



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

August 8, 2023

Variance Application VA-23-018

Applicant:	Ram Khanal
Owner:	Ram Khanal
Location:	1799 Keela Drive, Pataskala, OH 43062 (PID: 064-068322-00.327)
Acreage:	+/- 0.37-acres
Zoning:	R-7 – Village Single-Family Residential
Request:	Requesting approval of a Variance from Section 1221.07(e)(1) to allow for the construction of a deck that will encroach within a recorded easement.

Description of the Request:

Requesting approval of a Variance from Section 1221.07(e)(1) of the Pataskala Code to allow for the construction of a deck that will encroach within a recorded easement.

Staff Summary:

The 0.37-acre property located at 1799 Keela Drive is currently occupied by a 2,630-square foot single-family home built in 2018. Access to the property is via an asphalt driveway onto the lot's only frontage on Keela Drive to the south. It is lot 270 of the Hazelwood subdivision. The existing home is set back from the rear (north) property line a distance of 56.26-feet, and 38.50-feet from both side (east and west) property lines.

As proposed by the Applicant, their intention is to construct a deck on the rear of the home, running 20-feet across the rear starting from the northeast corner of the home, and extending 16-feet into the rear yard of the home. When this lot, and section of Hazelwood, was platted, it included several easements in the rear yard of the home. Those being; a 10-foot Utility Easement across the rear (north) property line, followed by a 10-foot space unoccupied by an easement, and then a 30-foot wide Drainage Easement that begins 6.26-feet from the rear of the existing home.

Section 1221.07(e)(1) of the Pataskala Code states that no deck and/or patio shall be located within a recorded easement. As proposed, the Applicant's deck will encroach approximately 13.74-feet within the recorded 30-foot drainage easement. As such, a Variance has been requested.

According to the Narrative Statement as submitted by the Applicant, they would like to install a deck on the rear of the home to better enjoy the outdoors.

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

As mentioned above, Section 1221.07(e)(1) of the Pataskala Code states that no deck and/or patio shall be located within a recorded easement. As proposed, the deck, if constructed, will encroach 13.74-feet into the 30-foot-wide drainage easement. Because of this, a Variance from Section 1221.07(e)(1).

The easement in question extends through lots 269, 268, and 267 to the west, and then lot 271 to the east. It is centered in the back yards of all these lots, beginning 20-feet south of the north rear property line. There is also a 28-foot drainage easement along the west side yard property line of 1799 Keela Drive from the 30-foot wide rear yard easement.

Public Service Department (Full comments attached)

The Applicant shall be sure not disrupt drainage flow through the easement.

City Engineer (Full comments attached)

The Applicant shall ensure the current drainage pattern is not altered by the construction.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	Planned Development District	Scenic View Estates (Single-Family)
East	R-7 – Village-Single Family Residential	Single-Family Home
South	R-7 – Village-Single Family Residential	Single-Family Home
West	R-7 – Village-Single Family 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;*
- 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 government services;*
- 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-23-018:

- 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.
2. The Applicant shall ensure that the drainage pattern is not negatively effected by the construction of the deck.

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 1221.07(e)(1) of the Pataskala Code for variance application VA-23-018 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Antonio Anzalone](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); [Trent Howell](#); [Jim Roberts](#); [Scott Haines](#); [Bruce Brooks](#); [Doug White](#); [kperkins@laca.org](#); [Alan Haines](#); [Jim Roberts](#)
Cc: [Sam Eppley](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 08-08-2023
Date: Monday, July 31, 2023 11:31:01 AM

Jack,

The Public Service Department has the following comments:

VA-23-017: None

VA-23-018: Be sure to not disrupt the natural drainage flow through the drainage easement.

Thank you,

Antonio Anzalone

Assistant City Engineer
City of Pataskala
621 W. Broad Street, Suite 2B
Pataskala, Ohio 43062
Office: 740.927.3873
Cell: 740.652.0685
Email: aanzalone@ci.pataskala.oh.us

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, July 18, 2023 9:55 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Trent Howell <thowell@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>
Cc: Sam Eppley <seppey@verdantas.com>; Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala BZA Review Memo for 08-08-2023

Good Morning,

You are receiving this email because one or more of the Application(s) submitted for the **August 8, 2023**, Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-23-017: Felix Dellibovi, Trent Howell, Verdantas, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department.

