



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

June 14, 2022

Variance Application VA-22-019

Applicant:	Randy & Laura Gibson
Owner:	Randy & Laura Gibson
Location:	122 Mill Street, Pataskala, OH 43062 (PID: 064-308196-00.001)
Acreage:	+/- 0.15-acres
Zoning:	R-7 – Village Single-Family Residential
Request:	Requesting approval of three (3) Variances in order to reduce the required setbacks on the north and west sides of the proposed home, and to reduce the required basement size.

Description of the Request:

The applicant is seeking approval of three (3) Variances in order to construct a new single-family home on the lot. The first, from Section 1237.05(C)(1) for the front (south) yard setback. The second, from Section 1237.05(C)(1) for the front (north) yard setback. And lastly, from Section 1237.05(G) in order to reduce the minimum size of the basement.

Staff Summary:

The 0.15-acre property located at 122 Mill Street is currently vacant. It is technically a corner lot, as it has frontage on multiple public rights-of-way. Mill Street is to the south, Lincoln Street to the north, and an unnamed and unimproved alley along the west side.

The Applicant's would like to construct a new single-family home on the property. As proposed; the home will be set back from the front property line on Mill Street 26-feet, from the north (rear) property line 5-feet, and from the west (side) property line 15-feet. Because this property has multiple frontages on a public right-of-way, pursuant to Section 1237.05(C)(4) of the Pataskala Code all structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. In the R-7 zoning district, the front yard setback is 25-feet. As such, any part of the structure would need to be 25-feet from the south, north, and west property lines.

Additionally, the new dwelling itself will meet the minimum requirements regarding home size, the basement is proposed is only 20' x 21' (420-square foot) which is below the minimum required by Section 1237.05(G) of 800-square feet.

According to the Narrative Statement as submitted by the Applicant, they believe that although the Variance requests for the setbacks are significant, they are necessary to construct a usable home on the site. The west side alley was never constructed and was maintained as part of the yard for the adjacent home at 134 Mill Street. On the north side, that Applicant has stated that the proximity of the structure to Lincoln Street is due to the attached garage and cites those other nearby homes have detached garages similarly placed. As for the basement, the Applicant stated that due to the small lot size, there simply is not enough room for a larger basement. Further stated, the Applicant believes that the Variance requests

will not be detrimental to the character of the neighborhood, and that many existing homes in the area themselves do not meet the required setbacks.

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 all structures shall have the same minimum setback distance from all street right-of-way lines as required for the front yard. Pursuant to Section 1237.05(C)(1), the front yard setback of the R-7 zoning district is 25-feet. The proposed structure will meet this requirement at the south frontage, as it is proposed at 26-feet. However, the north and west frontages are proposed at 5-feet and 15-feet, respectively. As such, two Variances from Section 1237.05(C)(1) are required.

The First, for the north setback. The Variance request is for a reduction of the required setback from 25-feet to 5-feet. A 20-foot, or 80% decrease.

Second, for the west setback. The Variance request is for a reduction of the required setback from 25-feet to 15-feet. A 10-foot, or 40% decrease.

Section 1237.05(G) of the Pataskala Code also requires that if a single-family home is to be constructed with a basement, then such basement must be at least a minimum of 800-square feet. As the proposed basement will only be 420-square feet, the last Variance request is for a 380-square foot reduction in the minimum basement size, or a 47.5% reduction.

Pataskala Utility Department (Full comments attached)

Utility Department has no issue with the variance requests. I would remind the applicant that they will have to tie on to water and sewer, which comes from Lincoln Street to the north. I would recommend they reach out to the Utility Department to discuss the layout of those services.

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	Vacant (City Owned)
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:

- 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-22-019:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – See attached
- 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 three Variances; two from Section 1237.05(C)(1), and one from 1237.05(G) of the Pataskala Code for variance application VA-22-019 (“with the following conditions” if conditions are to be placed on the approval).”

