



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

EXTENSION REQUEST

STAFF REPORT

June 13, 2023

Conditional Use Application CU-23-005

Applicant:	John Luebbe III, Connie Luebbe
Owner:	John Luebbe III, Connie Luebbe
Location:	Lot 22, Beeson's Subdivision, North End Drive, Pataskala, OH (PID:064-311172-00.000)
Acreage:	+/- 0.224-acres
Zoning:	R-15 – Medium-High Density Residential
Request:	Request approval of a Conditional Use pursuant to Section 1233.04(7) in order to allow for a two-family dwelling.

Description of the Request:

Applicant has requested an extension to the previous approval of CU-23-005. Per the written request, the Applicant was injured in an accident and has been unable to progress on working towards completion. Several Variances were also approved; however, those were approved with a one (1) year expiration date and are still valid. The original staff report is below, and the findings of fact from the June 13, 2023, hearing as well as the written extension request is attached.

Staff Summary:

The 0.224-acre property located on North End Drive is currently vacant and undeveloped. It is lot 22 of the Beeson's Subdivision, platted in 1954, and is existing non-conforming as it does not meet the minimum requirements of the R-15 – Medium-High Density Residential zoning district; Those being: a minimum lot width of 100-feet and a minimum lot size of 10,000-square feet (currently: 75-foot lot width, 9757.44-square feet in area).

The Applicant is proposing to construct an attached two-family dwelling on the lot. As shown on the provided site plan, the structure on Lot 22 (northernmost lot) will be set back from the front (east) property line a distance of 35-feet, 17.5-feet from the side (south) property line, approximately 17.5-feet from the side (north) property line, and an unknown distance from the rear (west) property line (although per plan, it is outside the required 25-feet setback). Each unit will have its own private driveway onto North End Drive, along with a side patio to be enclosed by a fence and/or wall. Pursuant to Section 1233.04(7) of the Pataskala Code, two-family attached dwellings are a Conditional Use in the R-15 zoning district.

Each unit will have its own private driveway onto North End Drive, along with a side patio to be enclosed by a fence and/or wall. The structures themselves will not have a basement, and both units are to be three (3) bedroom units with approximately 1,548-square feet of living area with a one (1) car garage.

According to the Narrative Statement as submitted by the Applicant, within the existing Beeson's Subdivision, there are a mix of single-family and two-family dwellings, with three (3) existing two-family

Staff Review: *The following summary does not constitute recommendations but merely conclusions and suggestions from the Staff Review, the full text of which follows the summary.*

Planning and Zoning Staff:

As mentioned above, Section 1233.04(7) of the Pataskala Code identifies Two-Family Attached Dwellings as a Conditional Use in the R-15 – Medium-High Density Residential zoning district.

For the proposed unit on Lot 22, two (2) variances will be needed including one (1) for setbacks, as the lot is narrower than that required by current Pataskala Code. These Variances have been applied for and are including in Variance Application VA-23-013 (also on the agenda).

Should the Conditional Use and Variance Applications be approved, the Applicant will need to apply for a New Residential Construction Permit, and include the overall height of the structure, driveway width, driveway approach width, etc. on the site plan in order for that permit to be approved. Additionally, pursuant to Chapter 1294 of the Pataskala Code, Impact Fees would apply to the construction of these dwellings.

As this is a Conditional Use, pursuant to Section 1215.09 of the Pataskala Code, the approved use must be carried out within six (6) months of the date of approval. The Applicant may request one (1) further six (6) month extension before a re-submittal is required.

Pataskala Utilities Director (Full comments attached)

Follow all City of Pataskala construction specs.

Other Departments and Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Single-Family Home
East	R-15 – Medium-High Density Residential GB – General Business	Vacant Animal Hospital of Pataskala
South	R-15 – Medium-High Density Residential	Vacant (Proposed Two-Family Attached)
West	R-15 – Medium-High Density Residential	Single-Family Home

Conditional Use Requirements:

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.*
2. *Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.*

3. *Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
8. *Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.*
9. *Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff's opinion the following factors from Section 1215.05 are applicable to Conditional Use Application CU-23-005:

- None.

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments.
- City Engineer – No comments.
- Pataskala Utilities – See attached.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Southwest Licking 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 address all comments from the Planning and Zoning Department, and Pataskala Utilities.
2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.

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 Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-23-005 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Trent Howell](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#)
Subject: RE: Pataskala BZA Review Memo for 06-13-2023
Date: Thursday, May 25, 2023 1:46:53 PM
Attachments: [image001.png](#)

Comments below in red

Thank you,

Trent Howell
City of Pataskala
Acting Utility Director
430 S Main Street
thowell@ci.pataskala.oh.us
Office: (740) 927-4134

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, May 16, 2023 10:44 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Scott Haines <shaines@hullinc.com>; Jim Roberts <jroberts@verdantas.com>; Trent Howell <thowell@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; kperkins@laca.org; Kevin Miller <kevin.miller@lhschools.org>; laitken@lhschools.org; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; Alan Haines <ahaines@ci.pataskala.oh.us>; Scott Morris <smorris@lickingcohealth.org>
Cc: Scott Fulton <sfulton@ci.pataskala.oh.us>; Lisa Paxton <lpaxton@ci.pataskala.oh.us>
Subject: Pataskala BZA Review Memo for 06-13-2023

Good Morning Everyone,

You are receiving this email because one or more of the Application(s) submitted for the **June 13, 2023** Board of Zoning Appeals are within your jurisdiction. Please see the list below for which Applications are being submitted for your review.