From: [Scott Haines](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); [Trent Howell](#); [Jim Roberts](#); [Bruce Brooks](#); [Doug White](#); [kperkins@laca.org](#); [Alan Haines](#); [Antonio Anzalone](#); [Jim Roberts](#)
Cc: [Sam Eppley](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 08-08-2023
Date: Monday, July 31, 2023 1:17:28 PM

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Jack

Verdantas has reviewed the August BZA applications and offer the following comments.

1. **VA-23-017**
 - a. No engineering related comments
2. **VA-23-018**
 - a. The applicant should ensure the current drainage pattern is not altered by the construction.

Thanks

Scott R. Haines, PE, CPESC

Senior Project Manager

O. 740.344.5451 | D. 740.224.0839

1555 W. Main Street, Newark, Ohio 43055

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>

Sent: Tuesday, July 18, 2023 9:55 AM

To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Trent Howell <thowell@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>; Scott Haines <shaines@hullinc.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Alan Haines <ahaines@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Jim Roberts <jroberts@verdantas.com>

Cc: Sam Eppley <seppley@verdantas.com>; Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>

Subject: Pataskala BZA Review Memo for 08-08-2023

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Morning,

You are receiving this email because one or more of the Application(s) submitted for the **August 8**,



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: 1799 Keela Dr Pataskala OH 43062	
Parcel Number: 604-068-322-00-327	
Zoning: R-7	Acres: 0.37
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: VA-23-018
Fee: \$300.00
Filing Date: 7-13-2023
Hearing Date: 8-8-2023
Receipt Number: 001239

Applicant Information		
Name: Ram Khanai		
Address: 1799 Keela Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-897-4729	Email: KhanaiPampha3@gmail	

Documents
<input checked="" type="checkbox"/> Application
<input type="checkbox"/> Fee 300
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name: Ram Khanai		
Address: 1799 Keela Dr		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 897 4729	Email: KhanaiPampha3@gmail.com	

Variance Information
Request (Include Section of Code): 1221.07(e)(1)
Describe the Project:
My father is 85 yers old, and he lived to site outdoor .m and he have mental health problem, and I also have 3 baby they also need stay outside sometime my baby play, they need fresh air so this is I Real I need.

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/>

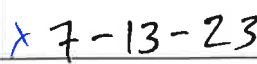
Signatures

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):



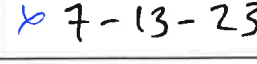
Date:

 7-13-23

Property Owner (Required):



Date:

 7-13-23

Pomeroy & Associates
L.L.C.

Consulting Engineers & Surveyors
2550 Corporate Exchange Drive, Suite 10
Columbus Ohio 43231
Phone (614) 885-2498 • Fax (614) 885-2886



C/O #	REVISION DATE & REQUEST

ORDER NO.

For Pulte Group

House Style

Hampton (LCIA)

Lot / Subdivision 270 Hazelwood Section 5, Part 1

City of Pataskala

Scale 1" = 20' PB Unrec. PG Unrec. Date 06-13-18

DRN. HM CK. MN

Co. of Licking

Flood Zone X Community Panel 39089C

Page 0293J

Effective Map Date 03-16-15

Minimums R: 35' S: 7'15' Total Lot Width at Build Line 115.00' Drive Slope Distance 44.00'

