



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

April 11, 2023

Variance Application VA-23-007

Applicant:	Mark D. Snyder Jr.
Owner:	Mark D. Snyder Jr.
Location:	12857 Havens Corners Rd SW, Pataskala, OH 43062 (PID: 063-141654-05.000)
Acreage:	+/- 0.53-acres
Zoning:	RR – Rural Residential
Request:	Requesting approval of a Variance from Section 1291.02(A)(4) of the Pataskala Code to allow for construction of a gravel driveway expansion in a platted subdivision.

Description of the Request:

The Applicant is seeking approval of a Variance from Section 1291.02(A)(4) of the Pataskala Code to allow for a gravel driveway to be within a Platted Subdivision.

Staff Summary:

The 0.52-acre property located at 12857 Havens Corners Road SW is currently occupied by a 2,354-square foot single-family home built in 1987, and a 900-square foot accessory building built in 2022. Access to the property is via an asphalt driveway to the property's only frontage on Havens Corners Road SW to the north. The property is Lot 5 of the Skyline Country Estates subdivision, platted in 1972. The existing accessory building had to receive a Variance in 2022 (VA-22-022) as it exceeds the maximum square footage permitted on the lot.

As proposed, the Applicant intends to install a gravel driveway extension, 12-feet-wide, from the existing asphalt driveway and around the west side of the house back to the existing accessory building. Around the structure itself, the Applicant would like to lay down a 20-foot-wide gravel pad on the both the north and west sides of the accessory building. Pursuant to Section 1291.02(A)(4) of the Pataskala Code, all driveways within platted subdivisions shall be of concrete, asphalt, or pavers. Gravel is not a permitted paving material.

According to the Narrative Statement as submitted by the Applicant, they believe there are no physical circumstances that would prevent them from building a driveway per code, but that an asphalt or concrete driveway would be unrealistic, expense wise. Further stated, they do not believe the request is substantial and would not alter the essential character of the neighborhood. The Applicant also stated that at the time of purchase (2017), they were unaware of the zoning restrictions.

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

As mentioned above, Section 1291.04(A)(4) of the Pataskala Code requires that driveways within a Platted Subdivision shall be paved with asphalt, concrete, or pavers. As this lot, number 5 of the Skyline Country Estates Subdivision, is platted; any new or expanded driveway must meet these requirements.

There are existing gravel driveways within this subdivision, however, as they either existed prior to the adoption of this code they are ‘grandfathered’ in, or the owners received a Variance(s) to allow them. In this case, as a new driveway is being added back to the detached garage, it shall comply with the requirements of Section 1291.04(A)(4). The staff report for the previously approved Variance (VA-22-022) noted as such.

Additionally, pursuant to Section 1121.13 of the Pataskala Code, driveways shall be located not less than three (3) feet from a side lot line. As proposed, the Applicant would be adding 20-feet of gravel surface driveway along the west face of the building, however, per the approved permit that was issued last year (#22-597), the existing accessory building is 20-feet from the west side property line. That being said, if they were to add 20-feet of gravel, they would be in violation of the aforementioned code. Only a total width of 17-feet may be added along the west of the existing building in order to be in compliance with Pataskala Code.

Should this Variance request be approved, the Applicant will need a Driveway Permit, with an appropriately detailed site plan prior to construction.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	RR – Rural Residential	Single-Family Home
East	RR – Rural Residential	Single-Family Home
South	RR – Rural Residential	Single-Family Home
West	RR – Rural 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-23-007:

- 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:

- The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code 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 1291.04(A)(4) of the Pataskala Code for variance application VA-23-007 ("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: 12857 Havens Corners Rd. SW	
Parcel Number: 063-141654-05.000	
Zoning: RR	Acres: 0.53
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

Applicant Information		
Name: Mark D. Snyder Jr.		
Address: 12857 Havens Corners Rd. SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-769-8760	Email: NavyMech04@aol.com	

Property Owner Information		
Name: Mark D. Snyder Jr.		
Address: 12857 Havens Corners Rd. SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-769-8760	Email: NavyMech04@aol.com	

Variance Information
Request (Include Section of Code): 1291.02(A)(4), I would like to request a variance to install a gravel driveway instead of blacktop or concrete.
Describe the Project: Gravel driveway connecting the new garage to the existing driveway.

