



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 11, 2023

Variance Application VA-23-015

Applicant:	Meghan Davis
Owner:	Deven & Meghan Davis
Location:	3935 Mink Street SW, Pataskala, OH 43062 (PID: 063-141606-00.000)
Acreage:	+/- 6.00-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of a Variance of 25-feet from Section 1229.05(B) to allow for a lot split that would create two (2) lots with less than the minimum required lot width of 200-feet.

Description of the Request:

Requesting approval of a Variance from Section 1229.05(B) of the Pataskala Code to allow for a reduction in the minimum required lot width of the R-87 zoning district to create two (2) lots.

Staff Summary:

The 6.00-acre property located at 3935 Mink Street SW is currently occupied by a 1,758-square foot single-family home built in 1960, and a detached garage, 440-square feet in size, built in 1963. These structures are situated in the northwest corner of the lot, approximately 140-feet from the edge of Mink Street SW. The remainder of the property is currently undeveloped and used for agricultural purposes. Per the recorded deed, the width of this lot is 398.58-feet along the frontage of Mink Street, with a depth of approximately 665.3-feet.

As proposed by the Applicant, their intention is to perform a lot split on the property into two (2) lots. One being approximately two (2) acres in size, and the other approximately four (4) acres. Section 1229.05(B) of the Pataskala Code requires a minimum lot width of 200-feet in the R-87 – Medium-Low Density Residential zoning district, and as the lot is only 398.58-feet wide, it would be impossible to split the property in any configuration where both lots would have a frontage of 200-feet.

The Applicant has not yet performed a survey of the property to determine the final configuration of the lots, however, as they know it would require a Variance regardless, they have requested a Variance of 25-feet from the requirement for both lots in order to allow them to split to lot upon performing a survey. The intent of the 25-feet request is to allow them some flexibility in finalizing the lot split in a way that will best work for them.

According to the Narrative Statement as submitted by the Applicant, they do not believe there will be any adverse or negative effects on the neighboring properties or the public welfare. They would like to split off two (2) acres where the current home sits, and build a later home on the four (4) acre lot.

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

As mentioned above, Section 1229.05(B) of the Pataskala Code requires a minimum lot width of 200-feet. The lot itself is only 398.58-feet wide at the right-of-way, therefore; any split of the lot would create at least one (1) lot with less than the required lot width. As the Applicant has not yet performed a survey, they have requested a Variance of 25-feet from Section 1229.05(B) of the Pataskala Code, which is a 12.5% decrease from the requirement.

Section 1229.05(B) also requires a minimum lot size of two (2) acres (87,120-square feet). With a total of six (6) acres available, Staff does not believe there will be any issue in dividing the property in a way so that each lot will be a minimum of two (2) acres.

Although not specific to the requested Variance, Staff would like to note that Section 1229.05(C) of the Pataskala Code requires the setbacks identified below for primary structures in the R-87 zoning district. When undergoing the survey process to finalize the lot split, the Applicant should take these into account to ensure that any future construction would be able to meet these requirements.

Front = 75'

Side = 25'

Rear = 75'

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	AG - Agriculture	Agriculture
South	R-87 – Medium-Low Density Residential AG - Agriculture	Single-Family Home Agriculture
West	RR – Rural Residential R-87 – Medium-Low Density Residential	Licking Heights Campus 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:

- 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-23-015:

- 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. 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 1229.05(B) of the Pataskala Code for variance application VA-23-015 ("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: 3935 Mink ST SW Pataskala OH	
Parcel Number: 063-141606-00.000	
Zoning: R-87	Acres: 6
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: Meghan Davis		
Address: 3935 Mink ST SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-352-9383	Email: meghandavis710@gmail.com	

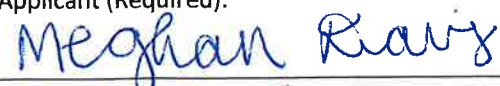
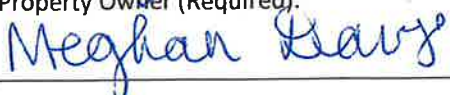
Property Owner Information		
Name: Deven Davis & Meghan Wood Davis		
Address: 3935 Mink ST SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-352-9383	Email: meghandavis710@gmail.com	

Variance Information
Request (Include Section of Code): Split the Property
R-87 zoning code 1229.05(B)
Describe the Project: We would like to split our property into 2. 2 acres with the home and 4 acres to build a future home on.

