



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

March 14, 2023

Variance Application VA-23-003

Applicant:	Curtis Hayman – Milmar Buildings
Owner:	Ryan Nicol
Location:	3750 Alward Road SW, Pataskala, OH 43062 (PID:063-140922-00.001)
Acreage:	+/- 4.5-acres
Zoning:	AG - Agricultural
Request:	Requesting approval of a Variance from Section 1221.05(C)(2) of the Pataskala Code to allow for an increase in height of eight (8) feet over the maximum of 25-feet for an Accessory Building on a lot greater than two (2) acres.

Description of the Request:

The Applicant is seeking approval of a Variance from Section 1221.05(C)(2) of the Pataskala Code in order to allow for the construction of an Accessory Building which will exceed the maximum height of 25-feet by eight (8) feet.

Staff Summary:

The 4.5-acre property located at 3750 Alward Road SW is currently occupied by a 3,783-square foot single-family home built in 1995. Access to the property is via an asphalt driveway onto Alward Road SW. Utilities are in the form of a private well and private septic system.

As proposed, the Applicant would like to construct an Accessory Building, 40-feet by 30-feet (or 1,200-square feet) in size, behind the existing house. The proposed structure will be set back from the south side property line 36-feet, and 186-feet from the front property line, and have a total height of 33-feet. Pursuant to Section 1221.05(C)(2) of the Pataskala Code, the maximum height for accessory structures on lots greater than two (2) acres is 25-feet.

According to the Narrative Statement as submitted by the Applicant, the request is being made to allow the roof pitch of the proposed structure to match that of the existing house. Further stated, the Applicant believes that the requested Variance will not substantially alter the character of the neighborhood, will not impair the use or development of adjacent property, and that the Property Owner purchased the property without knowledge of the zoning restriction.

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

As mentioned above, Section 1221.05(C)(2) of the Pataskala Code states that Accessory Structures on lots greater than two (2) acres shall not exceed 25-feet. As proposed, the accessory building has a total height of 33-feet. Therefore; the Variance request is for an increase of eight (8) feet in the allowable height, or a 32% increase.

As proposed, the other aspects of the proposed structure (setbacks, size, location) meet the requirements of Pataskala Code. Should this request be approved, the Applicant will need to apply for and receive an approved Accessory Building Permit to construct the building.

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	Former Highlands Golf Course
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-23-003:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- Licking County Health Department – No comments.
- 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(C)(2) of the Pataskala Code for variance application VA-23-003 ("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: 3750 Alward Rd. SW	
Parcel Number: 063-140922-00.001	
Zoning: Ag	Acres: 4.5
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-23-003
Fee: \$300.00
Filing Date: 2-17-2023
Hearing Date: 3-14-2023
Receipt Number: 001006

Applicant Information		
Name: Milmar Buildings Curtis Hayman		
Address: 7657 IN-2		
City: LaPorte	State: IN	Zip: 46350
Phone: (815) 295-7836	Email: curtis@milmarbuildings.com	

Documents
<input type="checkbox"/> Application
<input type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input type="checkbox"/> Deed
<input type="checkbox"/> Area Map

Property Owner Information		
Name: Ryan Nicol		
Address: 3750 Alward Rd. SW		
City: Pataskala	State: OH	Zip: 43062
Phone: (210) 284-9922	Email: rnicol73@gmail.com	

Variance Information
Request (Include Section of Code): 1-221.05 (C)(1) Increase allowed height to 33'
Describe the Project: Requesting height increase for the new building to match the look of the home

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; Yes*
 - 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; No*
 - 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:

2-17-23

Property Owner (Required):

See attached

Date:

Jack Kuntzman

From: Ryan Nicol <rnicol73@gmail.com>
Sent: Friday, February 17, 2023 2:20 PM
To: Jack Kuntzman
Subject: 3750 Alward SW Barn Variance

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.

Hi Jack,
I had Milmar buildings stop in today to fill out a form to be included in the 3/14 meeting to approve a barn height variance at 3750 Alward Rd. SW Pataskala OH, 43062.

He indicated that I needed to email you to verify identify and confirm that I requested Milmar to complete the application on my behalf.

Please let me know if you need anything else.

