



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

December 12, 2023

Variance Application VA-23-026

Applicant:	Tanya Morrison
Owner:	Tanya Morrison
Location:	246 Stonemast Loop, Pataskala, OH 43062 (PID: 063-140022-00.076)
Acreage:	+/- 0.37-acres
Zoning:	PDD – Planned Development District
Request:	Requesting approval of two (2) Variances from Section 1297.02(B)(2) of the Pataskala Code to allow for a private swimming pool to encroach south 13'-4" into recorded easement(s), and to be reduce the required setback of 10-feet from easements on the east side.

Description of the Request:

Requesting approval of two (2) Variances from Section 1297.02(B)(2) of the Pataskala Code in regard to a private swimming pool. First, to allow for said pool and appurtenances thereto to encroach 13'-4" south into a recorded easement(s). Second, to reduce the minimum required setback of 10' from any easement on the east side.

Staff Summary:

The 0.37-acre parcel located at 246 Stonemast Loop is currently occupied by a 2,400-square foot single-family home built in 1997, with an approximately 476-square foot deck off the rear (south) of the structure. It is Lot 74 of the Brooksedge Section 3 subdivision, and the lot has frontage on two (2) public rights-of-way; Stonemast Loop to the north, and Kennedy Road to the south.

A number of easements are present within the lot, those being: a 15-foot easement along the north frontage, a 10-foot-wide easement along the east side property line, a 60-foot-wide Scenic/Landscape Easement along the south rear property line, and a 25-foot-wide Drainage Easement through the middle of the rear yard of the property, straddling the dividing line for the Scenic/Landscape Easement. 10-feet of this drainage easement lies north of the limit Scenic/Landscape Easement, meaning that there is a total width of 70-feet for easements as measured from the south rear property line.

As proposed, the Applicant would like to install an in-ground private swimming pool within the back yard of their home. The pool itself is sized 16' x 35' (560-square feet), and the pool will be surrounded by a concrete patio surface measuring 47'-5" x 23'-10" (1,132.0675-square feet). The edge of the concrete will be set back from the east side property line 13'-1", and 3'-1" from the 10' easement that runs along the east property line. As indicated on the submitted site plan, the south edge of the concrete is proposed at 56'-5" from the south property line that has frontage on Kennedy Road, leaving the pool to encroach 13'-4" total into both the platted Drainage Easement, and Scenic/Landscape Easement, and 3'-2" into Scenic/Landscape Easement. There is an existing six (6) foot tall privacy fence around the area where the pool is to be installed.

Per the recorded plat for Brookside Section 3, from 1996, the "Drainage Easement" is hereby reserved for the purpose of constructing, operating, and maintaining major storm water drainage swales and/or other storm water drainage facilities. No above ground structures, dams, or other obstructions to the flow of storm water runoff are permitted within the Drainage Easement unless approved by the City Engineer. There is an existing storm water inlet within the east easement, with a pipe running northwest to the street. The "Scenic/Landscape Easement" is hereby reserved for the installation/construction, maintenance, replacement, and repair of landscaping and landscaping features.

Pursuant to Section 1297.02(B)(2) of the Pataskala Code: the pool, including any walks, paved areas, and appurtenances thereto shall be located at minimum 10-feet from any property line *or* easement. On the east side, they will be within 10-feet of an easement. On the south side, the proposed pool would be located within and encroaching into a recorded easement. Therefore, the Applicant has requested these Variances.

According to the Narrative Statement as submitted by the Applicant, the area in which a swimming pool may be located is greatly limited by the platted easements on the property. They do not believe the requests are substantial and believe the requested variances would not substantially change the character of the surrounding neighborhood due to the pool being located within a six (6) privacy fence.

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 pools, **walks, paved areas, and other appurtenances thereto** must be a minimum of 10-feet from any property line **or an easement**. There are two (2) Variances that are necessary for the proposed pool project, one for the setback on the east side of the pool area, and one on the south side of the pool area.

Variance #1: Request to reduce required setback from any property line and/or easement from 10-feet to 3'-1" on the east side of the proposed pool. A reduction of 6'-11", or a 69.16% decrease.

Variance #2: Request to reduce required setback from any property line and/or easement from 10-feet to 0-feet and allow said pool to encroach within a recorded easement on the south side of the proposed pool area. A reduction of 10', or 100%. With the pool encroaching into both recorded easements a total distance of 13'-4", the total difference from the requirement of the Pataskala Code to the proposed location would be a change of 233.33%.

