



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

March 8, 2022

#### Variance Application VA-22-005

<b>Applicant:</b>	Aaron Crater
<b>Owner:</b>	Aaron Crater
<b>Location:</b>	186 Cedar Street, Pataskala, OH 43062 (PID: 064-310608-00.000)
<b>Acreage:</b>	+/- 0.18-acres
<b>Zoning:</b>	R-7 – Village Single-Family Residential
<b>Request:</b>	Requesting approval of a Variance from Section 1221.05(D)(1) of the Pataskala Code to allow for the construction of an Accessory Building within the front yard setback when adjacent to a public right-of-way.

#### Description of the Request:

The applicant is seeking approval of a Variance from Section 1221.05(D)(1) of the Pataskala Code in order to construct an Accessory Building within the front yard setback when adjacent to a public right-of-way.

#### Staff Summary:

The 0.18-acre property located at 186 Cedar Street is currently occupied by a 1,382-square foot single-family home built in 1890. The property is a corner lot, as it has frontage on multiple public rights-of-way: Cedar Street to the south, an unnamed gravel alley to the east, and a vacant alleyway to the north. Currently, there is no private off-street parking for the primary residence.

It is Applicant's intention to construct an Accessory Building, of unknown size, which will be located five (5) feet from the northern property line adjacent to the vacant alleyway, and five (5) feet from the west side property line. Section 1237.05(C)(4) of the Pataskala Code states, that when within the R-7 zoning district, that a Principal Structure and its Accessory Structures shall have the same minimum setback from all public rights-of-way as required for the front yard. In the R-7 zoning district, the front yard setback is 25-feet (1237.05(C)(1)). Although the north alleyway is currently vacant and unused, it is still dedicated public right-of-way, so any structure erected within this lot must be 25-feet from the north property line.

According to the Narrative Statement submitted by the Applicant, they are seeking to install a storage shed for outdoor and lawn care equipment, as the existing structure on the lot, the single-family home, does not have a garage or a basement. Regarding the size, the Applicant stated they would remain within the square footage allowable for the property. Further stated, the Applicant believes there are unique physical constraints preventing the property from being developed in strict conformance of the Pataskala Code, as it is bordered on three (3) sides by public rights-of-way. They also believe that the requested Variance is not significant, will not be a detriment to surrounding properties, and will not adversely 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 1237.05(C)(4) of the Pataskala Code states, that when within the R-7 zoning district, that a Principal Structure and its Accessory Structures shall have the same minimum setback from all public rights-of-way as required for the front yard. The front yard setback in the R-7 district is 25-feet. Therefore, the Variance Request is for a reduction of the front yard setback for this Accessory Building from 20-feet to five (5) feet, or a reduction of 20-feet (80%).

The Applicant has stated in their Narrative Statement that they will keep the size of the structure within the limits allowable for a lot of this size. Pursuant to Section 1221.05(B)(1), when a lot is under 2-acres in size, the cumulative square footage for Accessory Buildings is limited by the equation ((Gross Acreage of Lot) x 600 ) +120) x 2. For a lot size of 0.18-acres, this would be 456-square feet.

An Accessory Building Permit shall be required, pending approval of a Variance. Staff has no further comments.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 – Village Single-Family Residential	Single-Family Home
East	R-7 – Village Single-Family Residential	Single-Family Home
South	R-7 – Village Single-Family Residential	Single-Family Home
West	R-7 – Village Single-Family Residential	Single-Family Home
	R-MH – Residential Manufactured Home	Mobile Home Park

**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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- 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;*
- Whether the variance requested is substantial;*
- 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;*
- Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- Whether the variance, if granted, will be detrimental to the public welfare;*
- 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-22-005:

- None

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

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- 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 1221.05(D)(1) of the Pataskala Code for variance application VA-22-005 ("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: 186 Cedar St.	
Parcel Number: 064-310608-00.000	
Zoning: R-7	Acre: 0.18
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

Staff Use
Application Number: VA-22-005
Fee: 300
Filing Date: 2-11-22
Hearing Date: 3-8-22
Receipt Number: 000447