Thank you,
Ryan Nicol

AMANDA NICOL -- 3750 ALWARD RD SW

EPIN: 0115PA00100000057000
 AUDITOR'S PIN: 63140922000001
 OWNER 1: AMANDA NICOL
 OWNER 2: RYAN NICOL
 OFFICIAL RECORD: 202205050011302
 TAX ACREAGE: 4.528
 PLATTED LOT #: N/A
 NON-PLATTED LOT #: N/A
 STREET NUMBER: 3750
 STREET NAME: ALWARD RD SW
 DEED ACREAGE: 0

property

Survey

Septic field

NICOL AMANDA
 NICOL RYAN
 202205050011302
 TD = 4.528

Well

Existing house

368'

Proposed 30x40 pole barn

36'

186'

48'

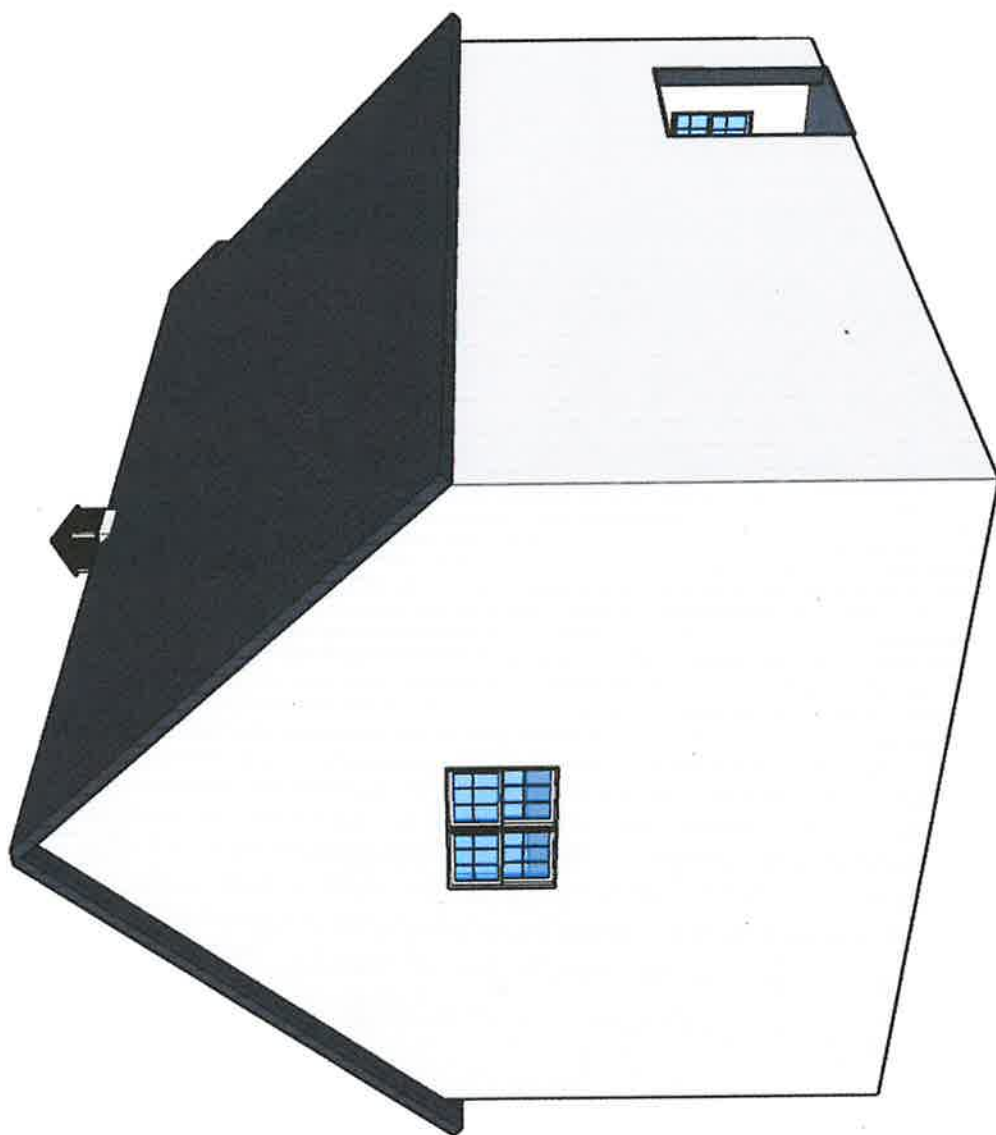
87'

