



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

October 10, 2023

#### Variance Application VA-23-023

<b>Applicant:</b>	Phillip Coleman
<b>Owner:</b>	Phillip Coleman
<b>Location:</b>	148 Cedar Street, Pataskala, OH 43062 (PID: 064-312180-00.000)
<b>Acreage:</b>	+/- 0.27-acres
<b>Zoning:</b>	R-7 – Village Single-Family Residential
<b>Request:</b>	Requesting approval of two (2) Variances. The first, from Section 1279.03(A)(1) to allow for a fence exceeding four (4) feet within the front yard setback, and the Second, from Section 1279.03(A)(4) to allow for a fence within three (3) feet of the public right-of-way.

#### Description of the Request:

Requesting approval of two Variances. The first, from Section 1279.03(A)(1) to allow for a fence exceeding four (4) feet in height within the front yard setback on the north and east sides of the property. And the second, from Section 1279.03(A)(4) to allow for a fence within three (3) feet of the public right-of-way on the east side.

#### Staff Summary:

The 0.27-acre property located at 148 Cedar Street is currently occupied by a 1,333-square foot single-family home built in 1920, and a 140-square foot shed. The property itself is a combination of two lots, lots 100 and 101 of the J. W. Joseph's Addition, and it is a corner lot, with frontages on multiple public rights-of-way. Cedar Street is along the south border, an unnamed alley along the north, and a currently unused right-of-way along the east.

As proposed by the Applicant, their intention is to construct a six (6) foot tall fence around the rear of their home. The fence will run east from the approximate middle of the existing home to the east side property line, then run along that property line to the north, where it will be set back three (3) feet from the north rear property line adjacent to the existing alley. There will also be a small section extending from the west side of the home to the west property line, however, no fence is proposed along the west property line, as there is already an existing one present.

Section 1279.03(A)(1) of the Pataskala Code states then when within the front yard setback, fences shall not exceed four (4) feet in height. In the R-7 – Village Single-Family Residential zoning district, the required front yard setback is 25-feet. Additionally, because the lot is a corner lot, pursuant to Section 1237.05(C)(4), the same setback as required for the front yard shall apply to all sides fronting on a public right-of-way.

Section 1279.03(A)(4) states that no fence or wall may be erected within three (3) feet of the street right-of-way line.

According to the Narrative Statement as submitted by the Applicant, they do not believe that the requested Variance will cause a detriment to any neighboring property or substantially alter the character of the neighborhood, would no be detrimental to the delivery of government services, and would represent the minimum variance that would afford relief. Also stated, the Applicant was unaware of the zoning restrictions when the property was purchased.

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

As mentioned above, Section 1279.03(A)(1) of the Pataskala Code states that a fence or wall may not exceed four (4) feet in height when located within the front yard setback of the zoning district. In the R-7 zoning district, the front yard setback is 25-feet (Section 1237.05(C)(1)). Additionally, because this lot is a corner lot, with frontage on multiple rights-of-way, pursuant to Section 1237.05(C)(4) of the Pataskala Code, the same setback as required by the front yard shall apply to all sides with frontage on a public right-of-way.

As such, per Code, any fence within 25-feet of a public right-of-way, in this case; 25-feet from the front property line on Cedar Street, 25-feet from the north rear property line adjacent to the existing alley, and 25-feet from the east side property line adjacent to the unused right-of-way. The Applicant is requesting an increase in the allowable height of a fence within the front yard setback from four (4) to six (6) feet, a two (2) foot, or 50% increase.

Section 1279.03(A)(4) states that no fence or wall shall be within three (3) feet of a public right-of-way. The Applicant would like to install the proposed fence along the east side property line, directly on the property line adjacent to the vacant right-of-way. As such, the second request is to allow for a reduction in this requirement for the east property line from three (3) to zero (0) feet, or a 100% reduction.

Staff has no issues with this, as the vacant right-of-way is not likely to be improved or needed, but the existing alley to the south should keep the three (3) feet minimum to allow for maintenance vehicles to traverse. Note that this is measured from the property line not the edge of the pavement.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 – Village-Single Family Residential	Single-Family Home
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:

- 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-23-023:

- 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 maintain a three (3) foot setback from the north property line for the fence.

