



CITY OF PATASKALA PLANNING AND ZONING COMMISSION

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

STAFF REPORT

January 5, 2022

Replat Application REP-21-007

Applicant:	Jim McFarland
Owner:	Dustin & Taryn Keller
Location:	4075 Dixon Road SW and Vacant Lot along Sims Road (PIDs: 063-145332-00.000 and 063-142638-00.000)
Acreage:	+/- 7.63-acres total
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of a replat pursuant to Section 1113.48 of the Pataskala Code for Lot 13 of the Sims Gardens Subdivision and Parcel No. 063-145332-00.000.

Description of the Request:

The Applicant is proposing to replat Lot 13 of the Sims Gardens Subdivision to include 4.112-acres from the existing lot at 4075 Dixon Road SW (PID: 063-145332-00.000). Pursuant to Section 1113.42 of the Pataskala Code, alterations to an existing plat require a Replat to be approved by the Planning and Zoning Commission.

Staff Summary:

The Sims Gardens subdivision was platted in 1960 and originally contained 30 lots, all approximately 100-feet wide by 300-feet deep. Several of these lots have been combined since the time of platting. Lot 13 of this subdivision is currently vacant, and approximately 0.7-acres in size with only frontage on Sims Road. 4075 Dixon Road SW (PID: 063-145332-00.000) is 6.93-acres and is currently occupied by a 2,584-square foot single-family home built in 1960, as well as a 2,250-square foot barn built in 2012, and an in-ground pool. The only frontage is along Dixon Road SW, where it has one (1) access via a gravel driveway the extends to the home and then around the north side back to the barn and beyond.

The Applicant is proposing to Re-Plat Lot 13 of the Sims Gardens Subdivision to include approximately 3.63-acres from 4075 Dixon Road SW, creating a new buildable lot approximately 4.33-acres in size, Lot 13-A, with frontage on Sims Road SW in order to construct a new single-family home. By doing so, this will leave approximately 2.6-acres within 4075 Dixon Road SW containing the existing home and barn with frontage on Dixon Road SW. The Applicant has stated that the purpose of the replat is to eventually build a single-family home on the property.

Pursuant to Section 1113.42 of the Pataskala Code, alterations to an existing platted lot require a Replat to be approved by the Planning and Zoning Commission.

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from staff.*

Planning and Zoning Staff:

Pursuant to Section 1229.05(B) of the Pataskala Code, every lot within the R-87 – Medium-Low Density Residential District (which both existing lots are zoned) shall have a minimum lot width of 200-feet at the right-of-way and a minimum lot area of not less than two (2) acres. Because the Replat of Lot 13 would create a new buildable lot with only 100-feet of frontage along Sims Road SW, the Applicant had applied for, and received approval of, a Variance (VA-21-026, approved by the Board of Zoning Appeals on October 12, 2021) from Section 1229.05(B) to allow for a Replat to move forward.

The Replat of Lot 13 will create a “remainder” lot approximately 2.6-acres in size containing the existing structures on 4075 Dixon Road SW. The proposed Replat does not indicate the width of the lot, and no previous survey was found on record with Licking County. Using tools available through the Licking County Auditor’s OnTrac GIS system, the lot width appears to be around 208-feet, however, this measurement is only an estimation and is by no means accurate. The Applicant will need to ensure once the lot is surveyed that the remainder lot will have at a minimum width of 200-feet, otherwise an additional variance for the remainder lot may be necessary.

Planning and Zoning Staff has reviewed the proposed Replat and has the following comments for revision:

- Replace signature line for Southwest Licking Sewer & Water with “Licking County Health Department”.
- Add signature line for “Planning and Zoning Director, Pataskala, Ohio”
- Include acreage of remainder lot.
- Add required statements as described in Section 1113.50 of the Pataskala Code.

Pursuant to Section 1113.49 of the Pataskala Code, the subdivider shall file the Replat within 30 days of the final official signature and return the recorded mylar copy to the Planning and Zoning Staff. Staff has reviewed the proposed Replat and has no additional comments.

