



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

January 11, 2022

#### Variance Application VA-21-031

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | Bryan Schmitz   |
| <b>Owner:</b>     | Bryan Schmitz   |
| <b>Location:</b>  | 340 Wyncroft Court (PID: 063140022-00.246)  |
| <b>Acreage:</b>   | +/- 0.21-acres  |
| <b>Zoning:</b>    | PDD – Planned Development District  |
| <b>Request:</b>   | Requesting approval of a Variance from Section 1121.13 of the Pataskala Code in order for a permit to be approved for a driveway that has already been constructed that is less than the required three (3) feet from a side property line. |

#### Description of the Request:

The applicant is seeking approval of a variance from Section 1121.13 of the Pataskala Code in order to allow for a permit to be approved for a driveway extension that was built without a permit and does not meet the minimum setback away from a side yard property line.

#### Staff Summary:

The 0.21-acre property located at 340 Wyncroft Court is currently occupied by a 1,652-square foot single family home built in 1999. Access is via a concrete driveway, originally 16-feet wide, from the properties only frontage onto Wyncroft Court.

The Applicant has constructed an addition to their existing driveway, approximately 12-feet from the existing driveway to be directly on the East side property line (0-foot setback), then running 53-feet in length towards the rear of the home and wrapping around the rear of their garage. This brings the total width of the driveway from 16-feet to 28-feet, except for the portion closest to the sidewalk, where the driveway addition comes off the existing driveway at an angle from the corner of the existing driveway and the sidewalk.

On November 19, 2021, the Applicant was notified in person of two (2) zoning violations: VIO-21-336 for the construction of a driveway without a permit, and VIO-21-337 for the construction of a fence without a permit. On December 2, 2021, the Applicant was sent a courtesy letter re-advising them of the two (2) zoning violations present on the property that needed to be addressed. The Applicant submitted, and had approved, a Fence Permit application on December 15, 2021, removing the violation for the fence, however, at that time Staff also determined it could not approve a Driveway Permit as the driveway that was constructed was built all the way up to the property line.

Section 1121.13 of the Pataskala Code states "...Driveways and curb cuts shall be located not less than three (3) feet from the side lot line". As the driveway extension was built right up to the property line, with a zero (0) foot setback, City Staff are unable to approve a Driveway Permit for the extension as it does not meet City Code.

According to the Narrative Statement submitted by the Applicant, the purpose of the expanded driveway area is to allow for additional vehicle parking. The Applicant stated they were unaware of the zoning restrictions pertaining to driveways, which is why the addition was constructed without first receiving an approved zoning permit from the City. Further stated; the Applicant believes that the driveway extension will not alter the essential character of the neighborhood, will not be detrimental to neighboring uses, and that the spirit and intent behind the zoning requirement would still be observed by granting the Variance.

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

Section 1121.13 of the Pataskala Code states “...Driveways and curb cuts shall be located not less than three (3) feet from the side lot line”. As the driveway extension was built right up to the property line, with a zero (0) foot setback, the Variance request is for three (3) feet from the full requirement, or a 100% decrease.

As mentioned above, City Staff are unable to approve a Driveway Permit for the additional area that was constructed as it does not meet City Code, pending the decision of the Board. Should the Board choose to approve the request, it will authorize Staff to approve a permit once an application has been submitted. Should the request be denied, the Applicant would need to remove three (3) feet of width from the driveway in order to be in compliance, otherwise the enforcement process would continue.

Zoning Inspector (Full comments attached)

Nov. 19, 2021: Notified in person.

Dec. 2, 2021: Courtesy letter sent.

Dec. 15, 2021: Fence violation abated; driveway unable to be approved.

Dec. 16, 2021: Variance application for Driveway submitted.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were 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-21-031:

- None

#### **Department and Agency Review**

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

#### **Conditions:**

Should the Board choose to approve the applicant's request, the following conditions 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 1121.13 of the Pataskala Code for variance application VA-21-031 ("with the following conditions" if conditions are to be placed on the approval)."

