



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 9, 2023

Variance Application VA-23-010

Applicant:	William Zeigler
Owner:	William Zeigler
Location:	132 Sims Road SW, Pataskala, OH 43062 (PIDs: 063-144528-00.000, 063-144522-00.000, and 063-144528-00.000)
Acreage:	+/- 2.1-acres total
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of two (2) Variances. The first, from Section 1221.05(D)(4) to allow for the construction of an Accessory Building on a lot which does not have a principal structure. The second, from Section 1221.05(E)(1) to allow for said Accessory Building to have a 0-foot side yard setback.

Description of the Request:

The Applicant is seeking approval of two (2) Variances. The first, from Section 1221.05(D)(4) to allow for the construction of an Accessory Building on a lot which does not have a Principal Structure. Second, from Section 1221.05(E)(1) to allow for said Accessory Building to have a reduced side yard setback from 5-feet to 0-feet.

Staff Summary:

The Applicant owns three (3) adjacent lots, being Lots 9, 10, and 11 of the Sims Gardens Subdivision. A summary of all lots, from west to east, is below:

- Lot 9 Sims Gardens (PID: 063-144528-00.000)
 - 0.7-acres
 - Zoned R-87 – Medium-Low Density Residential
 - Vacant, unoccupied lot.
- Lot 10 Sims Gardens (PID: 063-144516-00.000)
 - 0.7-acres
 - Zoned R-87 – Medium-Low Density Residential
 - Occupied by a 1,344-square foot single-family home built in 1967.
 - Access via existing concrete driveway with turn-around in front of garage.
- Lot 11 Sims Gardens (PID: 063-144522-00.000)
 - 0.7-acres
 - Zoned R-87 – Medium-Low Density Residential
 - Vacant, unoccupied lot.

As proposed, the Applicant would like to construct an Accessory Building, 16-feet by 34-feet (or 544-square feet) in size. The proposed building would be on Lot 9, directly adjacent to the existing concrete turn-around, and approximately three (3) feet from the east side property line of Lot 9. Pursuant to Section 1221.05(E)(1) of the Pataskala Code, Accessory Structures on Lots less than two (2) acres shall be set back from the side and rear property lines a minimum of five (5) feet. The proposed structure would

be set back approximately 88-feet from the front yard property line on Sims Road SW. Additionally, Section 1221.05(D)(4) of the Pataskala Code states that an Accessory Structure shall not be located on a lot without a principal structure.

According to the Narrative Statement as submitted by the Applicant, the Applicant believes that the requested variance is in fact substantial, but that the request, if granted, will not alter the essential character of the neighborhood or be detrimental to the public welfare. Further stated, the Applicant believes that the request being granted would observe the spirit and intent of the zoning requirement and that they 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(E)(1) of the Pataskala Code states that on lots less than two (2) acres in size, Accessory Buildings shall be set back from side and rear property lines a minimum distance of five (5) feet. As the Applicant intends to construct the Accessory Building at the end of their existing driveway turn-around, that distance is approximately three (3) feet. Therefore, the variance request is for a reduction in the side yard setback a distance of two (2) feet, or a 40% decrease.

Additionally, Section 1221.05(D)(4) states that an Accessory Structure shall not be located on a lot without a principal structure. The Applicant owns three (3) adjacent lots, with the principal structure being located on Lot 10. As the proposed structure is on Lot 9, which does not have an existing principal structure, a Variance is requested.