VA-23-011: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

VA-23-012: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

CU-23-004: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

Follow all City of Pataskala Construction Specs

VA-23-013: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

CU-23-005: Felix Dellibovi, Verdantas, Trent Howell, Bruce Brooks, Doug White, Kasey Perkins, Public Service Department

No comment

VA-23-014: Felix Dellibovi, Verdantas, Bruce Brooks, Doug White, Kevin Miller, Scott Morris, Public Service Department

If you have any comments or concerns regarding these applications, please have them submitted to me **no later than Monday, June 5, 2023**. They will be included in the Staff Report that is given to the Board members. If you have questions regarding these applications, feel free to contact me. A link to download the applications is below.

 [BZA Review Memo for 06-13-2023](#)

Thank you for your assistance.

JACK R. KUNTZMAN
City Planner
City of Pataskala
621 West Broad Street, Suite 2-A
Pataskala, Ohio 43062
Phone: 740-964-1316



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1215)

Property Information		
Address: Lot 22 North End Drive Pataskala.		
Parcel Number: 064-311172-00.000		
Zoning: R-15	Acres: 0.42	
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: CU-23-005
Fee: 300
Filing Date: 5-9-23
Hearing Date: 6-13-23
Receipt Number: 001118

Applicant Information		
Name: John J. Luebbe III (owner Luebbe)		
Address: 401 Apple Blossom Rd SW.		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-582-3632	Email: JLL@LuebbeCompanies.com	

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

Property Owner Information		
Name: SAME		
Address:		
City:	State:	Zip:
Phone:	Email:	

Conditional Use Information		
Request (Include Section of Code):	R-15 Conditional Use	
	1233.04 To permit one Two-Family Residential Dwelling on each lot	
Describe the Project:	See Attached	

Documents to Submit

Conditional Use Application: Submit 1 copy of the conditional use application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
 1. *Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on this application.*
 2. *Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code.*
 3. *Will be designed, constructed, operated and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.*
 4. *Will not be hazardous or disturbing to existing or future neighboring uses.*
 5. *Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
 6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*
 7. *Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
 8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
 9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.
- Wireless Telecommunication Facilities must also meet the requirements outlined in Section 1293.06(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 conditional use 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/paxworld/>

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 conditional use request.

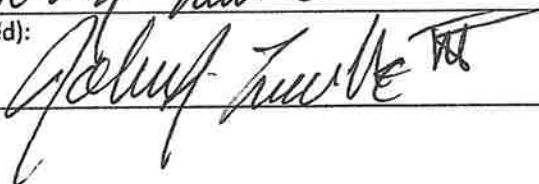
Applicant (Required):



Date:

5-9-2023

Property Owner: (Required):



Date:

5-9-2023

Conditional Use Application

Lots 13 and 22 Beeson's Subdivision

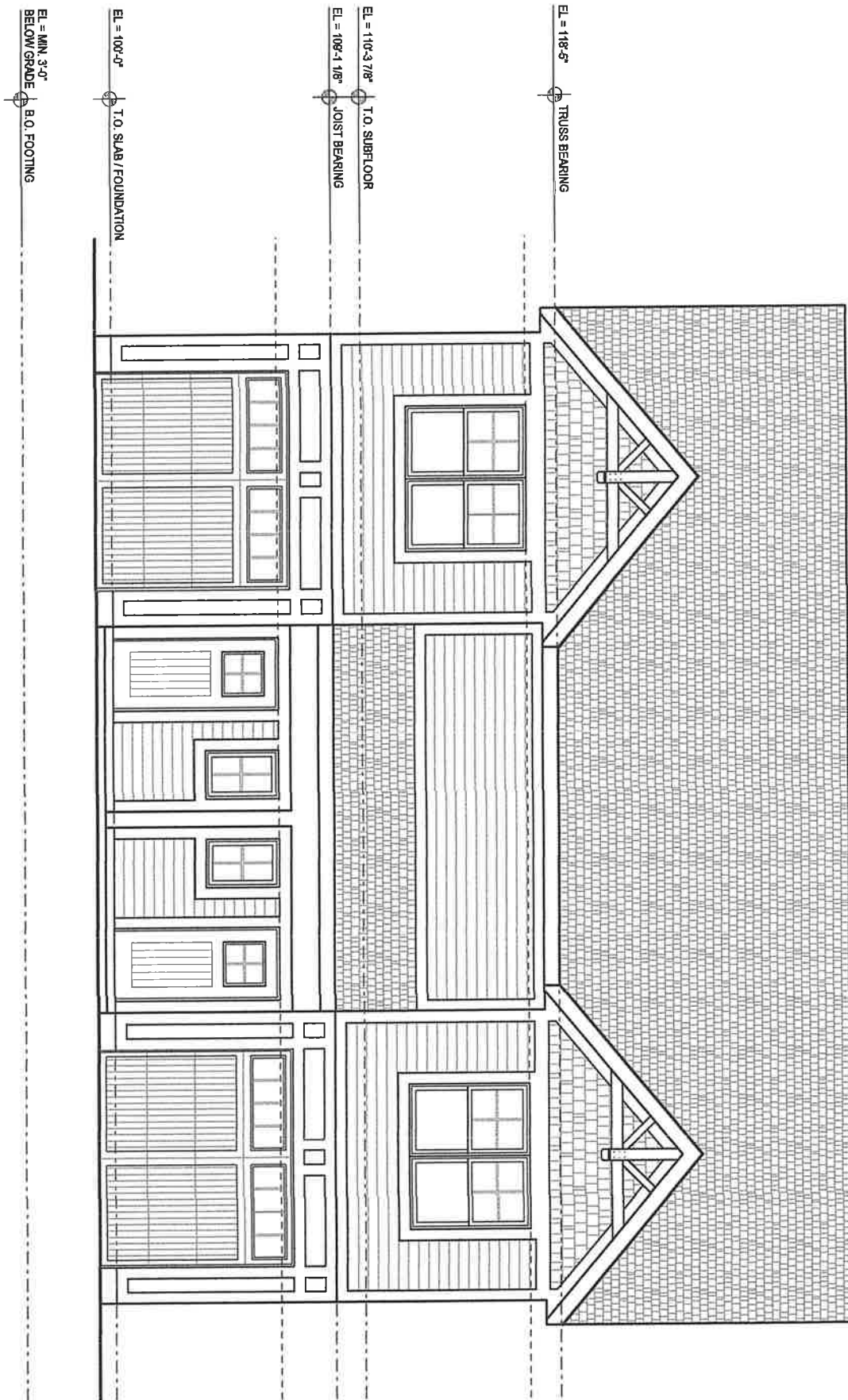
Zoned R-15

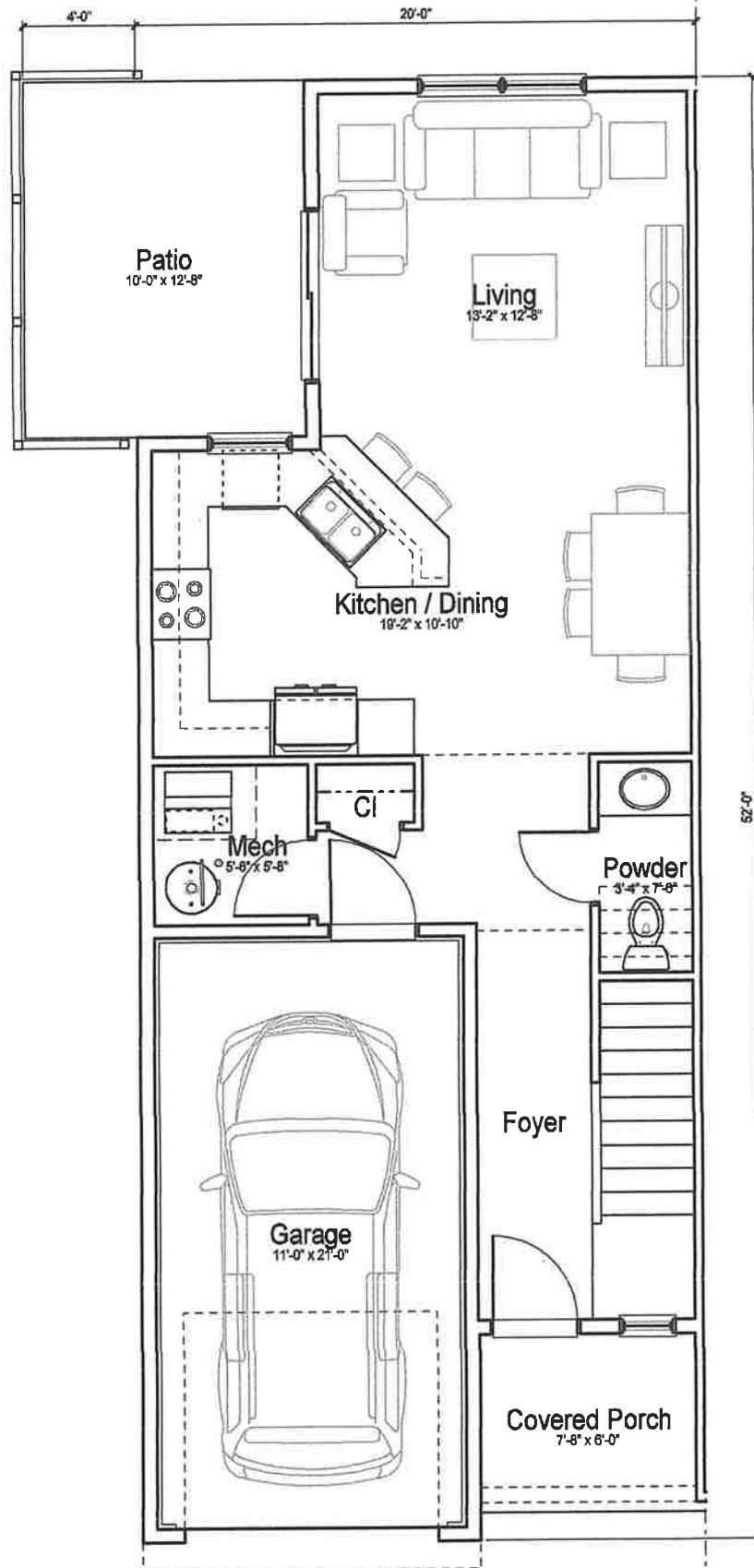
Lots 13 and 22 are Zoned R-15, which permits one two-family residential dwelling on each lot as a conditional use.