Licking County Health Department

Have not received lot split application as of December 8, 2021.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home(s)
East	RR – Rural Residential	Agricultural
South	R-87 – Medium-Low Density Residential	Single-Family Home
West	R-87 – Medium-Low Density Residential Jefferson Twp.	Vacant (Adjacent to Lot 13) Agricultural

Department and Agency Review

- Zoning Inspector – No Comments
- City Engineer – No comments.
- Public Service – No comments
- Licking County Health Department– See attached
- Police Department – No Comments
- West Licking Joint Fire District – No Comments
- Licking Heights School District – No Comments

Modifications:

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

1. The Applicant shall submit a Replat mylar in accordance with Sections 1113.39 and 1113.44 of the Pataskala Code after comments from Planning and Zoning Staff and the Licking County Health Department have been addressed.
2. Pursuant to 1113.49 of the Pataskala Code, the Replat shall be recorded within 30 days of the latest signature.

Resolution:

For your convenience, the following resolution may be considered by the Planning and Zoning Commission when making a motion:

"I move to approve Replat Application number REP-21-007 pursuant to Section 1113.48 of the Pataskala Code. ("with the following modifications" if modifications are to be placed on the approval)."

From: [Scott Morris](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala PZC Review Memo for 01-05-2021
Date: Wednesday, December 8, 2021 11:53:06 AM
Attachments: [image003.png](#)
[Lot Split Application 7-2021.pdf](#)
[Lot Split Factsheet 6-2016.pdf](#)

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.

Jack,

Sorry for the multiple emails here but as I looked closely I don't see any lot split application ever being submitted to our office in regards to the original 4.112 acre lot being split off of 4075 Dixon RD. We have received a soils report for that location but no lot split application was ever submitted. Again, I have no issues with that combination of lots but that original 4.112 acre lot should have been reviewed by our office and I don't see it in our system.

Scott Morris
Environmental Health Director
Licking County Health Department
675 Price Rd. | Newark, OH | 43055
Office: (740) 349-6475
www.lickingcohealth.org



Find LCHD on Social Media:



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Wednesday, December 8, 2021 11:08 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Jim Roberts <jroberts@hullinc.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Philip Wagner <pwagner@lhschools.org>; Scott Morris <smorris@lickingcohealth.org>; 'Chris Gilcher' <cgilcher@swlcws.com>; Alan Haines <ahaines@ci.pataskala.oh.us>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala PZC Review Memo for 01-05-2021

Good morning, everyone.

Documents to Submit

Replat Application: Submit one (1) copy of the Replat application.

Cover Letter: Submit one (1) copy of a cover letter detailing the contents and purpose of the Replat submittal.

Replat: Submit 14 copies of the Replat including the following:

- Name of the subdivision located by section, range, township, or by other survey number, date, north arrow, and acreage.
- Name and address of the professional registered surveyor who prepared the replat and appropriate numbers and seals.
- Replat boundaries based on accurate traverse with angular and linear dimensions, both linear and angular shall be determined by an accurate control survey in the field, which must balance, and close within the limit of 1:10,000.
- Bearings and distances to the nearest established street lines or other recognized permanent monuments.
- The parcel identification number of the original tract(s) and the owners name(s) and parcel identification number(s) of all adjacent parcels.
- Radial, internal angles, points of curvature, tangent bearings, lengths or arcs, all easements and right-of-way provided for public services or utilities, building setback lines with dimensions, right-of-way width, and names of all streets within and adjoining the Replat.
- New lot numbers assigned to all new or modified lots. This number shall consist of the lowest original lot number contained within the lot lines of the proposed lots and hyphenated with the letter "A", or next alphabetical letter needed to make the proposed lot unique within the subdivision.
- All lot lines with accurate dimensions in feet and hundredths, and acreage.
- Accurate outlines of areas to be dedicated or reserved for public use, or any area to be reserved for common use of all property owners. The use and accurate boundary locations shall be shown for each parcel of land to be dedicated.
- The locations and descriptions of all monuments and pins.
- When lots are located on a curve or when lot lines are at angles other than 90 degrees, the width at the building line shall be shown. If the building line is curved, the arc length shall be shown.
- Locations of all wetlands, ponds, watercourses and other naturally occurring water features on the property including a 25-foot buffer as measured from the edge of the water feature.
- Any part of the subdivision located within the 100-year flood plain as indicated on the Flood Insurance Rate Map (FIRM), or as determined by other appropriate persons.
- Required statements and signatures to be affixed on the Replat.
- If the lots being replatted have existing structures, then a separate dimensionally accurate sketch prepared by a registered surveyor illustrating the revised lot lines, together with the outlines of such structure shall be submitted.
- The Replat shall meet all applicable zoning and subdivision regulations.
- All existing easements and reserves shall be maintained on the Replat. The Planning and Zoning Commission may waive this requirement if it is determined that the existing easement would not serve a purpose as part of the replatted lots.
- Where no easements exist, a minimum five (5) foot easement along the property line of the side and rear yards if determined to be necessary by the City Administrator or their designee.

