



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

October 11, 2022

Variance Application VA-22-025

Applicant:	Andrew & Patricia Walther
Owner:	Andrew & Patricia Walther
Location:	7899 Columbia Road SW, Pataskala, OH 43062 (PID: 064-152970-00.007)
Acreage:	+/- 9.98-acres
Zoning:	AG – Agriculture
Request:	Requesting approval of a Variance from Section 1221.05(D)(1) to allow for an Accessory Building to be located in front of the Principal Structure on the lot.

Description of the Request:

The Applicant is seeking approval of Variance from Section 1221.05(D)(1) of the Pataskala Code in order to allow for an Accessory Building to be located in front of the Principal Structure on the lot.

Staff Summary:

The 9.98-acre property located at 7899 Columbia Road SW is currently occupied by a 3,225-square foot single-family home built in 1995, and a 2,400-square foot pole barn built in 2006 with a further 2,400-square foot addition to said pole barn built in 2019. The total square footage of the existing accessory building is 4,800, and the pole barn itself is currently existing non-conforming as it does not meet the requirements of Section 1221.05(D)(1); that being, Accessory Structures shall be behind or even with the front of the Principal Structure on the lot. The only frontage for the property is to the west on Columbia Road SW.

As proposed, the Applicant would like to install a salvaged log home, 1,664-square foot in size and no more than 24-feet in height, for use as a guest home on the property. The structure would be set back from the north side property line 50-feet, and in front (west) of the existing pole barn and house an unknown distance (at least 100-feet, as indicated on the site plan) from the front property line on Columbia Road SW.

According to the Narrative Statement as submitted by the Applicant, the log cabin is currently located elsewhere but is slated for demolition due to development. The Applicant would like to save the cabin, and relocate it to their property so that it may be used as a guest house for family members, and potentially as a home for their elderly parent(s). As for the reasoning behind placing the structure in front of the existing home, the Applicant stated that the existing Principal Structure is at the very rear southeast corner of the lot, with the home's septic system and a pond in the rear northeast corner, leaving no room to locate the structure behind or even with the front of the Principal Structure. Further stated, the Applicant believes that the requested Variance is not substantial and that it would be beneficial to the rural character of the property.

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

As mentioned above, Section 1221.05(D)(1) of the Pataskala Code states that Accessory Buildings shall be located even with or behind the front of Principal Structures (dwelling units) within the side or rear yard. As the new proposed structure will be located in front of the existing home, a Variance is required.

Section 1221.05(E)(2) of the Pataskala Code requires that on lots two (2) acres in size or greater, any Accessory Building shall be located a minimum of 10-feet from the side or rear property lines. As indicated by the site plan, it will be approximately 50-feet from the north side property line. Dimensions are not given for the front (west) or south side property line, but it can be assumed that this distance is over 10-feet as indicated by lines marking the Primary Structure setbacks on the provided site plan. Staff would ask that the Applicant provide an actual distance at the time of application for the Accessory Building Permit.

Staff would also mention that only one (1) dwelling unit is allowed per lot in zoning districts that allow for single-family homes. However, the City has allowed “accessory dwelling units” or “mother-in-law suites as either a standalone structure or part of an Accessory Building, so long as the property owner signs a notarized affidavit stating that such dwelling shall only be for the use of family and/or friends of the property owners and shall not be sold, rented, leased, or used for transient accommodations in perpetuity. Essentially restricting such dwellings to be “guest houses”, and not separate dwelling units.

City Engineer

Ensure no drainage concerns occur as a result of the new structure.

Licking County Health Department

To ensure a septic system would work for this construction, a soil evaluation would need to be done. The new home would need a primary and secondary marked out. The existing home still needs to ensure that have a secondary area for a septic system as well. Any future well would need to be at least 50-feet from an existing or future septic component, along with 10-feet from any building or property line.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agricultural	Single-Family Home
East	AG – Agricultural	Agricultural
South	AG – Agricultural	Single-Family Home
West	AG – Agricultural	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-22-025:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – See attached
- Licking County Health Department – See attached
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Licking Heights 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-22-025 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Jim Roberts](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Scott Haines](#)
Subject: October 11 BZA
Date: Monday, September 26, 2022 10:15:59 PM
Attachments: [image001.png](#)

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Jack, Verdantas has reviewed the agenda items for the October 11 BZA meeting and we offer the following comments:

VA-22-024

- Our only engineering comment is to ensure no drainage concerns occur as a result of the larger garage.

