



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-23-025

Applicant:	Alan Tharp
Owner:	Dalkk Asset Management, LLC.
Location:	12964 Cleveland Road, Pataskala, OH 43062 (PID: 063-144972-00.000)
Acreage:	+/- 1.00-acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of two (2) Variances from Section 1229.05(B) of the Pataskala Code to allow for a lot split that will create two (2) lots with less than the minimum required lot width of 200-feet, and less than the minimum required lot size of two (2) acres.

Description of the Request:

Requesting approval of two (2) Variances from Section 1229.05(B) of the Pataskala Code. First, to allow a minor subdivision that will create two (2) lots with less than the required minimum lot width of 200-feet. Second, to allow for a minor subdivision that will create two (2) lots with less than the minimum required lot area of two (2) acres.

Staff Summary:

The 1.001-acre lot located at 12964 Cleveland Road SW is currently occupied by two (2) single-family homes. The forwardmost, closest to Cleveland Road SW is approximately 780-square feet in size and constructed in 1955. There is a second home, approximately 950-square feet, located behind the first and constructed at an unknown date (pre-dates 1998). In the rear of the lot, there is also an existing 1,884-square foot pole barn originally built in 2005 and then extended in 2013. The lot itself only has one frontage, onto Cleveland Road SW to the south.

It is also an existing non-conforming lot in several ways. The lot itself does not meet the minimum requirements of the R-87 – Medium-Low Density Residential Zoning District, those being a minimum lot size of two (2) acres, and a minimum lot width of 200-feet. In its current form, the lot is only one (1) acre, and approximately 140-feet wide. Additionally, the existing structures are existing non-conforming as well, as there are two (2) single-family homes on a single lot, and the existing accessory building is too large for a one (1) acre lot. It exceeds the maximum permissible size by 444-square feet. The forwardmost home may also be existing non-conforming with the front and side yard setbacks, 75-feet and 25-feet, respectively, however, it is not possible to confirm without an accurate survey.

As proposed by the Applicant, they would like to perform a lot split to separate the lot in two (2), with each newly created lot having one of the existing houses on it. The house closest to Cleveland Road SW will be located on a lot 0.245-acres in size, with the proposed dimensions of 82-feet wide, and 128-feet deep. The existing house located behind this, and the existing pole barn, will remain on a 0.756-acre flag lot, approximately 58-feet wide.

According to the Narrative Statement as submitted by the Applicant, the property was purchased for their child, and they are not interested in renting or leasing the other dwelling unit on the property. They would prefer to separate the lot in order to sell the forwardmost house. Further stated, they do not believe the request(s) are substantial as the proposed split would not be changing anything on the property, just separating out the two (2) existing single-family homes on the existing lot. The Applicant also referenced a property immediately adjacent to the east that as it exists today is even smaller than their proposed lot split, being 0.1-acres.

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

As mentioned in the summary, Section 1229.05(B) of the Pataskala Code requires a minimum lot width of 200-feet and a minimum lot size of two (2) acres when in the R-87 – Medium-Low Density Residential zoning district. The existing lot and structures are currently existing non-conforming (e.g., “grandfathered”) as the lot itself is smaller and narrower than required by code, and it is occupied by two (2) single-family dwellings on a single lot.

The Applicant has requested two (2) Variances from Section 1229.05(B) to allow for a lot split that will create two (2) lots that will not meet the minimum requirements of Pataskala Code. The proposed split would create:

- Lot #1 (forwardmost home):
 - Size: 0.245-acres
 - Reduce allowable lot size from two (2) acres to 0.245-acres, a reduction of 1.755-acres, or 87.75%
 - Width: 82-feet
 - Reduce allowable lot width from 200-feet to 82-feet, a reduction of 118-feet, or 59%.
- Lot #2 (remainder; rear home and pole barn).
 - Size: 0.756-acres
 - Reduce allowable lot size from two (2) acres to 0.756-acres, a reduction of 1.244-acres, or 62.2%
 - Width: 58-feet
 - Reduce allowable lot width from 200-feet to 58-feet, a reduction of 142-feet, or 71%

The existing lot is currently 1.001-acres in size. This is 0.999-acres less than the required lot size per code, or 49.95%, and is 140-feet wide. That is 60-feet less than required per code, or 30%.

