

**MINUTES OF THE  
CITY OF PATASKALA BOARD OF ZONING APPEALS**

**Tuesday, May 10, 2022**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, May 10, 2022.

**Present were:**

Alan Howe, Chairman  
Rob Jimison, Vice Chairman  
William Cook  
Richard Cooper  
Douglas Dandurand

**City of Pataskala Planning and Zoning Department Staff:**

Scott Fulton, Planning and Zoning Director  
Jack Kuntzman, City Planner  
Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:31 p.m., followed by the Pledge of Allegiance.

Rollcall was made. Present were: Alan Howe, Rob Jimison, William Cook, Richard Cooper and Douglas Dandurand.

***First on the Agenda, Remove from Table Variance Application VA-22-011, 66 East Broad Street.***

Mr. Howe made a motion to remove from the table Variance Application VA-22-011. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Cooper, Mr. Jimison, Mr. Cook and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-011, 66 East Broad Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for four variances, 1295.09(b)(2)(C), 1295.09(b)(7)(A)(3), 1295.09(b)(7)(B)(4), 1259.09(b)(7)(B)(6), for a freestanding ground sign with an electronic message. Area map was reviewed. Proposed signs and sign locations were reviewed. The Applicant amended the Application to address the Board's concern, noting the variance request from Section 1295.10(b)(2)(B)(5) has been removed and the Variance request from Section 1295.10(b)(2)(B)(4) has been amended to allow the sign to change once every 20 seconds. Staff comments were noted. There were no Departmental or Agency comments.

Bob Kessler, 2669 Old National Road, Zanesville, Ohio, was placed under oath.

No comments or questions were presented.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve Variances from Sections: 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), and 1295.10(b)(7)(B)(6) for Variance Application VA-22-011 with the following Conditions:

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.
2. The Electronic Message Center Sign shall only be permitted to change once within a 20 second time period.

Seconded by Mr. Dandurand. Mr. Cook, Mr. Howe, Mr. Jimison, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-014, 412 Alonzo Palmer Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1297.02(B)(2) to allow for the pump and filter installations for a private swimming pool to be less than the required 20-feet from a property line. Area map was reviewed. Equipment location and installation of evergreen shrubs were noted along with proposed site plan. Existing conditions were reviewed. Pool regulations were noted. Staff comments were noted. There were no Departmental of Agency comments.

There were no further comments or questions.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve a variance from Section 1297.02(B)(2) of the Pataskala Code for variance application VA-22-014 with the following conditions:

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.

Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison, Mr. Cooper, Mr. Dandurand and Mr. Cook voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-015, 7599 Hazelton-Etna Road SW.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1279.03(A)(1) of the Pataskala Code to allow for the construction of a fence that will exceed the maximum height of four feet when within the front yard setback. Area map was reviewed. Proposed fence location was noted. Existing conditions were reviewed. Staff comments were noted. There were no Departmental of Agency comments.

A discussion was had regarding the powerlines and utility access.

Brennan Dick, 7599 Hazelton-Etna Road SW, Pataskala, Ohio was placed under oath.

Mr. Dick stated gates will be installed should utilities need access.

There were no further comments or questions.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1279.03(A)(1) of the Pataskala Code for Variance Application VA-22-015 with the following conditions:

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.

Seconded by Mr. Cook. Mr. Jimison, Mr. Cooper, Mr. Howe, Mr. Cook and Mr. Dandurand voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-016, 3003 Etna Parkway.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1283.07(B) of the Pataskala Code in order to allow for reduced perimeter screening around a development within the PM – Planned Manufacturing zoning district. Area map was reviewed. Proposed landscaping and site plan was reviewed. Staff comments were noted. There were no other Departmental or Agency comments. It was also noted, Shank Racing was approved for a similar variance.

Trevor Extine, 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241 was placed under oath.

Mr. Extine provided a presentation, noting location of landscaping and future uses.

A discussion was had regarding landscaping requirements.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve a variance from Section 1283.07(B) of the Pataskala Code for variance application VA-22-016 with the following condition:

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.

Seconded by Mr. Jimison. Mr. Cook, Mr. Howe, Mr. Jimison, Mr. Dandurand and Mr. Cook voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-017, 64 Atkinson Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a 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 feet when within the front yard setback. Area map was reviewed. Proposed fence location was noted. Existing conditions were reviewed. Staff comments were noted. There were no other Departmental or Agency comments.

It was indicated the Applicant was unaware of the fence requirements prior to purchasing the property.

No other questions or comments were presented.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1279.03(A)(2) of the Pataskala Code for Variance Application VA-22-017 with the following conditions:

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.

Seconded by Mr. Dandurand. Mr. Cooper, Mr. Howe, Mr. Jimison, Mr. Dandurand and Mr. Cook voted yes. The motion was approved.

***Next on the Agenda, Conditional Use Application CU-22-005, 144 East Broad Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use to allow for the expansion of a nursing home facility. Area map was reviewed. The property is currently occupied by the Pataskala Oaks Care Center, constructed in 1989. The property was rezoned in 2017 from R-20 – Medium Density Residential to PRO – Professional Research Office, which allows residential nursing home facilities as a conditionally permitted use. In 2018 a Conditional Use was approved to allow for an expansion, and an extension of the Conditional Use was approval on December 12, 2018; however, the project had not progressed, and the Conditional Use expired on June 12, 2019. Site plan and proposal were reviewed. Planning and Zoning Staff comments were noted along with Departmental and Agency comments.

