



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

June 13, 2023

Variance Application VA-23-014

Applicant:	Johannes H. Visser
Owner:	Johannes H. Visser
Location:	13653 Havens Corners Rd SW, Pataskala, OH 43062 (PID: 063-141564-00.000)
Acreage:	+/- 46.04-acres
Zoning:	RR – Rural Residential
Request:	Requesting approval of a Variance from Section 1279.03(A)(2) of the Pataskala Code to allow for a fence the exceeds the maximum height of six (6) feet by two (2) feet.

Description of the Request:

Requesting approval of a Variance from Section 1279.03(A)(2) of the Pataskala Code to allow for a fence the exceeds the maximum height of six (6) feet by two (2) feet.

Staff Summary:

The 46.04-acre property located at 13653 Havens Corners Road SW is currently occupied by 1,636-square foot single-family home built in 1969, a 1,500 barn built in 1920, and an approximately 1,100-square foot single-family home built prior to 1969 and located in front of main home. Access to the property is via two (2) gravel driveways from Havens Corners Road SW. The majority of the rear acreage is currently being farmed.

The Applicant is proposing to install an eight (8) foot tall fence to create 100-foot by 100-ft (10,000-square feet) enclosure for chickens and turkeys. Pursuant to Section 1279.03(A)(2) of the Pataskala Code, the maximum allowable height for a fence is six (6) feet when behind the front building setback line. The enclosure would be located on the east side of the front portion of the property, just east of the existing barn.

According to the Narrative Statement as submitted by the Applicant, the request is being made to allow them to construct an enclosure with enough height to secure turkeys and chickens.

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

As mentioned above, Section 1279.03(A)(2) of the Pataskala Code limits the height of fences when behind the front building setback line to six (6) feet. As proposed, the fence height is eight (8) feet; Therefore, the request is for an increase in the allowable fence height by two (2) feet, or a 33.33% increase.

The Applicant did not indicate the setback of the proposed enclosure from the front property line, so Staff would also note that pursuant to Section 1279.03(A)(1) of the Pataskala Code states that fences that are within the front building setback are limited to just four (4) feet in height. In the RR – Rural

Residential zoning district, the front yard setback is 100-feet. Should the request be approved, the Applicant will need to submit a Fence Permit application, and show that the fence is a minimum of 100-feet from the front property line to avoid having to ask for another Variance from this Section of Code.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	RR – Rural Residential	Agriculture
East	RR – Rural Residential	Single-Family Homes Agriculture
South	RR – Rural Residential	Single-Family Homes
West	RR – Rural Residential	Single-Family Homes

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-23-014:

- None

Department and Agency Review

- Zoning Inspector – See attached.
- Public Service – No comments.
- City Engineer – No comments.
- Pataskala Utilities– No comments.
- 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. 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 1279.03(A)(2) of the Pataskala Code for variance application VA-23-014 ("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:	18653 HAVENS COUNTRY RD SW, PATASKALA
Parcel Number:	063-141564-00.000
Zoning:	Rural Residential
Acres:	46
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-23-014
Fee:
300
Filing Date:
5-15-23
Hearing Date:
6-13-23
Receipt Number:
001132

Applicant Information		
Name:	JOHANNES H. VISSER	
Address:	18653 HAVENS COUNTRY RD SW	
City:	State:	Zip:
PATASKALA	OH	43062
Phone:	Email:	
614 315-4657	thysvisser@yahoo.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee \$ 300
<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:	JOHANNES H. VISSER	
Address:	18653 HAVENS COUNTRY RD SW	
City:	State:	Zip:
PATASKALA	OH	43062
Phone:	Email:	
614 315-4657	thysvisser@yahoo.com	

Thysvisser@yahoo.com

Variance Information
Request (Include Section of Code):
1279.03
Describe the Project:
CHICKEN & TURKEY PEN. APPROX 100' x 100'. 877 HIGH. CONSTRUCTION OF TREATED POSTS & LOWEN WIRE FENCE.