Staff Use
Application Number: VA-23-007
Fee: 300
Filing Date: 3-1-23
Hearing Date: 4-11-23
Receipt Number: 001013

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

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:

3/1/23

Property Owner (Required):

Date:

3/1/23

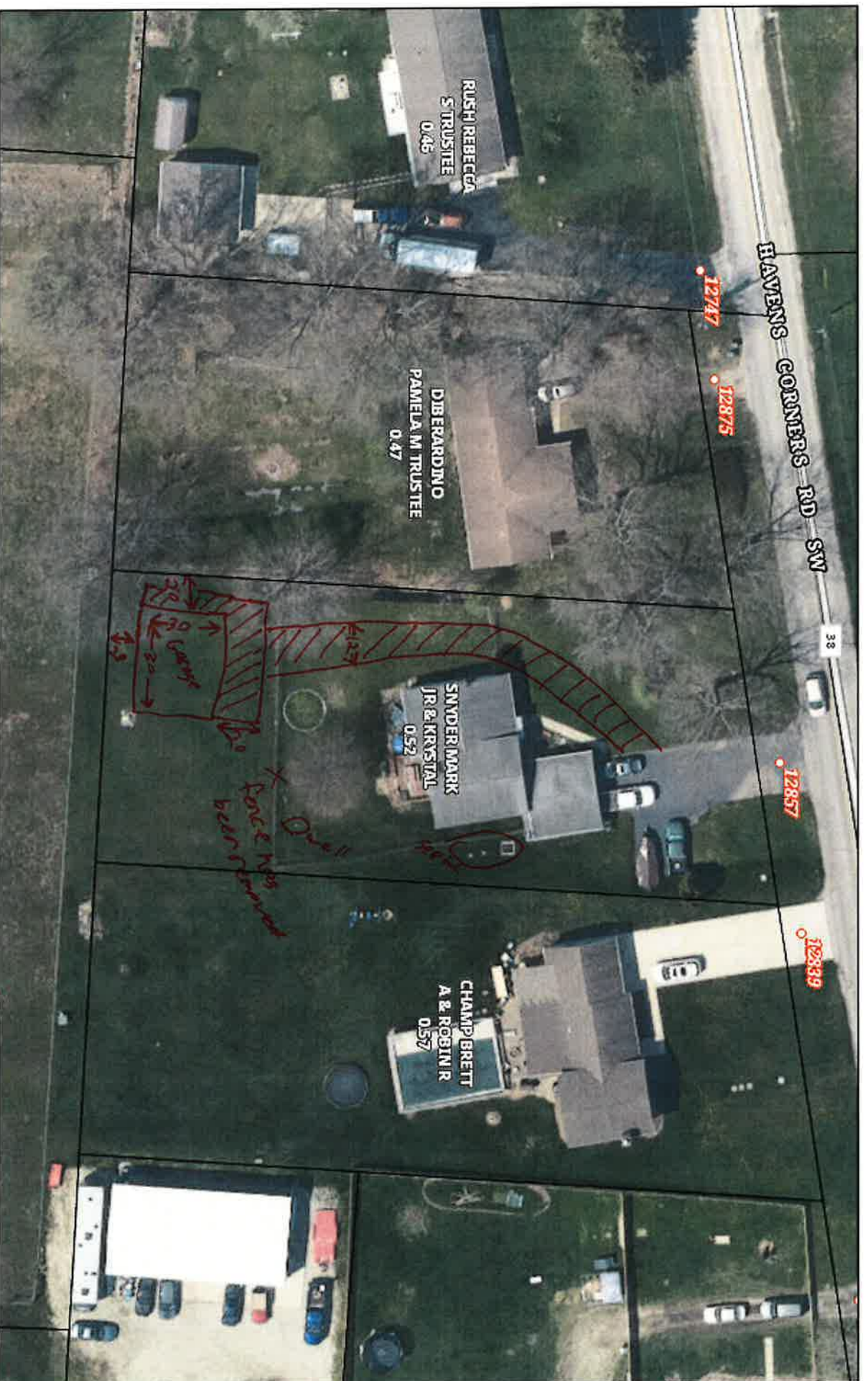
Reasons for request.

According to the regulations a driveway to my new garage must be blacktop or concrete. In today's economy, the cost of such a driveway is unrealistic for me. I would like to install a gravel driveway instead.