In addition to the requested Variance(s), upon review, Staff has determined the need for additional variances in order to allow for reduced setbacks for the existing homes on the lot. While the homes themselves are currently existing non-conforming, by performing a lot split, they will increase the non-conformity, thus requiring a further variance. In the R-87 zoning district the front, sides, and rear required setbacks are 75-feet, 25-feet, and 75-feet; respectively. The proposed split would increase the nonconformity of the forwardmost house’s side yard and rear yard setbacks, and the front yard setbacks of the rear house.

It would also increase the nonconformity of the existing accessory building in regard to the maximum permitted size on a single lot. While it is currently existing non-conforming (too large for existing lot size), reducing the lot size would further increase the nonconforming status of the structure.

Should the Board choose to do so, the following Variances may also be considered for the existing structures. The Applicant would require these in order to perform the proposed lot split.

- Lot #1 (forwardmost home):
 - Variance from Section 1285.05(C)(2) to allow for reduced side yard setback from 25-feet to 5-feet.
 - Variance from Section 1285.05(C)(3) to allow for reduced side yard setback from 75-feet to 10-feet.
- Lot #2 (remainder; rear home and pole barn).
 - Variance from Section 1285.05(C)(1) to reduce front yard setback from 75-feet to 5-feet.
 - Variance from Section 1221.05(B)(1) to allow for an existing accessory building to exceed the maximum permitted size on a 0.756-acre lot (1,147.2-square feet) by 738-square feet.

If approved, the Applicant will need to submit a Minor Subdivision Application with a survey showing both lots, all existing structures, and the dimensions to the property lines for said existing structures, along with new legal descriptions for both parcels.

Southwest Licking Community Water and Sewer District

Water and sanitary services shall be separate for each residence if not already separate.

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 Homes
East	R-87 – Medium-Low Density Residential	Single-Family Homes
South	M-1 – Light Manufacturing	Railroad Agriculture
West	R-87 – Medium-Low Density 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-23-025:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- SWLCWSD– See attached.
- 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. The Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.
2. The Board of Zoning Appeals hereby approves Variances from Sections 1229.05(C)(1), 1229.05(C)(2), 1229.05(C)(3), and Section 1221.05(B)(1) for Variance Application VA-23-025.

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 1229.05(B) of the Pataskala Code for variance application VA-23-025 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Chris Gilcher](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); [Trent Howell](#); [Sam Eppley](#); [Scott Haines](#); [Jim Roberts](#); [Bruce Brooks](#); [Doug White](#); [Kevin Miller](#); laitken@lhschools.org; kperkins@laca.org; [Antonio Anzalone](#); [Alan Haines](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 11-14-2023
Date: Tuesday, October 24, 2023 7:32:33 AM
Attachments: [image001.png](#)

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,

See below:

VA-23-025: Water and sanitary sewer services shall be separate for each residence in accordance with the District Rules and Regulations.

Thanks,

CJ Gilcher
Utilities Superintendent
8718 Gale Road
Hebron, Ohio 43025
Ph: 740-928-2178



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, October 17, 2023 11:24 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Trent Howell <thowell@ci.pataskala.oh.us>; Sam Eppley <seppley@verdantas.com>; Scott Haines <shaines@hullinc.com>; Jim Roberts <jroberts@verdantas.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; Kevin Miller <kevin.miller@lhschools.org>; laitken@lhschools.org; kperkins@laca.org; Chris Gilcher <cgilcher@swlcws.com>; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala BZA Review Memo for 11-14-2023



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: 12964 CLEVELAND ROAD	
Parcel Number: 202112150038062 063-144972-00.000	
Zoning: R-87	Acres: 1.001
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-23-025
Fee: \$300.00
Filing Date: 10.13.2023
Hearing Date: 11.14.2023
Receipt Number: 001370

Applicant Information		
Name: ALAN THARP		
Address: 311 SHELTER COVE DR		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614-402-2853	Email: ATHARP916@GMAIL.COM	

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

Property Owner Information		
Name: DALIK ASSET MANAGEMENT, LLC		
Address: 311 SHELTER COVE DR		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614-402-2853	Email: ATHARP916@GMAIL.COM	

Variance Information
Request (Include Section of Code): SECTION 1229.05(B) TO REDUCE THE MINIMUM ALLOWABLE LOT SIZE FROM 2 ACRES TO .245 ACRES, AND REDUCE THE MINIMUM LOT WIDTH FROM 200 FT TO 82 FT.
Describe the Project: SEE ATTACHED.

