



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

June 13, 2023

Conditional Use Application CU-23-004

Applicant:	John Luebbe III, Connie Luebbe
Owner:	John Luebbe III, Connie Luebbe
Location:	Lot 13, Beeson's Subdivision, North End Drive, Pataskala, OH (PID:064-311172-00.000)
Acreage:	+/- 0.194-acres
Zoning:	R-15 – Medium-High Density Residential
Request:	Requestion approval of a Conditional Use pursuant to Section 1233.04(7) in order to allow for a two-family dwelling.

Description of the Request:

Requestion approval of a Conditional Use pursuant to Section 1233.04(7) in order to allow for a two-family dwelling to be constructed on Lot 13.

Staff Summary:

The 0.194-acre property located at the northeast corner of the intersection of North End Drive and 3rd Avenue to currently vacant and undeveloped. It is Lot 13 of the Beeson's Subdivision and is an existing non-conforming lot as it does not meet the minimum requirements of the R-15 – Medium-High Density Residential zoning district; that being a minimum lot width of 100-feet, and a minimum lot size of 15,000-square feet (currently: 65-foot lot width, and 8,450.64-square feet).

The Applicant is proposing to construct an attached two-family dwelling on the lot. As shown on the provided site plan, the structure on Lot 13 (southernmost lot) will be set back from the front (east) property line a distance of 35-feet, 15-feet from the front (south) property line, approximately 8.25-feet from the side (north) property line, and an unknown distance from the rear (west) property line (although per plan, it is outside the required 25-feet setback). Pursuant to Section 1233.04(7) of the Pataskala Code, two-family attached dwellings are a Conditional Use in the R-15 zoning district.

Each unit will have its own private driveway onto North End Drive, along with a side patio to be enclosed by a fence and/or wall. The structures themselves will not have a basement, and both units are to be three (3) bedroom units with approximately 1,548-square feet of living area with a one (1) car garage.

According to the Narrative Statement as submitted by the Applicant, within the existing Beeson's Subdivision, there are a mix of single-family and two-family dwellings, with three (3) existing two-family structures (6 units total). The Applicant believes that the requested use will not be detrimental to the public welfare, will have vehicular approaches designed not to create interference with traffic on surrounding public thoroughfares, and that the requested use will be harmonious in appearance with the surrounding neighborhood given the existing uses already present.

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

As mentioned above, Section 1233.04(7) of the Pataskala Code identifies Two-Family Attached Dwellings as a Conditional Use in the R-15 – Medium-High Density Residential zoning district.

For the proposed unit of Lot 13, a total of four (4) variances will be needed including two (2) for setbacks, as the lot is narrower than that required by current Pataskala Code, and because it is a corner lot. These Variances have been applied for and are including in Variance Application VA-23-012 (also on the agenda).

Should the Conditional Use and Variance Applications be approved, the Applicant will need to apply for a New Residential Construction Permit, and include the overall height of the structure, driveway width, driveway approach width, etc. on the site plan in order for that permit to be approved. Additionally, pursuant to Chapter 1294 of the Pataskala Code, Impact Fees would apply to the construction of these dwellings.

As this is a Conditional Use, pursuant to Section 1215.09 of the Pataskala Code, the approved use must be carried out within six (6) months of the date of approval. The Applicant may request one (1) further six (6) month extension before a re-submittal is required.

Pataskala Utilities Director (Full comments attached)

Follow all City of Pataskala construction specs.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-15 – Medium-High Density Residential	Vacant (Proposed Two-Family Attached)
East	R-15 – Medium-High Density Residential	Single-Family Home
South	R-7 – Village Single-Family Residential	Single-Family Home
West	R-15 – Medium-High Density Residential	Single-Family Home

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
- 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*
- 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*

4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-23-004:

- 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 address all comments from the Planning and Zoning Department, and Pataskala Utilities.
2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.

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 Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-23-004 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Trent Howell](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#)
Subject: RE: Pataskala BZA Review Memo for 06-13-2023
Date: Thursday, May 25, 2023 1:46:53 PM
Attachments: [image001.png](#)

Comments below in red

Thank you,

Trent Howell
City of Pataskala
Acting Utility Director
430 S Main Street
thowell@ci.pataskala.oh.us
Office: (740) 927-4134

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, May 16, 2023 10:44 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Jim Roberts <jroberts@verdantas.com>; Trent Howell <thowell@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Kevin Miller <kevin.miller@lhschools.org>; laitken@lhschools.org; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>; Scott Morris <smorris@lickingcohealth.org>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala BZA Review Memo for 06-13-2023

Good Morning Everyone,

You are receiving this email because one or more of the Application(s) submitted for the **June 13, 2023** Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-23-011: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

VA-23-012: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

CU-23-004: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

Follow all City of Pataskala Construction Specs

VA-23-013: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

CU-23-005: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

VA-23-014: Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, Scott Morris, Public Service Department

If you have any comments or concerns regarding these applications, please have them submitted to me **no later than Monday, June 5, 2023**. They will be included in the Staff Report that is given to the Board members. If you have questions regarding these applications, feel free to contact me. A link to download the applications is below.