Applicant Information		
Name: Aaron Crater		
Address: 186 Cedar St.		
City: Pataskala	State: OH	Zip: 43062
Phone: 616-773-8351	Email: acrater0620@gmail.com	

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

Property Owner Information		
Name: Aaron Crater		
Address: 186 Cedar St.		
City: Pataskala	State: OH	Zip: 43062
Phone: 616-773-8351	Email: acrater0620@gmail.com	

Variance Information
Request (Include Section of Code): 1221.05(D)(1)
Describe the Project: Install a storage shed on the Northwest corner of the property that is no larger than the allowed maximum square footage, being 5 feet away from my neighbors property line to the West of my property, and 5 feet away from the unimproved alley to the North of my property.

## 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:

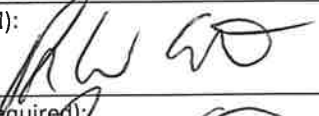

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells 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: 2/11/22
Property Owner (Required): 	Date: 2/11/22

Aaron Crater  
186 Cedar Street  
Pataskala, OH 43062

February, 11, 2022

Board of Zoning Appeals  
City of Pataskala  
621 West Broad Street  
Pataskala, OH 43062

I am the owner of 186 Cedar Street. I am seeking to add a storage shed, no larger than the allowed square footage size for my parcel, onto my property to provide storage area for outdoor and lawn equipment as my home does not have a complete basement or a garage. The desired location of the shed will be on the Northwest corner of my property, and I am proposing to position this building 5 feet from my neighbors lot to the West, and 5 feet from the unimproved alley behind my property on the North side. The code requires 25 feet clearance from the public right of way in 1237.05 (c) (4). In December, this board approved my request for a 6 foot tall wood privacy fence along that same unimproved alley, and am asking for your approval of this variance as well, as the alley is unimproved, and not used.

The specific reasons that a variance is justified as it pertains to Section 1211.07 of the Pataskala Code are as follows:

- a) Upgrading the property with a shed will increase the property value as well as its functionality. Without the variance, I will not have any area to store my outdoor and lawn equipment.
- b) This property is unique in that it backs up to an unimproved alley that is unused. By having to place the shed 25 feet into my property from that alley, it will make it nearly impossible to add a garage in the location that I want in the future, and will take up most of my backyard space that I intend to use for patio space.
- c) The variance being requested is not a substantial deviation from the zoning regulations. As described above, the placement of the shed at this location will not impact traffic sight line or create a safety hazard or unsightly views, and the alley is unimproved and unused.
- d) The essential character of the neighborhood will not be substantially altered, and the adjoining properties will not suffer a substantial detriment as a result of the variance.
- e) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent properties.
- f) The variance, if granted, will not be detrimental to the public welfare.
- g) The variance, if granted, will not adversely affect the delivery of governmental services.
- h) I did not purchase the property with the knowledge of these zoning restrictions.
- i) My predicament cannot be obviated through some other method than variance.

j) This variance, if granted, will represent the minimum variance that will afford me relief and represents the least modification possible of the requirement at issue.

k) The spirit and intent behind the zoning requirement will be observed and substantial justice will be done by granting the variance.

Thank you for your consideration of my request for this variance in the zoning requirements. I am excited to be a recently new resident of Pataskala. I am working hard to improve my property in a way that adds value to both my property and the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to be 'A Crater', with a long horizontal line extending to the right.