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:

5/3/2023

Property Owner (Required):

Date:

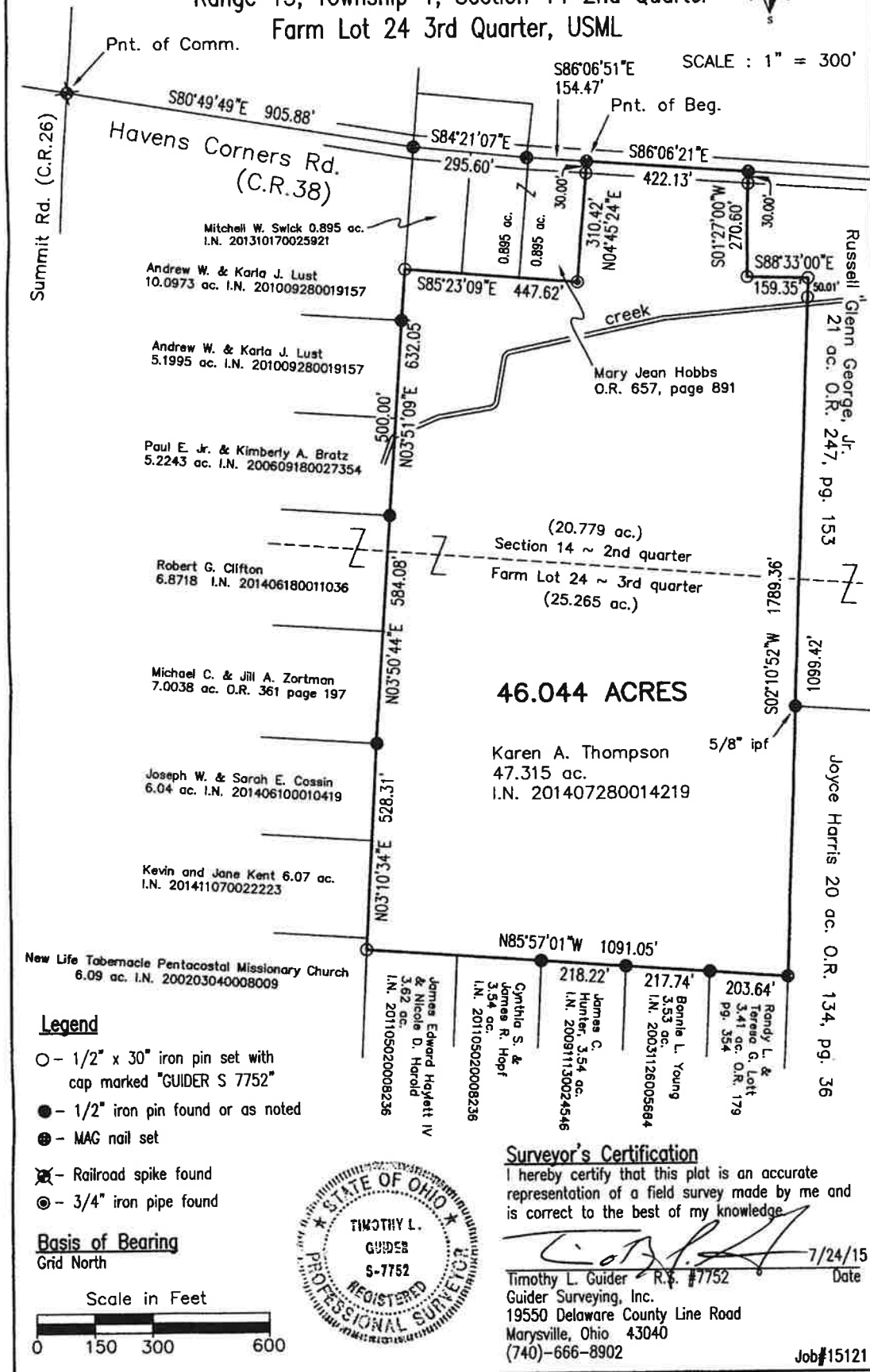
5/3/2023

Plat of Survey
Guider Surveying, Inc.

