



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 10, 2022

Variance Application VA-22-017

Applicant:	Donette McKeever & Tonya Robinson
Owner:	Donette McKeever & Tonya Robinson
Location:	64 Atkinson Street, Pataskala, OH 43062 (PID: 064-312198-00.000)
Acreage:	+/- 0.24-acres
Zoning:	R-7 – Village Single-Family Residential
Request:	Requesting approval of a Variance from Section 1279.03(A)(2) to allow for the constructing of a fence exceeding four (4) feet in height within the front yard setback.

Description of the Request:

The Applicant is seeking approval of Variance from Section 1279.03(A)(2) of the Pataskala Code to allow for the construction of a fence that will exceed the maximum height of four (4) feet when within the front yard setback.

Staff Summary:

The 0.24-acre property located at 64 Atkinson Street is currently occupied by a 1,764-square foot single-family home built in 1940, as well as an approximately 262-square foot shed at the northeastern corner of the property that is property of the Columbia Gas Company. It is a corner lot, with frontage on three (3) separate public rights-of-way: Atkinson Street to the south, Township Road to the east, and Race Street to the west. Access to the property is via a small gravel driveway from Race Street to the existing home.

It is the Applicant's intention is to construct a six (6) foot tall privacy fence around the side and rear yards of the existing home. The proposed fence will extend 11-feet from what is the front of the home facing Race Street, turning north and running 82-feet to just south of the existing tree line, then across and down back towards the existing home maintaining a five (5) foot setback from the east side property line. The fence will be set back four (4) feet from the west side property line. Pursuant to Section 1279.03(A)(1) of the Pataskala Code, a fence or wall not exceeding four (4) feet in height may be erected within the front yard setback, and in the R-7 – Village Single-Family Residential zoning district, the front yard setback is 25-feet.

According to the Narrative statement that has been Submitted by the Applicant, the request for a six (6) foot tall fence is due to their dogs and grandchildren. The Applicant stated dogs can jump a smaller fence, and they are concerned with the proximity of the surrounding streets for the safety of their grandchildren, as well as providing additional privacy. Further stated, the Applicant believes that there is a unique physical condition that prohibits the property from being developed in strict conformity with the Zoning Code, that being that the property is bordered on three (3) sides by public right-of-way. The Applicant believes the requested Variance will not prohibit the use or development of adjacent property and will not be detrimental to the public welfare. The Applicant also stated they were unaware of the zoning restrictions when the property was purchased.

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

As mentioned above, Section 1279.03(A)(1) of the Pataskala Code states that a fence or wall, not exceeding 48-inches (four (4) feet) 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 other words, a fence exceeding four (4) feet in height may not be constructed within the front yard setback. In the R-7 – Village Single-Family Residential zoning district the front yard setback is 25-feet (Section 1237.05(C)(1)).

The proposed fence will be set back from the east side property line, fronting on Township Road, a distance of five (5) feet, and on the west side, from Race Street, a distance of four (4) feet. The overall encroachment into the front yard setback would be, at maximum, 21 feet. However, the Variance Request is for an increase in the allowable fence height within the front yard setback, therefore; the Applicant is requesting a Variance to allow for the permitted height of a fence within the front yard to be increased from four (4) feet to six (6) feet. An increase of 2-feet, or 50%.

As proposed, the Fence would meet the sight distance requirements at the intersections of Atkinson and Race Streets, as well as Atkinson Street and Township Road as required under Section 1221.03(A)(2) of Pataskala Code as well as the minimum setback from the right-of-way as required under Section 1279.03(A)(4). Should this Variance be approved, the Applicant would require a Fence Permit to install the fence as proposed. Staff has no other 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	Misc. Commercial
East	R-7 – Village Single-Family Residential	Single-Family Home
South	R-7 – Village Single-Family Residential	Single-Family Home, Telephone Exchange Building
West	R-7 – Village Single-Family 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:

- 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;*

- 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-22-017:

- 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 1279.03(A)(2) of the Pataskala Code for variance application VA-22-017 ("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: 14 ATKINSON ST	
Parcel Number: 064-312198-00.000	
Zoning: R-7	Acres: 0.24
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-22-017
Fee: \$300.00
Filing Date: 4/14/2022
Hearing Date: 5/10/2022
Receipt Number: 000573

Applicant Information		
Name: Donette McKeever & Tonya Robinson		
Address: 14 ATKINSON ST		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-354-8224 614-670-1361	Email: donnettemckeever@gmail.com #1 email: tyriedr@yahoo.com	

Property Owner Information		
Name: Donette Same as above		
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 type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Variance Information
Request (Include Section of Code): Section 1279.03(A)(2)
Exceed max of 4 feet to 6 ft
Describe the Project: we want to build a six foot fence due to our grandkids and our pets. and ours are so close to street. and needing some privacy. Also due to building behind is own by Columbia gas, and is a eye sore.