Staff Use
Application Number: VA-23-015
Fee: 300
Filing Date: 6-9-23
Hearing Date: 7-11-23
Receipt Number: 001165

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: <ul style="list-style-type: none"> 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: <ol style="list-style-type: none"> Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance; 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; Whether the variance requested is substantial; 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; Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; Whether the variance, if granted, will be detrimental to the public welfare; Whether the variance, if granted, would adversely affect the delivery of governmental services; Whether the property owner purchased the subject property with knowledge of the zoning restriction; Whether the property owner's predicament can be obviated through some other method than variance; 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, 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: <ul style="list-style-type: none"> 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: 6/7/23
Property Owner (Required): 	Date: 6/7/23

June 7, 2023

Narrative statement

We are requesting a variance for our property split because per the R-87 zoning code we do not meet the 400 ft width requirement. Our current property width is 398.58 ft. We are hoping to split our property into a 2 acre plot with our current home and a 4 acre plot to later build a home on. To our knowledge we do not see any adverse or negative affect on the neighbors or public welfare. Thank you for your consideration.

Meghan and Deven Davis



Acres: 6.00
 6.00 AC SEC 7
 Land: \$102,100
 Improv: \$88,800
 Total: \$190,900

Homestead: No
Owner Occ: Yes
Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

Split 2 acres w/ home
and 4 acres for home
in the future.

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

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

Map

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



?

FIND YOUR PARCEL

Address Search

Trouble Searching?



063-141606-00,000
WOOD MEGHAN E &
DAVIS DEVEN V
3935 MINK ST
PATASKALA, OH 43062

Acres: 6.00
6.00 AC SEC 7

Land: \$102,100
Improv: \$88,800
Total: \$190,900

Transfer Date: 10/11/2016
Amount: \$170,000
Conveyance: 3249
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

Map

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FIND YOUR PARCEL

Address

Trouble Searching?