From: [Chris Sharrock](#)
To: [Philip Wagner](#); [Jack Kuntzman](#); [Felix Dellibovi](#); [Jim Roberts](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [Scott Morris](#); kperkins@laca.org; [Alan Haines](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#); [LINDA AITKEN](#)
Subject: RE: Pataskala BZA Review Memo for 06-14-2022
Date: Thursday, May 19, 2022 9:18:54 AM
Attachments: [image001.png](#)

Jack,

VA-22-019: Utility Department has no issue with the variance requests. I would remind the applicant that they will have to tie on to water and sewer, which comes from Lincoln Street to the north. I would recommend they reach out to the Utility Department to discuss the layout of those services.

Thank you,

Chris Sharrock
City of Pataskala
Utility Director
430 South Main Street
csharrock@ci.pataskala.oh.us
Office: (740) 927-4134
Cell: (614) 554-2799



"The soldier is the Army. No army is better than its soldiers." – Gen George Patton

From: Philip Wagner <pwagner@lhschools.org>
Sent: Thursday, May 19, 2022 8:51 AM
To: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>; 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>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Scott Morris <smorris@lickingcohealth.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>; LINDA AITKEN <laitken@lhschools.org>
Subject: RE: Pataskala BZA Review Memo for 06-14-2022

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



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: 122 Mill St Pataskala, Ohio 43062	
Parcel Number: 064-308196-00.001	
Zoning: R-7	Acres: .15
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: Randy and Laura Gibson		
Address: 582 Blakeley Place		
City: Newark	State: Ohio	Zip: 43055
Phone: 614-679-0659	Email: GC.GibsonConstruction@gmail.com	

Property Owner Information		
Name: Randy and Laura Gibson		
Address: 582 Blakeley Place		
City: Newark	State: Ohio	Zip: 43055
Phone: 614-679-0659	Email: GC.GibsonbConstruction@gmail.com	

Staff Use
Application Number:
YA-22-019
Fee:
300
Filing Date:
5-12-22
Hearing Date:
6-14-22
Receipt Number:
000633

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

Variance Information
Request (Include Section of Code): 1237.05 (C) (1) Front (West) Setback
1237.05 (C) (3) Rear (North) Setback
1237.05 (G) Basement Size
Describe the Project:
My wife and I are building our home. We are requesting a 10' variance to the West property line to allow us to build. Our home will be 15' off of this property line. We are requesting a 20' variance to the rear property line for our attached garage. Our garage will be 5' off of the property line to the North. We are requesting a variance of the minimum size of our basement from 600 sq ft to be 420 sq ft.

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:

5/13/22

Property Owner (Required):



Date:

5/13/22

Zoning Variance Request

To the City of Pataskala,

As a graduate of Watkins, my wife and I are moving back to Pataskala to build our new home. As we have bought a lot in the older section of Pataskala, we simply would like to request adjustments to the building setbacks and the size of our basement.

First, the West side of the lot has an alley that requires a wider side setback than normal. This alley does not appear to have been used in many decades, as the actual ground is simply maintained and mowed as if it were personally owned. We are requesting that this side setback is decreased from 25' to 15'. This still keeps a substantial distance away from the alley.

Second is the rear setback at Lincoln St. This is where we would like our drive entrance and thus an attached garage. We are requesting that this rear setback is decreased from 35' to 5'. This allows my wife and I to have a garage to park in. This variance request is similar to the immediate neighbor and similar to many along Lincoln.

We are also requesting that a variance is allowed for the size of our basement. While the overall size of the home will meet the zoning standard, the small lot does not offer a lot of room to place a large basement within the lot. The overall dimensions of the basement will be 20'x21'. This only gives a square footage of 420 sq ft of floor space.

The requests that we are making do not in any way effect the aesthetics, look, use or appeal of this neighborhood. By no means do these requests negatively affect our immediate neighbors nor the neighborhood. Many homes in this area are already closer to these mentioned property lines than what we are requesting and we truly feel that these requests are in harmony with the overall layout, design and use of the neighborhood.

Sincerely,

Randy Gibson

LINCOLN ST.

EXST. GARAGE

EXST. HOME

ALLEY

106'

15'-0"

60'

5'-0"

8'

1'-0"

26'-0"

106'

122 MILL ST.

60'

MILL ST.