**From:** [Felix Dellibovi](#)  
**To:** [Jack Kuntzman](#)  
**Cc:** [Scott Fulton](#)  
**Subject:** RE: Pataskala BZA Review Memo for 01-11-2022  
**Date:** Monday, January 3, 2022 12:45:25 PM  
**Attachments:** [image001.png](#)

---

RE: **VA-21-031: 340 Wyncroft Court (Driveway Extension)**

There is 1 outstanding Codified Ordinance outstanding, and currently in the violation process for 340 Wyncroft Ct. Violations were observed on November 15, 2021 while conducting an inspection of a permit application at 356 Wyncroft Ct. Upon returning to the office the "Permit Database", and all other permit applications pending were reviewed; however, there were no permits pending for 340 Wyncroft Ct.

Below is the chronological order of the process, and the status currently.

**November 19, 2021:** property owner(s) were notified in person of their violations of the city code.

**VIO-21-336:** extension to their already existing driveway, without a permit.

**VIO-21-337:** Construction of a fence, without a permit.

**December 2, 2021:** Courtesy letter was sent to the address above re-advising them of the 2 violations that exist, and need addressed.

**December 15, 2021:** A Fence Permit Application was submitted and approved, removing the fence violation (VIO-21-337 ) from the process.

**January 3, 2022:** Official Violation Letter, certified and non-certified mail, was sent out for the driveway extension (VIO-21-336).

\*Due to the variance application the process will be paused until a decision has been reached by the BZA.

Thank you,

**FELIX DELLIBOVI**

**Zoning Inspector**

City of Pataskala

621 West Broad Street, Suite 2-A

Pataskala, Ohio 43062

Phone: 740-927-3885

Cell: 614-774-4446

Email: [fdellibovi@ci.pataskala.oh.us](mailto:fdellibovi@ci.pataskala.oh.us)



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

| Property Information  |                              | Staff Use                        |
|---|------------------------------|----------------------------------|
| Address: 340 Wyncroft Ct Pataskala OH 43062   |                              | Application Number:<br>VA-21-031 |
| Parcel Number: Lot 41 063-140022-00.246   |                              | Fee:<br>\$300.00                 |
| Zoning: PDD   | Acres: 0.21                  | Filing Date:<br>12-16-21         |
| Water Supply:<br><input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site         |                              | Hearing Date:<br>1-11-22         |
| Wastewater Treatment:<br><input type="checkbox"/> City of Pataskala <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site |                              | Receipt Number:<br>000390        |
| <b>Applicant Information</b>  |                              |                                  |
| Name: BRYAN Schmitz   |                              |                                  |
| Address: 340 Wyncroft Ct  |                              |                                  |
| City: Pataskala   | State: OH                    | Zip: 43062                       |
| Phone: 614 531 0571   | Email: bryan_schmitz@msn.com |                                  |
| <b>Owner Information</b>  |                              |                                  |
| Name: BRYAN Schmitz   |                              |                                  |
| Address: 340 Wyncroft Ct  |                              |                                  |
| City: Pataskala   | State: OH                    | Zip: 43062                       |
| Phone: 614 531 0571   | Email: bryan_schmitz@msn.com |                                  |
| <b>Variance Information</b>   |                              |                                  |
| Request (Include Section of Code): 1121.13 request for a variance of full 3 feet to property line   |                              |                                  |
| Describe the Project:<br>concrete driveway extension full length of side of house   |                              |                                  |

| Documents                                       |
|---|
| <input checked="" type="checkbox"/> Application |
| <input checked="" type="checkbox"/> Fee         |
| <input checked="" type="checkbox"/> Narrative   |
| <input checked="" type="checkbox"/> Site Plan   |
| <input type="checkbox"/> Deed                   |
| <input type="checkbox"/> Address List           |
| <input checked="" type="checkbox"/> Area Map    |

## 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:
  - 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 of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- All existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

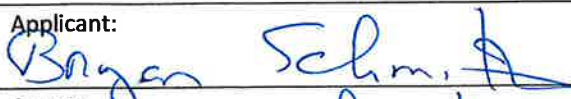

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at [www.lcounty.com/rec](http://www.lcounty.com/rec).