Narrative Statement:

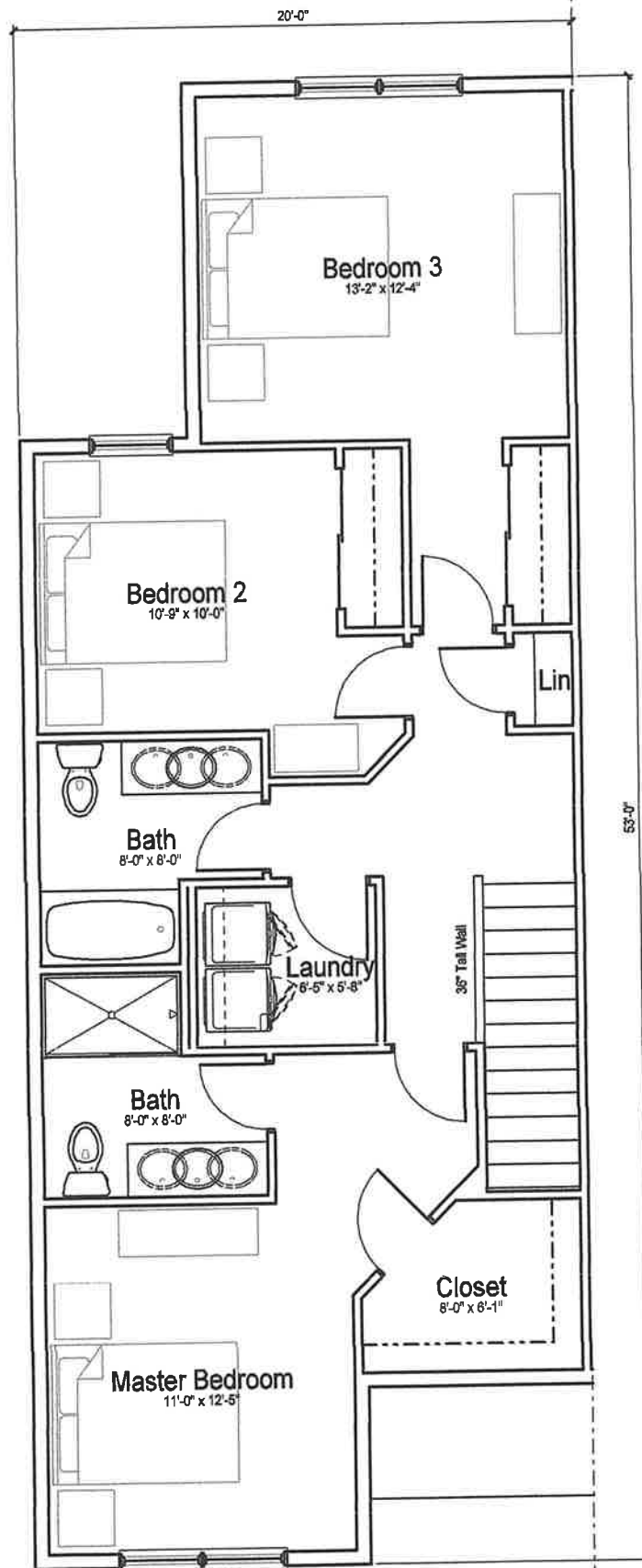
We desire to build one two-family dwelling on lot 13 and one two-family dwelling on lot 22. R-15 permits one two-family dwelling on a lot as a conditional use (1233.04(7)).

