



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

September 14, 2021

Variance Application VA-21-025

Applicant:	Prem Lagon
Owner:	Prem Lagon
Location:	601 Keltonhurst Drive, Pataskala, OH 43062
Acreage:	+/- 0.26-acres
Zoning:	PDD – Planned Development District
Request:	Requesting approval a Variance from Section 1279.03(A)(1) to allow for the construction of a fence that will exceed 48-inches in height within the front yard setback.

Description of the Request:

The Applicant is requesting approval of a Variance from Section 1279.03(A)(1) of the Pataskala Code to allow for the construction of a fence that will exceed 48-inches in height within the front yard.

Staff Summary:

The 0.26-acre property located at 601 Keltonhurst Drive is a corner lot, as it has frontage on two (2) public rights-of-way; Keltonhurst Drive to the north and Lockmead Drive to the east. It is currently occupied by a 2,316-square foot two-story single-family home constructed in 2003. Access to the property is via an asphalt driveway off Keltonhurst Drive.

The Applicant is proposing to construct a 72-inch (6-foot) tall fence around the rear yard of their home. The proposed fence will be between five (5) to eight (8) feet from the eastern sidewalk on Lockmead Drive, which is within the 30-foot front yard setback of the Brooksedge Planned Development District. The Proposed fence will start at the middle of the east face of the home, run east to be five (5) to eight (8) feet from the sidewalk, then along the east sidewalk to the rear of the property (south).

As stated by the Applicant the reason for the variance request is that they wish to make the most of their backyard while also providing security and privacy for their children and garden. They also believe the request is not substantial, and that if approved, the fence will not substantially alter the character of the neighborhood or impair the use of development of adjacent properties. Further stated, they did not have prior knowledge of the zoning restrictions 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:

Section 1279.03(A)(1) of the Pataskala Code states that a fence or wall not exceeding 48-inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line. In simpler terms: the maximum fence height within the front yard is 48-inches or 4-feet.

When a lot is on a corner, as this one is, all structures must meet the front yard setback from all public rights-of-way. Within the Brookside Planned Development District this was approved as 30-feet. This means that any fence erected within 30-feet of the right-of-way is limited to 48-inches in height. The Public Right-of-Way begins one (1) foot on the interior of the sidewalk of a lot, so the proposed fence would be within four (4) to seven (7) feet of the right-of-way.

As such, the Applicant is requesting a Variance from Section 1279.03(A)(1) of the Pataskala Code in order to construct the proposed 72-inch (6-foot) fence within the 30-foot front yard setback. Therefore; the Variance request is for an increase of 24-inches (2-feet) to the allowable fence height, or a 50% increase.

Section 1279.03(A)(4) of the Pataskala Code states that no fence or wall shall be erected within three (3) feet of the street right-of-way. As proposed, the fence will meet this requirement. The actual dimension from the sidewalk to the proposed fence will be needed when the Applicant applies for a Fence Permit, and it shall not be within three (3) feet of the right-of-way.

Staff has no further concerns with the requested variance.

Other Departments and Agencies

No other comments received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Single-Family Home
East	PDD – Planned Development District	Single-Family Home
South	PDD – Planned Development District	Single-Family Home
West	PDD – Planned Development District	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-21-025

- a) 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

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.

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) of the Pataskala Code for Variance Application VA-21-025 ("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: 601 Keltonhurst Dr.	
Parcel Number: 063-141834 00 195	
Zoning: PDD	Acres: 0.26
Water Supply:	
<input 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

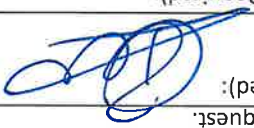

Staff Use
Application Number: VA-21-025
Fee: \$300
Filing Date: 7-7-21
Hearing Date: 9-14-21
Receipt Number: 000212

Applicant Information		
Name: Prem Kami Lagon		
Address: 601 Keltonhurst Dr.		
City: Pataskala	State: OH	Zip: 42062
Phone: 716-330-8913	Email: Premlagon7@gmail.com	

Property Owner Information		
Name: Sam		
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"/> Area Map

Variance Information
Request (Include Section of Code): 1219.03(a)(1)
6" Fence
Describe the Project: 6" Fence in front of home (side yard)
* 5' or 8' from sidewalk

Documents to Submit	
Variance Application: Submit 1 copy of the variance application.	
Narrative Statement: Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> • 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 Recorder's website here: https://apps.lickingcounty.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: 7/6/21
Property Owner (Required): 	Date: 7/6/21

Fence and Variance.