State of Ohio, Licking County, City of Pataskula
Range 15, Township 1, Section 14 2nd Quarter
Farm Lot 24 3rd Quarter, USML



SCALE : 1" = 300'

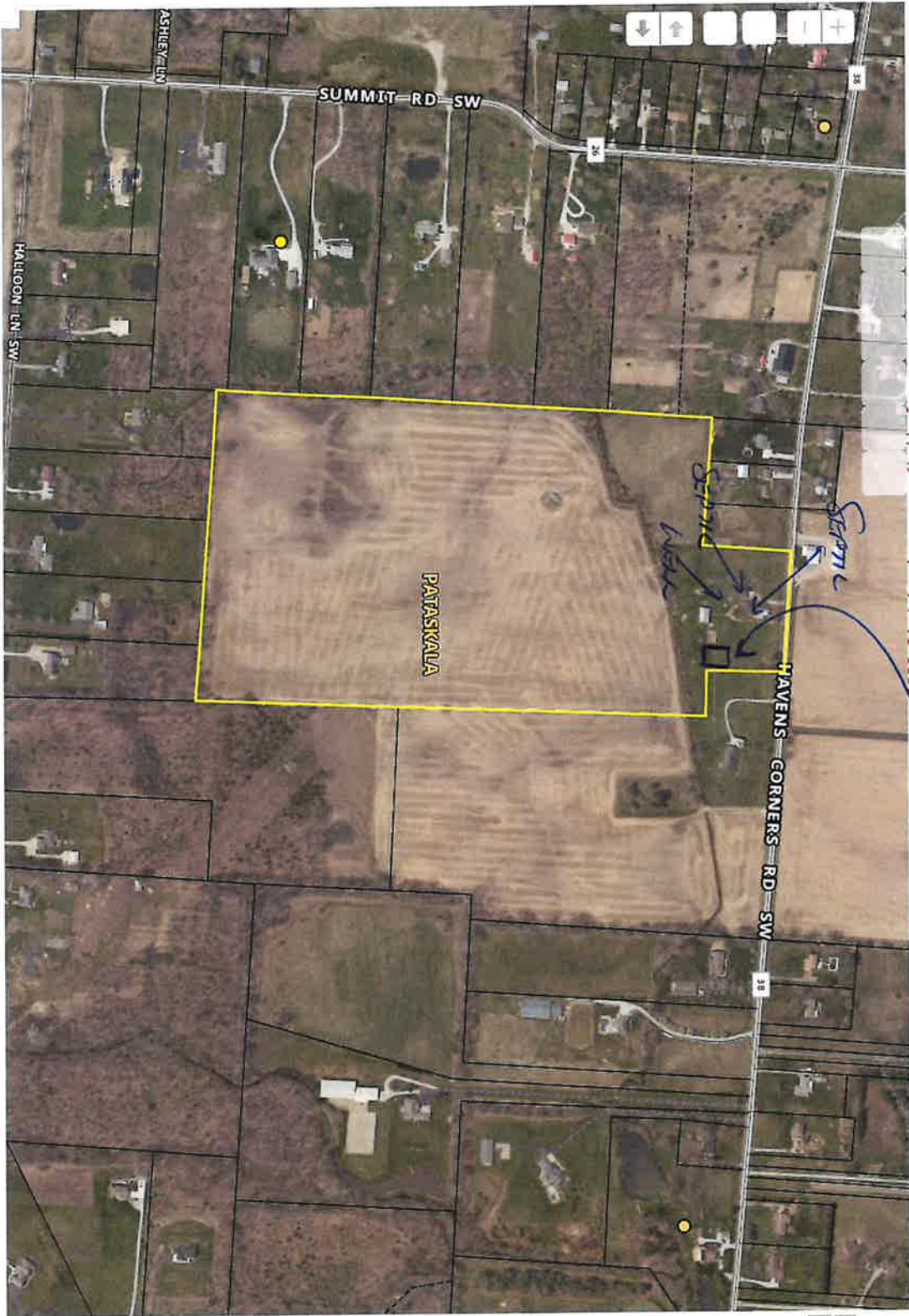


Michael L. Smith, Auditor
Roy Van Atta, Treasurer

[BOR](#) [CAUV](#) [Dog License](#) [Downloads](#) [Forms](#) [GIS](#) [Homestead](#) [Taxes](#) [Other](#)

Location or Cancellation of Taxway Map

[BOR](#) [Card](#) [CAUV](#) [Documents](#) [Land](#) [Map](#) [Parcel](#) [Pictometry](#) [Sketch](#) [Street View](#) [Structures](#) [Taxes](#) [Transfers](#) [Values](#) [Help](#) [Login](#)



FIND YOUR PARCEL

Address

Trouble Searching?