VA-22-025

- Our only engineering comment is to ensure no drainage concerns occur as a result of the new structure.

VA-22-026

- We have no engineering comments on this request.

CU-22-007

- This is a request for Conditional Use approval for a Nursing Home. We do not have comments on the Conditional Use, but offer the following comments that will apply as the project moves forward:
 - This will require a full site plan review including drainage calculations, full construction plans, and details.
 - There is a drive connection shown onto SR 16:
 - The city should confirm any past commitments as to whether this drive is permitted.
 - If the drive is permitted, a turn lane may be required. The Developer will need to work with the city on a Traffic Impact Study or other agreement regarding the access drive and turn lane.
 - The Sketch Plan shows an additional pond as part of this project. This will need to be designed and approved according to city standards.
 - Additional comments will be provided when the full design is submitted for review and approval.

Thanks for the opportunity to provide these review services for the city. Please let us know if there are any questions or if we can assist in any other way.

Jim

From: [Scott Morris](#)
To: [Jack Kuntzman](#)
Subject: RE: Pataskala BZA Review Memo for 10-11-2022
Date: Tuesday, September 20, 2022 11:33:38 AM
Attachments: [image004.png](#)
[image006.png](#)

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Jack,

VA-22-025: To ensure a septic system would work for this construction a soil evaluation would need to be done. The new home would need a primary and secondary marked out. The existing home still needs to ensure they have a secondary area for a septic system as well. Any future well would need to be at least 50 feet from any existing or future septic component, along with 10 feet off any buildings and property lines.

Let me know if you need anything else. Thanks!

Scott Morris, REHS
Environmental Health Director
Licking County Health Department
675 Price Rd. | Newark, OH | 43055
Office: (740) 349-6504
www.lickingcohealth.org



Find LCHD on Social Media:



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, September 20, 2022 11:17 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Doug White <DWhite@westlickingfire.org>; laitken@lhschools.org; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>; Scott Morris <smorris@lickingcohealth.org>; 'Chris Gilcher' <cgilcher@swlcws.com>; Kevin Miller <kevin.miller@lhschools.org>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala BZA Review Memo for 10-11-2022



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: 7899 Columbia Rd SW Pataskala Ohio 43062	
Parcel Number: 064-152970-00.007	
Zoning: Agriculture	Acres: 9.98
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site

Staff Use
Application Number: VA-22-025
Fee: 300
Filing Date: 8-19-22
Hearing Date: 10-11-22
Receipt Number: 000806

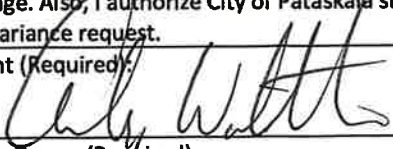

Applicant Information		
Name: Andrew and Patricia Walther		
Address: 7899 Columbia Rd SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614/596-1142	Email: aw4sitedev@aol.com	

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 type="checkbox"/> Area Map

Property Owner Information		
Name: Andrew and Patricia Walther		
Address: 7899 Columbia Rd SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614/596-1142	Email: aw4sitedev@aol.com	

Variance Information
Request (Include Section of Code): The requested variance is for a guest house to be constructed on the noted parcel as shown on the proposed site plan.
Describe the Project: Owner of parcel would like to construct a Guest House utilizing a log home that is able to be salvaged from a development project in the area. The structure would have 2 small bedrooms and 2 baths and would maintain a rustic and historic appearance. The location is buffered from all adjacent parcels and fits the rural character of the property. The structure would have a small well and septic for service but it would remain a part of the property address. It would not be available for rent or for public use.

