



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

November 14, 2023

Variance Application VA-23-024

Applicant:	Jessica & Harlan Jackson
Owner:	Jessica & Harlan Jackson
Location:	140 Heron Avenue, Pataskala, OH 43062 (PID: 064-307692-00.204)
Acreage:	+/- 0.32-acres
Zoning:	R-10 – High Density Residential
Request:	Requesting approval of a Variance from Section 1297.02(B)(2) of the Pataskala Code to allow for reduced setbacks for a private swimming pool pump & filter installation.

Description of the Request:

Requesting approval of a Variance from Section 1297.02(B)(2) to allow for the installation of the pump and filter equipment for a private inground swimming pool to be less than 20-feet from a property line.

Staff Summary:

The 0.32-acre property located at 140 Heron Avenue is occupied by a 2,816-square foot single-family home built in 2022. There is one frontage on the public right-of-way, that being Heron Avenue to the southeast, which is accessed by a concrete driveway. There is an existing 14-foot by 12-foot concrete patio off the rear of the home.

As proposed, the Applicant would like to install a 405-square foot private inground swimming pool, which will be set back from the northeast side property line 19-feet, and 19-feet from the southwest side property line. The pool itself will be surrounded by a concrete walkway of varying width, and being set back from the northeast side property line 15-feet, and 10-feet away from the 5-foot easement along this side property line. On the southwest side, it will be 15-feet from side property line and 10-feet from the existing 5-foot easement along that property line.

The Applicant will also be installing a larger concrete patio separately, along the rear face of the existing home, being 40-feet wide, and extending 14-feet and 5-inches from the rear of the home. A 4-foot by 7-foot equipment pad will be located within this patio, with the exterior edge being 15-feet and 4-inches from the northeast side property line at its closest point. Pursuant to Section 1297.02(B)(2) of the Pataskala Code, any pump and filter installations for swimming pools shall be located a minimum of 20-feet away from a property line.

According to the Narrative Statement as submitted by the Applicant, the proposed equipment pad would not be visible to neighboring properties as they will be installing a privacy fence. Further stated, they believe that the requested variance is the minimum that will afford relief and represent the least modification possible, and that the spirit and intent of the Code would be observed by granting the request.

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

As mentioned above, Section 1297.02(B)(2) states that all pump and filter installations shall be a minimum of 20-feet from a property line. As proposed, the pad for the pump and filter installations is 15'-4" from the northeast side property line. Therefore, the Variance request is for a 4'-6" reduction in the required setback, or a 23.33% reduction.

Staff has reviewed the site plan proposed by the Applicant and has determined that it meets all other applicable sections of Pataskala Code. There are no other concerns from Planning and Zoning.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-10 – High Density Residential	Single-Family Homes (under development)
East	R-10 – High Density Residential	Single-Family Home
South	R-10 – High Density Residential	Single-Family Home
West	AG – Agriculture	Agriculture

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-23-024:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- Pataskala Utilities– 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 two variances from Section 1297.02(B)(2) for Variance Application VA-23-024 (“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: 140 Heron Ave. Pataskala, OH 43062	
Parcel Number: Lot 21 Heron Manor 064-307692-00.204	
Zoning: Residential R-10	Acres: 0.32 0.32
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-23-024
Fee: \$300.00
Filing Date: 10-12-2023
Hearing Date: 11-14-2023
Receipt Number:

Applicant Information		
Name: Jessica & Harlan Jackson		
Address: 140 Heron Ave.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-425-7242	Email: jessikjackson@yahoo.com	

Property Owner Information		
Name: Jessica & Harlan Jackson		
Address: 140 Heron Ave.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-425-7242	Email: jessikjackson@yahoo.com	

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

Variance Information
Request (Include Section of Code): Section: 1297.02(B)(2) requires pump/filter installation to be located at least 20' away from property line. Request a variance be allowed for placement 15'4" from property line.
Describe the Project: We are building a pool. The pool pad with pump/filter would be located 15'4" from the property line along the back edge of my house (my house is not even 20' away from the property line. The pool pad would not be visible to others as it would be behind my house and further hidden by a privacy fence around the yard as required by the city with a pool.