**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 1279.03(A)(1) and 1279.03(A)(4) of the Pataskala Code for variance application VA-23-023 ("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: 148 Cedar Street	
Parcel Number: 064-312180-00.00	
Zoning: R-7	Acres: 0.27
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-23-023
Fee: \$300.00
Filing Date: 8-24-2023
Hearing Date: 10-10-2023
Receipt Number: 001303

Applicant Information		
Name: Phillip Coleman		
Address: 148 Cedar Street		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 220-216-1454	Email: Phillipstyle.pc@gmail.com	

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

Property Owner Information		
Name:		
Address: Same as above		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code):
Increase fence height from 4 to 6 feet
Describe the Project:
Fence in back yard

<b>Documents to Submit</b>	
<b>Variance Application:</b> Submit 1 copy of the variance application.	
<b>Narrative Statement:</b> Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> <li>The reason the variance is necessary</li> <li>The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code: <ul style="list-style-type: none"> <li><i>yes</i> 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;</li> <li><i>yes</i> 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;</li> <li><i>yes</i> c) Whether the variance requested is substantial;</li> <li><i>no</i> 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;</li> <li><i>no</i> e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</li> <li><i>no</i> f) Whether the variance, if granted, will be detrimental to the public welfare;</li> <li><i>no</i> g) Whether the variance, if granted, would adversely affect the delivery of governmental services;</li> <li><i>no</i> h) Whether the property owner purchased the subject property with knowledge of the zoning restriction;</li> <li><i>no</i> i) Whether the property owner's predicament can be obviated through some other method than variance;</li> <li><i>yes</i> 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,</li> <li><i>yes</i> k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</li> </ul> </li> <li>A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.</li> </ul>	
<b>Site Plan:</b> 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"> <li>All property lines and dimensions</li> <li>Location and dimensions of all existing and proposed buildings and structures.</li> <li>Setbacks from property lines for all existing and proposed buildings, structures and additions</li> <li>Easements and rights-of-way</li> <li>Driveways</li> <li>Floodplain areas</li> <li>Location of existing wells and septic/aerator systems.</li> <li>Any other information deemed necessary for the variance request</li> </ul>	
<b>Deed:</b> 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: <a href="https://apps.lcounty.com/recorder/recording-search/">https://apps.lcounty.com/recorder/recording-search/</a>	
<b>Area Map:</b> 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: <a href="https://www.lickingcountyohio.us/">https://www.lickingcountyohio.us/</a>	

<b>Signatures</b>	
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): <i>Philip Cohen</i>	Date: <i>Aug 24, 2023</i>
Property Owner (Required): <i>Philip Cohen</i>	Date: <i>Aug 24, 2023</i>

~~STREET~~

⊗ Telephone

Cedar Street

49

BFT (with gate)

gate

22ft

Diagram of a rectangular gate with a width of 22 ft and a height of 20 ft. The gate is labeled "gate" and "22 ft". The height is labeled "20 ft".

# VEIGHBOR FENCE

Garaage

1044

⑤ telephone I at

759







DESCRIPTION APPROVED  
JARED N. KNERR  
LICKING COUNTY ENGINEER

Approved By JW Feb 07, 2022

01150574001112006000

01150574001112009000

**TRANSFERRED**

Feb 07, 2022  
Michael L. Smith  
LICKING COUNTY AUDITOR  
SEC 319.902 COMPLIED WITH  
MICHAEL L. SMITH  
By: SLM 147.00

InstrID:202202070003200	2/7/2022
Pages:2	F: \$34.00 3:04 PM
Bryan A. Long	T20220003083
Licking County Recorder	

## GENERAL WARRANTY DEED

**Kristina May Watkins-Williams, married,** Grantor of Wayne County, North Carolina

for valuable consideration paid, grant(s) with general warranty covenants, to:

**Phillip Coleman,**

The Grantee

whose tax-mailing address is: 148 Cedar St., Pataskala, OH 43062

in the following REAL PROPERTY:

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

Being Lot Number One Hundred (100) and One Hundred One (101) in JOSEPH'S ADDITION to the City of Pataskala (formerly village of Pataskala) as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 112, Recorder's Office, Licking County, Ohio.

EXCEPTING However, Sixty (60) feet off the West end of said Lots.

Parcel No. 064-312180-00.000

Property Address: 148 Cedar St., Pataskala, OH 43062

Prior Instrument Reference: 201603250005698

Subject to: a) Unpaid taxes and special assessments, if any, all of which the Grantee herein assumes and agrees to pay as a further consideration for this conveyance; b) Any liens or encumbrances created by or assumed by the Buyer; c) Liens and encumbrances specifically set forth in the purchase contract; d) Zoning ordinances; e) Legal highways; f) Covenants, restrictions, conditions and easements of record that do not unreasonably interfere with present lawful use; and g) All coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Christopher M. Williams, husband of Grantor, releases all rights of dower therein.

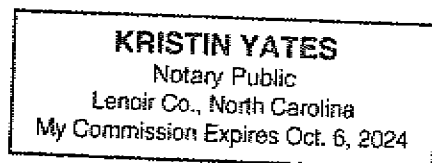
Executed this 31 day of Jan 2022

Kristina May Watkins-Williams  
Kristina May Watkins-Williams

Christopher M. Williams  
Christopher M. Williams

STATE OF NC, COUNTY OF Lenoir, ss:

The foregoing instrument was acknowledged before me this 31 day of Jan 2022  
by Kristina May Watkins-Williams and Christopher M. Williams.



Kristin Yates  
Notary Public

This instrument was prepared by:  
Griffith Law Offices  
522 N. State St.  
Westerville, OH 43082