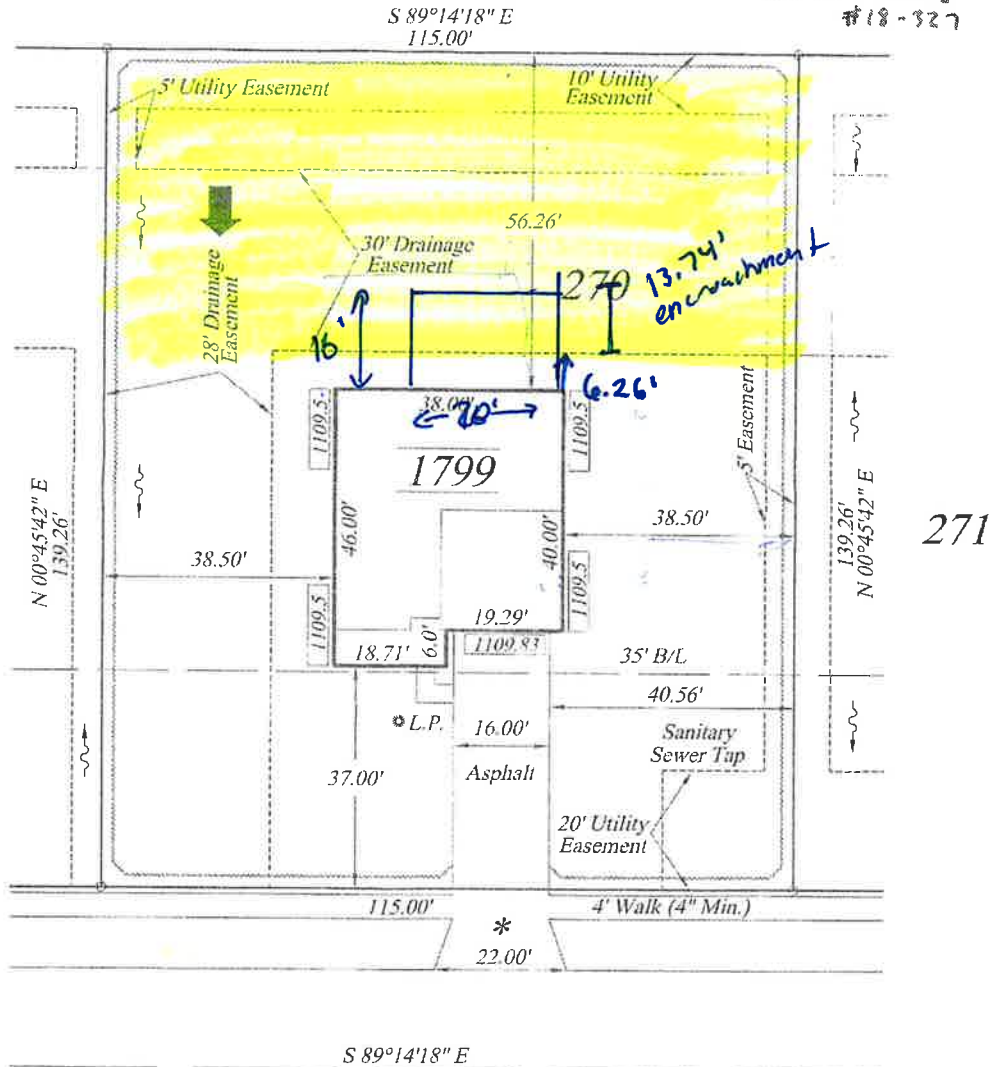
Impervious Lot Coverage 2348 / 16015 = 14.66%



APPROVED

Att No 6-29-18

18-327



S 89°14'18" E

Keela Drive 60'

* Stabilized Construction Entrance

Silt Fence

Note: Positive drainage will be maintained away from the structures.

Note: Soil Stock-Pile To Be Held Within Sediment Fence On This Lot.