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— to place a pool filtration/pump system 15'4" away from property line rather than the required 20'.
- 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;
 - YES 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;
 - YES 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,
 - YES 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):

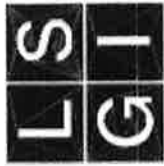
Date:

Property Owner (Required):

Date:

10/1/23

10/1/23



LANDMARK SURVEY GROUP, INCORPORATED

690 LAKEVIEW PLAZA BLVD, SUITE A, WORTHINGTON OH.43085
PHONE: (614) 485-9000 WWW.LANDMARKSURVEY.COM

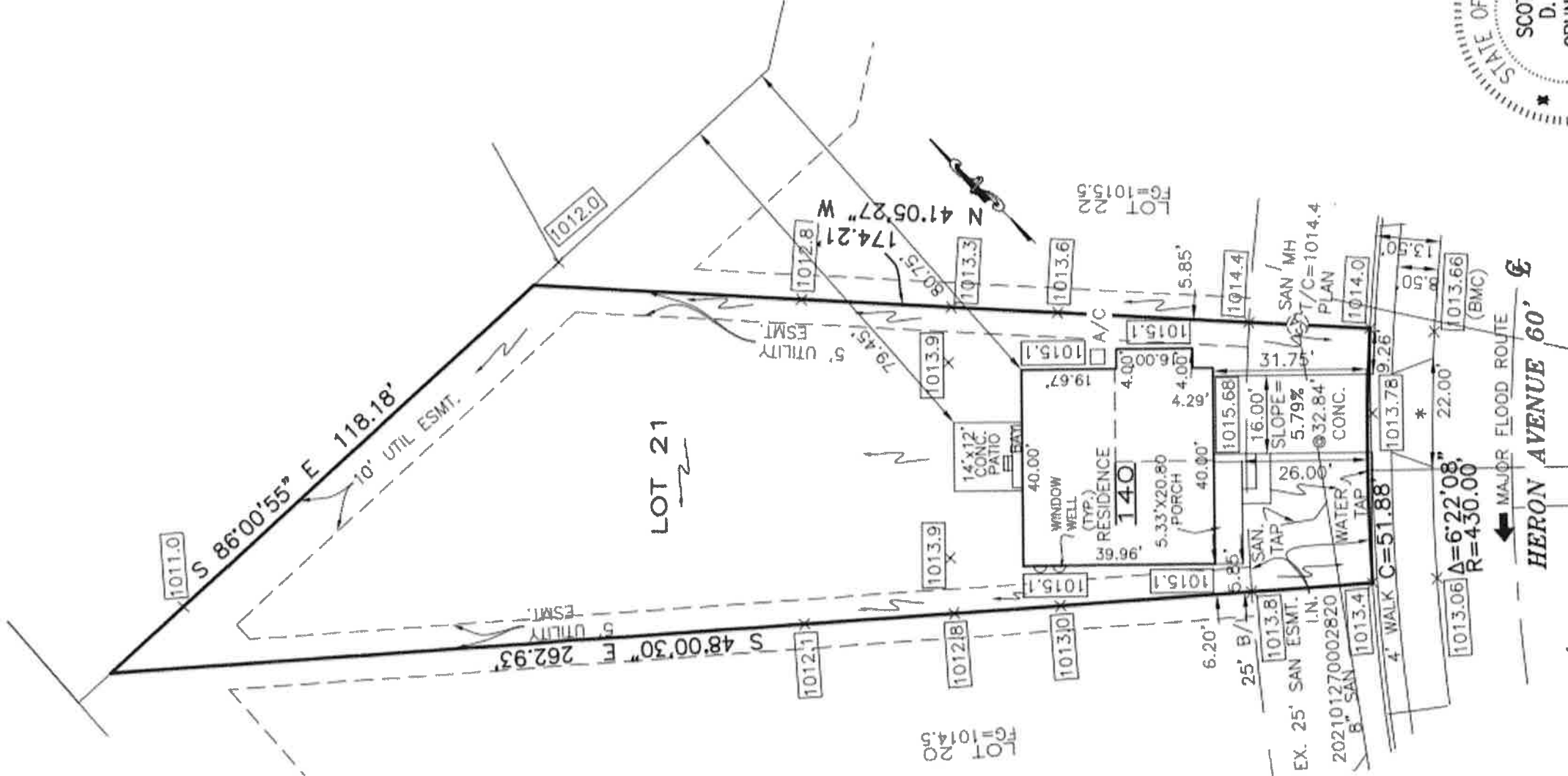
REVISIONS	DESCRIPTION
05/27/22	REVISED FOUNDATION (AA)