Ben Payne, 775 Yard Street, Suite 325, Columbus, Ohio 43212 was placed under oath.

Mr. Payne noted the services provided will be transitional care for residents prior to returning to their home. The addition will include a physical therapy department. Mr. Payne stated the residential population will not increase, only the footprint of the building. It was also noted there are no plans for additional buildings.

Kristen McNamara, 25 Buckeye Boulevard, Pataskala, Ohio was placed under oath.

Ms. McNamara noted concerns regarding increased traffic and construction traffic.

Alexander Frazier, 21 Buckeye Boulevard, Pataskala, Ohio, was placed under oath.

Mr. Frazier noted concerns regarding privacy and screening between his property and the nursing home along with safety concerns.

Tabetha Frazier, 21 Buckeye Boulevard, Pataskala, Ohio was placed under oath.

Ms. Frazier noted concerns with construction access, traffic and safety.

Temporary construction fencing was discussed.

Chad Jones, 130 Hazelton-Etna Road, Pataskala, Ohio was placed under oath.

Mr. Jones noted concerns with adding more beds, increased parking and lighting.

Mr. Jimison indicated the permitting process through the State is pretty extensive; however, not aware if there is anything legally that prevents more patients.

A discussion was had regarding adding conditions for construction fencing.

Mr. Cooper made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for application CU-22-005 with the following conditions:

1. The Applicant shall submit a Construction Plans Application within six (6) months of the date of approval.
2. The Applicant shall address all comments from Planning and Zoning Staff, Public Service Director, City Engineer, Pataskala Utilities Director, and the West Licking Joint Fire District.
3. Temporary privacy fence shall be installed along the property lines abutting the residential properties to the north during construction prior to the installation of permanent landscaping as required by code.

Seconded by Mr. Jimison. Mr. Jimison, Mr. Cooper, Mr. Howe, Mr. Cooke and Mr. Dandurand voted yes. The motion was approved.

**Next on the Agenda, Findings of Fact.**

**Variance Application VA-22-011**

<u>Yes</u>	<u>No</u>	
✓		a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
✓		b) <i>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;</i>
✓		c) <i>Whether the variance requested is substantial;</i>
✓		d) <i>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;</i>
✓		e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>
✓		f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>
✓		g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i>
✓		h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>
✓		i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>
✓		j) <i>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,</i>
✓		k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-011. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

**Variance Application VA-22-014**

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ✓          |           | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>   |
| ✓          |           | b) <i>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;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>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;</i>   |
| ✓          |           | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>  |
| ✓          |           | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>   |
| ✓          |           | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i>  |
| ✓          |           | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>  |
| ✓          |           | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>  |
| ✓          |           | j) <i>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,</i>  |
| ✓          |           | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>   |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-014. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

**Variance Application VA-22-015**

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ✓          |           | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>   |
| ✓          |           | b) <i>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;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>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;</i>   |

- ✓ 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.*

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-015. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

#### **Variance Application VA-22-016**

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ✓          |           | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>   |
|            | ✓         | b) <i>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;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>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;</i>   |
| ✓          |           | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>  |
| ✓          |           | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>   |
| ✓          |           | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i>  |
| ✓          |           | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>  |
| ✓          |           | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>  |
| ✓          |           | j) <i>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,</i>  |
| ✓          |           | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>   |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-016. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

**Variance Application VA-22-017**

- | <u>Yes</u> | <u>No</u> |  |
|------------|-----------|--|
| ✓          |           | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>   |
| ✓          |           | b) <i>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;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>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;</i>   |
| ✓          |           | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>  |
| ✓          |           | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>   |
| ✓          |           | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i>  |
| ✓          |           | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>  |
| ✓          |           | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>  |
| ✓          |           | j) <i>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,</i>  |
| ✓          |           | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>   |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-017. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

**Conditional Use Application CU-22-002**

- | <u>Yes</u> | <u>No</u> |   |
|------------|-----------|---|
| ✓          |           | 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.   |
| ✓          |           | 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.  |
| ✓          |           | 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. |
| ✓          |           | 4. Will not be hazardous or disturbing to existing or future neighboring uses.  |



- ✓ 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment
- ✓ 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- ✓ 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare,
- ✓ 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
- ✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Mr. Howe made a motion to approve Findings of Facts for Conditional Use Application CU-22-002. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Howe, Mr. Jimison, Mr. Cook and Mr. Cooper voted yes. The motion was approved.

***Next on the Agenda, Excuse of Absence of William Cook from the April 12, 2022 Regular Meeting.***

Mr. Howe made a motion to approve the absence of William Cook from the April 12, 2022 regular meeting. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. Mr. Cook abstained. The motion was approved.

***Next on the Agenda, Excuse of Absence of Richard Cooper from the April 12, 2022 Regular Meeting.***

Mr. Howe made a motion to approve the absence of William Cook from the April 12, 2022 regular meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Cook and Mr. Dandurand voted yes. Mr. Cooper abstained. The motion was approved.

***Next on the Agenda, Approval of the April 12, 2022 regular meeting minutes.***

Mr. Howe made a motion to approve the regular meeting minutes from the April 12, 2022 regular meeting minutes. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. Mr. Cook and Mr. Cooper abstained. The motion was approved.

No other business was given.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Dandurand. Mr. Howe, Mr. Jimison, and Mr. Dandurand voted yes. The meeting was adjourned at 8:48 p.m.

Minutes of the May 10, 2022 regular meeting were approved on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chairperson