1. Lots 13 and 22 are in Beeson's subdivision where there is a mix of single family and two-family dwellings. Three (3) two-family dwellings were approved and constructed recently on Beeson Avenue to the West.
2. The residential structures are designed and will be operated, maintained, and harmonious in appearance with the neighborhood.
3. The residences will not be hazardous to neighboring residential uses.
4. Lots 13 and 22 are served by public utilities.
5. The residences will not create excessive additional requirements at public cost and will not be detrimental to the economic welfare of the community.
6. The residences will not involve uses or conditions that will be detrimental to people, property, or the general welfare.
7. Lots 13 and 22 will have vehicular approaches designed to not create interference with traffic on surrounding public thoroughfares,
8. Lots 13 and 22 were platted to be developed for residential use. The residences will not destroy or damage a natural, scenic, or historical feature of major importance.





First Floor Plan
Scale: 1/4" = 1'-0"
Area: 655 S.F.



Second Floor Plan
Scale: 1/4" = 1'-0"
Area: 893 S.F.



KEISER
DESIGN
GROUP

www.keiserdesigngroup.com

NE

3Townhomes

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JM Apr 03, 2023
01150584105143013000
01150584605143025000

TRANSFERRED

Apr 04, 2023
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: AB 270.00

InstrID:202304040005642	4/4/2023
Pages:3	F: \$42.00 8:47 AM
Bryan A. Long	T20230006879
Licking County Recorder	

WARRANTY DEED
By a Limited Liability Company
FIRST OHIO TITLE INSURANCE CO.



File 101125

KNOW ALL MEN BY THESE PRESENTS; That **Front Porch Investments, LLC**, a limited liability company organized and existing under the laws of the State of Ohio, the Grantor, for valuable consideration paid, grants, with general warranty covenants, to **John J. Luebbe, III** and **Connie S. Luebbe**, husband and wife, for their joint lives, remainder to the survivor of them, Grantee(s), whose Tax Mailing Address will be 401 Apple Blossom Road, Pataskala, Ohio 43062, the following described real property:

Situated in the State of Ohio, County of Licking, and in the City of Pataskala (formerly Lima Township) and bounded and described as follows: Being a part of Quarter Township #4, Township #1, Range #15, U.S.M. Lands, and bounded and described as follows: Being Lot Number Thirteen (13) and Twenty Two (22) of Beeson's Subdivision , as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 143 and 144, Recorder's Office, Licking County, Ohio

Parcel Number(s): 064-311172-00.000

Known as: 0 North End Drive Pataskala, OH 43062


This conveyance is subject to all taxes and assessments which are now or hereafter become liens on said premises, and is subject to all covenants, easements, restrictions, conditions, reservations, reverts, legal highways, zoning laws and ordinances, and governmental regulations, if any, of record, and all coal, oil, gas and other mineral rights and interests previously conveyed, transferred, or reserved of record.


Prior Instrument Number: Instrument Number 202102120004738 of the Records of the Office of the Recorder, Licking County, Ohio

IN WITNESS WHEREOF, Front Porch Investments, LLC, the Grantor, has caused its name to be subscribed hereto by Randy L. Colvin, Jr., Erin C. Gervais, Michael J. Kirkwood, Robert H. Nash, III and Latrenda L. Thompson, its Authorized Members.

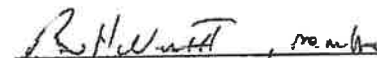
Signed and acknowledged:

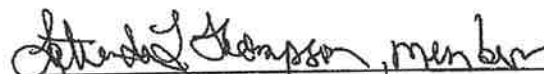
Front Porch Investments, LLC


By: Randy L. Colvin, Jr., Authorized Member


By: Michael J. Kirkwood, Authorized Member


By: Erin C. Gervais, Authorized Member


By: Robert H. Nash, III, Authorized Member


By: Latrenda L. Thompson, Authorized Member

State of Ohio)
 County of Licking) SS:

BE IT REMEMBERED, that on this 31 day of MARCH 2023, 2023, before me, the subscriber, a Notary Public in and for said state, personally came Randy L. Colvin, Jr., Erin C. Gervais, Michael J. Kirkwood, Robert H. Nash, III and Latrenda L. Thompson, Authorized Members of Front Porch Investments, LLC, the Grantor(s) in the foregoing deed and acknowledged the signing thereof to be the free act and deed of said limited liability company, pursuant to the authority of its Members, and his/her/ their free act and deed personally and as such member(s). This is an acknowledgment. No oath or affirmation was administered to the signer with regard to this notarial act.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.

 Notary Public
 Commission Expiration
 Date: _____

This instrument was prepared by:
 Thomas J. Olix, Attorney at Law
 Olix & Associates, Co., L.P.A
 1303 Durness Ct
 Columbus, Ohio 43235
 File 101125



John Robey
 Notary Public, State of Ohio
 My Commission Expires
 May 18, 2023

Michael L. Smith, Auditor
Roy Van Atta, Treasurer

- BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

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



FIND YOUR PARCEL

Parcel #

Trouble Searching?

