



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 8, 2022

Variance Application VA-22-002

Applicant:	Lance & Nicole Humphrey
Owner:	Lance & Nicole Humphrey
Location:	2011 Pine Hills Drive, Pataskala, OH 43062 (PID: 064-068322-00.376)
Acreage:	+/- 0.31-acres
Zoning:	R-15 – Medium-High Density Residential
Request:	Requesting approval of a Variance from Section 1297.02(B)(2) to allow for the installation of an in-ground swimming pool that will not meet the required setback from an easement.

Description of the Request:

The Applicant is seeking approval of Variance from Section 1297.02(B)(2) to allow for the installation of an in-ground swimming pool that will not meet the required setback from an easement

Staff Summary:

The 0.31-acre property located at 2011 Pine Hills Drive, part of the Ravines at Hazelwood subdivision, is currently occupied by a 1,884-square foot single-family home built in 2020. Access to the property is via a concrete driveway from the property's only frontage on Pine Hills Drive.

It is the Applicant's intention is to construct an in-ground swimming pool, 12-feet by 24-feet, or 288-square feet, in size and to be surrounded by a concrete walkway. The concrete will extend three (3) feet from the pool on the north and west sides, 3-feet 6-inches along the south bordering the home, and 10-feet 6-inches on the east side. The total footprint of the pool and walkway will be 18-feet 6-inches by 37-feet 6-inches.

The exterior edge of the concrete will be at minimum, two (2) feet away from the existing house on the south side. On the east side, it will line up with the exterior edge of the home, approximately 13-feet from the east side property line. Outside edge of the concrete around the proposed pool will be just over 50-feet from the rear yard property line, however, there is an existing 50-foot-wide drainage easement along the rear yard property line. That will mean the outer edge of the concrete will be approximately 5-feet from the existing easement. Pursuant to Section 1297.02(B)(2) of the Pataskala Code, the pool, including any walks, paved areas, and appurtenances thereto, shall be located no closer than 10-feet to any property line or easement.

According to the Narrative statement that has been Submitted by the Applicant, the 12-foot by 24-foot pool will include an automatic pool cover and a 400-square foot concrete patio surrounding it. Further stated, the Applicant believes the request is not significant, that the requested Variance will not alter the essential character of the neighborhood and will not be detrimental to the welfare of the community or affect the delivery of government services.

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

As mentioned above, Section 1297.02(B)(2) of the Pataskala Code requires that the pool, including all surrounding walkways, paved areas, or any component of said pool shall be no closer than 10-feet to a property line or easement. As proposed, the pool will be located five (5) feet from the existing drainage easement. Therefore, the Variance request is for a reduction of the required setback from 10-feet to five (5) feet, a five (5) foot reduction, or 50% decrease.

Additionally, Section 1297.02(B)(4) states that the swimming pool itself, or a portion of the property on which it is located, shall be walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties. Such wall or fence shall be a minimum of five (5) feet in height and affixed with an operable self-closing gate and lock.

There does not appear to be an existing fence on the property, and Staff has not found record of any Zoning Permit Applications being submitted for approval for a fence at this location. As such, the Applicant must either construct a fence meeting the requirements above, or they must receive another Variance from this section of Code for the pool to be approved.

Public Service Director (Full comments attached)

Easement in question is a drainage easement, but there is no infrastructure within this easement. Accordingly, and so long as the drainage pattern within, or adjacent to, the easement is not obstructed, there is no concern with the requested Variance.

City Engineer (Full comments attached)

No existing utilities located within easement. Provided Utility and/or Public Service Departments do not object, we have no concerns with the request.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential	Undeveloped
East	R-15 – Medium-High Density Residential	Single-Family Home
South	R-15 – Medium-High Density Residential	Single-Family Home
West	R-15 – Medium-High Density Residential	Single-Family Home

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*

- b) Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c) Whether the variance requested is substantial;*
- d) Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f) Whether the variance, if granted, will be detrimental to the public welfare;*
- g) Whether the variance, if granted, would adversely affect the delivery of government services;*
- h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i) Whether the property owner's predicament can be obviated through some other method than variance;*
- j) Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-22-002:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – See attached.
- City Engineer – See attached.
- Pataskala Utilities – No comments.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Southwest Licking 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 1297.02(B)(2) of the Pataskala Code for variance application VA-22-002 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review Memo for 02-08-2022
Date: Tuesday, January 25, 2022 4:26:27 PM

Jack,

My comments for the subject BZA hearing are as follows:

1. VA-22-001
 - a. No comment
2. VA-22-002
 - a. The easement in question is a drainage easement, but there is no infrastructure within this easement.
 - b. Accordingly, and so long as the drainage pattern within, and adjacent to, the easement is not obstructed, there is no concern from the PSD with the requested variance.
3. VA-22-003
 - a. No comment
4. CU-22-001
 - a. No comment
5. CU-22-002
 - a. No comment
6. CU-22-003
 - a. No comment

Please let me know if questions.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad St.
Suite 2B
Pataskala, Ohio 43062

Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

Sent: Tuesday, January 18, 2022 4:17 PM

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>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>; Chris Sharrock <csharrock@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>

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#); [Jim Roberts](#); [Alan Haines](#); [Chris Sharrock](#)
Subject: RE: Pataskala BZA Review Memo for 02-08-2022
Date: Saturday, January 29, 2022 5:18:41 PM
Attachments: [image001.png](#)
[image003.png](#)

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,

Verdantas has reviewed the BZA applications for February and offer the following comments:

1. **VA-22-001**
 - a. No Engineering related comments.
2. **VA-22-002**
 - a. We have researched the City's GIS system for existing utilities within the easement and none were located. Provided the Utility and Public Service departments do not object to this request and the data researched is correct we have no objection to this request.
3. **VA-22-003**
 - a. No Engineering related comments.
4. **CU-22-001**
 - a. No Engineering related comments.