- a. We looking to install a 6FT. fence for our backyard because we have a kid playing outside more and planning to make garden in backyard would like to install the fence for safety.
- b. There is street crossing from our home line and cars are keep runing often a lot that would also require the fence to start on the side of Lockmead Dr. that is also where fire hydrant located but there is additional space for fence to be installed
- c. 5ft-7ft variance request out of the 27ft, I don't believe what is substantial.
- d. We do not feel any impact that substantially change the personality of neighborhood.
- e. we don't feel it that impair the use of the near to property as there is drainage easement that runs between our properties.
- f. No potential for public for welfare issue.
- g. There will be a door/gate for access for government and utilities services.
- h. Do not have prior knowledge restriction zoning.
- i. we don't feel an alternate option related to the variance.
- j. we feel the variance request is minimum required to be able to maintain around the house utilities.
- k. we are allowing lots of room to not block the views or city sidewalks.

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due July 21st

BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

Map

BOR
Card
CAUV
Documents
Land
Map
Parcel
Pictometry
Sketch
Street View
Structures
Taxes
Transfers
Values

Help
Login



Search by Address

Search

Trouble Searching?

063 141834 00 195
KAMI NAR & DEVI
601 KELTONHURST DR
PATASKALA, OH 43062

Acre: 0.26
LOT 502 BROOKSEDGE
SEC 11 P1 2

Land: \$51,400
Improv: \$18,500
Total: \$69,900

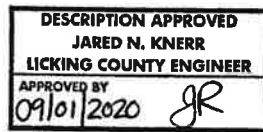
Transfer Date: 09/01/2020
Amount: \$265,500
Conveyance: 700
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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

31' From Sidewalk

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our Mobile Version.



202009010022517
Tgs:3 542.00 T20200019641
9/1/2020 1:47 PM BXCROWN
Bryan A. Long Licking County Recorder

Order Number: 20731685-PIC

Crown-TTA-P

SURVIVORSHIP DEED

Rocky Maharjan and Prativa Ghimire, husband and wife, and Dhurba Ghimire, married, of Licking County, Ohio, for valuable consideration paid, grants, with general warranty covenants to **Nar Kami and Devi Kami, husband and wife, for their joint lives, remainder to the survivor of them**, whose tax mailing address is 480 Olde Worthington Road, Suite 300, Westerville, Ohio 43082 the following real property:

"See Exhibit "A" attached hereto and made a part hereof..."

Parcel Number: 063-141834-00.195

Property Address: 601 Keltonhurst Drive, Pataskala, OH 43062

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference: 201807240015107, Recorder's Office, Licking, County, Ohio.

Sangita Dhakal, spouse of Dhurba Ghimire, releases all rights of dower therein.

Surv-Rel Dower


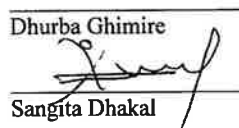


01150731317128502000

Executed this 26th day of August, 2020.


Rocky Maharjan

Prativa Ghimire


Dhurba Ghimire

Sangita Dhakal

State of Ohio
County of Fairfield ss:

This is an acknowledgment. No oath or affirmation was administered to the signer with regard to the notarial act.

The foregoing instrument was acknowledged before me this 26th day of August, 2020, by Rocky Maharjan and Dhurba Ghimire and Prativa Ghimire and Sangita Dhakal.

In Testimony Thereof, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.



CARYL N. CAITO
Notary Public, State of Ohio
My Commission Expires November 26, 2021


Notary Public

This instrument prepared by Magnuson & Barone, Attorneys at Law

Surv-Rel Dower

File No : 20731685-PIC

EXHIBIT A

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

Being Lot Number Five Hundred Two (502), in BROOKSEGE SECTION 11, PART 2, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 17, Page 128, Recorder's Office, Licking County, Ohio.

For Informational Purposes only:

Commonly Known As: 601 Keltonhurst Drive, Pataskala, OH 43062

Tax Parcel ID: 063-141834-00.195

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due July 21st

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other



Search

Trouble Searching?

0.63 1418.34 500 1925
KAMI NAR & DEVI
601 KELTONHURST DR
PATASKALA, OH 43062

Acres: 0.26
LOT 502 BROOKSEDGE
SEC 11 PT 2

Land: \$51,400
Improv: \$187,500
Total: \$238,900

Transfer Date: 09/01/2020
Amount: \$265,500
Conveyance: 2706
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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