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:

10/12/23

Property Owner (Required):

Date:

10/12/23

To: City of Pataskala Planning & Zoning Department
From: Alan Tharp/DALKK Asset Management Co, LLC
Date: 10/12/23
RE: Variance Application

Planning & Zoning Dept,

My name is Alan Tharp and I have a property located at 12964 Cleveland Road, Pataskala. The property has two houses and a pole barn. I purchased the property in 2021 to help my son find living space and to use the pole barn as a storage unit. This is NOT an investment property that's generating revenue and nor will it be.

Attached is a Variance Application form to split the property. I have been advised that a Variance would be necessary to split this lot, as in its current form it does not meet the minimum requirements of the R-87 zoning districts. That being, a minimum lot size of not less than two (2) acres and a minimum lot width of 200-feet throughout. As such, by splitting the lot, both lots will not be able to meet the minimum requirements.

Thank You,
Alan Tharp

Alan Tharp
311 Shelter Cove Drive
Pataskala, OH 43062
Atharp916@gmail.com
614-402-2853

Narrative Statement:

As stated in the cover letter, this property has two houses and one barn. My son occupies the rear house and barn. The front house is uninhabitable at the moment. I have a neighbor that is interested in purchasing the house and remodeling it for his newlywed children. We would like to split the current lot (1.001 acre) into two lots. One lot would have .245 acres and one of the houses. The second lot would have .756 acres, a house and a barn.

In its current condition, we would need to rehab the front house and rent to recover the investment. However, we do not want to get in to the renting business. Nor, do we have the revenue to repair or destroy the uninhabitable house. If we could split the property, it would be a win/win/win/win for all parties:

- Win for us – We can reduce our property size and still retain most of its value.
- Win for neighbor – My neighbor would have a house for his kids. As you know, current real estate market is really difficult for 19-20 year olds to purchase or rent. When the house is rehabbed, it will begin to earn its own property value.
- Win for the school district – The school district will gain another tax revenue source without any changes to the physical locations of the dwellings.
- Win for the neighborhood – Most of the properties on this road are very old and unimproved. This will help boost the values in the area. We are confident that the neighbors will not object. This only has positive affect on the area. As mentioned above, a neighbor is the buyer and the new lot would be adjacent from their current lot.

We do not believe this is a substantial variance. We are not changing anything other than the boundaries and improving the existing building. If the variance is granted, it will not:

- substantially impair the appropriate use or development of adjacent properties.
- have an adverse effect on delivery of governmental services.
- be detrimental to the public welfare.

There is currently a small property just east of ours (next door). It is very small (.1 acres) and it is currently in contract for \$188,000 (See Exhibit A). Should we be approved to split our lot, the potential property values would be:

- Current unsplit value: \$235,000
- Estimate of values if split: Lot #1 \$220,000. Lot #2 \$200,000.

Attachments:

Smaller lot adjacent to proposed new lot. See Exhibit A

Site Plan - See Exhibit B.

Copy of Property Deed - See Exhibit C

Area Map - See Exhibit D

Property lines and dimensions – See Exhibit E

Map of all existing & proposed building – See Exhibit F






Utilities and easements – See Exhibit G


Exhibit A



12964 Cleveland Road
(Subject lot-Red is
proposed split)

12954 Cleveland Road
(Adjacent to subject lot)





Save Share Hide More

Liking this home?

Sign in to save homes you like and improve your recommendations.