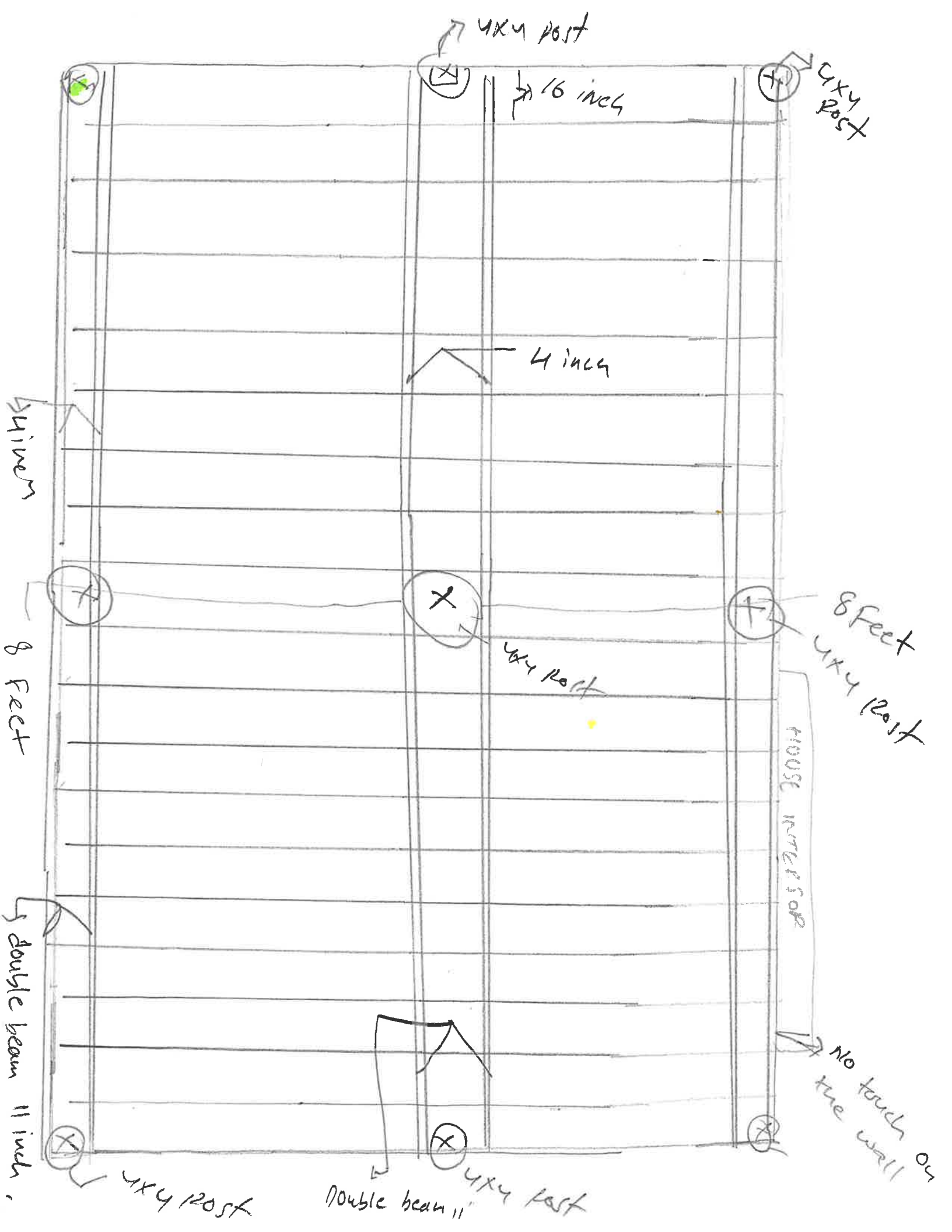
Note: Erosion and Sediment Control Measures shall function properly and shall be maintained throughout construction.

Field Modification To The Erosion And Sediment Control May Be Necessary.

Inlet Protection

Site plan

Erosion / Sediment Control Plan



201812050025723
Pg:2 \$28.00 T20180017990
12/5/2018 10:28 AM RXPULTE
Bryan A. Long Licking County Recorder

TRANSFERRED
Date Dec 5 2018
Mark Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: JAE 9:11:50

01140760818376270000

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
12-5-18 JW

SURVIVORSHIP DEED

Order No. 50182862

KNOW ALL MEN BY THESE PRESENTS, that PULTE HOMES OF OHIO LLC, A MICHIGAN LIMITED LIABILITY COMPANY, the Grantor, for valuable consideration paid, grants with general warranty covenants to:

Ram Khanal and Pampha Khanal, husband and wife

For their joint lives, remainder to the survivor of them,

whose tax-mailing address is:

C/O FAIRWAY INDEPENDENT MTG P.O. BOX 117298 CARROLLTON, TX 75001

the following real property:

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

Being Lot Number Two Hundred Seventy, (270), in Hazelwood Section 5, Part 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Instrument Number 201801080000376, Recorder's Office, Licking County, Ohio.

Property Address for Informational Purposes Only: 1799 Keela Drive, Pataskala, Ohio 43062

Parcel ID: 064-068322-00.327

SUBJECT TO EASEMENTS, CONDITIONS, COVENANTS, RESTRICTION AND RESERVATIONS RECORDED IN INSTRUMENT NUMBER 201801080000376 and 201802210003285, AND ANY AMENDMENTS THERETO, AND EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS OF RECORD, ZONING ORDINANCES AND LEGAL HIGHWAYS AND FURTHER SUBJECT TO TAXES AND ASSESSMENTS, IF ANY, NOW A LIEN, NOT YET DUE AND PAYABLE.

Prior Instrument Reference: Instrument Number 2016201802210003286
of the Deed Records of LICKING County, Ohio.

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

Map

BOR
Card
CAUV
Documents
Land
Map
Parcel
Pictometry
Sketch
Street View
Structures
Transfers
Values

Help
Login

BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

FIND YOUR PARCEL

Address

Trouble Searching?