Documents to Submit	
Variance Application: Submit 1 copy of the variance application.	
Narrative Statement: Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance; Beneficial Use; Farming Currently.</i> <i>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; Existing buffers are present</i> <i>Whether the variance requested is substantial; No, it is not substantial.</i> <i>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, it will not.</i> <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; No, it will not.</i> <i>Whether the variance, if granted, will be detrimental to the public welfare; No, it will not.</i> <i>Whether the variance, if granted, would adversely affect the delivery of governmental services; No, it will not.</i> <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction; Yes.</i> <i>Whether the property owner's predicament can be obviated through some other method than variance; No.</i> <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, Yes.</i> <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Yes.</i> • 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: <ul style="list-style-type: none"> • 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: 8/18/2022
Property Owner (Required): ANDREW WALTHER 	Date: 8/18/2022

From: [Dr Ann Walther](#)
To: [Scott Fulton](#)
Subject: Addendum/Additional Information for Walther Variance Application
Date: Friday, September 9, 2022 8:43:50 AM

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.

Greetings Scott,

Please see additional information below to be added to our variance application.

I have also attached a photo to this email for the description references.

Respectfully Submitted,

Ann

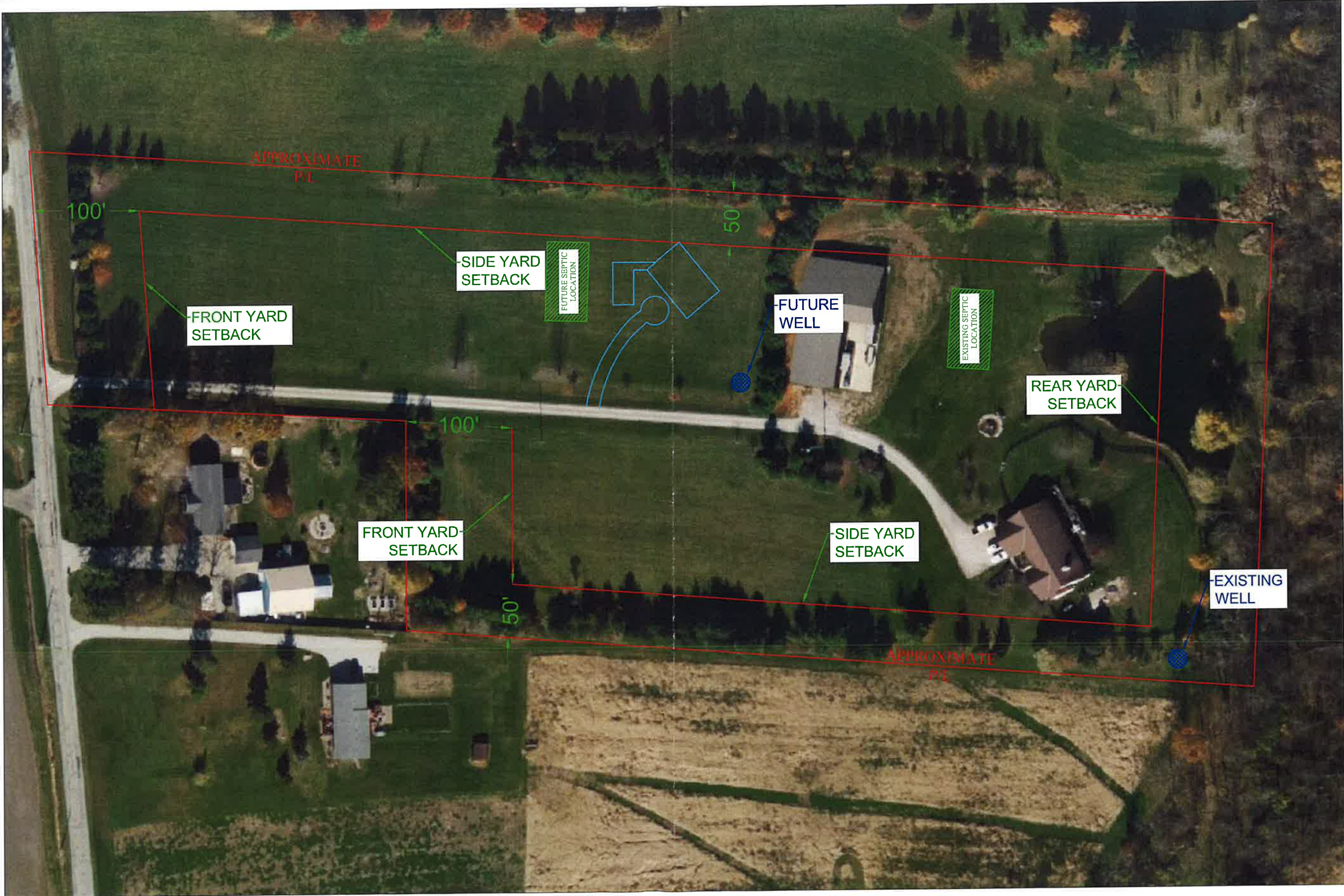
Dr. Ann Walther D.V.M.
CPT, USA (Ret)
614/209-3900 (cell/text)