5. **CU-22-002**
 - a. No Engineering related comments.
6. **CU-22-003**
 - a. No Engineering related comments.

Thank You

Scott R. Haines, PE, CPESC
Senior Project Manager
O. 740.224.0839 | F. 614.360.0023
59 Grant Street, Newark, OH 43055

[Verdantas](#)

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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: 2011 Pine Hills Dr Pataskala OH 43062	
Parcel Number: 064-068322-00.376	
Zoning: Residential R-15	Acres: 0.31
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Applicant Information		
Name: Lance & Nicole Humphrey		
Address: 2011 Pine Hills Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-395-8773	Email: ladiehumphrey@yahoo.com	

Property Owner Information		
Name: Lance & Nicole Humphrey		
Address: 2011 Pine Hills Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-395-8773	Email: ladiehumphrey@yahoo.com	

Variance Information
Request (Include Section of Code):
Section 1297.02(B)(2)
To install an inground pool in the backyard of our home
Describe the Project:
To build an inground pool with concrete patio that one side of the project is about 3 feet short of the required 10 foot minimum setback from an easement

Staff Use
Application Number: VA-22-002
Fee: \$300.00
Filing Date: 1/14/2022
Hearing Date: 2/8/2022
Receipt Number:

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

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.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

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

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

Signatures

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

Applicant (Required):

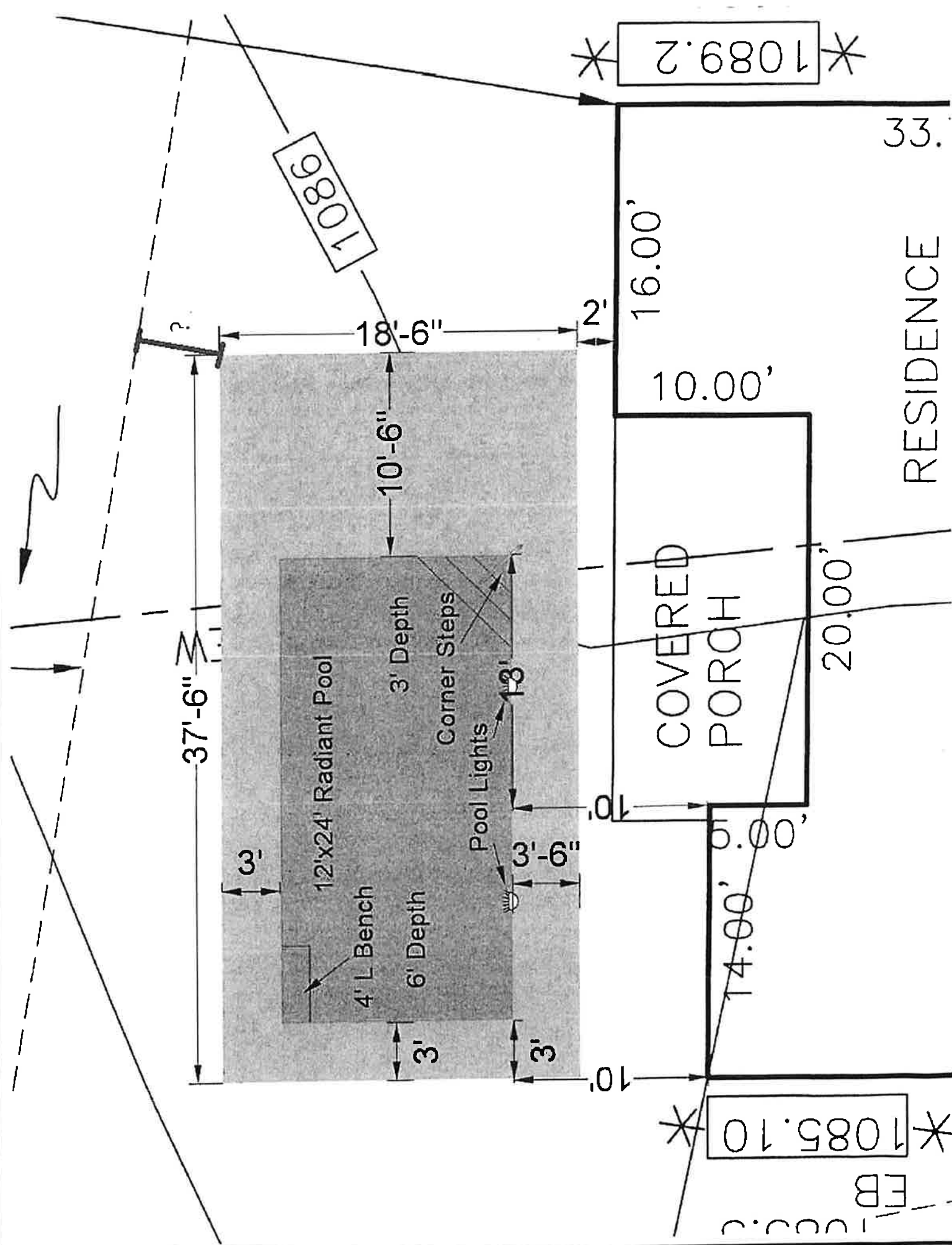
Date:

Property Owner (Required):

Date:

Lance & Nichole Humphrey

1-13-22
1-13-22



January 13, 2022

This is a narrative statement to support my variance application for my home located at 2011 Pine Hill Dr, Pataskala OH 43062.

We have contracted Omni Pools & Scapes to build and install a 12'x24' vinyl liner inground pool with an automatic pool cover and a 400 square foot concrete patio. Upon the submittal for a building permit, we were notified that our pool does not meet the requirement as stated in Pataskala code Section 1297.02(B) (2), that states that the pool, including walks, paved areas shall not be located closer than 10-feet to any property line or easement.

There is only one area of our project that encroaches on this code, the back right hand side of the pool area where we are about 5' from the easement, not the required 10'. This area is a part of the concrete patio. We have included our site plans for reference for this as well.

We feel that this not a substantial encroachment. We also feel that the installation of this pool and patio, valued at approximately \$68,000 will enhance property values in our neighborhood as well.

When we purchased our home and worked with our builder we continued with the home build on the assurance that a pool would be able to be built within the easements and build lines, and trusted our builder to provide us accurate information.

The variance, if granted would not substantially or permanently impair the appropriate use or development of the neighboring properties

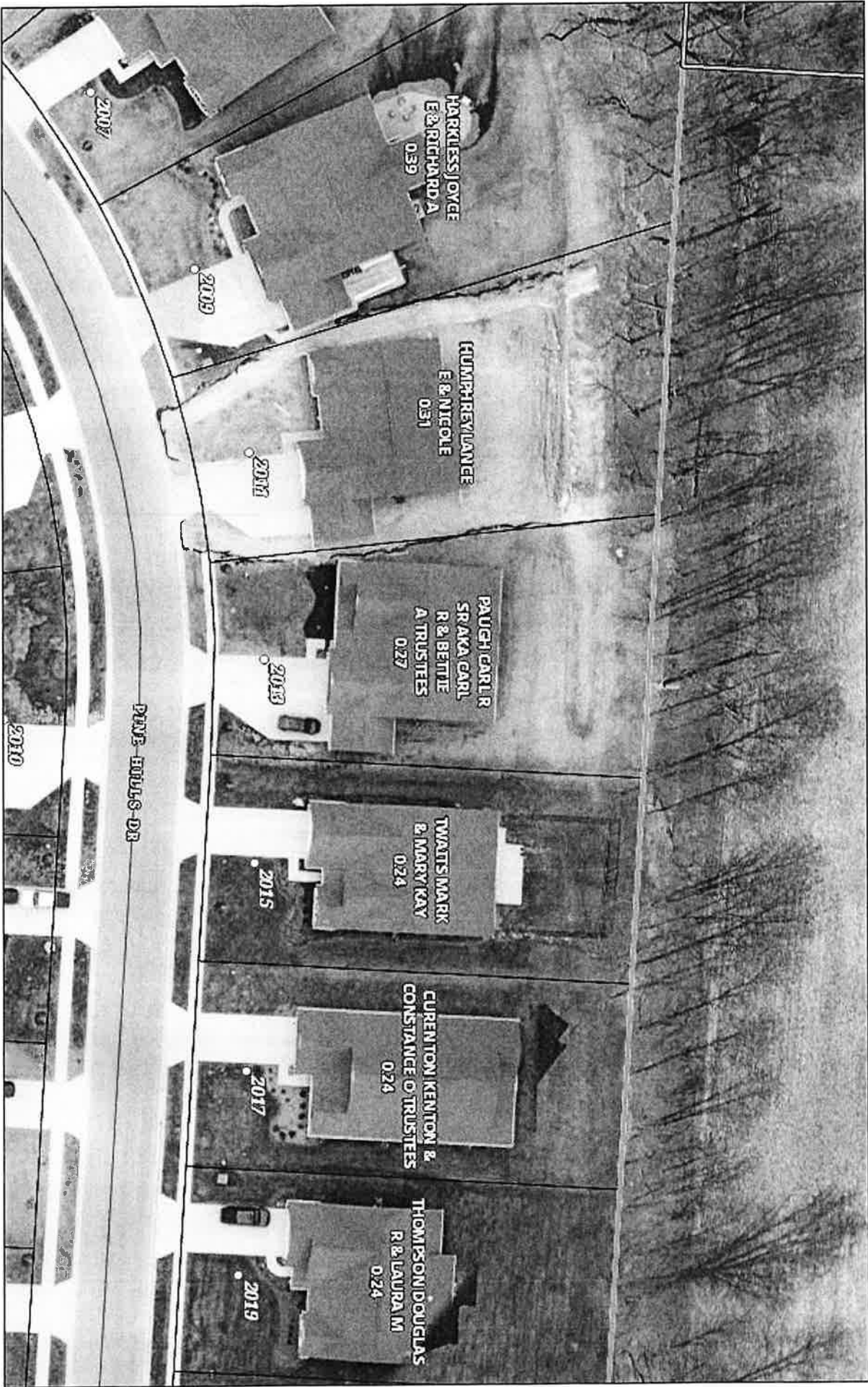
There would be no special circumstances or privileges by granting this variance application.

There would no determents to the pubic welfare, or adversely affect the delivery of government services. The approval of this variance would afford relief and represent the least modification possible of the requirement.

We are trying to improve the quality of our life and the value of our home by enhancing our backyard with the addition of a inground pool and surrounding patio that our family, friends and neighbors will be able to enjoy for years.

Thank you for your consideration,
Nichole & Lance Humphrey

OnTrac Property Map



LICKING COUNTY TAX MAP

State of Ohio,
Franklin County, SS:

BE IT REMEMBERED, That on this 8th day of December, 2020,
before me, the subscriber, a Notary Public in and for said county and state, personally came
Aaron York, Vice President, of NVR, Inc., a Virginia Corporation, dba Ryan Homes, a(n)
Virginia corporation, 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 Directors,
and his free act and deed personally and as such officer.