064-068-322-00 727
KHANAL RAM & PAMPHA
1799 KEELA DR
PATASKALA, OH 43062

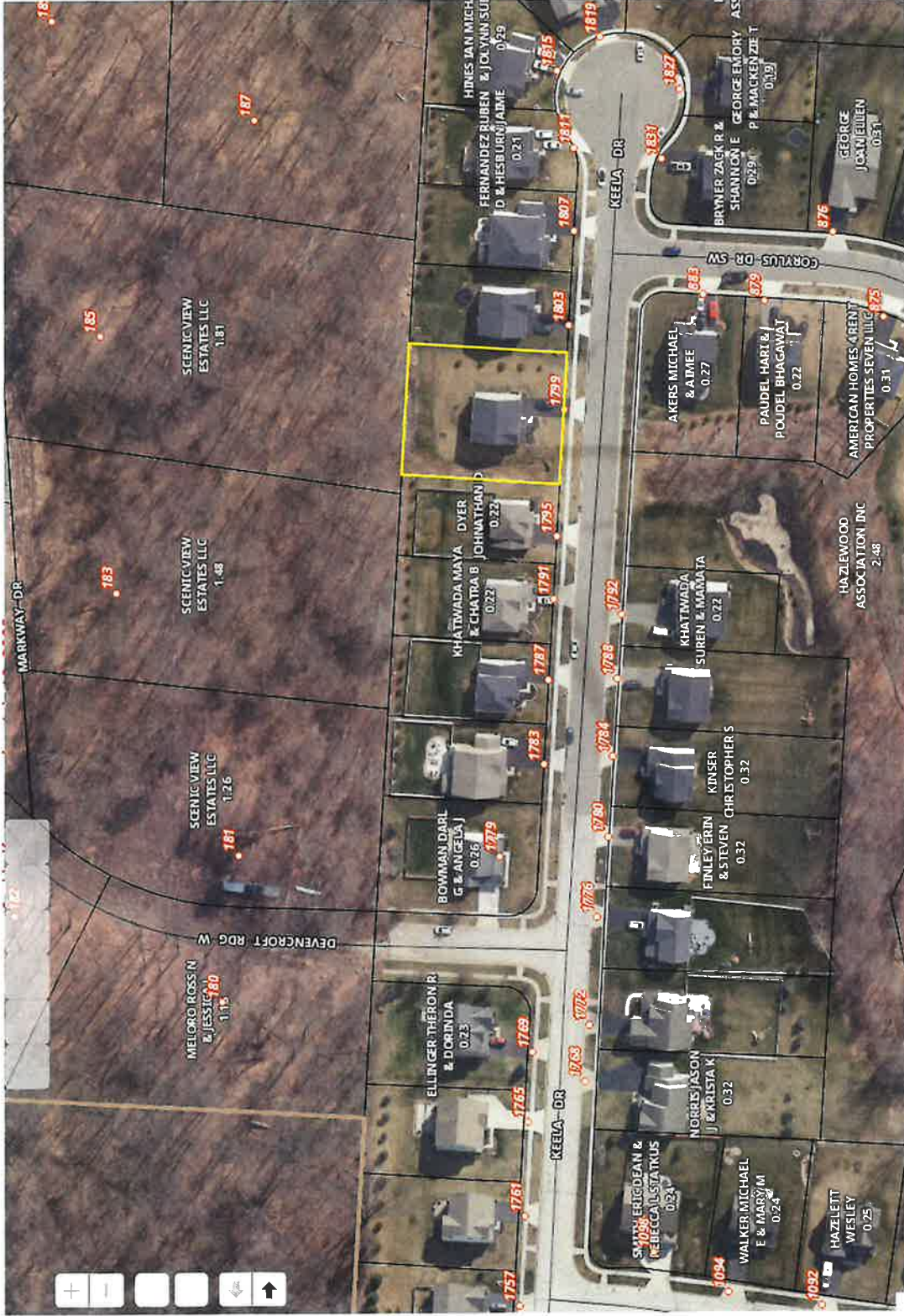
Acre: 0.37
LOT 270 HAZLEWOOD
SEC 5 PT 1 10 368 AC

Land: \$66,000
Improv: \$205,700
Total: \$269,700

Transfer Date: 12/05/2018
Amount: \$270,450
Conveyance: 3941
Valid Sale: Yes

Homestead: No
Owner Occ: Yes

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



Area Map