Public Service Director

Appears to be a storm line along the eastern property line within the easement, leading to a catch basin at the southeast corner of the lot. The catch basin appears to be outside the private fence. As long as the pool installation does not damage or disrupt the existing utilities and drainage within the property/easement, the department has no further comments.

City Engineer

The Applicant shall ensure no damage to any existing utility and to remain a minimum of 5' from the utility (storm line).

SWLCWSD

The district has an 8" water main within the east 10' Easement. No issues with proposed Variance.

Other Departments or Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Single-Family Home
East	PDD – Planned Development District	Single-Family Home
South	R-20 – Medium Density Residential	Agricultural/Undeveloped
West	PDD – Planned Development District	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-23-026:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – See attached.
- City Engineer – See attached.
- 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. 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 minimum five (5) foot separation from the existing stormwater line.

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-23-026 ("with the following conditions" if conditions are to be placed on the approval)."

From: [Antonio Anzalone](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); abrown@verdantas.com; [Scott Haines](#); [Sam Eppley](#); [Bruce Brooks](#); [Doug White](#); laitken@lhschools.org; [Kevin Miller](#); kperkins@laca.org; "Chris Gilcher"; jroberts@swlcws.com; [Trent Howell](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 12-12-2023
Date: Monday, December 4, 2023 2:33:42 PM

Good afternoon Jack,

Please see the Public Service Department's comments below:

VA-23-026: Appears to be a storm line along the eastern property line following the fence, leading to a catch basin at the southeast corner of the lot. The catch basin appears to be outside the private fence. As long as the pool installation will not damage or disrupt the existing utilities/drainage within the property/easement, the department has no further comments.

VA-23-027: No Comment.

VA-23-028*: No Comment.

Thank you,

Antonio Anzalone

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

From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, November 21, 2023 10:48 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; abrown@verdantas.com; Scott Haines <shaines@hullinc.com>; Sam Eppley <seppley@verdantas.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; laitken@lhschools.org; Kevin Miller <kevin.miller@lhschools.org>; kperkins@laca.org; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; 'Chris Gilcher' <cgilcher@swlcws.com>; jroberts@swlcws.com; Trent Howell <thowell@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@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 12-12-2023

Good Morning,

You are receiving this email because one or more of the Application(s) submitted for the **December 12, 2023**, Board of Zoning Appeals hearing is within your jurisdiction. Please see the list below for

From: [Scott Haines](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); [Alan Brown](#); [Sam Eppley](#); [Bruce Brooks](#); [Doug White](#); [laitken@lhschools.org](#); [Kevin Miller](#); [kperkins@laca.org](#); [Antonio Anzalone](#); "Chris Gilcher"; [jroberts@swlcws.com](#); [Trent Howell](#); [Antonio Anzalone](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 12-12-2023
Date: Monday, December 4, 2023 6:30:35 PM

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

Jack

Verdantas has reviewed the BZA Memo for December and offer the following engineering comments:

1. **VA-23-026**
 - a. **The applicate shall ensure no damage to any existing utility and to remain a minimum of 5' from the utility.**
2. **VA-23-027**
 - a. **No Engineering related comments**
3. **VA-23-028**
 - a. **No Engineering related comments**

Thanks

Scott R. Haines, PE,CPESC

Senior Project Manager

O. 740.344.5451 | D. 740.224.0839

1555 W. Main Street, Newark, Ohio 43055

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

Sent: Tuesday, November 21, 2023 10:48 AM

To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; Alan Brown <abrown@verdantas.com>; Scott Haines <shaines@hullinc.com>; Sam Eppley <seppley@verdantas.com>; Bruce Brooks <bbrooks@pataskalapolice.net>; Doug White <DWhite@westlickingfire.org>; laitken@lhschools.org; Kevin Miller <kevin.miller@lhschools.org>; kperkins@laca.org; Antonio Anzalone <aanzalone@ci.pataskala.oh.us>; 'Chris Gilcher' <cgilcher@swlcws.com>; jroberts@swlcws.com; Trent Howell <thowell@ci.pataskala.oh.us>; Antonio Anzalone <aanzalone@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 12-12-2023

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

Good Morning,

From: [Chris Gilcher](#)
To: [Jack Kuntzman](#); [Felix Dellibovi](#); abrown@verdantas.com; [Scott Haines](#); [Sam Eppley](#); [Bruce Brooks](#); [Doug White](#); laitken@lhschools.org; [Kevin Miller](#); kperkins@laca.org; [Antonio Anzalone](#); [Jim Roberts](#); [Trent Howell](#); [Antonio Anzalone](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#)
Subject: RE: Pataskala BZA Review Memo for 12-12-2023
Date: Tuesday, November 21, 2023 11:18:44 AM
Attachments: [image001.png](#)

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Jack,

Please see below:

VA-23-026: The District has an 8" water main within the eastern 10' utility easement (Lot #73). We do not have any issues with the proposed variance.