Sign in

\$188,500

3 bd 2 ba 1,392 sqft

Price increase: \$3.5K (9/23)

12954 Cleveland Rd, Pataskala, OH 43062

Pending

Zestimate®: None

Est: \$1,254/mo

Get pre-qualified

Contact agent

Overview Facts and features Home value Price and tax

Single family residence

Built in 1950

Electric

No data

Open parking

3,484 sqft

\$135 price/sqft

2.50% buyers agency fee

Overview

Exhibit C 1of2

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JW Dec 14, 2021

01150563805112015100

01150563800000001000

TRANSFERRED

Dec 15, 2021
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: CR 705.00

InstrID:202112150038062	12/15/2021
Pages:2	F: \$34.00
Bryan A. Long	8:42 AM
Licking County Recorder	T20210037595

WARRANTY DEED

File # 96204

KNOW ALL MEN BY THE PRESENTS THAT; Charles W. O'Neil, A Married Man, Grantor(s), for Ten Dollars (\$10.00) and other good and valuable consideration paid, grant(s), with general warranty covenants, to DALKK Asset Management LLC, Grantee, whose Tax Mailing Address will be 311 Shelter Cove Dr. Pataskala, Ohio 43062.

The following described real property:

Situated in the State of Ohio, County of Licking, City of Pataskala, and being further described as follows:

Being a part of Lot Number Six (6), in the Third Quarter of the First Township in the 15th Range of the United States Military Lands and more particularly bounded and described as follows:

Beginning at a point, marked by a railroad spike, on the center line of Township Road No. 154, said point of beginning being South 89° 54' East 166 feet from a point, marked by an iron pin, in the center line of said Road at the West line of said Lot Number 6; Thence North 0° 05' East, passing an iron pin at 16.5 feet, 311.5 feet to a point for a corner, marked by an iron pin; Thence South 89° 54' East 140 feet to a point for a corner marked by an iron pin, thence parallel with and 572 feet West of the center line of County Road No. 41, South 0° 5' West, passing an iron pin at 31..50 feet to a point for a corner, marked by a railroad spike; Thence along the center line of said Township Road No. 154, North 89° 54' West 140 feet to a Point of Beginning, Containing 1.001 acres, more or less. A part of Lot Number Twenty-Three (23) of the Summit Station East Subdivision recorded in Plat Book 5, Page 112.

WEST OHIO TITLE INSURANCE BOX

PPN: 063-144972-00.000

Property Address: 12964 Cleveland Road, Pataskala, Ohio 43062

Parcel Number: 063-144972-00.000
Known as: 12964 Cleveland Road
Pataskala, OH 43062


Subject to covenants, conditions, restrictions, easements and zoning ordinances, if any, contained in prior instruments of record.

Excepting therefrom taxes and assessments if any, now a lien and thereafter due and payable.

Prior Instrument Number: Instrument Number 201807100013921; and Instrument Number 201807100013920, of the Records of the office of the Recorder, Licking County, Ohio.

Tenika O'Neil, Spouse of Grantor, hereby releases all rights of Dower therein.

Witness his/her/their hand(s) this 29th day of November, 2021



Charles W. O'Neil


Tenika O'Neil

State of Ohio)
County of Fairfield) SS

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above named Charles W. O'Neil, and Tenika O'Neil, Husband and Wife who acknowledged that they/he/she did sign this Warranty Deed and the same is their/his/her free act and deed. This is an acknowledgment. No oath or affirmation was administered to the signer with regard to this notarial act.

In Testimony Whereof, I have hereunto set my hand and official seal, this 29th day of November, 2021.


Notary Public
Commission Expiration
Date: 12/4/2021

This instrument was prepared by:

Thomas J. Olix, Attorney at Law
Olix & Associates, Co., L.P.A.
1303 Durness Ct.
Columbus, Ohio 43235



JOEL A. GHITMAN
Notary Public, State of Ohio
My Commission Expires December 4, 2021