 [BZA Review Memo for 06-13-2023](#)

Thank you for your assistance.

JACK R. KUNTZMAN
City Planner
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062
Phone: 740-964-1316



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information	
Address: <u>Lot 13 North End Drive Pataskala.</u>	
Parcel Number: <u>064-311172-00.000</u>	
Zoning: <u>R-15</u>	Acres: <u>0.42</u>
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	

Staff Use
Application Number: <u>C4-23-004</u>
Fee: <u>300</u>
Filing Date: <u>5-9-23</u>
Hearing Date: <u>6-13-23</u>
Receipt Number: <u>001118</u>

Applicant Information		
Name: <u>John J. Luebke III</u> <u>Connie Luebke</u>		
Address: <u>401 Apple Blossom Act. SW.</u>		
City: <u>Pataskala</u>	State: <u>Ohio</u>	Zip: <u>43062</u>
Phone: <u>614-582-3632</u>	Email: <u>JJL@LuebkeCompanies.com</u>	

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

Property Owner Information		
Name: <u>SAME</u>		
Address:		
City:	State:	Zip:
Phone:	Email:	

Conditional Use Information	
Request (Include Section of Code):	<u>R-15 Conditional Use</u>
	<u>1233.04 To permit one Two-Family Residential Dwelling on each lot</u>
Describe the Project:	
<u>See Attached</u>	

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use request

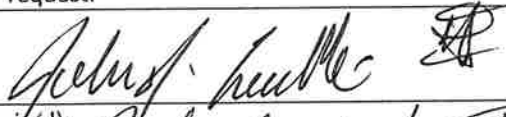
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/paxworld/>

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 conditional use request.

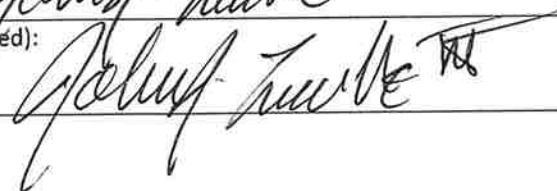
Applicant (Required):



Date:

5-9-2023

Property Owner: (Required):



Date:

5-9-2023

Conditional Use Application

Lots 13 and 22 Beeson's Subdivision

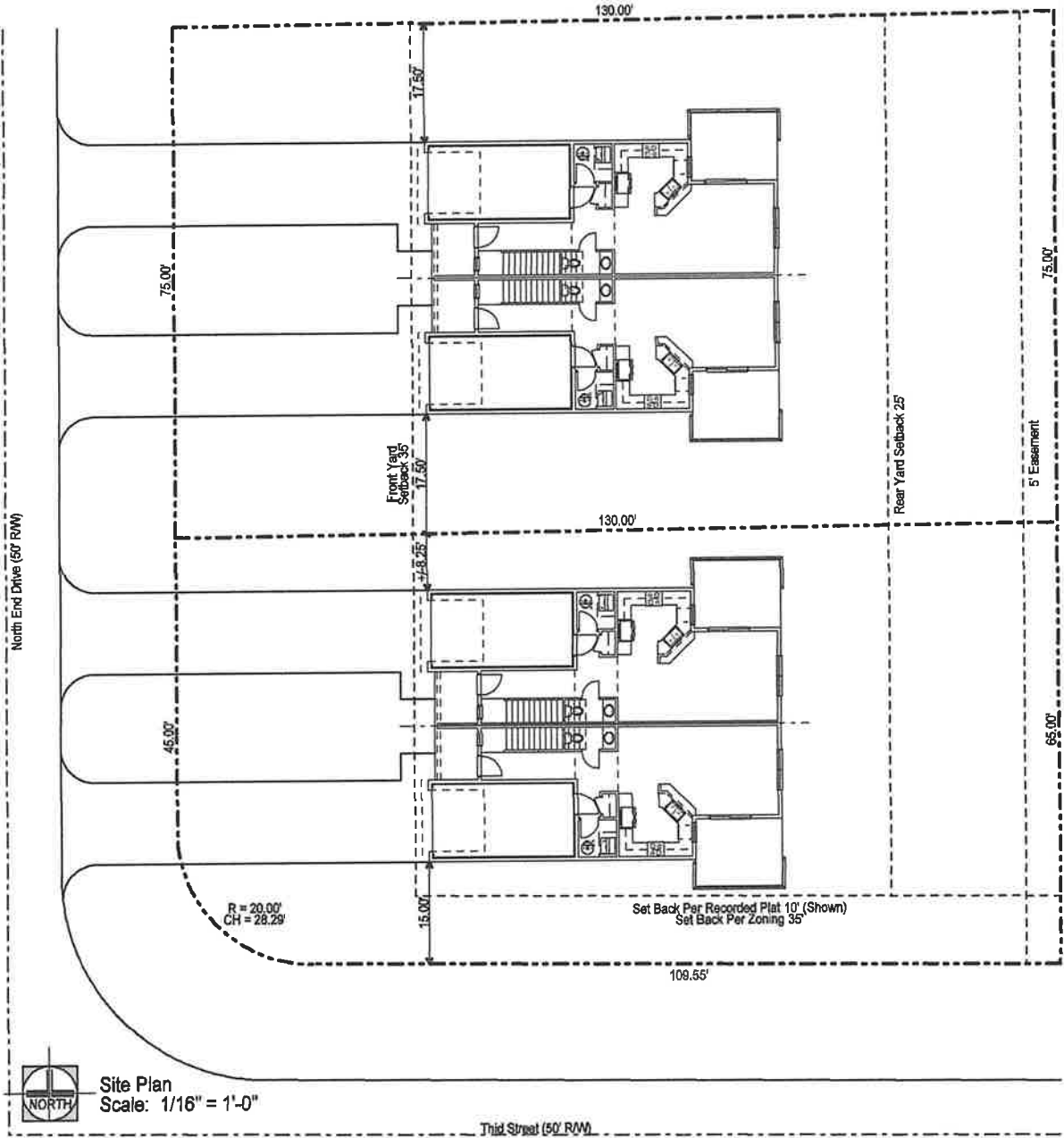
Zoned R-15

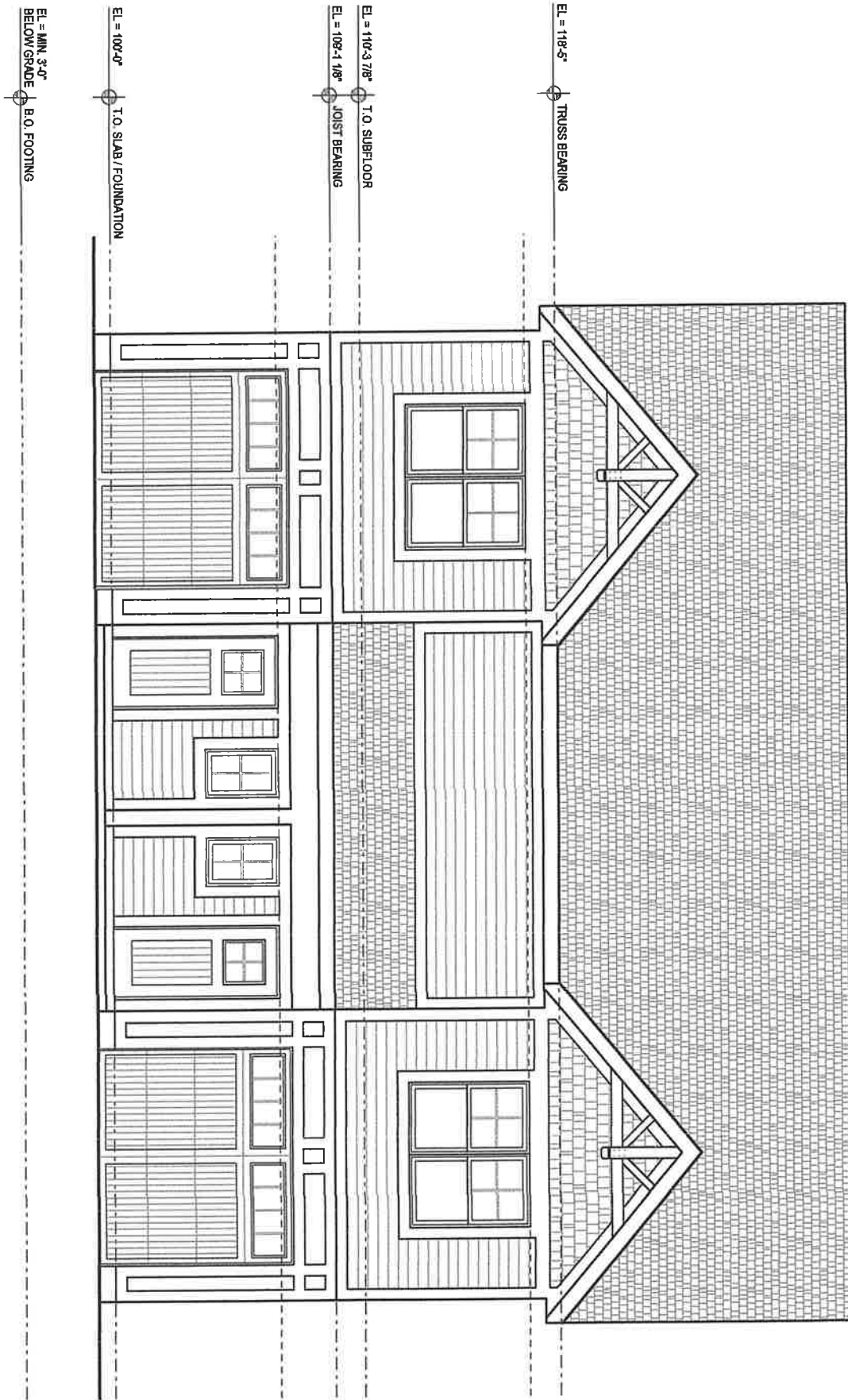
Lots 13 and 22 are Zoned R-15, which permits one two-family residential dwelling on each lot as a conditional use.