Description: Log cabin is a single story totaling 1664 sq. foot. Height of cabin is single story, no attic measuring no more than 24 feet at its peak.

Reason: At this time, log cabin is being saved from demolition. May be used for guests and family member(s) when they visit as well as for potential future care of elderly parent(s).

Placement hardship: The current main home is located at the rear of the property. The lot was originally developed with the residence at the very back of the lot. The residence is bound by the side and rear yard set backs to the South and East as well as a large pond and Septic Field to the North (West is the front yard). Additionally there isn't room to put a structure behind the residence with the necessary installation of septic and well. Additionally the front "fields" would accommodate this rural area appropriate log cabin, septic and well so as to not detract from the surroundings.

Additional comments: At its current location, the log cabin is slated for complete demolition. It will be an asset to the rural character of our property. The location of the cabin does not impede the visual or natural elements of our property nor does it impact those of our neighbors.



GUEST HOUSE LOCATION



Survivorship DEED

KNOW ALL MEN BY THESE PRESENTS, that Thomas O. Hunt, unmarried, for valuable consideration paid, grant with general warranty covenants to Andrew Walther and Patricia A. Walther, husband and wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is:

the following REAL PROPERTY:

City of Pataskala Lima

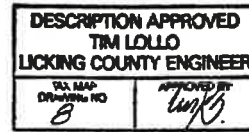
Situated in the State of Ohio, the County of Licking, the Township of Lima, being Part of Lot No. 7 in the Fourth Quarter of Township No. 1, Range No. 15, U.S. M. Lands, also being part of a 117.50 Acre Tract Conveyed to David N. and Peggy A. Phillips, as the same is shown of record in Deed Book No. 745, Page No. 667 in the records of the recorder's office, Licking County, Ohio and being more particularly described as follows:

For References, Beginning at an iron pin at the centerline intersection of Township Road No. 30 (Refugee Road) and Township Road No. 38 (Columbia Road); thence from said point of beginning the following 5 courses and distances along the Centerline of Township Road No. 38 (Columbia Road), North 04 degree 59' 41" West, a distance of 675.65 feet to a railroad Spike; thence North 06 degree 37' 45" West, a distance of 258.08 feet to a Railroad spike; thence North 05 degree 05' 21" West, a distance of 204.57 feet to an Iron Pin; thence North 05 degree 05' 14" West, a distance of 412.25 feet to a railroad Spike; thence North 05 degree 06' 02" West, a distance of 200.05 feet to a railroad Spike and The True Place of Beginning; thence North 05 degree 06' 02" West and Continuing along the centerline of Township Road No. 38 (Columbia Road), a distance of 234.98 feet to a Railroad Spike; thence South 86 degree 02' 24" East and passing an iron pin on line at 30.38 feet, a distance of 1197.68 feet to an iron pin; thence South 03 degree 26' 48" West and along the Easterly line of the above mentioned 117.50 Acre Tract, a distance of 428.93 feet to an iron pin; thence North 86 degree 04' 29" west, a distance of 802.31 feet to an iron pin; thence North 05 degree 04' 49" West and along the easterly Line of a 1.50 acre tract conveyed to Thomas O. and Ann B. Hunt, as shown of record in official Record Book No. 124, Page No. 860, a distance of 200.05 feet to an iron pin; thence North 86 degree 04' 26" West and along the Northerly line of said 1.50 acre Tract and passing an iron pin on line at 300.38 feet, a distance of 330.74 feet to the place of beginning and containing 9.983 Acres, subject to all easements and/or restrictions shown of record, also subject to all legal right-of-way.