**Address List:** Submit 1 copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

**Area Map:** Submit 1 copy of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

## Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

|   |                     |
|---|---------------------|
| Applicant:<br> | Date:<br>12/16/2021 |
| Owner:<br>     | Date:<br>12/16/2021 |

Our driveway extension does not meet current zoning requirements. We are asking for a full variance of 3 feet. The primary use of the extension is to allow for off street parking of 2 additional vehicles. Without the variance it would be difficult to enter and exit the vehicles.

The specific reasons why the variance is justified as it pertains to Section 1211.13 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;
  - a. A variance will allow current and future property owners to park 2 additional vehicles off the street. A variance will also allow for loading and unloading a travel trailer, for current and future owners.
- 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;
  - a. A variance is required to allow off street parking for 2 additional vehicles.
- c) Whether the variance requested is substantial;
  - a. The variance requested is the full 3 feet to the property line. This will allow the driveway extension to provide off street parking for 2 additional vehicles.
- 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;
  - a. The neighborhood will not be substantially altered and adjoining properties will not suffer substantial detriment.
- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
  - a. A variance will not impair the appropriate use of or development of adjacent property.
- f) Whether the variance, if granted, will be detrimental to the public welfare;
  - a. A variance will not be detrimental to the public welfare.
- g) Whether the variance, if granted, would adversely affect the delivery of governmental services;
  - a. A variance will not adversely affect the delivery of governmental services.
- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;
  - a. We were unaware of the restriction.
- i) Whether the property owner's predicament can be obviated through some other method than variance;
  - a. A variance is required to provide usable space to allow off street parking for 2 additional vehicles.
- 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;
  - a. The requested variance is the minimum that will allow for the space to support off street parking for 2 additional vehicles.
- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance
  - a. The granting of the variance will provide the current and future property owners the ability to have off street parking for 2 additional vehicles as well as provide an area for loading and unloading a travel trailer.























TITLE FIRST AGENCY BOX 52101783

# WARRANTY DEED

By A Corporation

Instr: 200004260013157 04/26/2000  
Pages: 1 Fee: \$14.00 12:15PM  
Patty Albery T20000012538  
Licking County Recorder BXTITLE F1

**KNOW ALL MEN BY THESE PRESENTS;** That DiYanni Brothers, Inc., the grantor, a corporation organized and existing under the laws of OHIO, for Ten Dollars (\$10.00) and other good and valuable consideration paid, grants, with general warranty covenants, to Bryan Schmitz the following real property:

Situated in the County of Licking in the State of OH and in the City of Pataskala :

Being Lot Number Two Hundred Forty-one (241) of BROOKSEDGE SECTION 8, PART 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 16, page 174, Recorder's Office, Licking County, Ohio.

Parcel No. 63-140022-00.246

Known as:, 340 Wyncroft Court Pataskala, OH 43062

Tax Mailing Address: Wells Fargo Home Mortgage, Inc.  
P.O. BOX 5137 Des Moines, IA 50306-5137 ,

Subject to conditions, restrictions and easements, if any, contained in prior instruments of record.

Except taxes and assessments, if any, now a lien and thereafter due and payable.

Prior instrument reference: Instrument #199911220047487 of the Deed Records of Licking County, OH.

**IN WITNESS WHEREOF,** DiYanni Brothers, Inc., the Grantor, has caused its corporate name to be subscribed hereto by Daniel DiYanni, its Vice President thereunto duly authorized by resolution of its Board of Directors, this 19th day of April, 2000.

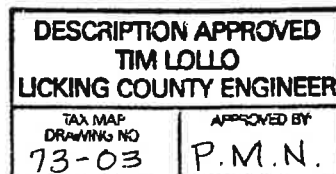
Signed and acknowledged in the presence of:

DiYanni Brothers, Inc.

Linda L. Henson  
Witness 1: Linda L. Henson  
(print or type name)

By: Daniel DiYanni  
Daniel DiYanni  
Vice President

Monica R. Merriman  
Witness 2: Monica R. Merriman  
(print or type name)



STATE OF Ohio, COUNTY OF Franklin, SS:

**BE IT REMEMBERED,** That on this 19th day of April, 2000, before me, the subscriber, a notary public in and for said county and state, personally came Daniel DiYanni, Vice President, of DiYanni Brothers, Inc., the Grantor in the foregoing deed, and acknowledged the signing thereof to be the free act and deed of said corporation pursuant to authority of its Board of