Original Final Plat: Submit 14 copies of the original Final Plat.

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at www.lcounty.com/rec.

Electronic Copies: Submit an electronic copy of the Replat as a Portable Document Format (pdf) file or other acceptable format.

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 Replat request.

Applicant (required):

Date: 11/30/21

Property Owner (required):

Date: 12/1/21

DATE: December 1, 2021
TO: City of Pataskala, Planning Commission
FROM: Jim McFarland, Applicant
SUBJECT: Replat of Sims Garden Subdivision Lot 13

Dear Planning Commission,

Enclosed, please find the following:

- 1 copy of the Replat Application
- 14 copies of the Replat of lot 13-A
- 14 copies of the original Final Plat 1960
- 1 copy of the deed

The property owner has purchased a legally non-conforming lot 063-142638-00.000 at 100 ft lot width and .7 acre area. They were granted a variance **VA-21-026** to allow the parcel from Sims road to serve as an access point to the proposed Lot 13-A. The purpose for the replat submittal is to create a conforming lot that will allow access from Sims road to lot 13-A and to comply with the city of Pataskala.

APPROVALS

Approved this ____ day of _____, 2021.

Southwest Licking Community Sewer and Water District

Approved this ____ day of _____, 2021.

Director of Public Services, Pataskala, Ohio

Approved this ____ day of _____, 2021.

City Administrator, Pataskala, Ohio

Approved this ____ day of _____, 2021.

Chairman of Planning & Zoning Commission, Pataskala, Ohio

Approved this ____ day of _____, 2021.

City Engineer, Pataskala, Ohio

CERTIFICATE OF RECORD

Transferred this ____ day of _____, 2021.

Licking County Auditor

Filed for record this ____ day of _____, 2021.

at ____ am-pm Fee ____

Licking County Recorder

STATE OF OHIO: COUNTY OF LICKING

Before me a Notary Public in and for said State, Personally appeared, Taryn Keller & Dustin Keller, who acknowledge the signing of the foregoing instrument to be of their voluntary act and deed for the uses and purposes herein expressed.

In witness thereof, I have hereunto set my hand and affixed my official seal.

This ____ day of _____, 2021.

My commission expires _____
Notary Public

CERTIFICATE OF ACCURACY

All dimensions are shown in feet and decimal parts thereof. I do hereby certify that I have fully complied with all requirements of the subdivision regulations and laws of the County of Licking and State of Ohio governing surveying, dividing and mapping land, and that the plat is a correct representation of all exterior boundaries of land surveyed and the subdivision of it, and that the plat represents a survey made by me and that all monuments indicated thereon actually exist and their location, and material are correctly shown.

Brian Kelly McPeck
Reg. Surveyor No. 8517

This plat was prepared by McPeck Land Surveying, LLC in accordance with Chapter 4733-37 of the Administrative Code, and is intended to be used for the legal transfer of the property described and does not intend to describe all or any easements of record, nor encroachments unless otherwise intended.

REPLAT OF LOT 13 SIMS GARDEN SUBDIVISION, PLAT BOOK 7, PAGE 107. COMBINED WITH 4.112 ACRES TO FORM LOT 13-A TOTAL 4.809 AC.

