SW, Pataskala, OH 43062

This conveyance, and Grantor's covenants, are subject to the following: The lien of any taxes and assessments not now due and payable; zoning ordinances and regulations; legal highways; and restrictions, conditions, reservations and easements of record.

Grantor hereby releases all rights of dower therein.

Signed and acknowledged by **Kimberly Frostic**, the Grantor of and to the foregoing Deed, on this 7 day of January 2021.

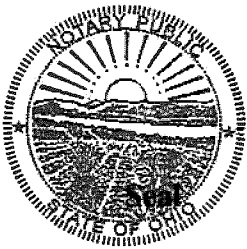
Kim Frostic  
Kimberly Frostic

STATE OF Ohio ) SS:  
COUNTY OF Franklin )

This is an acknowledgment clause. No oath or affirmation was administered to the signer.

Before me, a Notary Public in and for said County and State, personally appeared **Kimberly Frostic**, the Grantor on the foregoing Deed, whose identity was known or proven to me and who did sign the foregoing instrument and acknowledged the signing hereof to be their voluntary act and deed.

In testimony thereof, I have hereunto set my hand and official seal at Columbus, Ohio, this 7 day of January ~~2020~~ 2021.



SHELLY BARKER  
Notary Public, State of Ohio  
My Comm. Expires Aug. 19, 2024

Shelly Barker  
Notary Public  
SHELLY BARKER  
Printed Name  
My Commission expires: Aug. 19, 2024

IN WITNESS WHEREOF, **Adam Parlier, Husband of Kimberly Frostic**, the Grantor on the foregoing Deed, has caused the signing of this instrument solely to release dower, and has caused their name to be subscribed on this 8 day of January 2021.

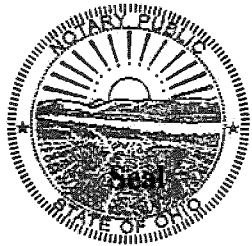
Adam Parlier  
Adam Parlier

STATE OF Ohio ) SS:  
COUNTY OF Delaware )

This is an acknowledgment clause. No oath or affirmation was administered to the signer.

Before me, a Notary Public in and for said County and State, personally appeared **Adam Parlier, Husband of Kimberly Frostic**, the Grantor on the foregoing Deed, whose identity was known or proven to me and who did sign the foregoing instrument and acknowledged the signing hereof to be their voluntary act and deed.

In testimony thereof, I have hereunto set my hand and official seal at Powell,  
Ohio, this 8 day of January 2021.



SHELLY BARKER  
Notary Public, State of Ohio  
My Comm. Expires Aug. 19, 2024

Shelly Barker  
Notary Public

SHELLY BARKER  
Printed Name

My Commission expires: Aug. 19, 2024

**This instrument prepared by:**

Brian K. Duncan, Esq.  
BKD LEGAL LLC  
119 E. Granville St.  
Sunbury, OH 43074

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

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

Being Lot No. 9 of Elmwood Allotment Addition as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 4, page 184, Plat Records, Licking County, Ohio.

Parcel Number: 063-149958-00.00

# Narrative Statement

- *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.*
  - The reason the variance is necessary: according to the Pataskala Code, I cannot put a shed on my own land because there is no home on it. I cannot build a home because the land is not on accepted public road by the City. The City is not willing to build the infrastructure and build the road so I can build a home so I can place a shed.
  - The specific reasons why the variance is justified:
    - a) a shed on a land will increase the value of the property in general; it's beneficial use for the owner is storing items
    - b) the City is not willing to develop the road to consider it a public road which means a home cannot be built on it, but at the same time they require a home to be built on it in order to put a shed
    - c) very substantial:
      - buying and owning a piece of land is one of the most basic rights of a democratic country
      - disposing of your land how you wish (in a reasonable way) it's part of the American values and basic freedoms (such as placing a shed and a barbeque place)

- the owner of the land, me, pays around \$70/month taxes to the City of Pataskala
- a shed in the middle of nowhere shall not pose a problem to a City that clearly has bigger issues, such as the tap water smelling as sewer and burning my throat, the smell of the Water Treatment Facility, car break-ins, poor quality of home building contractors, increasing costs of sewer and electricity in an unreasonable way and so on.

d) no, a new shed acquired from a local business will not alter the appearance of the neighborhood; much more, this shed is not visible from any neighbors' yard, it's not visible from any public roads, and is hardly seen from the gravel driveway, the land and the surrounding lands are full of bushes and trees; the closest home in direct line is around 500 feet away.

e) no, a shed shall not impair absolutely anything, being placed on the land that I currently own; the close vicinity is undeveloped land full of bushes and small trees; closest home in direct line is approximative 500 feet away; the shed is not visible from any of the public roads. Even if the closest neighbors will develop their lands (one of them is the City of Pataskala), building homes or anything else, a shed shall still not impair their use of the land.

f) The shed raises the property value and it's not detrimental to public welfare

g) No, there are no possible ways that I can think of how a shed on my own property would adversely affect the delivery of governmental services

h) Yes, the owner was aware of the zoning restrictions such as building a home restriction; however, I wasn't aware that the City does not permit the placement of a shed, I wasn't aware that City refuses to build and improve the local infrastructure, I wasn't aware that the City will decline a variance request for a simple shed that don't bothers nobody.

i) Yes, the City can invest in the infrastructure and build a public road on top of the gravel drive way. In that moment, the owner shall build a home, further increasing in value the property

j) In the case considered at i), the City approving the placement of a shed shall be the minimum variance accorded by the City