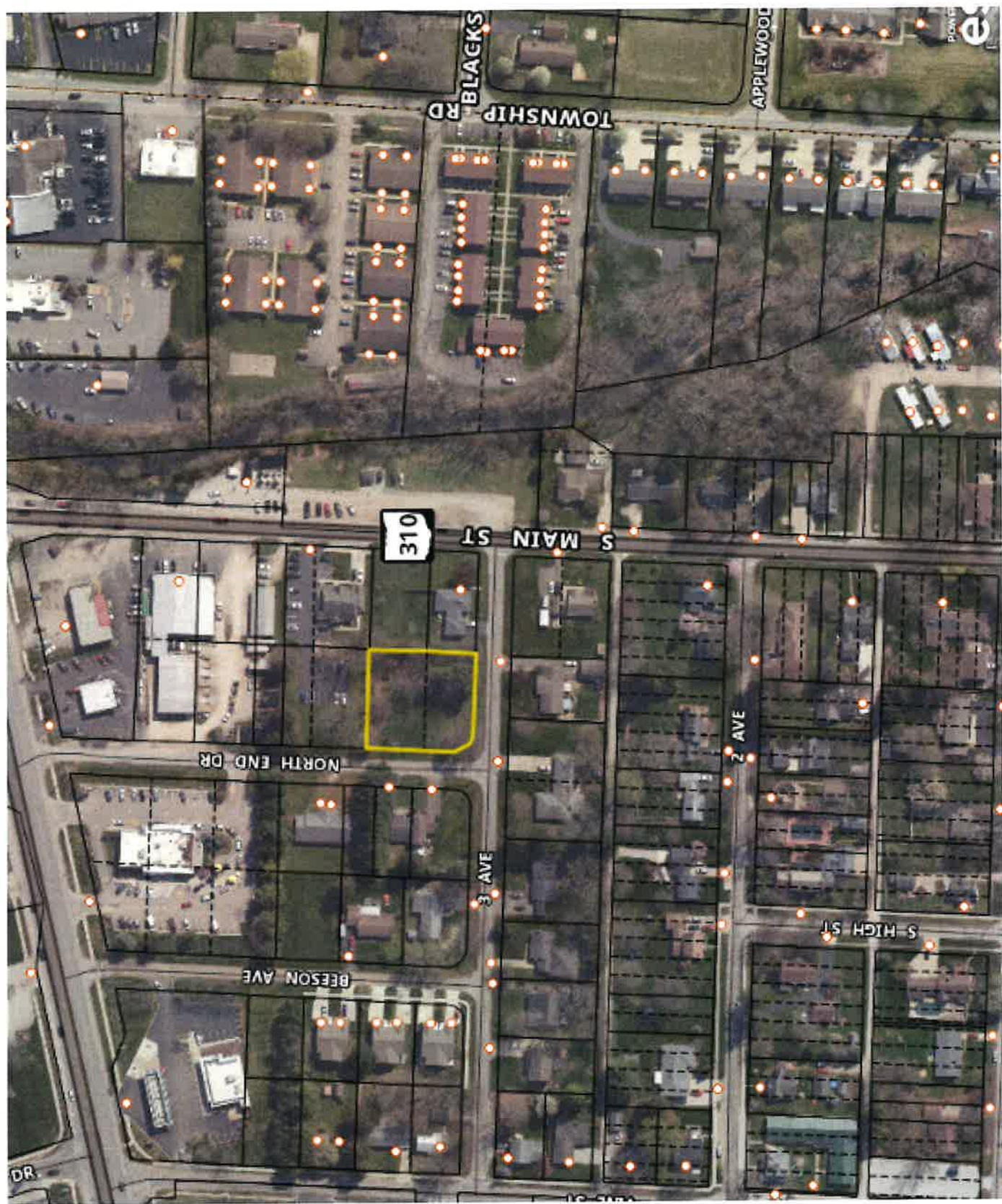
064-311172-00.000
LUEBBE JOHN J III &
CONNIE S
N END DR
PATASKALA, OH 43062
Acres: 0.42
LOT 13 & 22 BEEBSON'S
SUB