063-141564-00-000
WISSER JOHANNES H
13653 HAVENS CORNERS
RD
PATASKALA, OH 43062

Acres: 46.04
46.04 AC SFC 14 R15 11
02 LOT 24 Q3

Land: \$417,400
Improv: \$67,000
Total: \$484,400

Transfer Date: 11/21/2017
Amount: \$365,000
Conveyance: 1804
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

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

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

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

- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- [Help](#)
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2

FIND YOUR PARCEL

Address v

Trouble Searching?

Search

063-141564 00.000
WISSER JOHANNES H
13653 HAVENS CORNERS
RD
PATASKALA, OH 43062

Acres: 46.04
46.044 AC SEC 14 R15 T1
G02 LOT 24 Q3

Land: \$617,000
Improv: \$67,000
Total: \$684,000

Transfer Date: 11/21/2017
Amount: \$365,000
Conveyance: 3804
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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

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

2nd half taxes are due July 19, 2023

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

FIND YOUR PARCEL 

Trouble Searching?

063 141564 00 000
WISSER JOHANNES H
13653 HAVENS CORNERS
RD
PATASKALA, OH 43062

Acre: 46.04
46.04 AC SEC 14 R15 T14
Q2 LOT 24 Q3

Land: \$417,400
Improv: \$67,000
Total: \$484,400

Transfer Date: 11/21/2017
Amount: \$265,000
Conveyance: 3804
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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

CHAPTER 1279 Fences

1279.01 Permit required.
1279.02 Maintenance.

1279.03 Height and location.
1279.99 Penalty.

CROSS REFERENCES

Fences - see GEN. OFF. 521.07
Screening - see P. & Z. Ch. 1283

1279.01 PERMIT REQUIRED.

Before a fence or wall is erected within the City, unless in an Agricultural District, a property owner or his agent must file application with the Zoning Inspector. Such application shall be on such forms as provided for in this Code and shall include a drawing of the lot, to scale, showing the actual location and dimensions of the proposed wall or fence. Each property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

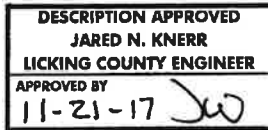
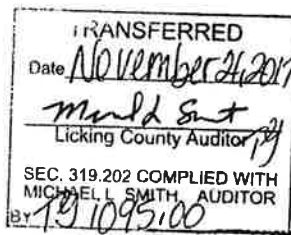
1279.02 MAINTENANCE.

All fences and walls shall be maintained in good repair, and in a manner that ensures continued structural integrity. Where adjoining property owners share partition fences or walls between them, unless otherwise agreed upon by them in writing, the adjoining property owners shall share equally the building and maintenance of such partition fences or walls.

1279.03 HEIGHT AND LOCATION.

A. The permitted height of a fence or wall shall be determined by its location on the property as follows:

1. A fence or wall not exceeding 48 inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line.
2. A fence or wall not exceeding 72 inches in height may be erected in any area of the lot behind the building setback line.
3. A fence or wall higher than 72 inches may be requested as a variance which would be considered by the Board of Zoning Appeals with notification of adjoining property owners. A living fence shall not be limited by the 72 inch restriction.
4. No fence or wall may be erected within three (3) feet of the street right-of-way line.
5. All fences and walls shall meet the traffic sight triangle visibility requirements in Section 1283.06-14.
(Ord. 2008-3884. Passed 1-5-09.)



Fiduciary Deed

Karen A. Thompson, Successor Trustee of The Stakely Irrevocable Trust UTA 4/5/2006, of Delaware County, Ohio, for valuable consideration paid, grant(s) with fiduciary covenants to **Johannes H. Visser**, the following described REAL PROPERTY: Situated in the State of Ohio, County of Licking, and City of Pataskala, bounded and described as follows:

SEE ATTACHED DESCRIPTION
46.044 Acres, More or Less

EXCEPT reservations, easements, conditions, restrictions of record, zoning ordinances and real estate taxes which are not yet due.