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

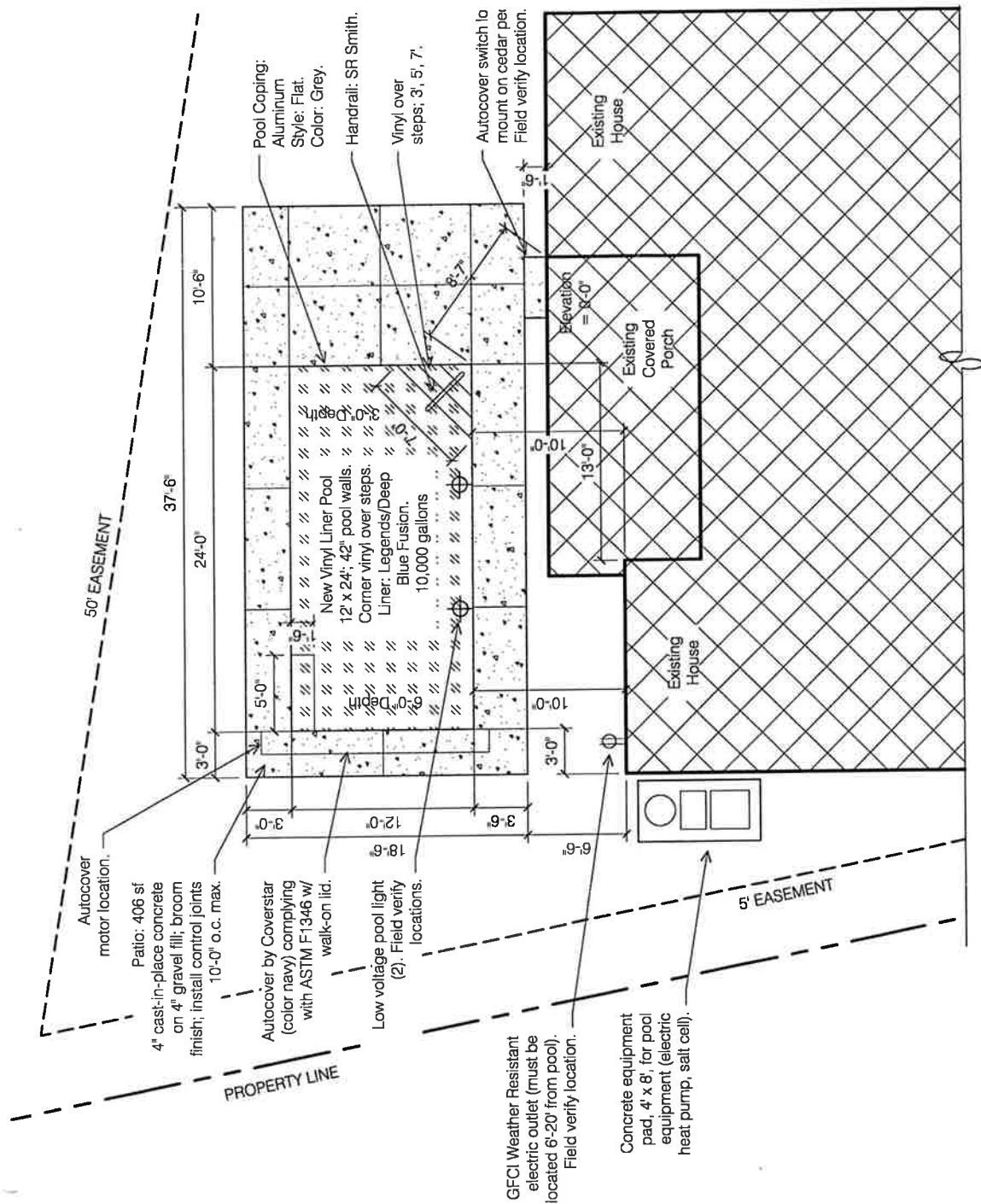


Denise J Gray
Notary Public

This instrument prepared by:

Paul C. Thompson, Esq., 4040 Embassy Parkway, Suite 310, Akron, OH 44333

Return Documents To: NVR Title Agency, LLC, 2641 West Market Street, Fairlawn, Ohio 44333





LANDMARK SURVEY GROUP, INCORPORATED

690 LAKEVIEW PLAZA BLVD, SUITE A, WORTHINGTON OH 43085
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

REVISIONS DESCRIPTION

REVISIONS	DESCRIPTION

ORDER NO. L1468.20

DATE: 8/13/20

FOR RYAN HOMES HOUSE STYLE CAROLINA PLACE A COUNTY OF LUCKING
LOT/SUBDIVISION LOT 6 / THE RAVINES AT HAZELWOOD PART 3 CITY/TWP OF PATASKALA
ADDRESS 2011 PINE HILLS DRIVE SCALE 1" = 20' DRAWN BY: JL/NV
MINIMUMS: R: 25' S: 5' INST. NO. 201901250001563

RYAN HOMES	
8' POURED WALLS	
FINISH FLOOR =	1091.37
TOP OF FOUNDATION =	1090.12
**GARAGE PAD =	1089.62
INTERIOR GARAGE =	1090.04
**FINISH GRADE =	1089.20
TOP OF FOOTER =	1082.12
BOTTOM OF FOOTER =	1081.62
DRIVE SLOPE DISTANCE =	0.00

LOT CALCULATIONS	
LOCATION	S.F.
LOT	13508
HOUSE	2466
DRIVE	865
APPROACH	178
WALK	190
SOD	10443
LOT AC	0.310 Ac.
IMPERV COV	24.66%
LOT COV	18.26%



XXX.X PROPOSED CONTOUR
XXX.X PROPOSED GRADE
XXX.X EXISTING GRADE

** NOTE:
FINISHED GRADE RAISED 1.00'
TO INCREASE DRIVE SLOPE.

NOTE:
EACH LOT SHALL HAVE ONE
FLOWERING TREE

LOT CALCULATIONS ARE FOR
ESTIMATING PURPOSES ONLY AND