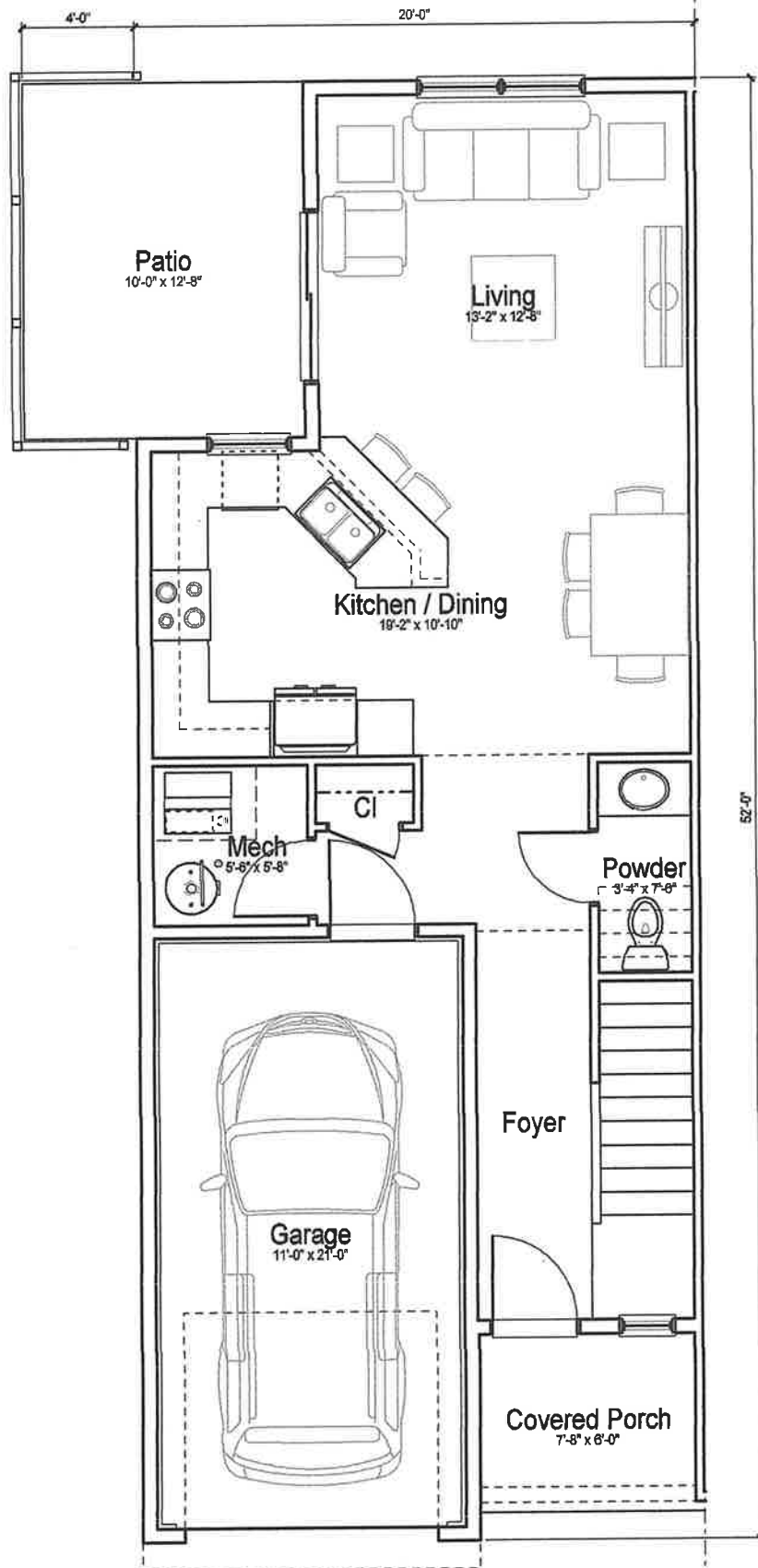
Narrative Statement:

We desire to build one two-family dwelling on lot 13 and one two-family dwelling on lot 22. R-15 permits one two-family dwelling on a lot as a conditional use (1233.04(7)).