Taryn Keller & Dustin Keller

Total

+/-4.809 Ac.

All of: 063-142638-00.000 (Lot 13, Sims Garden Subdivision (Plat Book 7, Page 107))

Part of: 063-145332-00.000 (+/-4.112 Ac.)

Situated in the State of Ohio, County of Licking, City of Pataskala and being part of Section 6, Quarter Township 2, Township 1, Range 15, United States Military Lands and being part of the lands now owned by Taryn & Dustin Keller as recorded in I.N. 202011030029559 and all of Lot 13, Sims Garden Subdivision (Plat Book 7, Page 107) of the Licking County Recorder's Office more fully described as follows.

Beginning at a pipe found (1") at the northwest corner of said Lot 13, thence with the south line of Sims Road SW (T-632), S 86°49'26" E a distance of 100.04 feet to a pipe found (1") at the northeast corner of said Lot 13;

Thence leaving the south line of said Sims Road SW and going with the common lines of said Lot 13 and Lot 14, S 04°04'56" W a distance of 303.39 feet to a pipe found (1") at the southeast corner of said Lot 13, also being on the north line of the lands now owned by Taryn Keller & Dustin Keller (I.N. 202011030029559);

Thence with the north line of said Keller's lands, S 87°20'50" E a distance of 499.59 feet to at the southeast corner of Lot 18 of said subdivision, also being on the west line of the lands now owned by Summit Corp. (OR 704-0552) and being the northeast corner of said Keller's lands, passing an iron pin found (5/8" rockmill) at 300.06 feet;

Thence with the common line of said Keller and Summit Corp.'s lands, S 04°01'37" W a distance of 199.62 feet to a pipe found (1") on the northeast corner of the land now owned by Roger E. Boyd, as Trustee of The Roger E. Boyd Living Trust (I.N. 201712010026465);

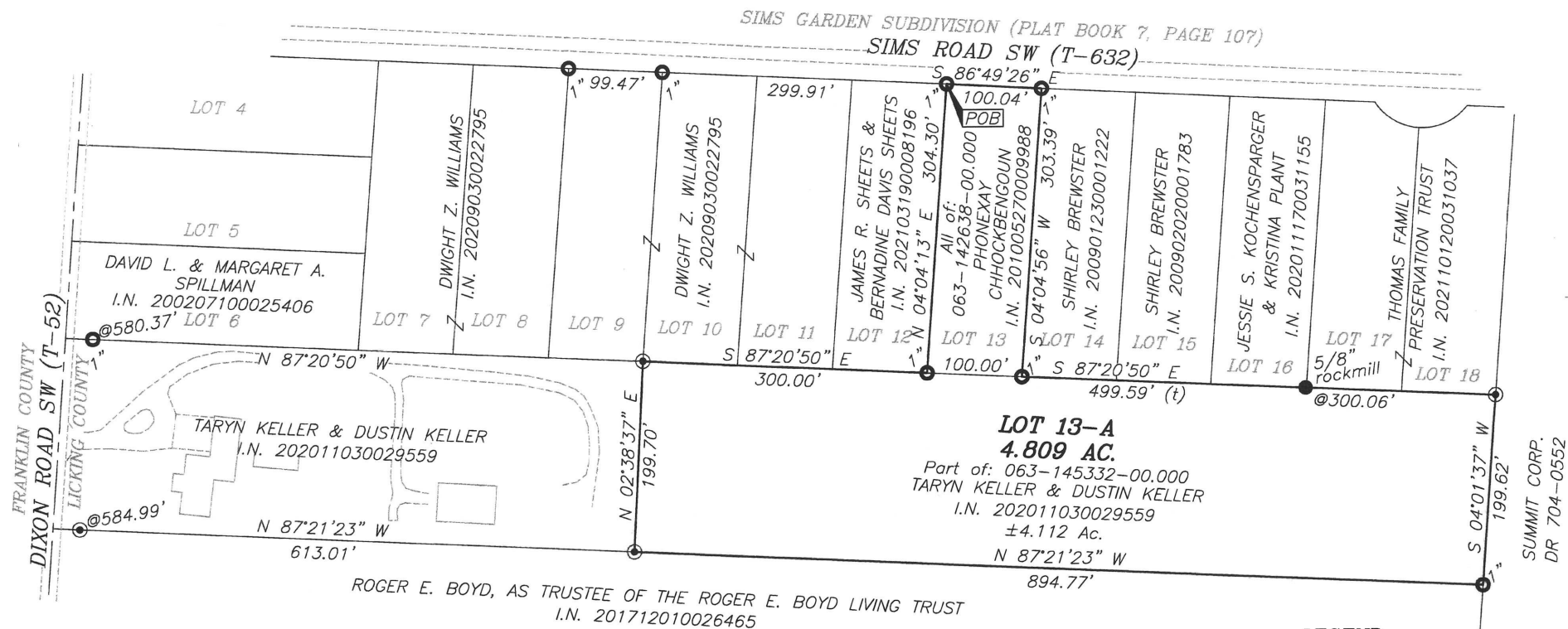
Thence with the north line of said Roger E. Boyd as Trustee of The Roger E. Boyd Living Trust's lands, N 87°21'23" W a distance of 894.77 feet to an iron pin set;