Below are the answers to the questions listed on the variance application:

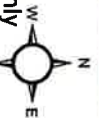
- a) Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance; **yes**
- b) Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning 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; **At the time of purchase (2017) I had no plans to build another garage.**
- 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**

OnTrac Property Map



February 28, 2023

Street Number Only



Owner Name & Acres

Centerline Labels

Interstate/US/State Route

County Road 47 Feet

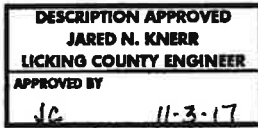
Township Road 0.01 Miles

Other Road Type



Municipal Corporations

LICKING COUNTY TAX MAP



201711130024706
Pg:2 \$28.00 T20170026311
11/13/2017 1:36 PM BX
Bryan A. Long Licking County Recorder

GENERAL WARRANTY DEED

20170383 G

KNOW ALL MEN BY THESE PRESENTS THAT JEANNIE MAE LITTLETON, Successor Trustee of THE FRANCES CHARLENE THOMPSON LIVING TRUST, dated July 7, 2017, ("Grantor"), for valuable consideration paid, grants, with general warranty covenants, to **MARK SNYDER, JR. and KRYSTAL SNYDER, husband and wife** (collectively, "Grantee"), joint with rights of survivorship, whose tax mailing address is **1400 Veterans United Drive, Columbia, MO 65203**, the following property:

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

Being Lot Number Five (5) of SKYLINE COUNTRY ESTATES SECTION 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, page 10, Recorder's Office, Licking County, Ohio.

Parcel No.: 063-141654-05.000
Prior Instrument: 201707270015770 & 201711130024705
Property Address: 12857 Havens Corners Road, Pataskala, OH 43062

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, their successors and assigns forever.

AND THE SAID GRANTOR, for herself and her heirs and assigns, hereby covenants with the said Grantee, their successors and assigns, that said Grantor is well seized of the same in **FEE SIMPLE**, and has good right and full power to bargain, sell and convey the same in the manner of aforesaid, and that the same is **free from all encumbrances whatsoever**, except restrictions, conditions, reservations, and easements of record, zoning ordinances, if any, and taxes and assessments prorated to the date of transfer, and that she will **Warrant and Defend** said premises, with the appurtenances thereunto belonging, to the said Grantee, their successors and assigns, against all lawful claims and demands whatsoever.



01150741813010005000

The Grantor has hereunto executed this deed this 26th day of Oct., 2017.

Jeannie Mae Littleton, Successor Trustee
JEANNIE MAE LITTLETON,
 Successor Trustee

STATE OF OHIO)
Franklin) ss
 COUNTY)

BEFORE ME a notary public in and for said county and state, personally appeared the above-named **JEANNIE MAE LITTLETON, Successor Trustee of THE FRANCES CHARLENE THOMPSON LIVING TRUST, dated July 7, 2017**, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Grandview, Ohio this 26 day of Oct, 2017.

Tammy Darst
 Notary Public



TAMMY DARST
 Notary Public, State of Ohio
 My Commission expires May 8, 2021

THE DRAFTER OF THIS DEED DOES NOT REPRESENT THE PARTIES TO THIS TRANSACTION. ALL PARTIES ARE ADVISED TO CONSULT THEIR RESPECTIVE ATTORNEYS PRIOR TO ACCEPTING OR SIGNING THIS DEED. In addition the drafter of this deed did not perform a title search of the property.

This Instrument prepared by: Donofrio Law, LLC, Marie C. Donofrio, Esq, P.O. Box 310 Powell, Ohio 43065

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

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?

FIND YOUR PARCEL

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Route: Searching?

165-117-0000-0000

SNYDER MARK JR & KRYSTAL

12857 HAVENS CORNERS RD

PATASKALA, OH 43062

Acres: 0.70

ECI: 1.50

ECI: 1.50

Land: 0.70

Improvement: 0.70

Total: 0.70

Transfer Date: 11/11/2011

Amount: \$ 1,100,000

Conveyance: 11/11/2011

Valid Sale: 11/11/2011

Homestead: No

Owner Occ: Yes

Foreclosure: No

Certified Delin: No

On Contract: No

Bankruptcy: No

Tax: 11/11/2011

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 [responsive design](#).