File # 96204

Exhibit D

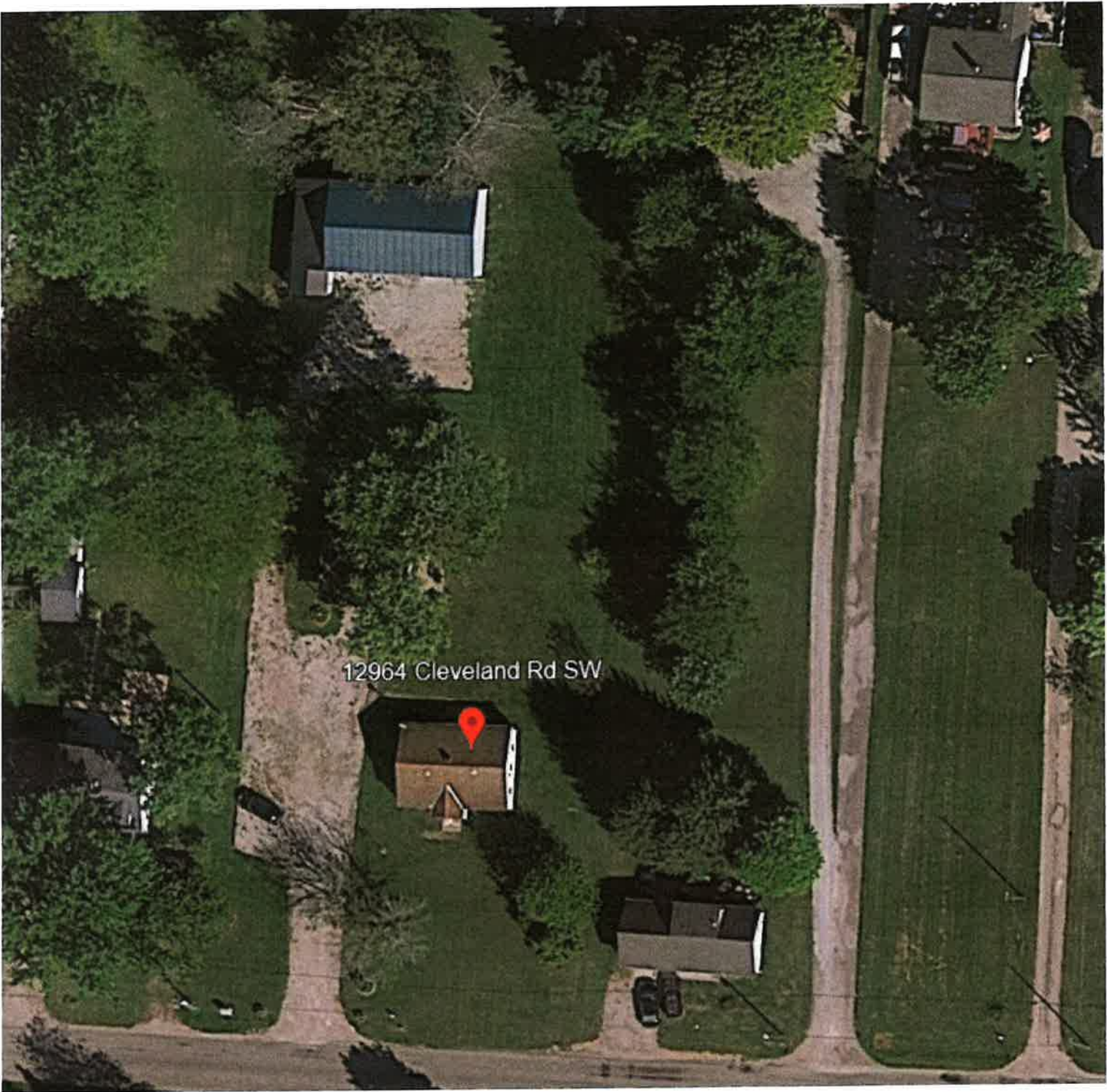
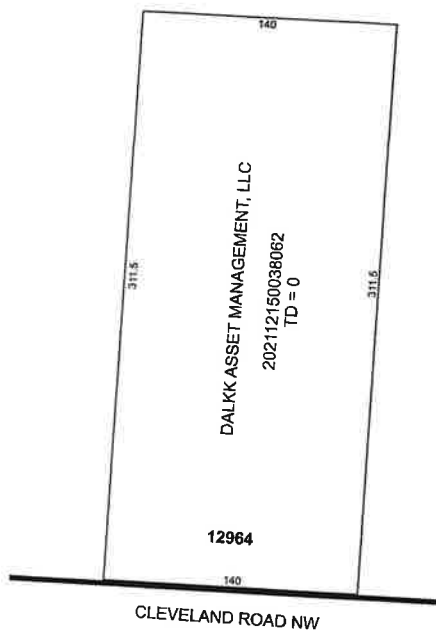
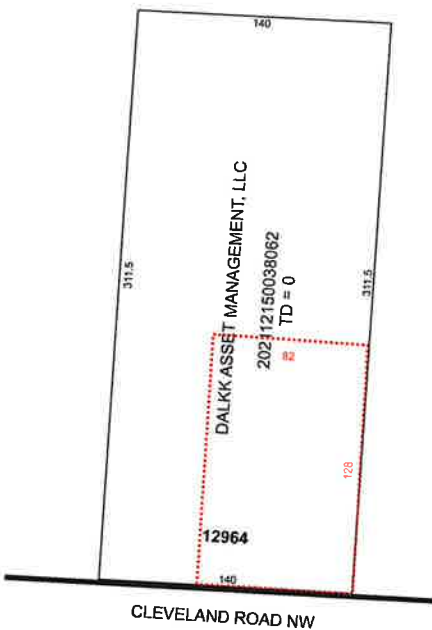