Thanks,

CJ Gilcher
Operations Director
8718 Gale Road
Hebron, Ohio 43025
Ph: 740-928-2178



From: Jack Kuntzman <jkuntzman@ci.pataskala.oh.us>
Sent: Tuesday, November 21, 2023 10:48 AM
To: Felix Dellibovi <fdellibovi@ci.pataskala.oh.us>; abrown@verdantas.com; [Scott Haines](#) <shaines@hullinc.com>; seppley@verdantas.com; [Bruce Brooks](#) <bbrooks@pataskalapolice.net>; DWhite@westlickingfire.org; laitken@lhschools.org; kevin.miller@lhschools.org; kperkins@laca.org; [Antonio Anzalone](#) <aanzalone@ci.pataskala.oh.us>; cgilcher@swlcws.com; [Jim Roberts](#) <jroberts@swlcws.com>; thowell@ci.pataskala.oh.us; [Antonio Anzalone](#) <aanzalone@ci.pataskala.oh.us>
Cc: sfulton@ci.pataskala.oh.us; lpaxton@ci.pataskala.oh.us
Subject: Pataskala BZA Review Memo for 12-12-2023



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: 240 Stonemast Loop Pataskala, OH 43062	
Parcel Number: 063-140022-00-0716	
Zoning: PDD	Acres: 0.3700
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-23-026
Fee:
300
Filing Date:
11-15-23
Hearing Date:
12-12-23
Receipt Number:
001409

Applicant Information		
Name: Tanya Morrison		
Address: 240 Stonemast Loop		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-572-7493	Email: tanyaodeho@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: Jared Morrison		
Address: 240 Stonemast Loop		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-403-8224	Email: jmorriso21888@gmail.com	

Variance Information
Request (Include Section of Code): 1297.02 (B)(2) - request for variance to build within 10-foot distance from easements.
Describe the Project: Professional Pool contractor to build pool and concrete patio/walks. Pool and concrete will all be within distance from property lines in inside existing 6ft privacy fence, permit number 23-198.

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

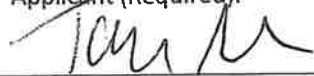
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

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:

11/15/23

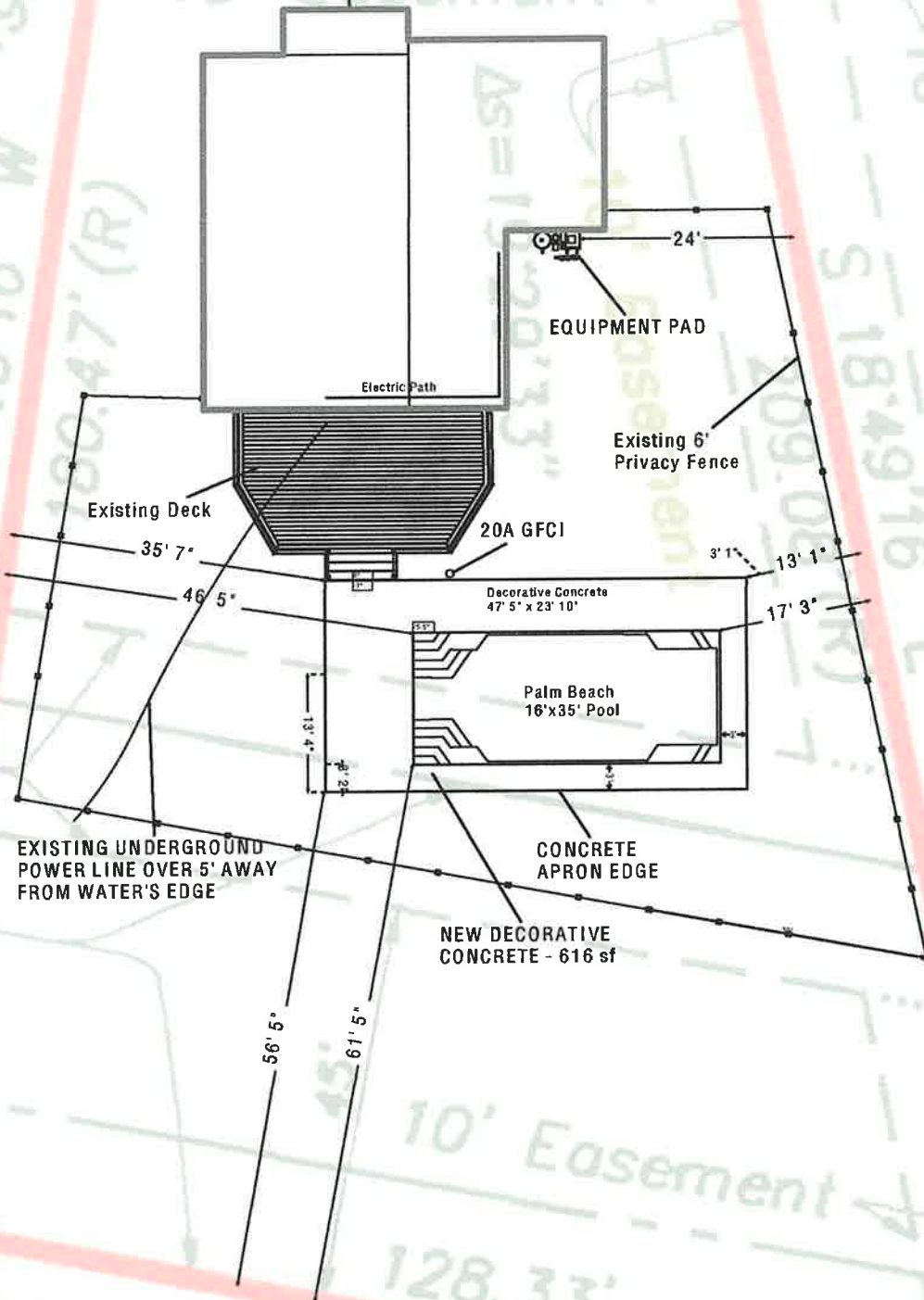
Property Owner (Required):

Date:

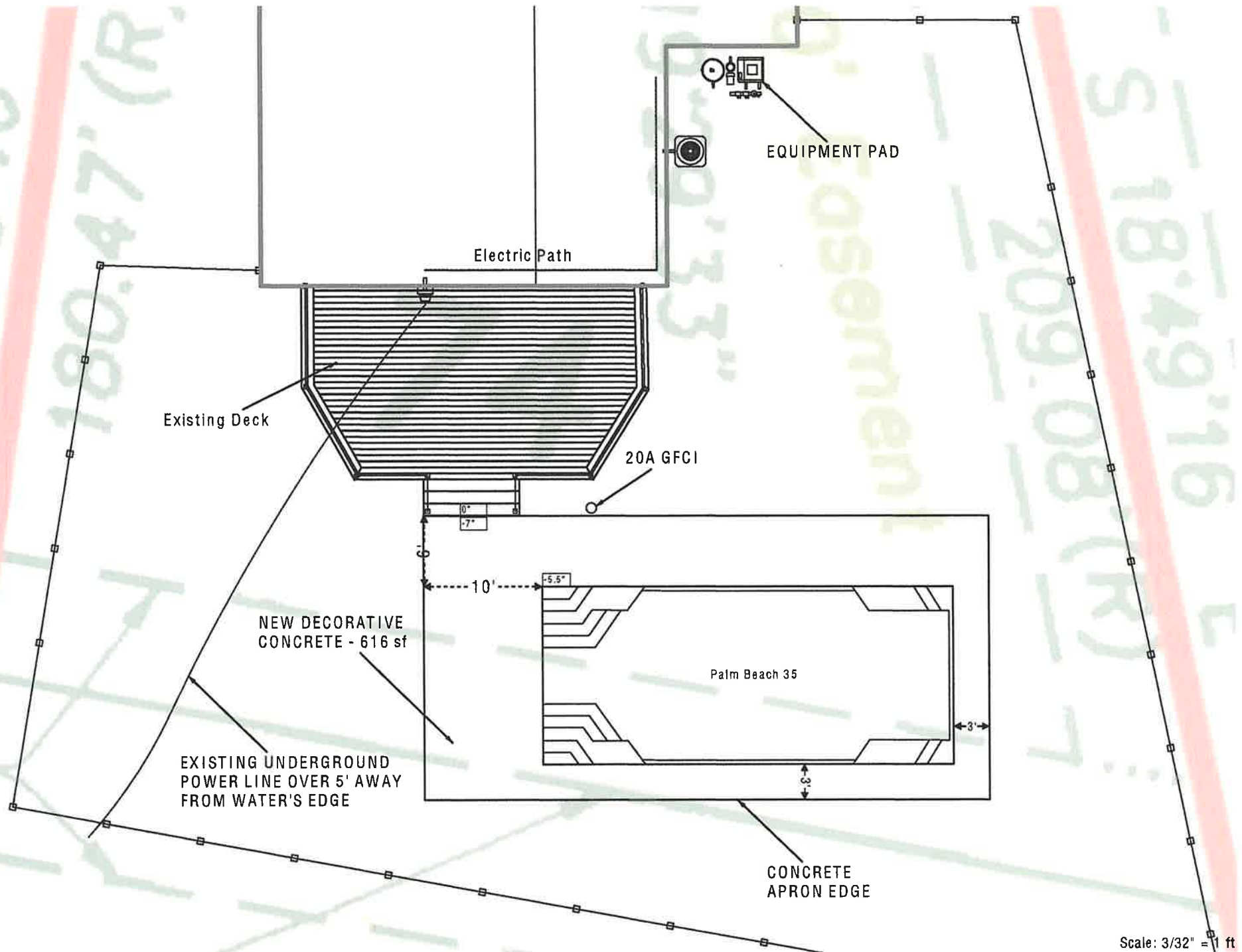
Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- 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;
 - a. The property currently includes a home. The variance is to add a pool and the required cement surrounding walkways. Due to the location of the easements, the use of the property is greatly diminished. Variance would allow construction of a pool to enhance the property and improve family quality of life.
 - 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;
 - a. No. Pool will be added withing existing 6-foot privacy fence.
 - c) Whether the variance requested is substantial;
 - a. No. Variance would allow construction within easements, but not to disrupt property lines, utilities, drainage, grading, or change visually to any surroundings.
 - 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;
 - a. No. Variance will be contained within an existing 6-foot privacy fence.
 - e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
 - a. No. construction will be well within minimum distances to property lines.
 - f) Whether the variance, if granted, will be detrimental to the public welfare;
 - a. No. Variance would enhance the property, and construction will be contained within a 6-foot privacy