Land: \$56,900
Improv: 50
Total: \$56,900

Transfer Date: 04/04/2023
Amount: \$90,000
Conveyance: 821
Valid Sale: No

Homestead: No
Owner Occ: No

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



VINE ST

UNITED DAIRY FARMERS INC 0.2

UNITED DAIRY FARMERS INC 0.19

FRONT PORCH INVESTMENTS LLC 0.2

FRONT PORCH INVESTMENTS LLC 0.19

FRONT PORCH INVESTMENTS LLC 0.2

FRONT PORCH INVESTMENTS LLC 0.19

THOMPSON 0.17

FRONT PORCH INVESTMENTS LLC 0.16

BEESON AVE

BEESON DAVID J 0.23

LUTTI KIMBERLY CHARLES 0.23

FRED RICK MITAH CHARLES & KATHERINE J & FREDERICK 0.18

BEESON DOUGLAS J & FLUCKE JANE 0.23

BEESON DOUGLAS J & FLUCKE JANE 0.11

LEKANIDS MILLIE JO 0.14

KNILANS KYLE L 0.21

3 AVE

NEVL GREGORY A 0.23

BRANNON ERIC J & HOLLAND BRIGID A 0.34

HUCKINS CALEB M & JORDAN E 0.17

NORTH END DR

BEESON DOUGLAS J & FLUCKE JANE 0.23

BEESON DOUGLAS J & FLUCKE JANE 0.12

REUBEN MAC REAL ESTATE HOLDINGS LLC 0.35

REUBEN MAC REAL ESTATE HOLDINGS LLC 0.35

LUEBBE JOHN J III & CONNIE S 0.42

PAR YULINARAYAN & PRAJULI PABITRA 0.22

GILBER 249,900 & LANE 0.19

CONAWAY RANDALL E 0.24

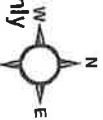
CONAWAY CODY L 0.39

1/23/2023

310

MAIN ST


Street Number Only Owner Name & Acres



Owner Name & Acres

 Sales - 2023

Centerline Labels

 Sales - 2022

Interstate/US/State Route

Other Road Type

Municipal Corporations

Licking County Auditor GIS

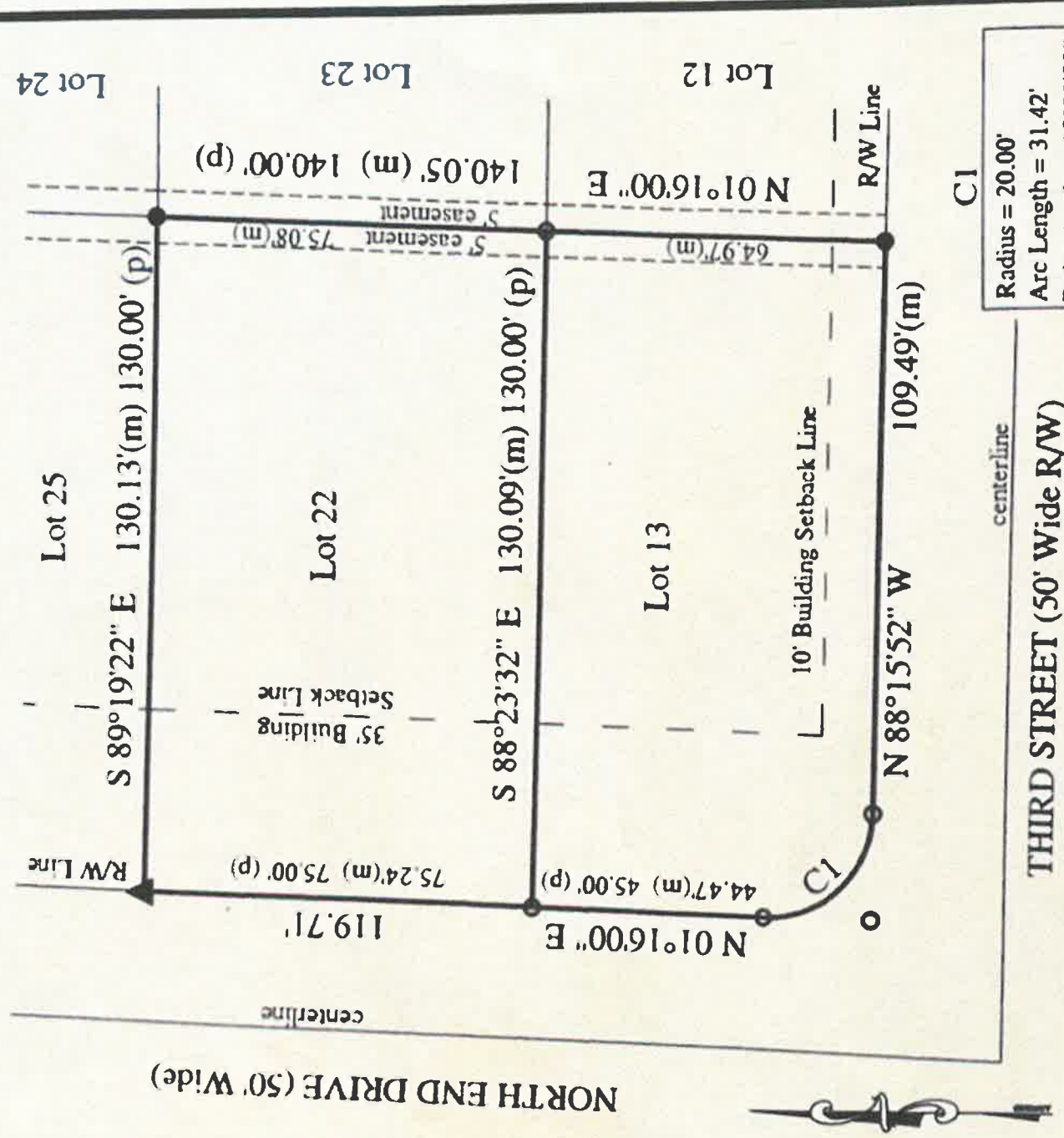
LICKING COUNTY TAX MAP

Plat of Survey

City of Pataskala, County of Licking, State of Ohio, being Lot 13 & Lot 22 of Beesong Subdivision. (Plat Book 5, Pages 143-144)