Exhibit E



Existing
1.001 Acres
140w x 311.5d



Proposal
.245 Acres
82w x 128d

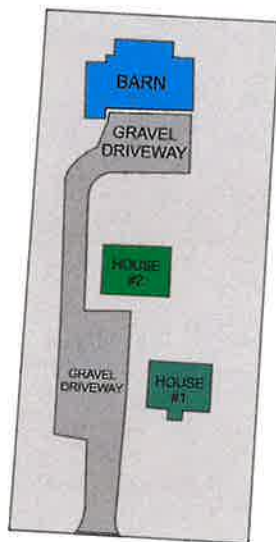
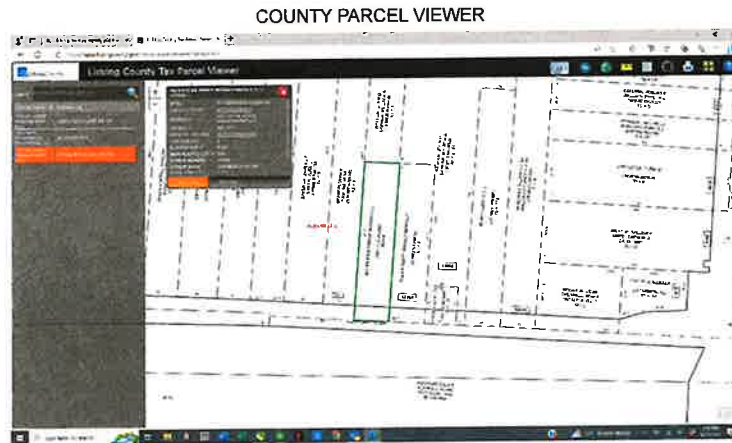
.756 Acres
Remain



12964 Cleveland Road
Pataskala, OH 43062

Exhibit F ALAN THARP/DALKK ASSET MANAGEMENT, LLC
12964 CLEVELAND ROAD, PATASKALA, OH 43062
PARCEL #202112150038062

10/11/23



Existing parcel:

- House #1
- House #2
- Barn

Proposed parcel split:

- Red .25 acres +/-
- Grey .75 acres +/-
- Lt Blue is new driveway

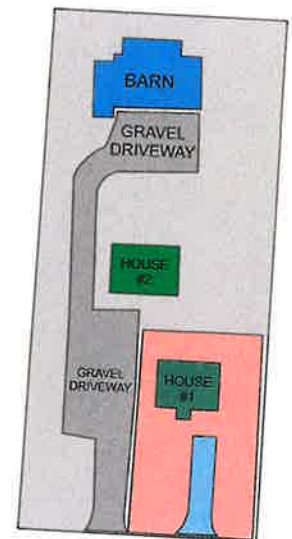


Exhibit G

NOTE: All utilities are already independent, except sewer line will need a sewer easement on the front property. The sewer line will be shared. SWL Water has verbally approved this.