Morrison - CONSTRUCTION Layout

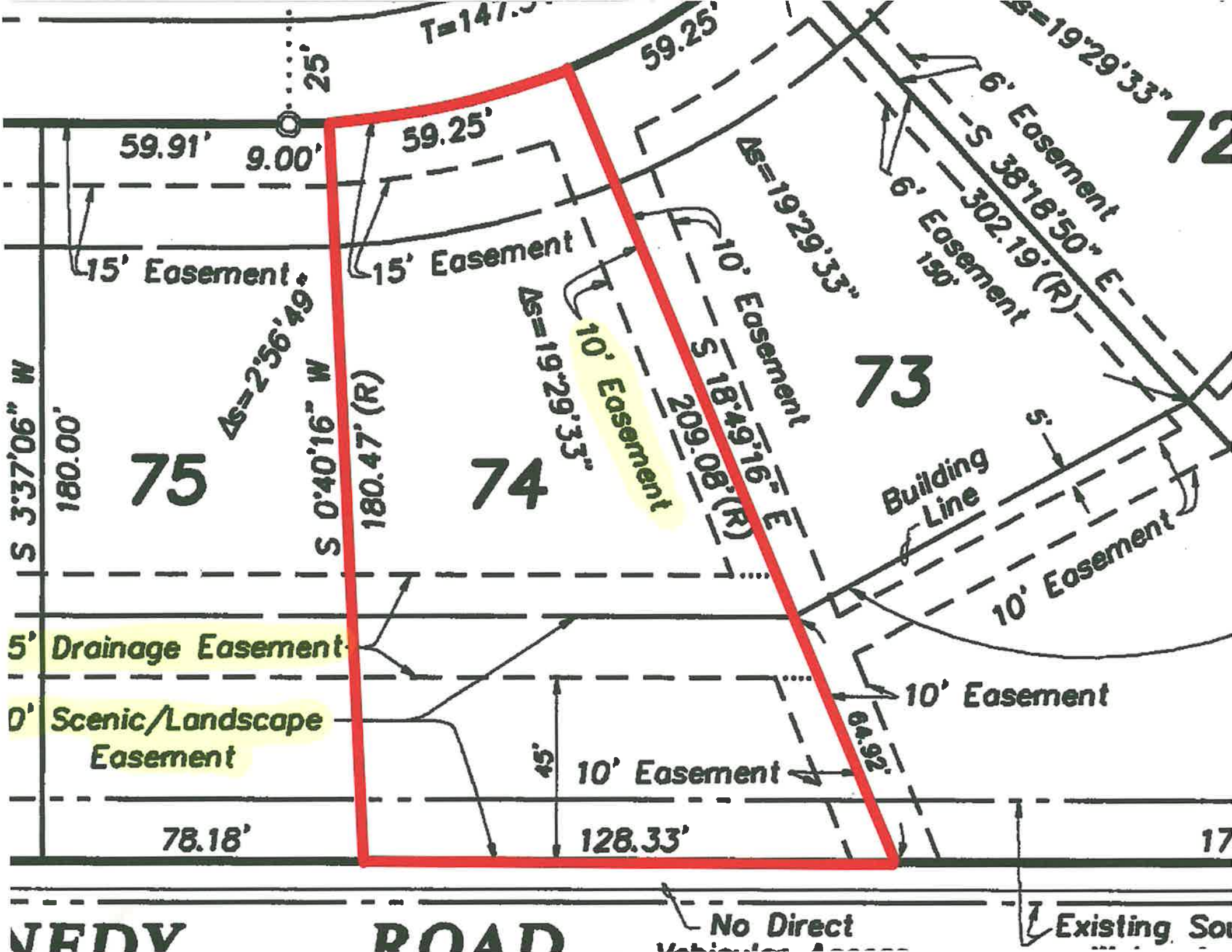


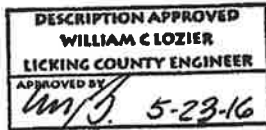
Morrison - CONSTRUCTION Layout



Morrison — 3D Rendering







201605230010333

Pgs: 2 \$28.00 T20160012039
05/23/2016 2:07PM NEFFIRST AMER
Bryan A. Long
Licking County Recorder

**GENERAL WARRANTY DEED
SURVIVORSHIP**

(R.C. 5302.05, 5302.06, 5302.17 and 5302.20)

KNOW ALL MEN BY THESE PRESENTS, that Nikki M. Wearly nka Nikki M. Lewis, married of Licking County, for valuable consideration paid, grant(s), with general warranty covenants, to Tanya O. Morrison and Jared R. Morrison, for their joint lives, remainder to the survivor of them,

whose tax mailing address is THIRD FEDERAL SAVINGS - 7007 BROADWAY AVE.,
CLEVELAND, OH 44105

the following real property situated in the City of Pataskala, County of Licking, State of Ohio:

Being Lot Number Seventy Four (74), of Brooksedge Section 3, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page(s) 313-315, Recorder's Office, Licking County, Ohio.

Parcel No.: 063-140022-00.076

Property Address: 246 Stonemast Loop, Pataskala, OH 43062-7321

Prior Instrument Reference: Recorded in 201202070002572, Recorder's Office, Licking County, Ohio.

Except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Brian Lewis, spouse of grantor, releases all rights of dower therein.

(Continued on next page.)



01150730315313033000

Executed this 19 day of May, 2016.

Nikki M. Wearly aka Nikki M. Lewis
Nikki M. Wearly aka Nikki M. Lewis

Brian Lewis
Brian Lewis

State of Ohio
County of Delaware

The foregoing instrument was acknowledged before me freely this 19 day of May, 2016, by Nikki M. Wearly.
aka Nikki M. Lewis



Jennifer L. Lawhorn
JENNIFER L. LAWHORN
Notary Public, State of Ohio
My Commission Expires: 11-25-17
Notary County/State: /
County Acting In:
Commission Expires:

State of Ohio
County of DELAWARE

The foregoing instrument was acknowledged before me freely this 19th day of May, 2016, by Brian Lewis.



