



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

February 13, 2024

Variance Application VA-24-001

Applicant:	Joseph Rikk, Jr.
Owner:	Jospeh and Susan Rikk
Location:	206 Leezy Drive, Pataskala, OH 43062 (PID: 064-068087-00.008)
Acreage:	+/- 2.49-acres
Zoning:	PDD – Planned Development District
Request:	Requesting approval of a Variance from Section 1255.03(b) of the Pataskala Code to allow for the construction of a fence that will exceed the maximum area allowable under the Development Text for Scenic View Estates Planned Development District.

Description of the Request:

The Applicant is requesting approval of a Variance from Section 1255.03(b) of the Pataskala Code to allow for the construction of a fence that will exceed the maximum allowable area under the adopted Development Text for the Scenic View Estates Planned Development District.

Staff Summary:

The 2.49-acre property located at 206 Leezy Drive is currently occupied by a 6,633-square foot single-family home built in 2023. Leezy Drive is a private street, and as such the lot has no frontage on a public street.

Scenic View Estates is a Planned Development District, which was approved by the City Council on November 2, 2020 (Ordinance 2019-4341) and became effective on December 2, 2020. Pursuant to Section 1255.03(b) of the Pataskala Code, each Planned Development District shall be considered a separate and unique zoning district in which the adopted Development Text becomes the governing zoning document for the particular development (excepting cases where the Development Text is silent, then Pataskala Code prevails). Within this approved Development Text, Section G(1)(Permitted Accessory Structures), states that small areas for pet containment shall be permitted with fencing and shall not exceed 400-square feet in area, and shall abut the residence or garage.

The Applicant is proposing to construct a fence, four (4) feet in height and enclosing an area approximately 3,436-square feet in size. The fenced area will be at the rear of the existing home (facing north), running 42-feet to the west from the northwest corner of the home, 32-feet north, 110-feet east, and 24-feet south before connecting back to the northeast corner of the home.

Per the Narrative Statement submitted by the Applicant, the large lot naturally wooded development is home to various wildlife including coyotes which can be dangerous to small children and pets, and they would like to provide safety in the form of a fence. The Applicant believes that the requested Variance would not substantially alter the character of the neighborhood, nor would any adjacent property suffer a detriment by granting the Variance as the surrounding properties are of similar size and wooded

character. Further stated, the Applicant was not aware of the fence restrictions when the property was purchased.

The Applicant has also included a copy of communications between themselves and the Developer of the subdivision who drafted the standards as approved in the Development Text for Scenic View Estates. The Developer, and the Architectural Review Committee for the development, have approved the Applicant's proposed fence plan. Additionally, the Developer has stated that they will work towards amending the Development Text for Scenic View Estates to increase the allowable fence area, and has been in communication with City Staff to do so.

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

As mentioned above, pursuant to Section 1255.03(b) of the Pataskala Code, each Planned Development District shall be considered a separate and unique zoning district. The minimum requirements and the special standards described in the Planned Development Text shall be the applicable standards regarding the layout, uses, and development of the Planned Development District.

The Development Text for Scenic View Estates, as approved by City Council, included a provision under Section G(1)(Permitted Accessory Structures) that limits any fencing to an area not to exceed 400-square feet in size. The Applicant would like to enclose an area of 3,346-square feet. Therefore, the Variance request is for a Variance from Section 1255.03(b) of the Pataskala Code to diverge from the approved Development Text for Scenic View Estates and construct a fence in excess of 400-square feet in area.

The total area of the proposed fence exceeds the maximum allowable per the Development Text by 2,946-square feet. While this is a substantial amount, per the included communications between the Applicant and Developer, the Developer and the Scenic View Estates Architectural Review Committee has approved the Applicant's fence plan, and the Developer will be pursuing an amendment to the Development Text for Scenic View Estates to increase the allowable area for fences within the development. If the Development Text is amended, then the future need for Variances of this kind would not be necessary.

Should this Variance be approved, the Applicant will need to submit for a Fence Permit with the Planning and Zoning Department. Staff has no further comments.

Other Departments or Agencies

No other comments were received.

Surrounding Area:

Direction	Zoning	Land Use
North	PDD – Planned Development District	Undeveloped
East	PDD – Planned Development District	Undeveloped
South	PDD – Planned Development District	Undeveloped
West	PDD – Planned Development District	Undeveloped

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-24-001:

- 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.
- Southwest Licking 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 a variance from Section 1255.03(b) of the Pataskala Code for Variance Application VA-24-001 ("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: 206 Leezy Drive (aka Lot #8)		
Parcel Number: 064-068087-00.008		
Zoning: PRD	Acres: 2.49	
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-24-001
Fee: \$300.00
Filing Date: 01/12/2024
Hearing Date: 02/13/2024
Receipt Number: 001452

Applicant Information		
Name: Joseph Rikk, Jr.		
Address: 206 Leezy Drive		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-581-5100	Email: jrikkjr@gmail.com	

Property Owner Information		
Name: Joseph and Susan Rikk		
Address: 206 Leezy Drive		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-581-5100	Email: jrikkjr@gmail.com	

Documents
<input type="checkbox"/> Application
<input 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): Install pet containment fence exceeding the 400 SF limit in the Scenic View Estates Final Development Text, Section G.1-Permitted Accessory Structures. The proposed fence location, layout, and area are shown in Attachment 1.
Describe the Project: The project proposes to install a 4-foot high black powder coated aluminum fence abutting the rear of the house and surrounding an approximately 936 SF paver patio and grass area on the east and west side of the patio for a total fenced in area of approximately 3,436 SF as shown in Attachment 1. Approximately 42-feet of fenced area, 32-feet wide, will extend beyond the west edge of the house.