Parcel No.: 063-141564-00.000

Prior Instrument Reference: Instrument No. 201407280014219 of the Deed Records of Licking County, Ohio.

Dated this 16th day of November, 2017


Karen A. Thompson, Successor Trustee


STATE OF OHIO
COUNTY OF DELAWARE }SS:

BE IT REMEMBERED, That on this 16th day of November, 2017, before me, the subscriber, a Notary Public in and for said County and State, personally appeared **Karen A. Thompson, Successor Trustee of The Stakely Irrevocable Trust UTA 4/5/2006** the Grantor(s) in the foregoing Deed, who acknowledged authority in the premises and that execution thereof to be her voluntary act and deed.

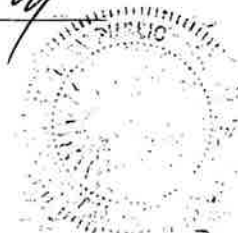
IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on this day and year aforesaid.



Kenneth J. Molnar
Notary Public, State of Ohio
Life Time Commission


Notary Public

This Instrument Prepared By: Kenneth J. Molnar, Attorney at Law
21 Middle Street / P.O. Box 248, Galena, OH 43021





Legal Description
46.044 acres

PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
APPROVED BY:	DATE: 8/2/15

The following described tract of land is situated in the State of Ohio, Licking County, City of Pataskula, Range 15, Township 1, Section 14 2nd quarter, Farm Lot 24 3rd quarter, USML, being all of Karen A. Thompson's 47.315 acre tract described in Instrument Number 201407280014219, and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerline of Summit Road (C.R.26) with the centerline of Havens Corners Road (C.R.38)(60');

Thence South 80°49'49" East 905.88 feet, following the centerline of Havens Corners Road, to a MAG nail set;

Thence South 84°21'07" East 295.60 feet, continuing along the centerline of Havens Corners Road, to a MAG nail set;

Thence South 86°06'51" East 154.47 feet, continuing along the centerline of Havens Corners Road, to a MAG nail set at the northwest corner of said 47.315 acre tract and marking the *point of beginning*;

Thence South 86°06'21" East 422.13 feet, following the centerline of Havens Corners Road and the north line of said 47.315 acre tract, to a MAG nail set at the northwest corner of Russell Glenn George Jr.'s 21 acre tract (O.R. 247, page 153);

Thence South 01°27'00" West 270.60 feet, following the east line of said 47.315 acre tract and the west line of said 21 acre tract, passing at 30.00 feet an iron pin set, to an iron pin set;

Thence South 88°33'00" East 159.35 feet, following a south line of said 47.315 acre tract and a north line of said 21 acre tract, to an iron pin set;

Thence South 02°10'52" West 1789.36 feet, following the east line of said 47.315 acre tract, the west line of said 21 acre tract and the west line of Joyce Harris's 20 acre tract (O.R. 134, page 36), passing at 50.01 feet an iron pin set and at 1099.42 feet a 5/8" iron pin found, to a MAG nail set at the northeast corner of Randy L. and Teresa G. Lot's 3.41 acre tract (O.R. 179, page 354);

Thence North 86°57'01" West 1091.05 feet, following the south line of said 47.315 acre tract, the north line of said 3.41 acre tract, the north line of Bonnie L. Young's 3.53 acre tract (I.N. 20031126005664), James C. Hunter's 3.54 acre tract (I.N. 200911130024546), Cynthia S. and James R. Hopf's 3.54 ac. (I.N. 201105020008236), and James Edward Haylett IV and Nicole D. Harold's 3.62 acre tract (I.N. 201105020008236), passing at 203.64 feet, 421.38 feet and 639.80 feet 1/2" iron pins found, to a iron pin set in the east line of New Life Tabernacle Pentacostal Missionary Church's 6.09 acre tract (I.N. 200203040008009);