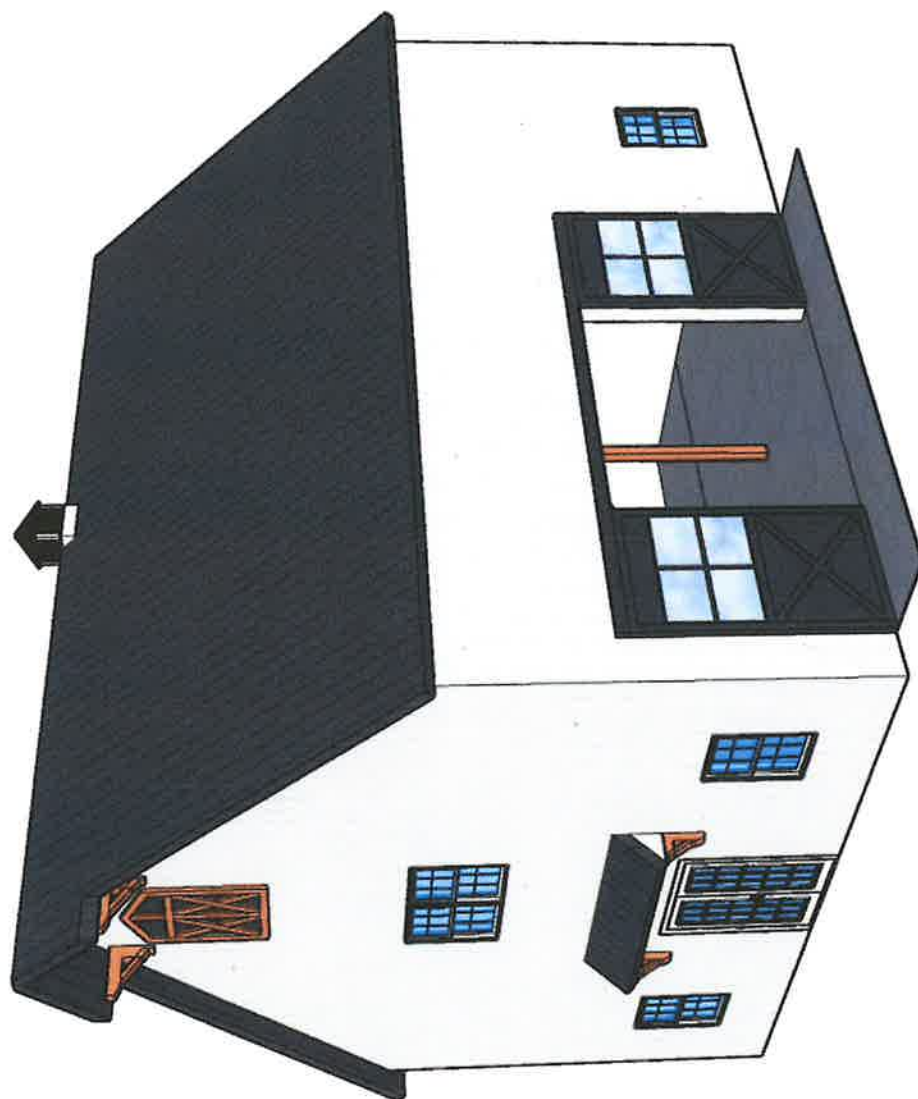
240'