Aaron Crater

# MORTGAGE LOCATION SURVEY

TITLE COMPANY: NORTHWEST TITLE  
 LENDER: FIRST FINANCIAL BANK  
 BUYER: VICTOR LOGAN JALAMOV AND MARIA CANTEMIR  
 SELLER: WHITNEE LEANN WEBER  
 DATE: 10/01/2021  
 ORDER NO.: 1044-21



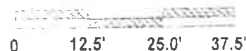
LEGAL DESCRIPTION: BEING LOT NO. 6 OF ARNDT'S SECOND ADDITION OF RECORD IN PLAT BOOK 3, PAGE 40, LICKING COUNTY RECORDER'S OFFICE CITY OF PATASKALA, STATE OF OHIO

APPARENT ENCROACHMENTS: NONE

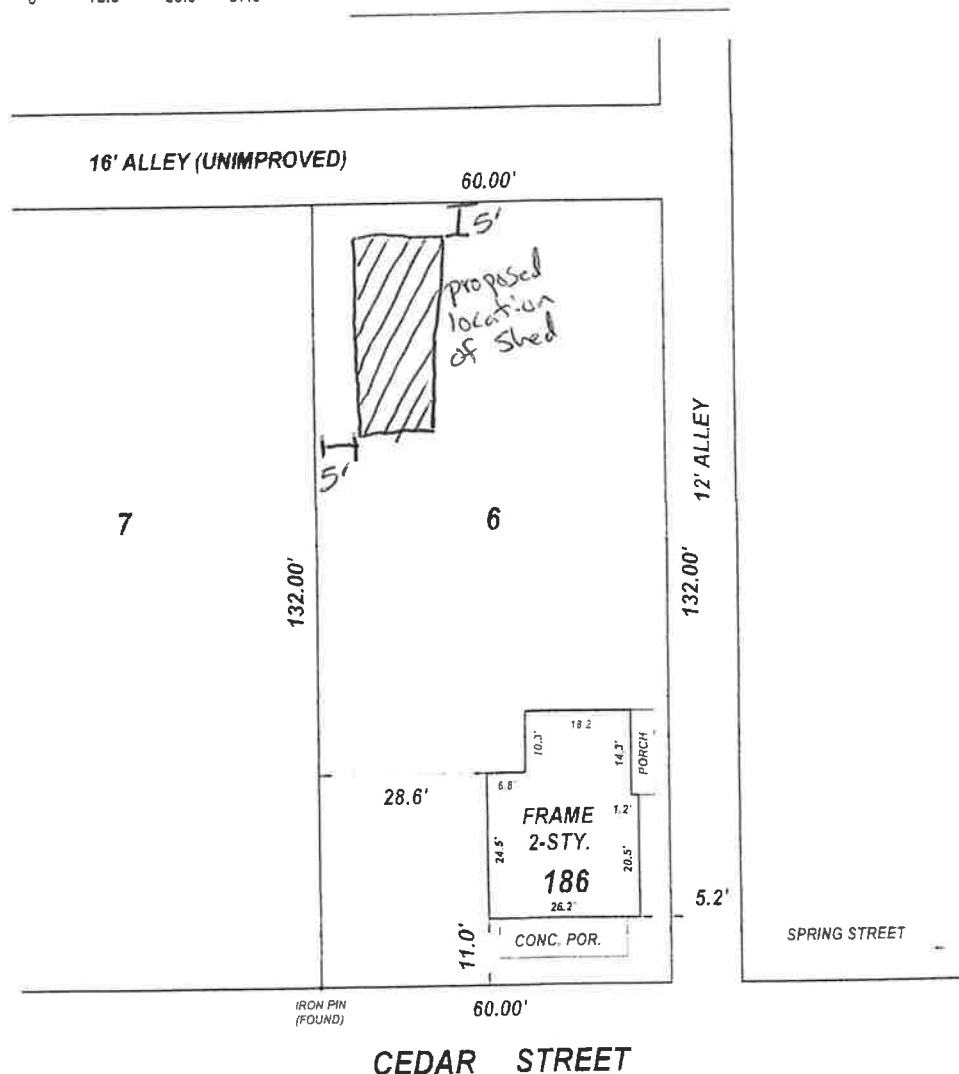
PARCEL NO.: 064-310608-00 000

TITLE CO. FILE NO.: 1-15256

SCALE: 1" = 25'



I/WE CERTIFY THAT I/WE HAVE EXAMINED THE SURVEY FOR THE PROPERTY THAT I/WE HAVE JUST PURCHASED AND I/WE ACKNOWLEDGE RECEIPT OF A COPY OF SAID SURVEY.