Thence North 03°10'34" East 528.31 feet, following the west line of said 47.315 acre tract, the east line of said 6.09 acre tract, the east line of Kevin and Jane Kent's 6.07 acre tract (I.N. 201411070022223) and the east line of Joseph W. and Sarah E. Cossin's 6.04 acre tract (I.N. 201406100010419); to a 1/2" iron pin found at the southeast corner of Michael C. and Jill A. Zortman's 7.0038 acre tract (O.R. 361, page 197);

Thence North 03°50'44" East 584.08 feet, following the west line of said 47.315 acre tract, the east line of said 7.0038 and the east line of Robert G. Clifton's 6.8718 acre tract (I.N. 201406180011036), to a 1/2" iron pin found at the southeast corner of Paul E. Jr. and Kimberly A. Bratz's 5.2243 acre tract (I.N. 200609180027354);

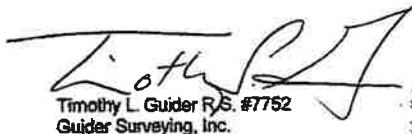
PRE-APPROVAL	
LICKING COUNTY ENGINEER	
APPROVED	CONDITIONAL
APPROVED BY:	DATE: 11/11/17

Thence North 03°51'09" East 632.05 feet, following the west line of said 47.315 acre tract, the east line of said 5.2243 acre tract, the east line of Andrew W. and Karla J. Lust's 5.1995 acre tract (I.N. 201008280019157) and the east line of Andrew W. and Karla J. Lust's 10.0973 acre tract (I.N. 201008280019157), passing at 500.00 feet a 1/2" iron pin found, to a 5/8" iron pin set at the southwest corner of Michael W. Swick's 0.895 acre tract (I.N. 201310170025921);

Thence South 85°23'09" East 447.62 feet, following the north line of said 47.315 acre tract, the south line of said 0.895 acre tract and the south line of Mary Jean Hobbs's 0.895 acre and 0.895 acre tracts (O.R. 657, page 891), to a 3/4" iron pipe found;

Thence North 04°45'24" East 310.42 feet, following the west line of said 47.315 acre tract and the east line of said 0.895 acre tract, passing at 270.42 feet an iron pin set, to the *point of beginning*, containing 46.044 acres, more or less, 20.779 acres in Section 14 and 25.265 acres in Farm Lot 24. Subject to all valid easements and restrictions of record.

I, Timothy L. Guider, hereby certify that this description was prepared from an actual field survey made by me during the month of July 2015 and that monuments were set or found as indicated herein. Iron pins set are 1/2" x 30" reinforcing rods with caps marked "GUIDER S 7752". Basis of Bearing: Grid North.


Timothy L. Guider R.S. #7752
Guider Surveying, Inc.

19550 Delaware County Line Rd.
Marysville, Ohio 43040
(740)866-8902



Date: 7/24/15
Job#:

15121

Variance Application for Fence

13653 Havens Corners Rd

Pataskala

Narrative:

I respectfully submit this variance application to be able to erect an 8 foot high fence and establish a chicken and turkey run on my property located at 13653 Havens Corners Rd, SW, Pataskala. The reason why the 8 foot high fence is needed is to keep my turkeys in the enclosed area. I also plan on planting berry bushes inside the run and deer will destroy the berries if the fence is lower than 8 feet high.

- a) The 8 foot high fence is needed to keep the turkeys inside the run and deer outside.
- b) A 6 foot high fence will not keep deer out or turkeys in.
- c) The variance would increase the fence from the standard 6 foot height limit to 8 foot height.
- d) This would not change the character of the neighborhood since there are already similar fences in existence and much of the area, and my property, is an operating farm.
- e) Will not impact the neighboring property and is located 80 plus yards from nearest house
- f) There is no detriment to public welfare.
- g) The fence will not negatively impact government services.
- h) No. it's a fence to keep in livestock.
- i) I do not see how this is possible.
- j) This is the least I can increase the fence height to keep turkeys in and deer out.
- k) The variance would allow me to protect my turkeys and protect berry bushes.

The property is 46 acres in size and is actively farmed with corn, soybeans and hay. I also keep turkeys and chickens.

Respectfully,

Johannes H Visser