122 MILL ST PATASKALA, OH.

SCALE: 1"=1'-0"

APPROVED BY:

DRAWN BY RSI

DATE: 5.1.22

REVISED

DRAWING NUMBER

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due July 20th



BOR



CAUV



Dog License



Downloads



Forms



GIS



Homestead



Taxes



Other

Map

BOR
Card
CAUV
Documents
Land
Map
Parcel
Pictometry
Sketch
Street View
Structures
Taxes
Transfers
Values

Help
Login



FIND YOUR PARCEL

Owner

Trouble Searching?

064-308196-00.001
HRE ENTERPRISES LLC
122 MILL ST
PATASKALA, OH 43062

Acre: 0.15
LOT 136 PETERS &
ROCKEYS ADD

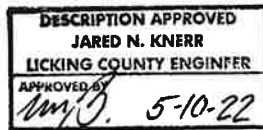
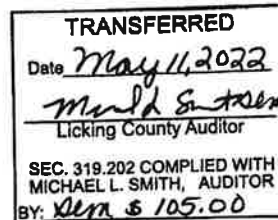
Land: \$17,200
Improv: \$0
Total: \$17,200

Transfer Date: 11/02/2021
Amount: \$0
Conveyance: 99999
Valid Sale: No

Homestead: No
Owner Occ: No

Foreclosure: No
Certified Delq: No
On Contract: No

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions. Using a low screen resolution? Try our [Mobile Version](#).



202205110011890
Pg:3 \$42.00 T20220012504
5/11/2022 3:46 PM BXBOB NEEDHA
Bryan A. Long Licking County Recorder

**GENERAL WARRANTY DEED
(by a Limited Liability Company)**

Chicago Title Box 1322040207

KNOW ALL MEN BY THESE PRESENTS, that HRE Enterprises, LLC, an Ohio Limited Liability Company ("Grantor"), for valuable consideration paid, grants, with general warranty covenants, to Randy Gibson and Laura Gibson, for their joint lives, remainder to the survivor of them ("Grantee"), whose tax mailing address is: 582 Blakeley Place, Newark, OH 43055, the following real property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Tax Parcel No.: 064-308196-00.001

Property Address: 122 Mill St, Pataskala, OH 43062

Prior Instrument Reference: Inst No. 202111020033573, Recorder's Office, Licking County, Ohio

This conveyance is made subject to the following:

1. Subject to easements, conditions, covenants, restrictions and reservations of record, zoning ordinances, building, use and occupancy restrictions, and all existing public streets and legal highways, if any now in force and effect, and any such state of facts as an examination of the Premises and/or an accurate survey would disclose, all coal, oil, gas and other mineral rights and interests previously transferred or reserved of record.
2. The lien of real estate taxes and assessments not yet due and payable.



GENERAL WARRANTY DEED
(by a Limited Liability Company)
 (continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Grantor has caused this instrument to be executed by its duly authorized officer this 4th day of May, 2022.

GRANTOR:

HRE Enterprises, LLC

BY: *Jonathan Hinderer*
 Jonathan Hinderer, Manager Partner

State of *Ohio* :ss

County of *Cuyahoga* :ss

The foregoing instrument was acknowledged before me this 4th day of May, 2022 by Jonathan Hinderer, Managing Partner of HRE Enterprises, LLC on behalf said company.

Robert E. Needham, Jr.
 Notary Public

My Commission Expires:

(SEAL)



Robert E. Needham, Jr.
 Notary Public-State of Ohio
 My Commission Expires
 August 22, 2026

This instrument was prepared by:
 Forsythe, Mills and Neff, Co., LPA
 445 Hutchinson Avenue, Suite 250
 Columbus, OH 43235

EXHIBIT "A"

Order No.: 1322040207

For APN/Parcel ID(s): 064-308196-00.001

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

Being Lot No. 136 in Peters and Rockeys Addition to the Town of Conine, now Pataskala, as shown in Plat Book 2, Page 32, in the Licking County, Ohio Recorder's Office.

122 Mill Street
Pataskala, Ohio 43062

PPN: 064-308196-00.001