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	R-87 – Medium-Low Density Residential	Single-Family Home
East	R-87 – Medium-Low Density Residential	Single-Family Home (under construction)
South	R-87 – Medium-Low Density Residential	Single-Family Home (under construction)
West	R-87 – Medium-Low Density 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-23-010:

- 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 variances from Section 1221.05(D)(5) and Section 1221.05(E)(1) of the Pataskala Code for variance application VA-23-010 ("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: 132 Sims Rd SW Pataskala Ohio 43062	
Parcel Number: 063-144528-00.000	
Zoning: R87	Acres: 0.7
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-23-010
Fee: 300
Filing Date: 3-21-23
Hearing Date: 5-9-23
Receipt Number: 001035

Applicant Information		
Name: William Zeigler		
Address: 132 Sims Rd SW Pataskala Ohio		
City: Pataskala	State: OHIO	Zip: 43062
Phone: 740 974 0915	Email: williamzeigler9837@gmail.com Michael William 9837@gmail.com	

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

Property Owner Information		
Name: William Zeigler		
Address: 132 Sims Rd SW		
City: Pataskala	State: OHIO	Zip: 43062
Phone: 740 974 0915	Email: williamzeigler9837@gmail.com Michael William 9837@gmail.com	

Variance Information
Request (Include Section of Code): 1221.05 (D)(1) + (E)(1)
Describe the Project: 16X36 GARAGE ON EDGE OF DRIVEWAY

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:
 - YES* 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;
 - NO* 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;
 - YES* 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;
 - YES* 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.
- 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:

3/21/2023

Property Owner (Required):



Date:

3/21/2023



ZEIGLER
WILLIAM M
0.7



ZEIGLER
WILLIAM M
0.7

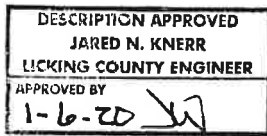


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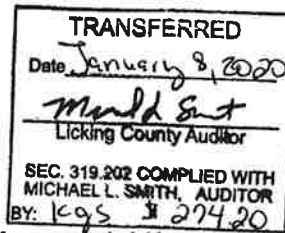


ZEIGLER
WILLIAM M
0.7





QUIT CLAIM DEED



KNOW ALL PERSONS BY THESE PRESENTS, THAT: **Sara Miller**, unmarried (the "Grantor" herein), for a valuable consideration paid, does hereby grant, convey, release and forever quit-claim to **William M. Zeigler** (the "Grantee" herein), my/our entire right, title and interest in the following described real property (herein called the "Property"), whose tax mailing address is: P.O. Box 117298, Carrollton, TX 75011,:

See Attached Exhibit "A"

Parcel No. 063-144516-00.000, 063-144522-00.000 and 063-144528-00.000
Property Address: 132 Sims Road SW, Pataskala, OH 43062

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

The Prior Instrument Reference as to the Property is Instrument Number 201911260026422 Recorder's Office, Licking County, Ohio.

Executed on this 17 day of December, 2019

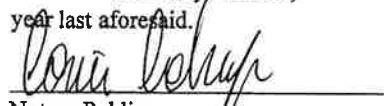

Sara Miller



STATE OF Ohio, COUNTY OF Licking, SS:

The foregoing instrument was acknowledged before me this 17th day of December, 2019, by Sara Miller, unmarried, the Grantor(s), and that the same was her free act and deed.

In testimony whereof, I have hereunto set my name and official seal at on the day and year last aforesaid.


Notary Public
My Commission Expires June 26th 2024



This Instrument was prepared by: Under direction of Grantor.



EXHIBIT "A"

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

Being Lot Numbers Nine (9), Ten (10) and Eleven (11), in SIMS GARDENS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 107, Recorder's Office, Licking County, Ohio.



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01150734807107007000



FIND YOUR PARCEL

Address Search

Trouble Searching?



063-144528-00 000
ZEIGLER WILLIAM M
132 SIMS RD
PATASKALA, OH 43062

Acres: 0.70
LOT 9 SIMS GARDENS

Land: \$23,300
Improv: 50
Total: \$23,300

Transfer Date: 01/08/2020
Amount: 591.250
Conveyance: 63
Valid Sale: No

Homestead: No
Owner Occ: No

Foreclosure: No
 Certified Delq: No
 On Contract: No
 Bankruptcy: No
 Tax Lien: No