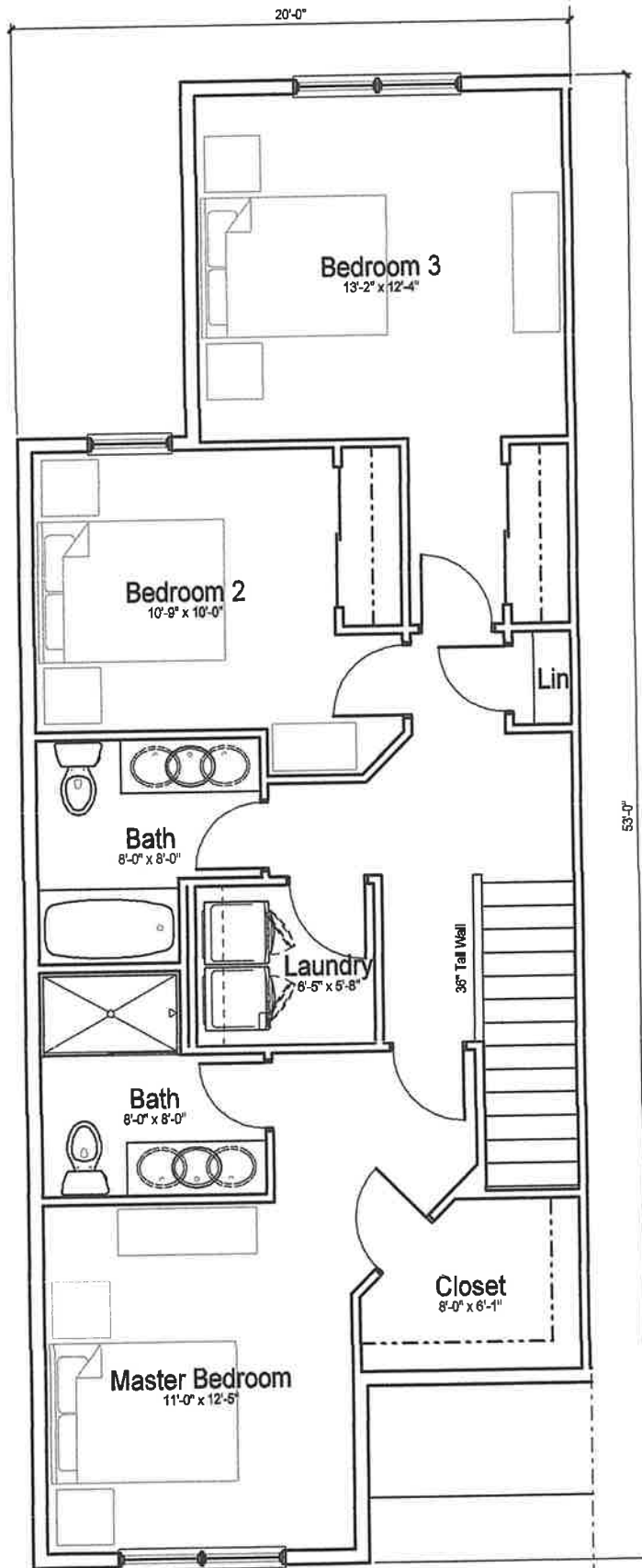
1. Lots 13 and 22 are in Beeson's subdivision where there is a mix of single family and two-family dwellings. Three (3) two-family dwellings were approved and constructed recently on Beeson Avenue to the West.
2. The residential structures are designed and will be operated, maintained, and harmonious in appearance with the neighborhood.
3. The residences will not be hazardous to neighboring residential uses.
4. Lots 13 and 22 are served by public utilities.
5. The residences will not create excessive additional requirements at public cost and will not be detrimental to the economic welfare of the community.
6. The residences will not involve uses or conditions that will be detrimental to people, property, or the general welfare.
7. Lots 13 and 22 will have vehicular approaches designed to not create interference with traffic on surrounding public thoroughfares,
8. Lots 13 and 22 were platted to be developed for residential use. The residences will not destroy or damage a natural, scenic, or historical feature of major importance.







First Floor Plan
Scale: 1/4" = 1'-0"
Area: 655 S.F.



Second Floor Plan
Scale: 1/4" = 1'-0"
Area: 893 S.F.



**KEISER
DESIGN
GROUP**

www.keiserdesigngroup.com

NE

3Townhomes

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JM Apr 03, 2023
01150584105143013000
01150584605143025000

TRANSFERRED

Apr 04, 2023
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: AB 270.00

InstrID:202304040005642	4/4/2023
Pages:3 F: \$42.00	8:47 AM
Bryan A. Long	T20230006879
Licking County Recorder	

WARRANTY DEED
By a **Limited Liability Company**
FIRST OHIO TITLE INSURANCE CO.