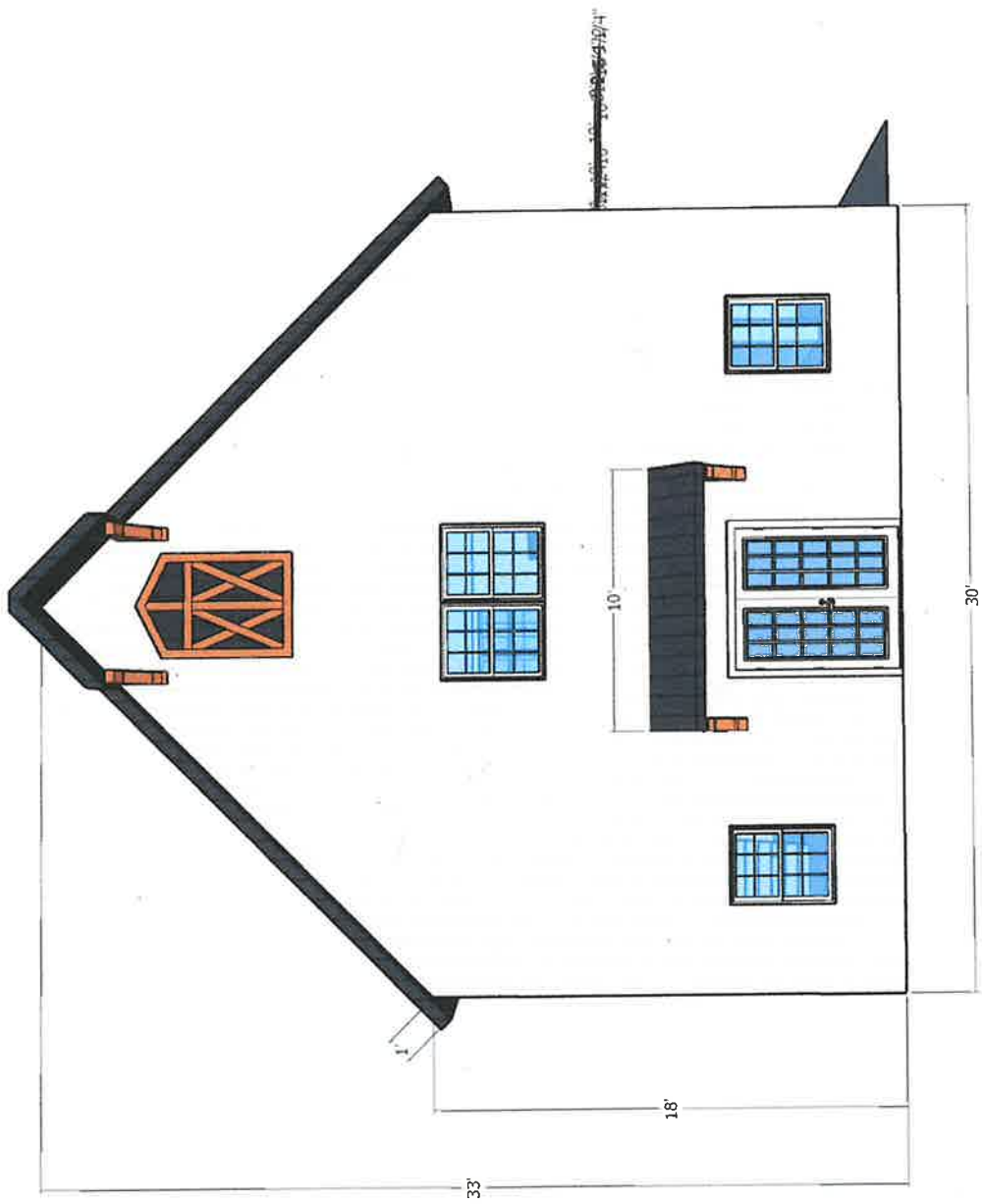
Existing drive

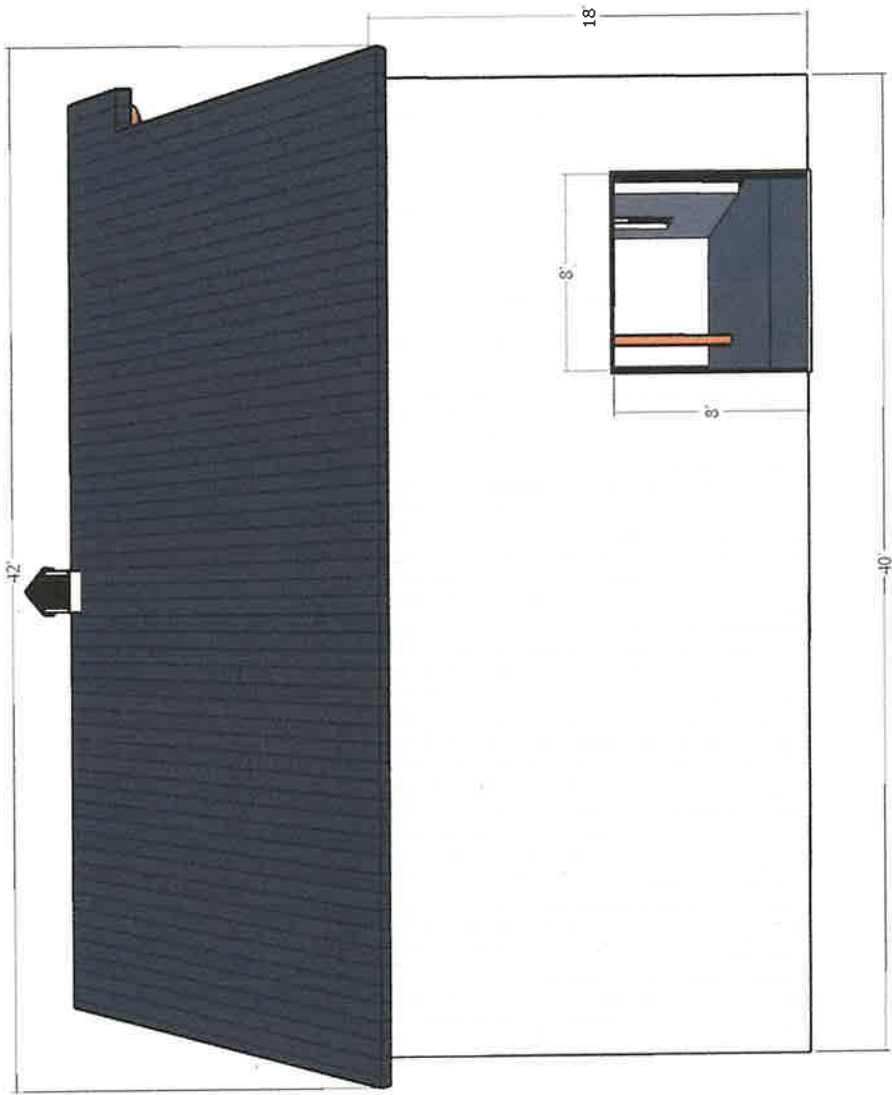
MICHAEL TR. JANK

08031-0778
 TD=10









DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JR May 05, 2022
0115PA0010000057000

TRANSFERRED

May 05, 2022
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 2985.00

InstrID:202205050011302	5/5/2022
Pages:2	F: \$34.00
Bryan A. Long	T20220011724
Licking County Recorder	

File No.: 1616617

GENERAL WARRANTY DEED

John J. Haidet and Catherine A. Dean-Haidet, married to each other, for valuable consideration paid, grants with general warranty covenants to Amanda Nicol and Ryan Nicol,

for and during their joint lives, remainder in fee simple to the survivor of them, whose tax mailing address is: 105 Progressive Dr, Columbus Grove, OH 45830
the following Real Property:

See Exhibit "A" attached hereto and made a part hereof.

Parcel No. 063-140922-00.001

Property Address: 3750 SW Alward Road, Pataskala, OH 43062

Prior Instrument Reference: Book 443, Page 129 of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.

Executed this 2 day of MAY, 2022.

J. H. Haidet
John J. Haidet

Catherine A. Dean Haidet
Catherine A. Dean-Haidet

Stewart Title Company
259 W. Schrock Road
Westerville, OH 43081

1062

State of Ohio
County of Franklin

This foregoing instrument was acknowledged before me this 2 day of May, 2022
by John J. Haidet and Catherine A. Dean-Haidet.



Xanath L. Van Frayen
Notary Public-State of Ohio
My Commission Expires
April 6, 2024

[Signature]
Notary Public
My Commission Expires:

This is an acknowledgment clause, no oath or affirmation was administered to the signer(s).

This instrument was prepared by:
Joe Budde, Attorney at Law
259 W Schrock Rd
Westerville, OH 43081

EXHIBIT "A" **LEGAL DESCRIPTION**

Situated in the State of Ohio, County of Licking and Township of Lima now known as City of Pataskala:

Being situated in Lot Eight (8), Range Fifteen (15), Township One (1), Quarter Township One (1), United States Military Lands, Lima Township, Licking County, State of Ohio and being part of that land of record in Deed Volume 769, Page 643, in the Licking County Recorder's Office and being more particularly described as follows;

Beginning for reference at a point in the centerline of Alward Road (Township Road 94) at the Southeast corner of Lot 8; thence North 00 degrees 25 minutes 41 Seconds East along the East line of Lot 8, the centerline of Alward Road, a distance of 800.00 feet to a point and being the true place of beginning;

Thence from the true place of beginning North 88 degrees 34 minutes 27 Seconds West along the northerly boundary of Anthony S. and Linda S. Gugliemotto (O.R. 126 P. 600) a distance of 841.40 feet to a 1/2 inch iron pin set;

thence North 01 degrees 25 minutes 33 seconds East a distance of 57.34 feet to a 1/2 inch iron pin set;

thence North 89 degrees 41 minutes 31 Seconds East a distance of 223.27 feet to a 1/2 inch iron pin set;

thence North 12 degrees 23 minutes 15 seconds East a distance of 256.18 feet to a 1/2 inch iron pin set;

thence South 86 degrees 59 minutes 13 seconds East a distance of 564.51 feet (passing over a 1/2 inch iron pin set at 534.51 feet) to a RR Spike set in the centerline of Alward Road;

thence South 00 degrees 25 minutes 41 seconds West along the centerline of Alward Road, the east line of Lot 8, a distance of 300.00 feet to the place of beginning - containing 4.528 acres, more or less.

Subject to all legal right-of-way of previous record.

The above description was prepared from a survey made by me, Samuel W. Vance, Registered Surveyor No. 6553 in March, 1992. Bearing basis assumed.

Parcel No. 063-140922-00.001.