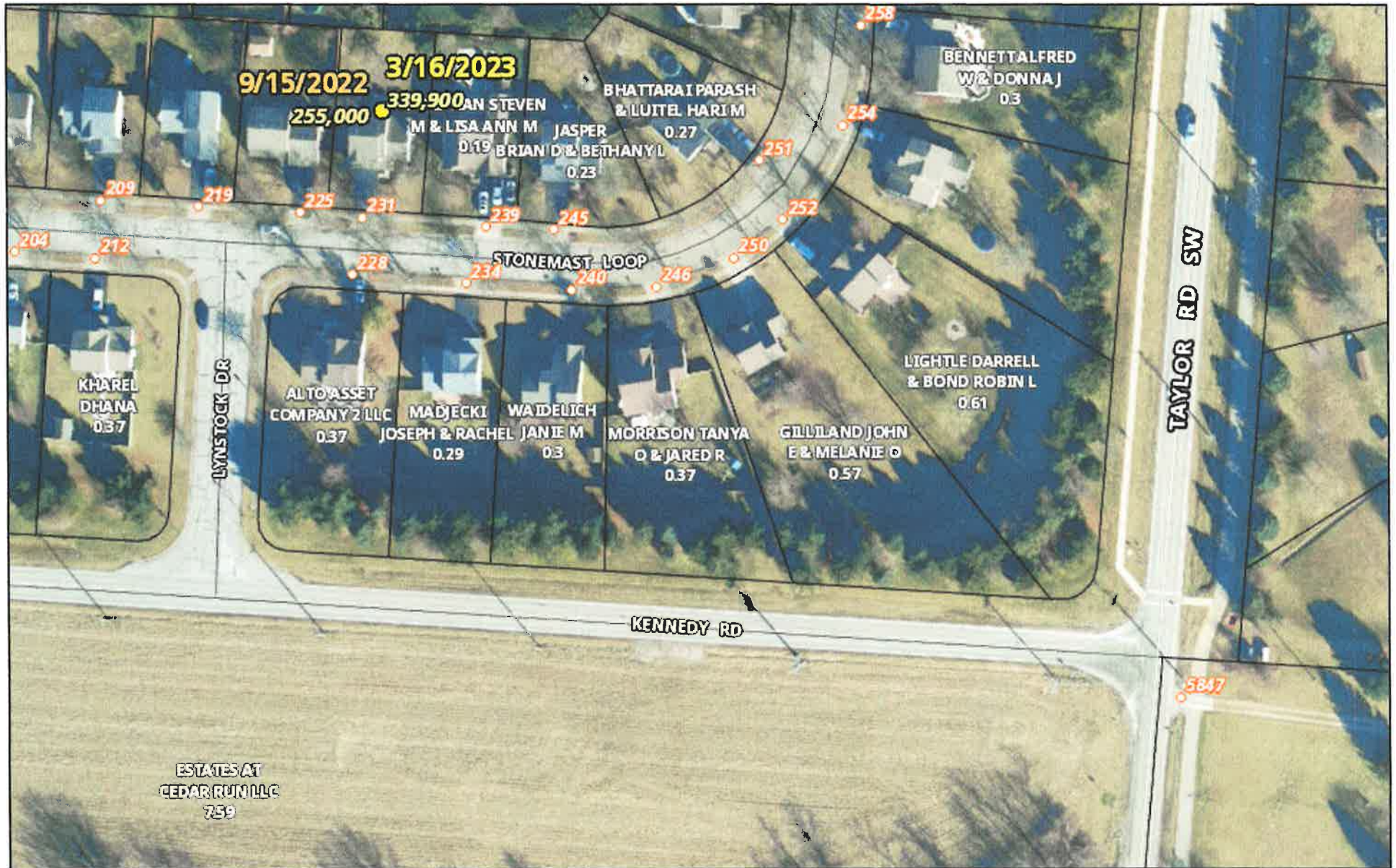
CARRIE L. RAMSEY
Notary Public, State of Ohio
My Commission Expires
May 5, 2019

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:

This instrument was prepared by:
Paul E. Blevins, Attorney at Law
5900 Sawmill Road, Suite 100
Dublin, OH 43017

File Number: 2288838NE

OnTrac Property Map



November 13, 2023

- Street Number Only
- Sales - 2023
- Sales - 2022
- Owner Name & Acres
- Centerline Labels
- Interstate/US/State Route

- County Road 94 Feet
- Township Road 0.02 Miles
- Other Road Type

- Driveway
- Interstates
- Municipal Corporations

LICKING COUNTY TAX MAP