File 101125

KNOW ALL MEN BY THESE PRESENTS; That **Front Porch Investments, LLC**, a limited liability company organized and existing under the laws of the State of Ohio, the Grantor, for valuable consideration paid, grants, with general warranty covenants, to **John J. Luebbe, III** and **Connie S. Luebbe**, husband and wife, for their joint lives, remainder to the survivor of them, Grantee(s), whose Tax Mailing Address will be 401 Apple Blossom Road, Pataskala, Ohio 43062, the following described real property:

Situated in the State of Ohio, County of Licking, and in the City of Pataskala (formerly Lima Township) and bounded and described as follows: Being a part of Quarter Township #4, Township #1, Range #15, U.S.M. Lands, and bounded and described as follows: Being Lot Number Thirteen (13) and Twenty Two (22) of Beeson's Subdivision , as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 143 and 144, Recorder's Office, Licking County, Ohio

Parcel Number(s): 064-311172-00.000

Known as: 0 North End Drive Pataskala, OH 43062


This conveyance is subject to all taxes and assessments which are now or hereafter become liens on said premises, and is subject to all covenants, easements, restrictions, conditions, reservations, reverts, legal highways, zoning laws and ordinances, and governmental regulations, if any, of record, and all coal, oil, gas and other mineral rights and interests previously conveyed, transferred, or reserved of record.


Prior Instrument Number: Instrument Number 202102120004738 of the Records of the
Office of the Recorder, Licking County, Ohio

IN WITNESS WHEREOF, Front Porch Investments, LLC, the Grantor, has caused its name to be subscribed hereto by Randy L. Colvin, Jr., Erin C. Gervais, Michael J. Kirkwood, Robert H. Nash, III and Latrenda L. Thompson, its Authorized Members.

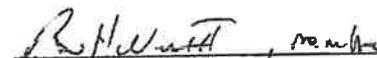
Signed and acknowledged:

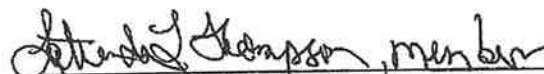
Front Porch Investments, LLC


By: Randy L. Colvin, Jr., Authorized Member


By: Michael J. Kirkwood, Authorized Member


By: Erin C. Gervais, Authorized Member


By: Robert H. Nash, III, Authorized Member


By: Latrenda L. Thompson, Authorized Member

State of Ohio)

County of Licking) SS:

BE IT REMEMBERED, that on this 31 day of MARCH 2023, 2023, before me, the subscriber, a Notary Public in and for said state, personally came Randy L. Colvin, Jr., Erin C. Gervais, Michael J. Kirkwood, Robert H. Nash, III and Latrenda L. Thompson, Authorized Members of Front Porch Investments, LLC, the Grantor(s) in the foregoing deed and acknowledged the signing thereof to be the free act and deed of said limited liability company, pursuant to the authority of its Members, and his/her/ their free act and deed personally and as such member(s). This is an acknowledgment. No oath or affirmation was administered to the signer with regard to this notarial act.

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

 Notary Public
 Commission Expiration
 Date: _____

This instrument was prepared by:
 Thomas J. Olix, Attorney at Law
 Olix & Associates, Co., L.P.A.
 1303 Durness Ct
 Columbus, Ohio 43235
 File 101125



John Robey
 Notary Public, State of Ohio
 My Commission Expires
 May 18, 2023

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

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

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other



FIND YOUR PARCEL

Parcel #

Trouble Searching?