ORDER NO. HRM2-21-PPE

DATE: 05/09/22

FOR FISCHER HOMES. HOUSE STYLE JENSEN '40-382'
LOT/SUBDIVISION LOT 21 / HERON MANOR SECTION 2
ADDRESS 140 HERON AVENUE
SCALE 1"= 30' DRAWN BY: AA
MINIMUMS: R: 25' S: 5' I.N. 202109220028738

COUNTY OF LICKING
CITY/TWP OF PATASKALA



FISCHER HOMES (TOW CALCULATED)
POURED WALL = 8'
FINISH FLOOR = 1017.28
TOP OF FOUNDATION= 1016.10
FINISH GRADE= 1015.10
GARAGE PAD= 1015.68
BASEMENT FLOOR= 1008.43
TOP OF FOOTER= 1008.10
DRIVE SLOPE DISTANCE= 32.84

HEIGHT OF HOUSE NOT TO EXCEED 35'.

NOTE: WATER/SANITARY TAP TO BE RELOCATED IF IN DRIVE OR SIDEWALK.

* STABILIZE CONSTRUCTION ENTRANCE.

(1 SHADE TREE/1 EVERGREEN TREE) TO BE PROVIDED IN THE FRONT YARD OF THE LOT.

ALL UTILITIES TO BE INSTALLED UNDERGROUND.

SIDEWALK DEPTH TO BE A MINIMUM OF 4".

THIS PROPERTY IS LOCATED IN

FLOOD ZONE X.

MAP NO. 39089C 0289H/0293J.

EFF. DATE: 05/02/2007.

LOT CALCULATIONS ARE FOR ESTIMATING PURPOSES ONLY AND SHOULD BE VERIFIED BY THE BUILDER OR CONTRACTOR.