This description prepared by Richard C. Jensen, Registered Surveyor No. 5631.

Parcel Number: 64-152970.00.007

More Commonly Known As: 7898 Columbia Road, Pataskala, OH 43062



This conveyance is subject to: 1) the lien of any installments of real estate taxes and assessments, if any not due and payable as of the date hereof, 2) restrictions, easements, conditions and reservations of record, 3) and zoning ordinances

Prior Deed Reference: Instrument #200201110001583

IN WITNESS WHEREOF the said Thomas O. Hunt has hereunto set his hand this 21 day of November, 2003.

Signed and acknowledged in presence of:

(1) _____

Thomas O. Hunt
Thomas O. Hunt

(2) _____

STATE OF OHIO,
COUNTY OF FRANKLIN, SS:

BE IT REMEMBERED, That on this 21 th day of November, 2003, before me, the subscriber, a Notary Public in and for said county, personally came Thomas O. Hunt and acknowledged the signing of the same to be his voluntary act and deed, for the uses and purposes therein mentioned.

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

[Signature]
NOTARY PUBLIC

This instrument was prepared by:

Steven H. O. Fireman
5880 Sawmill Road, Suite 100
Dublin, Ohio 43017
(614)792-3640

TRANSFERRED
Date December 9, 2003
[Signature]
Licking County Auditor



RHONDA McINTYRE
Notary Public, State of Ohio
My Commission Expires 03-09-04
Section 147.03

SEC.319.202 COMPLIED WITH
J. TERRY EVANS, AUDITOR
BY *[Signature]* 606



TOWNSHIP ROAD NO. 38

COLUMBIA ROAD

TOWNSHIP ROAD NO. 30
REFUGEE ROAD

S 03° 26' 48" W
428.93'

9.983 ACRES

S 86° 02' 24" E
1197.68'

N 86° 04' 29" W
802.31'

THOMAS O. AND
ANN B. HUNT
O.R. 124, P.G. 860
1.5 AC.

Approved - No Plat Required
No. 89-435 Date 11/9/89
Co. Board of Health
L C P C
Co. Engineer
LICKING CO.
PLANNING COMMISSION

DAVID N. AND
PEGGY A. PHILLIPS
D.B. 745, P.G. 667
117.50 AC.

HOWARD G. AND
CLAIR N. ROBINSON
D.B. 632, P.G. 464

PLAT OF 9.983 ACRES
PART OF LOT NO. 7 IN THE FOURTH QUARTER
OF TOWNSHIP NO. 1, RANGE NO. 15, U.S.M. LANDS,
LIMA TOWNSHIP, LICKING COUNTY, OHIO.

DAVID N. PHILLIPS

JULY, 1989

1" = 200'