BASIS OF BEARING

The bearings of this plat are based using the O.D.O.T. CORS Network System, Ohio State Plane Coordinates South Zone. 2011(NAD83)



LEGEND

- - Mag Nail Set
- ▲ - 1" o.d. Iron Pipe Found
- - 5/8" o.d. Iron Pin Found
- - 3/4" o.d. Iron Pipe Found



1 Inch = 30 Feet

PREPARED BY

S.A. ENGLAND SURVEYING
Professional Land Surveying
P.O. Box 1770
Buckeye Lake, Ohio 43008
PHONE: 740-323-0644
WWW.SURVEYOHIO.COM

I hereby certify that an actual survey was made of the premises, and that this plat is correct to the best of my knowledge.

5/12/11
Date
Scott A. England, P.S.
Ohio Registered Surveyor #S-7452

June 14, 2023

John Luebbe III
401 Apple Blossom Road
Pataskala, Ohio 43062



*Planning and Zoning
Department*

RE: Conditional Use CU-23-005

Dear Mr. Luebbe,

Your request was given a public hearing by the Board of Zoning Appeals on June 13, 2023.

The enclosed Findings of Fact shall serve as official notification and outline the reasoning behind the Board of Zoning Appeal's decision.

Prior to an activity occurring on site related to this matter, a zoning certificate is required in accordance with Chapter 1209 of the Pataskala Code. Furthermore, be advised that a 30-day appeal period, from the date this letter was mailed, will be in effect wherein no activity related to this matter should occur on site. The City of Pataskala will notify you if an appeal is filed.

Please contact the Licking County Building Code Department at 740-349-6671 for any building permits they may require.

Should you have any questions, please feel free to contact me by phone at 740-927-4910, or email at lpaxton@ci.pataskala.oh.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Paxton", is written over a light blue horizontal line.

Lisa Paxton
Zoning Clerk

Enclosure

cc: File

Zoning Inspector



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

FINDINGS OF FACT

Conditional Use

Hearing Date: June 13, 2023

Application Number: CU-23-005

Findings:

Pursuant to Section 1215.04(A) of the Pataskala Code, the Board of Zoning Appeals (BZA) considered the following factors when determining whether the conditional use you requested should be approved, approved with supplementary conditions, or disapproved. Consistent with the BZA's discussions and deliberations during the public hearing, and as set forth in the hearing minutes, the BZA finds as follows:

Yes No

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. <i>Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. <i>Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. <i>Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. <i>Will not be hazardous or disturbing to existing or future neighboring uses.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. <i>Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. <i>Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. <i>Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. <i>Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. <i>Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.</i> |

Decision:

Having considered all the evidence and testimony presented at the public hearing, the Board of Zoning Appeals:

- ☐ Disapproves your request
- ☐ Approves your request
- ☒ Approves your request with the following supplementary conditions:

1. The Applicant shall address all comments from the Planning and Zoning Department, and Pataskala Utilities.

2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.

For purposes of further appeal by any party aggrieved by this Decision, the decision of the Board of Zoning Appeals shall be deemed final upon transmission by the Zoning Clerk by ordinary mail service.

From: [Jay Luebbe](#)
To: [Jack Kuntzman](#)
Cc: [Jay Luebbe](#); [Connie Luebbe](#)
Subject: Re: Conditional Use Extension
Date: Tuesday, November 28, 2023 1:28:54 PM
Attachments: [OutlookEmoji-1494277226745_luebbe-logo-black.png51f4efdc-3593-4dd4-b649-9bd80b487876.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,

As we discussed on the phone, I would like to request an extension from the Board Of Zoning appeals regarding the conditional use and variances on my lots located at North End and Third. Unfortunately, between our approval and now, I was in an accident where I broke my neck in 2 areas. As a result, I have been unable to work on our project. Based on my conversation with my neurologist, I am hoping to be free of my neck brace and be released to drive in the next few weeks. This will allow me to pursue our construction project once again.

Your consideration is greatly appreciated.

JJ Luebbe



Luebbe Construction
Luebbe Fine Homes
Hammer & Brush
Elevation Exteriors
614-582-3632

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Monday, November 27, 2023 1:29 PM
To: Jay Luebbe
Subject: Conditional Use Extension

Good Afternoon Jay,

I wanted to reach out regarding the possible Conditional Use Extension for the north end drive lots. We would need a short letter from yourself requesting an extension from the Board of Zoning Appeals, which can be in the form of an email. You can send it to me here, and we can get you on