064-311172-00.000
LUEBBE JOHN J III &
CONNIE S
N END DR
PATASKALA, OH 43062
Acres: 0.42
LOT 13 & 22 BEEFON'S
SUB

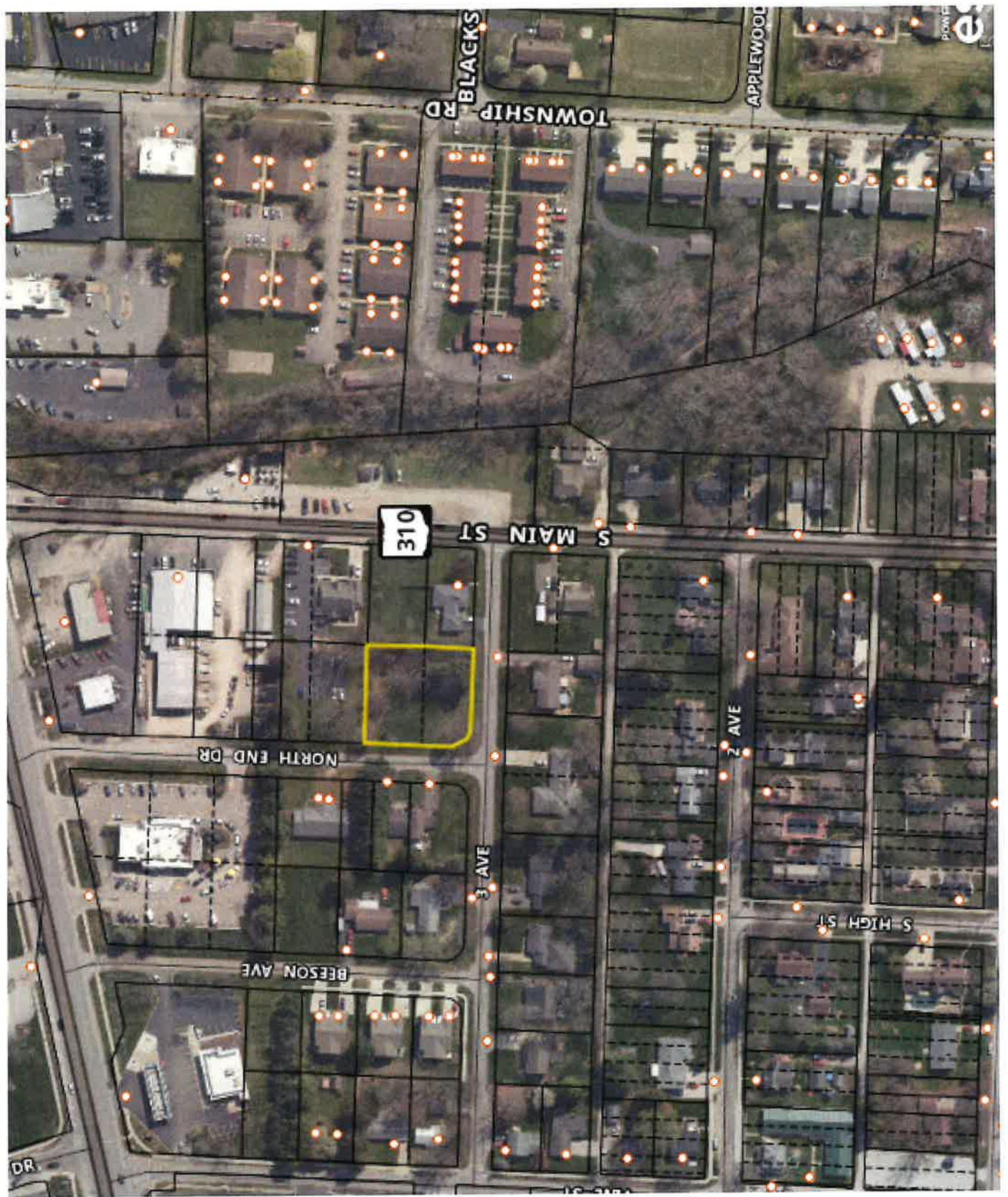
Land: 556 900
Improv: 50
Total: 556 900

Transfer Date: 04/01/2023
Amount: \$90,000
Conveyance: 821
Valid Sale: No

Homestead: No
Owner Occ: No

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





VINE ST

UNITED DAIRY FARMERS INC
0.2

UNITED DAIRY FARMERS INC
0.19

FRONT PORCH INVESTMENTS LLC
0.2

FRONT PORCH INVESTMENTS LLC
0.19

FRONT PORCH INVESTMENTS LLC
0.2

FRONT PORCH INVESTMENTS LLC
0.19

THOMPSON & GARRAL
0.17

FRONT PORCH INVESTMENTS LLC
0.16

BEESON AVE

BEESON DAVID J
0.23

LUTEL KIMBERLY & CHARLES
0.23

FRED RICK MICAH CHARLES & KATHERINE J & C FREDERICK
0.18

BEESON DOUGLAS J & FLUCKE JANE
0.23

LEKANIDS MILEJO
0.14

BEESON DOUGLAS J & FLUCKE JANE
0.11

KYLE L
0.21

NORTH END DR

REUBEN MAC REAL ESTATE HOLDINGS LLC
0.35

REUBEN MAC REAL ESTATE HOLDINGS LLC
0.35

PARVULINARAYAN & PRAJULI PABITRA
0.22

GILBERT 249/900 & LANE
0.19

BEESON DOUGLAS J & FLUCKE JANE
0.23

BEESON DOUGLAS J & FLUCKE JANE
0.12

BEESON DOUGLAS J & FLUCKE JANE
0.23

BEESON DOUGLAS J & FLUCKE JANE
0.12

CONAWAY RANDALL L
0.24

CONAWAY CODY L
0.39

S MAIN ST

310

1/23/2023

SIMILAR

PROPOSED