○ = IRON PIN
△ = R.R. SPIKE



JENSEN SURVEYING
3231 RILEY ROAD
JOHNSTOWN, OHIO
BY *Richard C. Jensen*
RICHARD C. JENSEN
REGISTERED SURVEYOR, NO. 7831

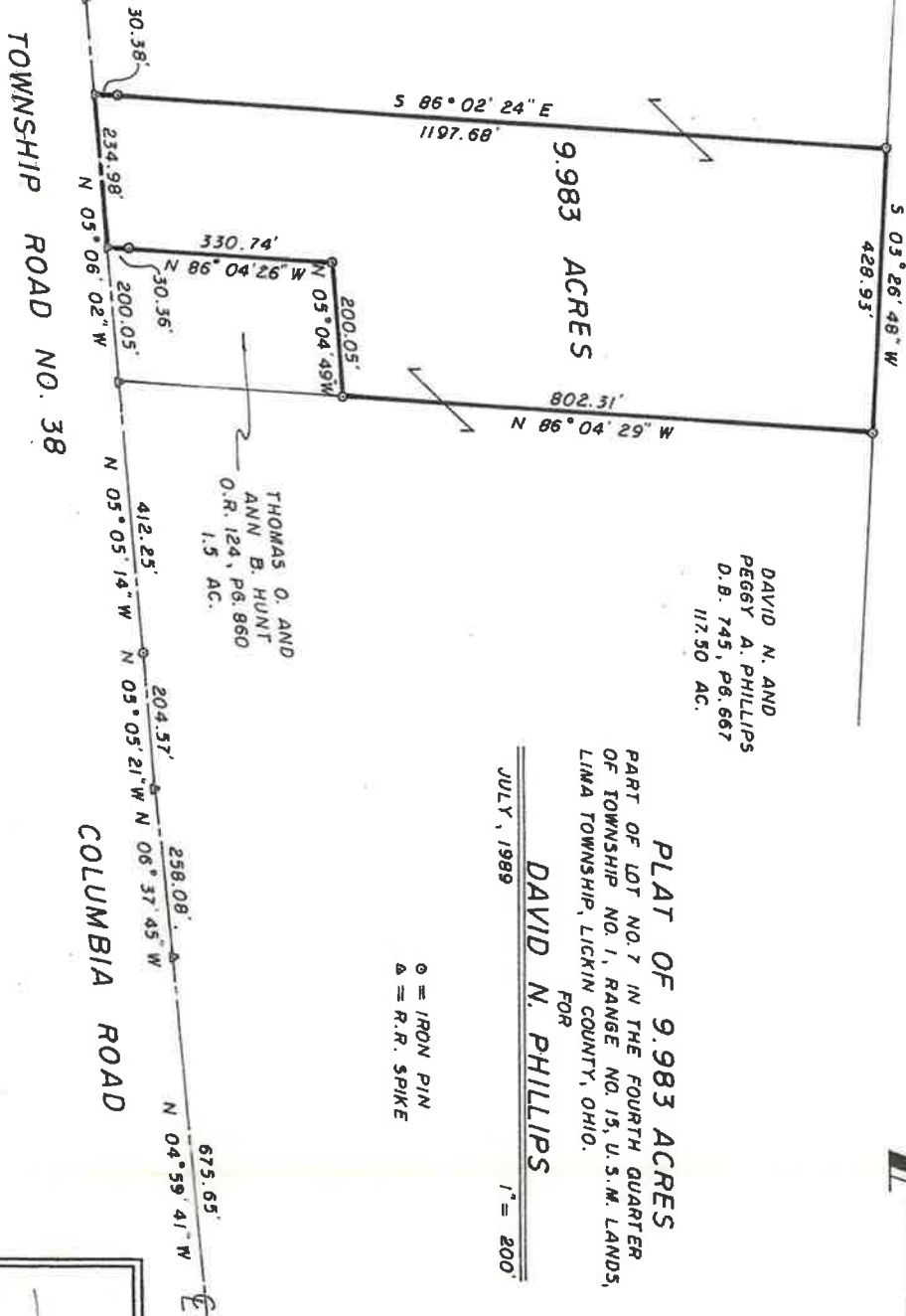


89-89

TOWNSHIP ROAD NO. 38

COLUMBIA ROAD

TOWNSHIP ROAD NO. 30
REFUGEE ROAD



#8

JENSEN SURVEYING
3231 RILEY ROAD
JOHNSBURGH, OHIO

BY *Richard C. Jensen*

RICHARD C. JENSEN
REGISTERED SURVEYOR NO. 5931





Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Taxes Due July 2024
BOR CAUV