Thence leaving said north line and going through said Keller's lands, N 02°38'37" E a distance of 199.70 feet to an iron pin set at the southwest corner of Lot 10 of said Sims Garden Subdivision;

Thence with the south line of said Sims Garden Subdivision S 87°20'50" E a distance of 300.00 feet to the principal place of beginning, containing 4.809 acres more or less, subject to all legal highways and easements of record.

All bearings & distances described herein are based on the Ohio State Plane Grid Coordinates, NAD83, Ohio South per GPS Observation.

The above described 4.809 acre parcel is based on a field survey made by McPeck Land Surveying on October 21st, 2021.
All iron pins set are 5/8 inch by 30 inch steel rebar with plastic identification caps marked MCPECK PS8517.



BASIS OF BEARING

Bearings are based on State Plane Grid Coordinates, NAD83, Ohio South, per GPS Observation.

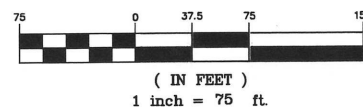
REFERENCES

* As Noted on Plat
<https://apps.lickingcounty.gov/maps/taxparcelviewer/default.htm>
<https://apps.lickingcounty.gov/recorder/record-search/>
<https://www.lickingcountyohio.us/>

LEGEND

- ⊗ Barn Spike Found
- ⊗ Axle Found
- Iron Pin Found
- Pipe Found 1" O.D.
- ⊗ Stone Found
- ⊗ Property Hook
- Iron Pin Set 5/8" MCPECK

GRAPHIC SCALE



DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Nov 18, 2021

01150734807107009000

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Nov 18, 2021

TRANSFERRED

Nov 18, 2021
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 75.00

InstrID:202111180035410	11/18/2021
Pages:2	F: \$34.00
Bryan A. Long	1:22 PM
Licking County Recorder	T20210034978

Return Documents To: Caliber Title Agency, LLC, 495 Executive Campus Drive, Westerville, Ohio 43082
Order No.: 2112365

SURVIVORSHIP WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS; That Phonexay Chockbengboun, an unmarried person, of Licking County, State of Ohio for Ten Dollars (\$10.00) and other good and valuable consideration paid, grants with general warranty covenants to Dustin Keller and Taryn Keller, for their joint lives, remainder to the survivor of them, the following Real Property:

Situated in the State of Ohio, County of Licking, City of Pataskala and being described as follows:

Being Lot Number Thirteen (13) of SIMS GARDEN, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 107, Recorder's Office, Licking County, Ohio.

Parcel No: 063-142638-00.000
Known As: Lot 13 Sims Garden, Pataskala, OH 43062
Tax Mailing: 4075 Dixon Road
Address: 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: Instrument Number 201005270009988 of the Deed Records of Licking County, Ohio.