**COMPASS**  
 SURVEYING  
 SOLUTIONS

P.O. Box 1902  
 Westerville, Ohio 43086-1902  
 Phone: (614)378-9140

CompassSurveying@hotmail.com

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements. Liability for this survey limited to actual cost of survey.

By

G. Dean Erlenbach  
 Ohio Registered Surveyor No. 7272





### **GENERAL WARRANTY DEED**

Know all persons by these presents, that:

**Whitnee Leann Weber FKA Whitnee Leann Stoneburner**

a married individual, and whose spouse is signing herein to release dower rights, the designated Grantor herein, for valuable consideration received hereby grants and assigns with general warranty covenants, to:

**Aaron W. Crater**

the designated Grantee herein whether one or more than one, whose tax-bill mailing address will be c/o Wright-Patt Credit Union, Inc., 3560 Pentagon Boulevard, Beavercreek, OH 45431 all interest in the following real property:

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

Being Lot Number Six (6), of ARNDT'S SECOND ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 189 and subsequently re-platted and made of record in Plat Book 2, Page 277, and in Plat Book 3, Page 40, Recorder's Office, Licking County, Ohio.

Property Address: 186 Cedar Street, Pataskala, OH 43062

Parcel No.: 064-310608-00.000

Prior Deed Reference: Instrument No. 202101050000272, Licking County, Ohio records


The foregoing real property is granted by the Grantor and accepted by the Grantee 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.

And for valuable consideration received, Kevin Weber, the spouse of Whitnee Leann Weber, does hereby remise, release and forever quit-claim unto the Grantee herein, and the Grantee's heirs, successors, and assigns, all his right and expectancy of Dower in the above described premises.

The Grantor herein has read this Deed and hereby acknowledges the voluntary signing hereof.

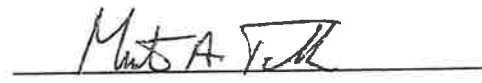
Executed on this 12<sup>th</sup> day of November, 2021

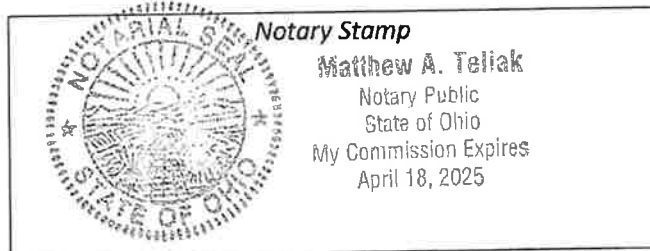
  
Whitnee Leann Weber

  
Kevin Weber

State of Ohio                                 )  
County of Franklin                         )

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of November, 2021 by **Whitnee Leann Weber and Kevin Weber**.

  
Notary Public



This instrument prepared by:  
Stephen A. McCoy, Esq.  
The Holfinger Stevenson Law Firm  
1160 Dublin Road, Suite 500  
Columbus, OH 43215

After recording, return to:  
Northwest Title Family of Companies, Inc  
c/o Matt Teliak  
4151 Executive Parkway, Suite 190  
Westerville, OH 43081

File #1-15256





# Delivery & On-Site Installation Included



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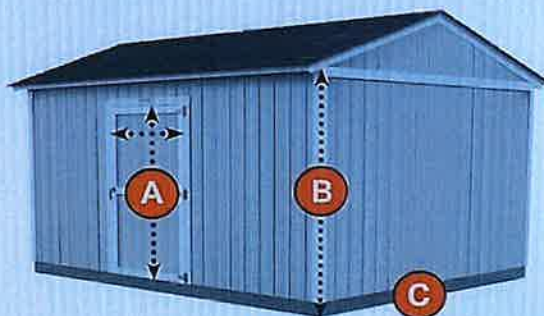
Width

Length

(A) 4' Wide x 6'7" Tall  
Shed Door, End or  
Sidewall Placement

(B) 8' Exterior  
Sidewall Height

(C) 2x6 Galvanized  
Steel Foundation



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