ZACNE DOUGLAS M & CONNIE M
0.17

WEBER DARREN & HEATHER L
0.21

WEAVER RUTH ANN
0.23

NEVL GREGORY A
0.23

BANNON ERIC J & HOLLAND BRIGIDA
0.34

HUCKINS CAUER M & JORDAN E
0.47

KAMMEYER & PEGGY S
0.17

Owner Name & Acres

94 Feet
County Road

Driveway

LIICKING COUNTY TAX MAP

 Sales - 2023

Centerline Labels

Sales - 2022

Interstate/US/State Route

Other Road Type

Municipal Corporations

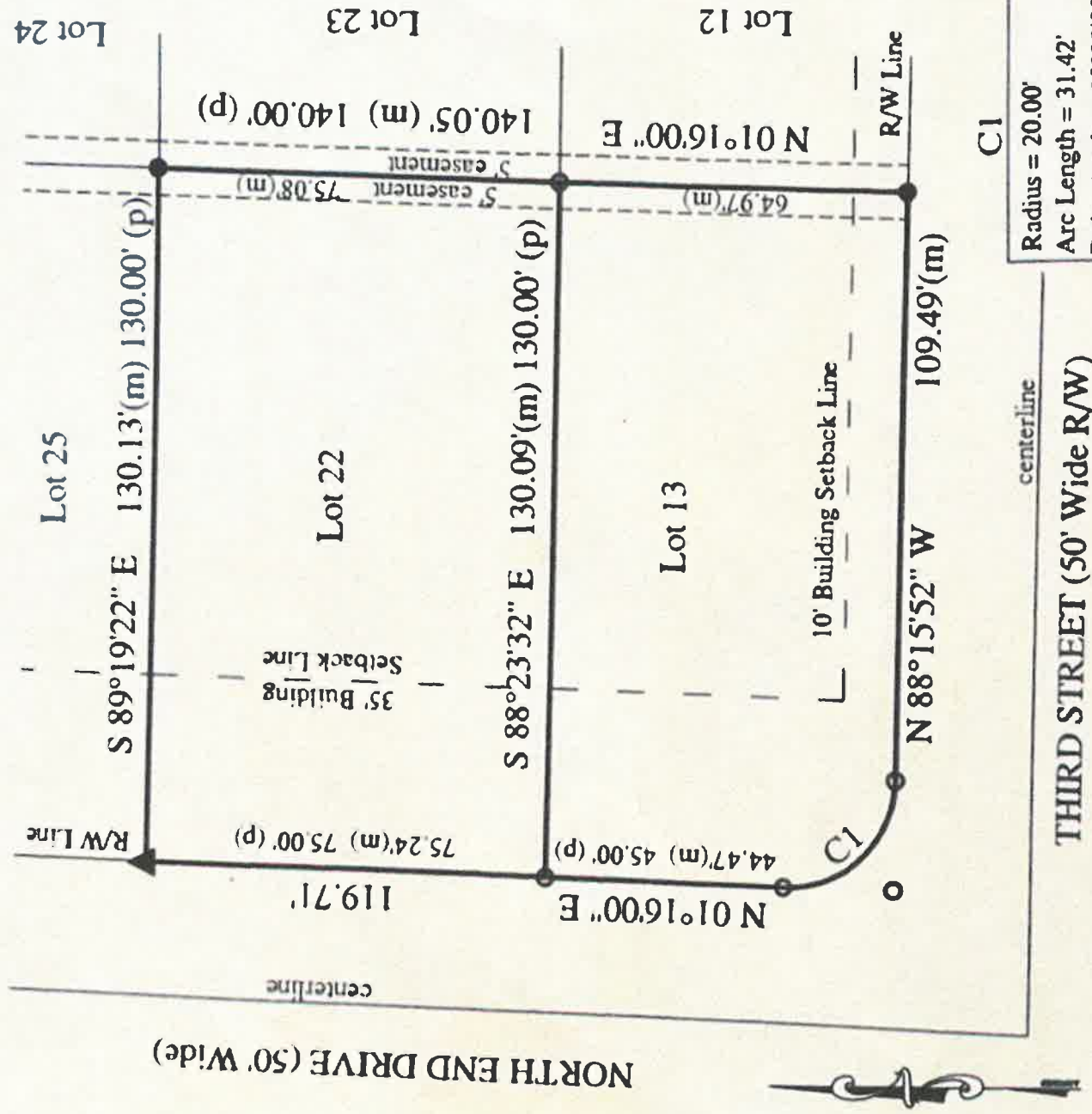
Licking County Auditor GIS

Plat of Survey

City of Pataskala, County of Licking, State of Ohio, being Lot 13 & Lot 22 of Beesong Subdivision. (Plat Book 5, Pages 143-144)

BASIS OF BEARING

The bearings of this plat are based using the O.D.T. CORS Network System, Ohio State Plane Coordinates South Zone, 2011(NAD83)



Radius = 20.00'
Arc Length = 31.42'
Delta Angle = 90°28'00"
Chord = N 42°43'14" W 28.29'

LEGEND

- - Mag Nail Set
- ▲ - 1" o.d. Iron Pipe Found
- - 5/8" o.d. Iron Pin Found
- - 3/4" o.d. Iron Pipe Found



1 Inch = 30 Feet

PREPARED BY

S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
WWW.SURVEYOHIO.COM

I hereby certify that an actual survey was made of the premises, and that this plat is correct to the best of my knowledge.

5/17/13

Date
Scott A. England, P.S.
Ohio Registered Surveyor #S-7452