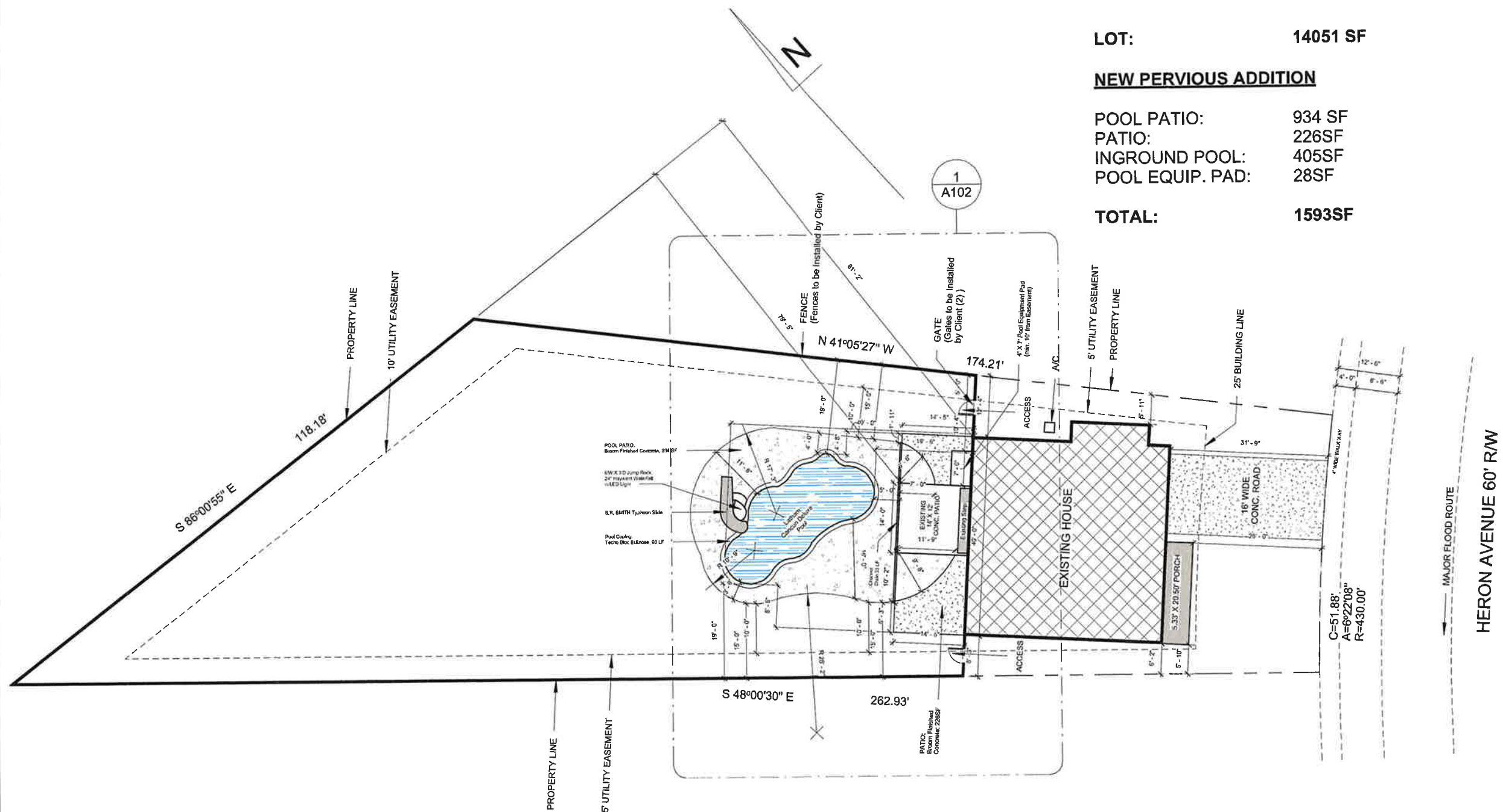
LOT CALCULATIONS	
LOCATION	S.F.
LOT	14051
HOUSE	1770
DRIVE	525
APPROACH	217
SER WALK	39
WALK	142
SOD	11998
LOT AC	0.323 Ac.
LOT COV.	12.60%

BUILDER TO INSTALL AND MAINTAIN EROSION CONTROL THROUGHOUT ALL PHASES OF CONSTRUCTION. FIELD MODIFICATIONS MAY BE NECESSARY.

WE HEREBY CERTIFY THAT THE FOREGOING PLOT PLAN WAS PREPARED FROM INFORMATION PROVIDED BY THE CLIENT AND DATA OBTAINED FROM ENGINEERED SUBDIVISION PLANS. THIS PLOT PLAN IS TO BE USED BY THE CLIENT FOR THE SOLE PURPOSE OF OBTAINING A BUILDING PERMIT. THE USE OF THE PLOT PLAN FOR ANY OTHER USE IS STRICTLY PROHIBITED.