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; **No**
 - 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; **Streets on 3' scale - yes**
 - c) Whether the variance requested is substantial; **No**
 - 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; **No**
 - e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; **No**
 - f) Whether the variance, if granted, will be detrimental to the public welfare; **No**
 - g) Whether the variance, if granted, would adversely affect the delivery of governmental services; **No**
 - h) Whether the property owner purchased the subject property with knowledge of the zoning restriction; **No**
 - i) Whether the property owner's predicament can be obviated through some other method than variance; **No**
 - 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, **yes**
 - k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **yes**
- 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:

Ronette McKeever

4-14-2022

Ronette McKeever

4-14-2022

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Apr 11, 2022

01150583100000012000

TRANSFERRED

Apr 12, 2022

Michael L. Smith

LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH

By: CR 810.00

InstrID:202204120008996	4/12/2022
Pages:3	F: \$42.00
Bryan A. Long	8:34 AM
Licking County Recorder	T20220009280

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENT: That **Sukhum Hing**, a married man ("Grantor"), for valuable consideration paid, grants with general warranty covenants to **Donette R. McKeever** ("Grantee"), whose tax mailing address is: 1600 South Douglas Rd. - Suites 100 & 200A Anaheim, CA 92804 *Attn: Lending Division*
the following described Real Property:

SEE EXHIBIT "A" ATTACHED HERETO

Prior Instrument Reference: 201609140019773, Licking County Recorder's Office

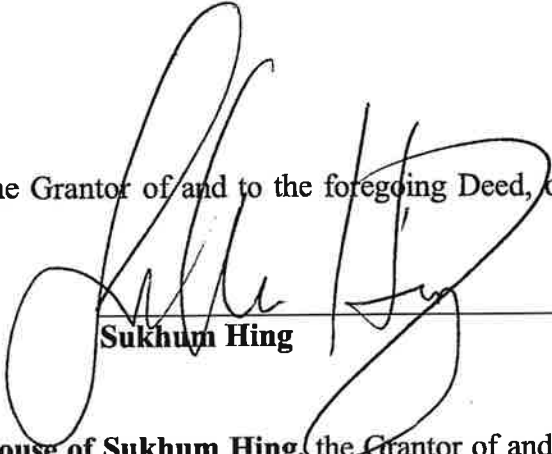
Parcel Number: 064-312198-00.000

Property Address: 64 Atkinson Street, Pataskala, OH 43062

This conveyance, and Grantor's covenants, are subject to the following: The lien of any taxes and assessments not now due and payable; zoning ordinances and regulations; legal highways; and restrictions, conditions, reservations and easements of record.

Grantor hereby releases all rights to dower thereunder.

Signed and acknowledged by **Sukhum Hing**, the Grantor of and to the foregoing Deed, on this 17 day of February 2022.


Sukhum Hing

IN WITNESS WHEREOF, **Hayley S. Hing, Spouse of Sukhum Hing**, the Grantor of and to the foregoing Deed, has caused the signing of this instrument solely to release dower, and has caused their name to be subscribed on this 17 day of February 2022.


Hayley S. Hing

STATE OF Oh) SS:
COUNTY OF Franklin)

This is an acknowledgment clause. No oath or affirmation was administered to the signer.

Before me, a Notary Public in and for said County and State, personally appeared **Sukhum Hing**, the Grantor of and to the foregoing Deed, and **Hayley S. Hing, Spouse of Sukhum Hing**, the Grantor of and to the foregoing Deed, whose identity was known or proven to me and who did sign the foregoing instrument and acknowledged the signing hereof to be their voluntary act and deed.

In testimony thereof, I have hereunto set my hand and official seal at Columbus, Oh, this 17 day of February 2022.