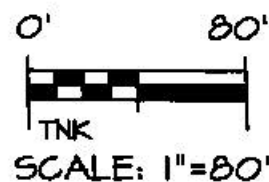
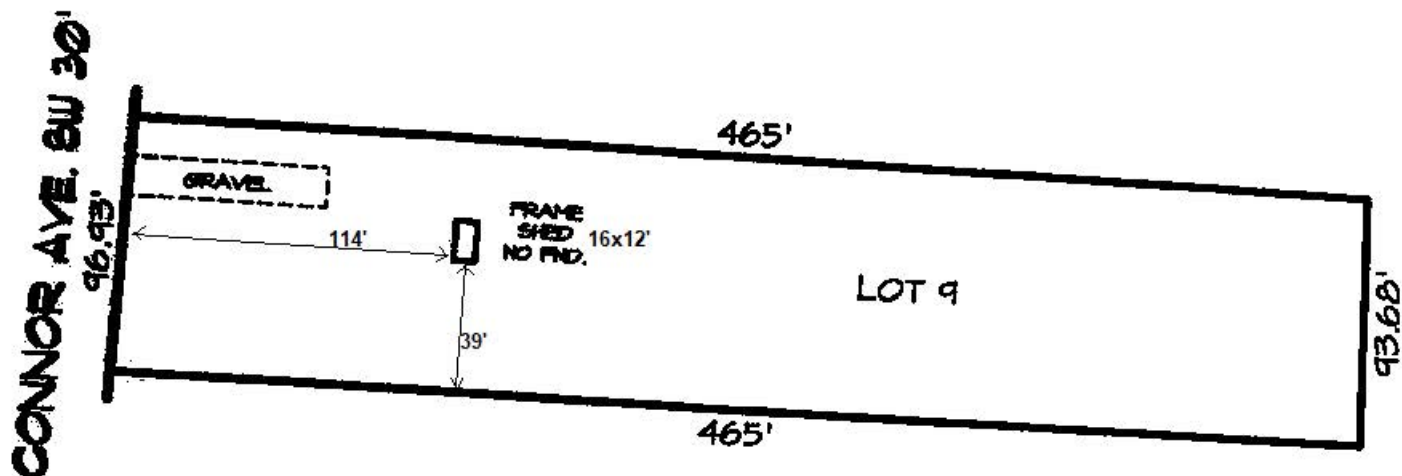
k) Very substantial justice.

- I believe this variance meets the requirements described in Section 1211.07(B) of the Pataskala Code and if not, I can adjust it as advised to proper match the code.



# SHED LOCATION

460 Connors Ave SW, Pataskala, OH



**From:** [Chad Brown](#)  
**To:** [Jack Kuntzman](#); [Jim Roberts](#); [Scott Haines](#); [Chris Sharrock](#); [Bruce Brooks](#); [Doug White](#); [Perkins, Kasey \(Southwest Licking Local Schools\)](#); [Philip Wagner](#); [Alan Haines](#); [Chris Gilcher](#)  
**Cc:** [Scott Fulton](#); [Lisa Paxton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 07-13-2021  
**Date:** Wednesday, June 16, 2021 12:08:43 PM  
**Attachments:** [image003.png](#)

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**CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.**

Thanks Jack. Our comments are below.

Chad Brown, MPH, REHS  
Health Commissioner  
Licking County Health Department  
675 Price Road | Newark, OH | 43055  
Office: (740) 349-6487  
[www.lickingcohealth.org](http://www.lickingcohealth.org)



Find LCHD on Social Media:



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**From:** Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>  
**Sent:** Tuesday, June 15, 2021 3:37 PM  
**To:** Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Perkins, Kasey (Southwest Licking Local Schools) <kperkins@laca.org>; Philip Wagner <pwagner@lhschools.org>; Alan Haines <ahaines@ci.pataskala.oh.us>; Chris Gilcher <cgilcher@swlcws.com>; Chad Brown <cbrown@lickingcohealth.org>  
**Cc:** Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>  
**Subject:** Pataskala BZA Review Memo for 07-13-2021  
**Importance:** High

Good Morning, Everyone

You are receiving this email because one or more of the Applications submitted for the July 13, 2021 Board of Zoning Appeals is within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

**VA-21-022:** Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chad Brown, Alan Haines

The property owner has not filed a lot split application with our office. We have not evaluated the property to determine if the new lots will be considered buildable from a well and septic perspective. Based on their proposed size they will likely be fine, but we have not reviewed these proposed lots.

**VA-21-023:** Chris Sharrock, Jim Roberts, Bruce Brooks, Doug White, Kasey Perkins, Chad Brown, Alan Haines

Same comments as above.

**CU-21-003:** Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, CJ Gilcher, Alan Haines

**AP-21-002:** Jim Roberts, Bruce Brooks, Doug White, Philip Wagner, Chad Brown, CJ Gilcher, Alan Haines

There is no mention of the shed containing plumbing or being connected to a water source. If this is the case, our office has no jurisdiction regarding the structure.

Notes:

- VA-21-022 and VA-21-023 are for the same parcel, which they would like to split into two (2) lots, both of which will not meet the required minimum frontage along the ROW.

If you have any comments or concerns regarding these applications, please have them submitted to me no later than July 2. They will be included in the Staff Report that is given to the Board members.

Here is a link to download the review memo:

[https://pataskala-my.sharepoint.com/:f/g/personal/jkuntzman\\_ci\\_pataskala\\_oh\\_us/EiWE0S36CvBKqTrnGpgMs7kBlEJmDsYjxOhi4AcJCKizwg?e=SSdgYX](https://pataskala-my.sharepoint.com/:f/g/personal/jkuntzman_ci_pataskala_oh_us/EiWE0S36CvBKqTrnGpgMs7kBlEJmDsYjxOhi4AcJCKizwg?e=SSdgYX)

Thank you for your assistance.

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

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