License



Downloads



Forms



GIS



Homestead



Taxes



Other

Map

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Card

CAUV

Documents

Land

Map

Parcel

Pictometry

Sketch

Street View

Structures

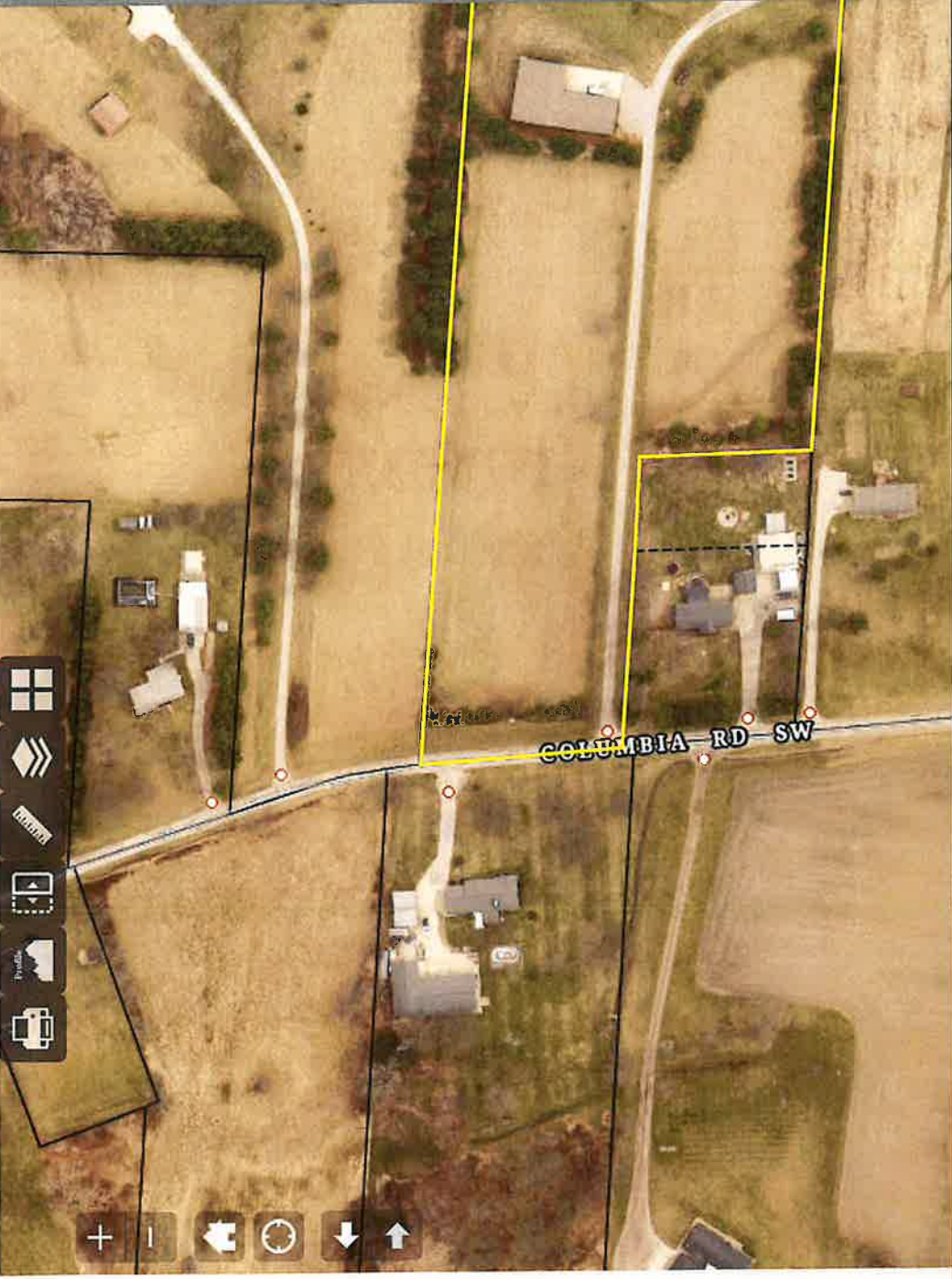
Taxes

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FIND YOUR PARCEL

Owner: Trouble Searching?

064-152970-00.007
WALTHER ANDREW & PATRICIA A
 7899 COLUMBIA RD
 PATASKALA, OH 43062

Acres: 9.98
 LOT 7 9.983 AC.

Land: \$112,600
 Improv: \$404,200
 Total: \$516,800

Transfer Date: 12/09/2003
 Amount: \$303,000
 Conveyance: 04782
 Valid Sale: Yes

Homestead: **Yes**
 Owner Occ: **Yes**
 Foreclosure: 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**.