Notary Public

Teresa D Hostetler
Printed Name

My Commission expires: 2.21.27

Seal



EXHIBIT "A"**LEGAL DESCRIPTION**

Situated w the Slate of Ohio, County of Licking, Village of Pataskala being, all of a 0.24 acre tract as conveyed to Secretary of Housing and Urban Development in Instrument No. 20160114000727 being all of parcel No's 064-342198- 00.000 and 64-312204-00.000. hereon referred to as Grantor, records stated herein are from the Recorder's Office, Licking County, Ohio and feeling more particularly described as follows:

Commencing at the Southeasterly corner of Lot 11 of the Village of Conine (Now Pataskala) recorded in Plat Book 2, Page 56 being at the point of intersection of the Westerly line of Race Street and the Northerly line of Atkinson Street;

Thence Easterly with the Northerly line of Atkinson Street South $89^{\circ}43'33''$ East a distance of 33.00 feet to a Set $5/8'$ Rebar with cap at the point of intersection of the Easterly line of Race Street with the Northerly line of Atkinson Street being at the South westerly corner of the Grantor's tract and being the TRUE POINT OF BEGINNING of the herein described 0.241 acre tract;

Thence Northerly with the Easterly line of Race Street being the Westerly line of the Grantor 's tract North $00^{\circ}52'32''$ East a distance of 147.77 feet to & Found Mag Nail at the Southwesterly corner of a 0.34 acre tract as conveyed to Pataskala Real Estate Holding, LLC in Instrument No. 201606210012763.

Thence Easterly with the Southerly line of said 0.134 acre Holding, tract being the Northerly line of the Grantor's tract South $89^{\circ}13'15''$ East a distance of 70.98 feet to a Set Mag Nail at the Southeasterly corner of said 0.134 acre Holding tract and in the Westerly line of Township Line Road being at the Northeasterly corner of the Grantor's tract;

Thence Southerly with the Westerly line of Township Line Road being the Easterly line of the Grantor's tract South $00^{\circ}44'07''$ West a distance of 147.14 feet to Set $5/8''$ Rebar with cap in the Northerly line of Atkinson Street being the Southeasterly corner of said Grantor's tract;

Thence Westerly with the Northerly line of Atkinson Street being the Southerly line of the Grantor's tract North $89^{\circ}43'33''$ West a distance of 71.34 feet to the TRUE POINT OF BEGINNING and containing 0.241 acres.

Subject to all easements, rights-of-way or restrictions of record.

This description was prepared by Ackison Surveying, LLC (614-766-4000) under the direct supervision of Steven B. Walton Registered Surveyor No. S-7675 from an actual field survey of the premises in June of 2016. And a Plat of survey is

Closing Disclosure

This form is a statement of final loan terms and closing costs. Compare this document with your Loan Estimate.

Closing Information

Date Issued 3/31/2022
Closing Date 3/31/2022
Disbursement Date 3/31/2022
Settlement Agent Vault Title LLC
File # 500837
Property 64 Atkinson St.
 Pataskala, OH 43062

Transaction Information

Borrower Donette McKeever
 5726 Alkire Rd
 Galloway, OH 43119
Seller Sukhum Hing
 64 Atkinson Street
 Pataskala, OH 43062
Lender Carrington Mortgage Services, LLC

Loan Information

Loan Term 30 years
Purpose Purchase
Product Fixed Rate
Loan Type ☐ Conventional ☒ FHA
☐ VA ☐
Loan ID # 2203986841
MIC # 413-7685601-703

Sale Price

XXXXXX

Loan Terms

Can this amount increase after closing?

Loan Amount

XXXXXX

NO

Interest Rate

XXXXXX

NO

Monthly Principal & Interest

XXXXXX

NO

See Projected Payments below for your
 Estimated Total Monthly Payment

Does the loan have these features?

Prepayment Penalty

NO

Balloon Payment

NO

Projected Payments

Payment Calculation

Years 1-11

Years 12-30

Principal & Interest

XXXXXX

XXXXXX

Mortgage Insurance

+ XXXXX

+ —

Estimated Escrow
 Amount can increase over time

+ XXXXX

+ XXXX

Estimated Total
 Monthly Payment

XXXXXX

XXXXXX

Estimated Taxes, Insurance
 & Assessments

XXXXXX

This estimate includes

In escrow?

☒ Property Taxes

YES

☒ Homeowner's Insurance

YES

☐ Other:

Amount can increase over time
 See page 4 for details

Monthly

See Escrow Account on page 4 for details. You must pay for other property
 costs separately.

Costs at Closing

Closing Costs

XXXXXX

XXXXXX XXXXXXXX XXXXXXXX XXXXXXXX
 in Lender Credits. See page 2 for details.

Cash to Close

XXXXXX

Includes Closing Costs. See Calculating Cash to Close on page 3 for details.