Scott D. Grunel 05/09/22
SCOTT D. GRUNEL, P.S.
REGISTERED SURVEYOR NO. 8047



LOT: 14051 SF

NEW PERVIOUS ADDITION

POOL PATIO: 934 SF
 PATIO: 226SF
 INGROUND POOL: 405SF
 POOL EQUIP. PAD: 28SF

TOTAL: 1593SF



General Contractor

Pool Contractor

Omni Pools & Scapes
 4445 Weaver Court N
 Hilliard, OH 43026

Project Address

140 Haron Avenue,
 Pataskala OH 43062

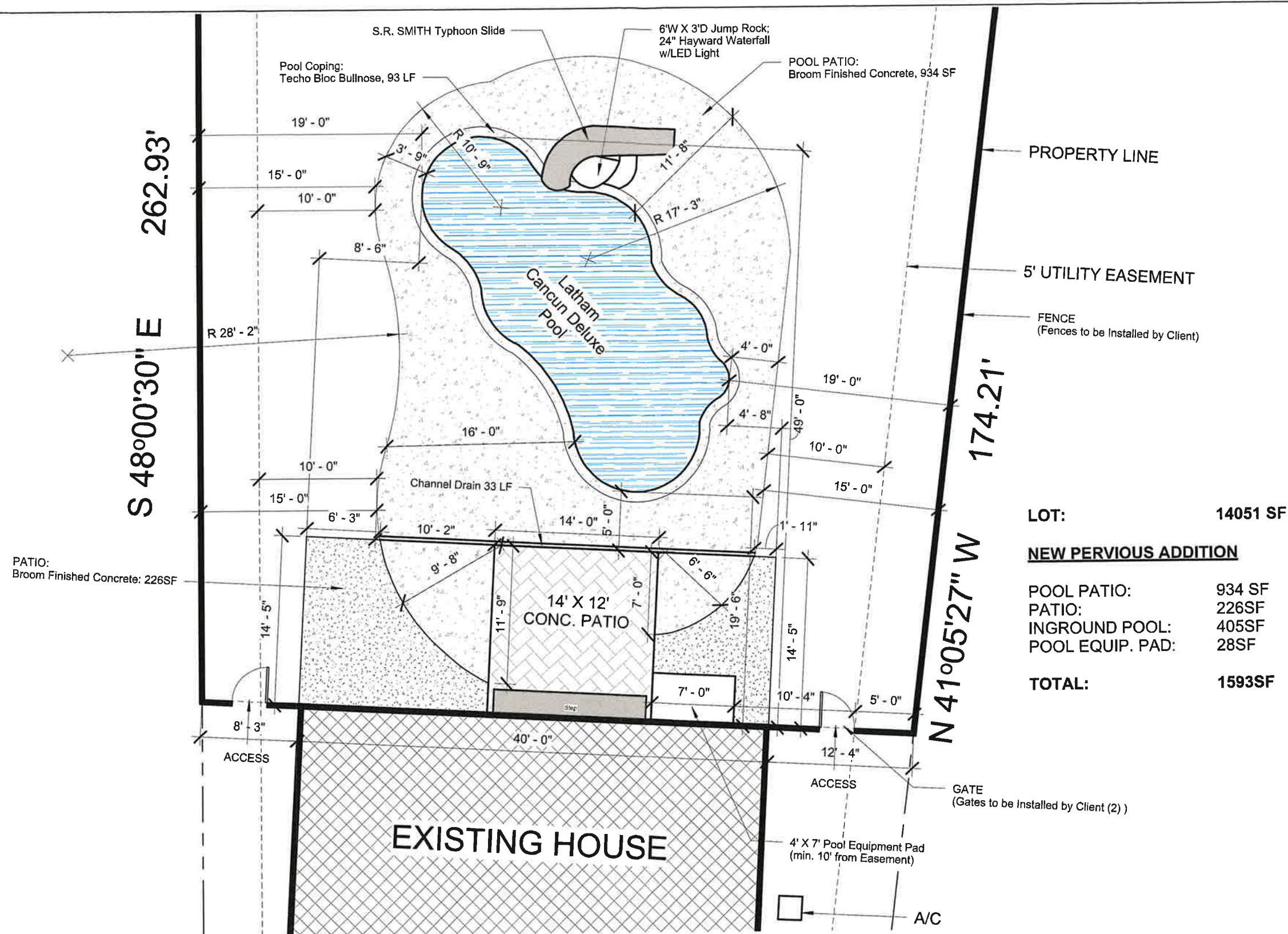
Drawn by: Omni Pools

Date: 7-7-2023

Project #:

Sheet Name: Site Plan

A101



LOT:	14051 SF
NEW PERVIOUS ADDITION	
POOL PATIO:	934 SF
PATIO:	226SF
INGROUND POOL:	405SF
POOL EQUIP. PAD:	28SF
TOTAL:	1593SF

OMNI
POOLS & SCAPES
sophisticated outdoor living

General Contractor

Pool Contractor

Omni Pools & Scapes
4445 Weaver Court N
Hilliard, OH 43026

Project Address

140 Haron Avenue,
Pataskala OH 43062

Drawn by: Omni Pools

Date: 7-7-2023

Project #:

Sheet Name: Level 1 - Callout 1 - Pool Area

A102

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JR Jan 10, 2023
0115PA007P1738021000

TRANSFERRED

Jan 10, 2023
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 1649.10

InstrID:202301100000570	1/10/2023
Pages:3	F: \$42.00 10:48 AM
Bryan A. Long	T20230000770
Licking County Recorder	

D E E D

KNOW ALL MEN BY THESE PRESENTS: That **FISCHER HOMES COLUMBUS II, LLC**, an Ohio limited liability company ("Grantor") whose address is 3940 Olympic Blvd., Suite 400, Erlanger, KY 41018, in consideration of One (\$1.00) Dollar and other good and valuable considerations to it paid by **JESSICA JACKSON AND HARLAN JEFFREY JACKSON**, wife and husband ("Grantees"), the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell, and Convey with General Warranty Covenants to the said Grantees, for and during their joint and natural lives with the remainder in fee simple to the survivor of them, their heirs and assigns forever, the following described Real Estate in the County of Licking and State of Ohio to-wit:

PLAT INSTRUMENT NO. 202109220028738
PARCEL NO. 064-307692-00.204
PROPERTY ADDRESS: 140 Heron Avenue, Pataskala, Ohio 43062
Tax Mailing Address & Grantees' Mailing Address: 140 Heron Avenue, Pataskala, Ohio 43062

Situated in the State of Ohio, County of Licking, City of Pataskala, being in Lots 12 & 13, 4th Quarter Township, Township 1, Range 15, United States Military District, and being more particularly described as follows:

All of Lot 21 in Heron Manor, Section 2, as shown on plat recorded as Instrument No. 202109220028738, of the Licking County, Ohio Recorder's Office.

COMMONWEALTH OF KENTUCKY, COUNTY OF BOONE, Sct.

The foregoing instrument was acknowledged before me this 27th day of December, 2022, by and through Jamie L. Knochelmann, the duly-authorized Closing Manager of **FISCHER HOMES COLUMBUS II, LLC** and Carla C. Zell, the duly-authorized Closing Coordinator of **FISCHER HOMES COLUMBUS II, LLC**, an Ohio limited liability company.

My Commission Expires:

Emma C Massey
Notary Public



EMMA C. MASSEY
Notary Public - State at Large, Kentucky
My Commission Expires Nov. 10, 2025
Notary ID KYNP40183

This instrument prepared by:

Stephen P. Kenkel, Esq.
3940 Olympic Boulevard, Ste. 530
Erlanger, KY 41018
Phone: (859) 578-2700