Signature(s) and Notary Acknowledgment on Next Page

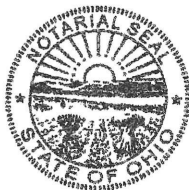
Executed this 16th day of November, 2021.

Phonexay Chockbengboun
Phonexay Chockbengboun

State of Ohio,
County of Licking, SS:

The foregoing instrument was acknowledged before me this 16th day of
November, 2021 by Phonexay Chockbengboun.

Karen Evans
Notary Public



KAREN EVANS
Notary Public, State of Ohio
My Commission Expires
02-23-2024

This instrument prepared by:
Paul C. Thompson, Esq., 6802 W. Snowville Road, Suite E, Brecksville, OH 44141
Return Documents To: Caliber Title Agency, LLC, 495 Executive Campus Drive, Westerville, Ohio 43082

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JR Nov 03, 2020
0115073480000002000

TRANSFERRED

Nov 03, 2020
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: JAE EX-D

InstrID:202011030029559	11/3/2020
Pages:2	F: \$34.00 2:42 PM
Bryan A. Long	T20200026205
Licking County Recorder	

File No.: 77436-OH

GENERAL WARRANTY SURVIVORSHIP DEED

Taryn Keller, married and Jimmy Ladd, married, Grantors, for valuable consideration paid, grant with general warranty covenants to **Taryn Keller and Dustin Keller, Grantees**, for their joint lives, remainder to the survivor of them, whose tax mailing address is

4075 DIXON ROAD SW. PATASKALA, OH 43062
the following REAL PROPERTY:

Situated in the City of Pataskala, County of Licking, State of Ohio, and is described as follows:

Being a part of Section 6, Township 1, Range 15, U.S.M. Lands and bounded and described as follows: Beginning at a point in the road and in the west line of Section 6, 1939.0 feet South of the Northwest corner thereof, thence South with the Section line and center of the road 200.0 feet to a point; thence N. 88 degrees 41' E. 1509.77 feet to an iron pin (passing an iron pin at 30.0 feet); thence N. 0 degrees 04' E. 200 feet to an iron pin; thence S. 88 degrees 41' W. 1511.0 feet (passing an iron pin at 1481.0 feet) to the place of beginning, containing 6.93 acres more or less.

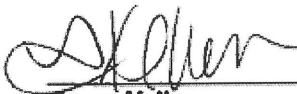
Parcel No. 063-145332-00
Prior Instrument No.: 201209140021069
Property Address: 4075 Dixon Road SW, Pataskala, OH 43062


Dustin Keller, spouse of **Taryn Keller** hereby releases all rights of dower.
Debra Ladd, spouse of **Jimmy Ladd** hereby releases all rights of dower.

Exceptions to the general warranty covenants: (a) such encroachments and recorded restrictions, easements and conditions, including without limitations subsurface rights, which do not materially adversely affect the Property's use or value; (b) zoning ordinances, if any; (c) taxes and assessments, whether general or special, which are a lien on the Property but are not yet payable; (d) all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

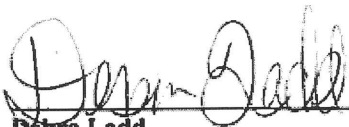
IN WITNESS THEREOF, the said **Grantors** have signed and sealed these presents the day and year written below.

Executed this 2 day of October 2020.


Taryn Keller


Dustin Keller

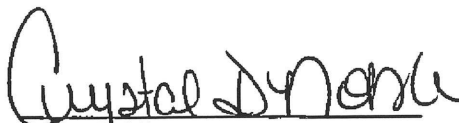

Jimmy Ladd


Debra Ladd

State of Ohio
 County, SS:

BE IT REMEMBERED, that on this 2 day of October 2020, before me, the subscriber, a Notary Public in and for said state, personally came **Taryn Keller, Dustin Keller, Jimmy Ladd and Debra Ladd**, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.


Notary Public

CRYSTAL D. NOBLE
Notary Public, State of Ohio
My Commission Expires 03-27-2021

This instrument was prepared by Gregory D. Port, Attorney at Law, Gregory Port Co., LPA