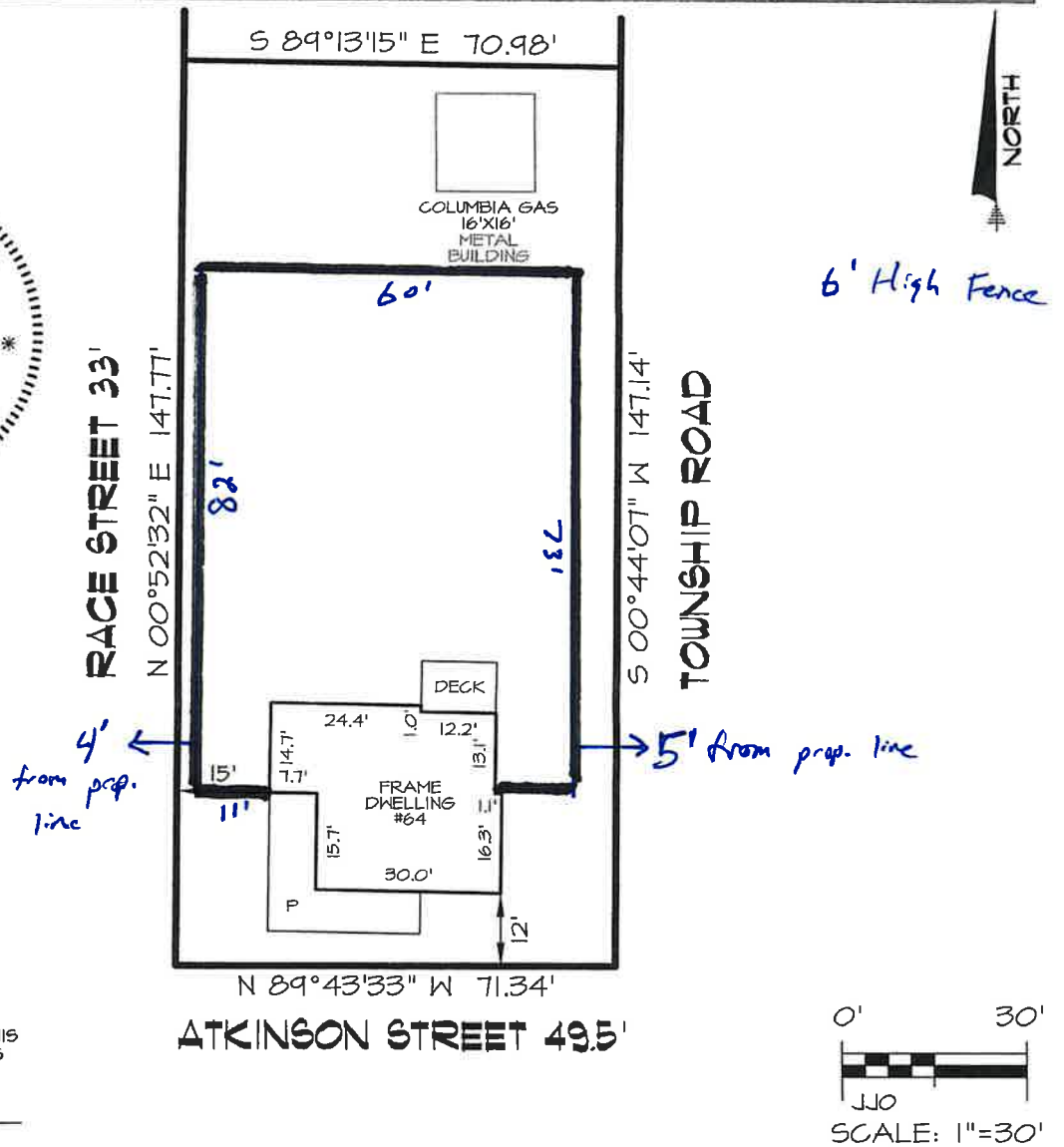




CAMPBELL &
ASSOCIATES, INC.
Land Surveying

614.785.9340
Fax: 614.785.9342
77 E Wilson Bridge Road
Suite 205
Worthington, OH 43085
<http://www.campbellsurvey.com>

Mortgage Location Survey



I/WE HAVE RECEIVED A COPY OF THIS
SURVEY AND FIND THE CONDITIONS
ACCEPTABLE TO ME/US.

BUYER/OWNER

Street Address:

64 Atkinson St, Pataskala, Ohio 43062

New Owner:

Donette McKeever

Allotment:

Record Info:

Client Order No: 500837

Date: January 13, 2022

Present Owner:

Sukhum Hing

This is to certify to:

Everett Financial Inc., dba Supreme Lending ISAOA/ATIMA and/or Vault Title LLC that a visual inspection of the property and buildings shown (if any) has been made and there are no apparent encroachments or visible easements unless otherwise shown. This service was not performed for the purpose of establishing boundary lines, and is not to be used for that purpose.

This Mortgage Location Survey has been prepared in accordance with Chapter 4733-38, Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code.

Matthew L. Campbell

Matthew L. Campbell - Reg. Surveyor No. 8546