063-141606-000000
WOOD MEGHAN E &
DAVIS DEVEN V
3935 MINK ST
PATASKALA, OH 43062

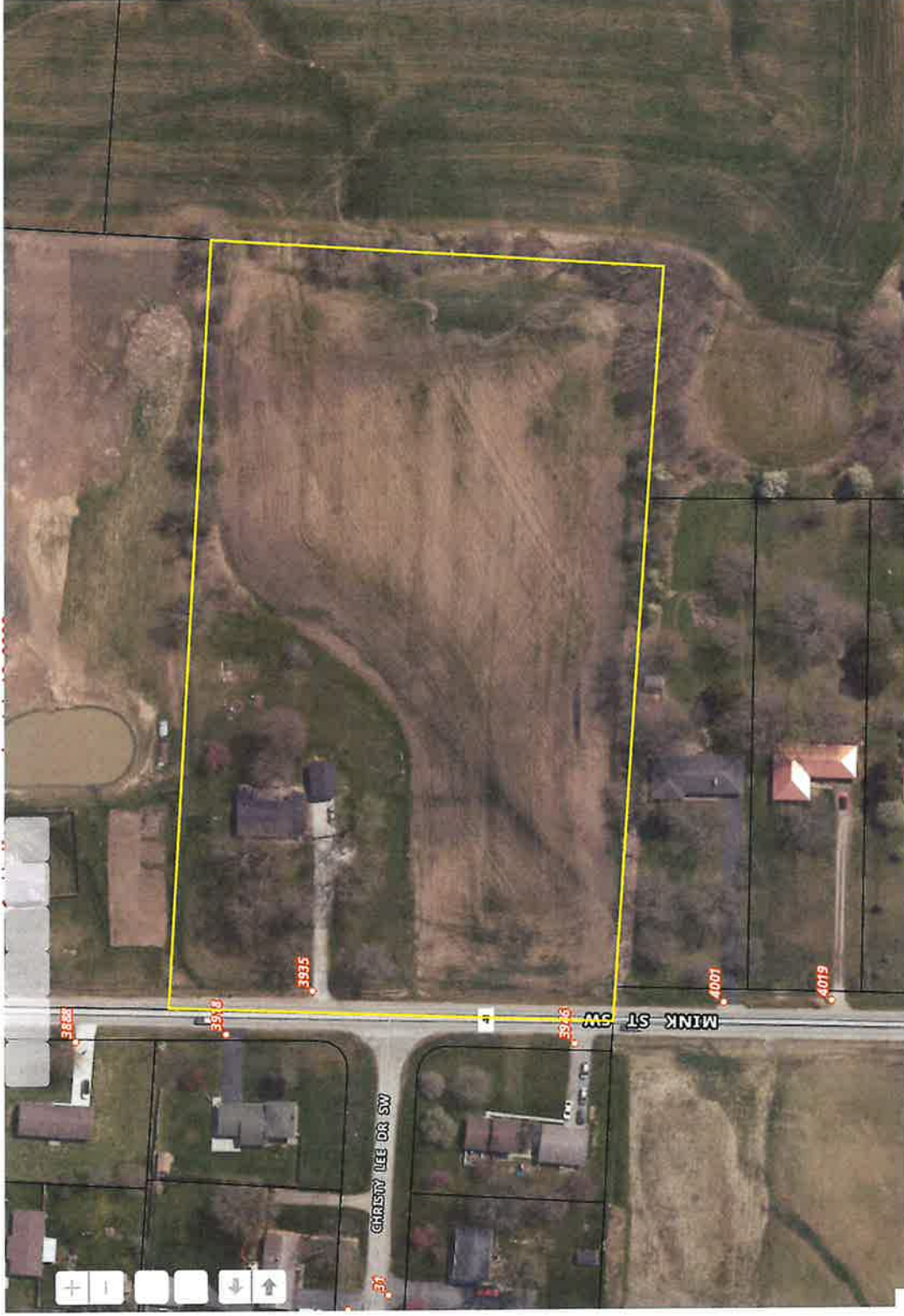
Acres: 6.00
6.00 AC SEC 7

Land: \$102,100
Improv: \$85,800
Total: \$187,900

Transfer Date: 10/11/2016
Amount: \$179,000
Conveyance: 3249
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

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







DESCRIPTION APPROVED WILLIAM C LOZIER LICKING COUNTY ENGINEER
APPROVED BY 10-5-16 <i>[Signature]</i>

201610110022238
Pgs: 3 \$36.00 T20160025619
10/11/2016 1:41PM BXCROWN
Bryan A. Long Licking County Recorder

TRANSFERRED
Date: <i>Oct 11, 2016</i>
<i>Michael Smith</i> Licking County Auditor
SEC. 319.202 COMPLIED WITH MICHAEL L. SMITH, AUDITOR
BY: <i>KAE</i> 510.00

Order Number: 218883

① Crown - TIA - P

GENERAL WARRANTY DEED

x and Alexis L. Hopper WITH SURVIVORSHIP
Cody A. Hopper, married, of Licking County, Ohio, for valuable consideration paid,
grants, with general warranty covenants to Meghan E. Wood, unmarried
and Deven V. Davis, unmarried
FOR THEIR JOINT LIVES REMAINDER TO THE SURVIVOR OF THEM
, whose tax mailing address is
The State Bank and Trust Company
401 Clinton Street, Defiance, Ohio 43512
the following real property:

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

Parcel Number: 063-141606-00.000

Property Address: 3935 Mink Street SW, Pataskala, Ohio 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.

Prior Instrument Reference: Instrument No. 201003220005257, Recorder's Office,
Licking County, Ohio. *201609230020738*

Alexis Hopper, wife of the Grantor, releases all rights of dower therein.

GW-Rel Dower

EXHIBIT 'A'

218883-TTA

LEGAL DESCRIPTION

Situated in the of , County of Licking, State of Ohio, and is described as follows:

Situated in the State of Ohio, County of Licking and Township of Lima: nka City of Pataskala being in the Northeast Quarter of Section Seven, Township One, Quarter Township Two, Range 15 of the United States Military Lands and bounded and described as follows:

Beginning at a point on the East line of said Section 7 marked by an iron pin which lies South 0 degrees 07' West, 405.25 feet from a stone at the Northeast corner of said Section 7, being also at the Northeast corner of the real estate conveyed by Ollie I. Edgar and husband, to Henry H. Hoffman and Stella M. Hoffman, by deed dated November 13, 1936, and recorded in Volume 320 at page 134 of the Deed Records of Licking County, Ohio; Thence, along the East line of said Section 7 and the East line of said Hoffman tract, South 0 degrees 07' West 398.21 feet to a post at the Southeast corner of said Hoffman tract; Thence West, along the South line of said tract (passing an iron pin at 617.4 feet) 647.4 feet to a point on the center line of County Road No. 41; Thence, along the center line of said Road, North 2 degrees 27' West 398.58 feet to a railroad spike in the center of said Road; Thence East (passing an iron pin in the East road fence on line), a total distance of 665.3 feet to the point of beginning, containing Six (6) acres, more or less.

For informational Purposes only:

Property Address: 3935 Mink Street SW Pataskala, Ohio 43062

Parcel No.:063-141606-00.000