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following: (See Attachment 2)

- 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 (See Attachment 1)

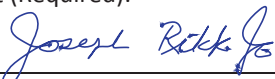
Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/> (See Attachment 6)

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/> (See Attachment 7)

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.

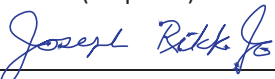
Applicant (Required):



Date:

January 11, 2024

Property Owner (Required):



Date:

January 11, 2024

The reason the variance is necessary.

To my knowledge, the current permitted fence area is only defined in the Development Text for Scenic View Estates Planned Residential Development document (Section G.1-Permitted Accessory Structures, Bullet 7) which states "Small areas for pet containment shall be permitted with fencing approved by Architectural Review Committee and Scenic View Estates HOA, shall not exceed 400 square feet and shall abut the residence or detached garage within the 20' perimeter buffer." During the purchase phase of my property, the Development Text for Scenic View Estates Planned Residential Development was not provided, and the fence limitations were not disclosed. Having the protection and peace of mind that a fenced in area provides for grandchildren and two larger family dogs (50lb Standard Poodle and 30lb Goldendoodle) to play is important to us for safety. Disclosure of the fence area limitation during the purchase phase of the property would have influenced our decision to proceed with the property purchase. Now that we own and reside on Lot #8 in Scenic View Estates, we are requesting a variance to allow for the installation of a 4-foot high black powder coated aluminum fence abutting the rear of the house and surrounding an approximately 936 SF paver patio and grass area on the east and west side of the patio for a total fenced in area of approximately 3,436 SF as shown in Attachment 1 to provide the safety and protection we desire for our grandchildren(future) and dogs. Approximately 42-feet of fenced area, 32-foot wide, will extend beyond the west edge of the house. Also, given the topography of the land, very little of the fence will be visible from the private roads and surrounding properties, as shown in the pictures below. Attachment 3 is approval from the Architectural Review Committee and the Scenic View Estates Homeowners Association for the proposed fence plan.



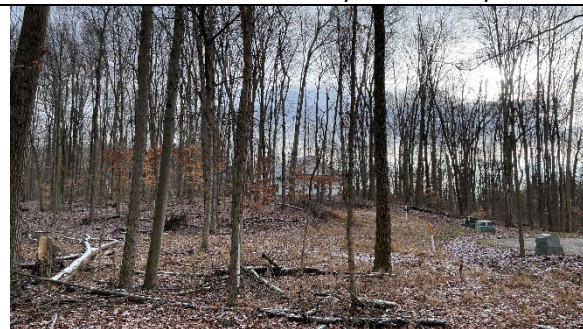
View from Leezy Drive



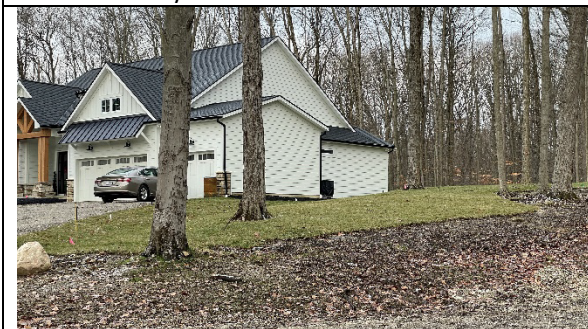
View from Intersection of Leezy Dr. and Levy Dr.



View from Levy Dr. Cul-de-sac



View from Lot 6/7 Property Line (Levy Dr. Cul-de-sac)



View from approximate location of Lot #10 house

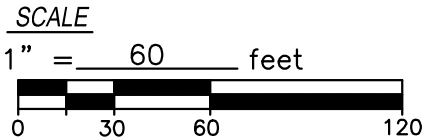


View from Lot #9 access drive

- 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; ⚡ *Increasing the containment area of the fence should have no impact on reasonable return.*
 - 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; ⚡ *The Scenic View Estates Development is a 137-acre naturally wooded area that supports various wildlife including coyote which are especially dangerous to children and pets, specifically at night. As recommended in various sources, one good protective measure is the installation of a fence combined with other cautionary practices. An invisible fence is a consideration but only serves to contain dogs within the invisible fence boundary. Wild animals are free to enter the yard at will to do harm.*
 - c) Whether the variance requested is substantial; ⚡ *As noted above, the proposed fence will be aesthetically pleasing, discrete by design, be similar to the fence that will be installed around the community center and be minimally visible from the private road and adjacent properties.*
 - 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; ⚡ *The essential character of the neighborhood would not be substantially altered, nor will the adjoining properties suffer a substantial detriment.*
 - e) Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property; ⚡ *The granting of the variance will not substantially or permanently impair the appropriate use or development of adjacent properties. The adjacent properties have similar settings and are of sufficient acreage that they will not be impacted.*
 - f) Whether the variance, if granted, will be detrimental to the public welfare; ⚡ *The granting of the variance will not be detrimental to public welfare.*
 - g) Whether the variance, if granted, would adversely affect the delivery of governmental services; ⚡ *The granting of the variance will not adversely affect the delivery of governmental services. The fence area will be restricted to the back of the house. Two gates, one at each end abutting the house will be provided to allow emergency responders to access the rear of the house, if needed.*
 - h) Whether the property owner purchased the subject property with knowledge of the zoning restriction; ⚡ *We were not made aware of the zoning restriction regarding fences in the Scenic View Estates Development until after the property was purchased and the house construction completed.*
 - i) Whether the property owner's predicament can be obviated through some other method than variance; ⚡ *No, as discussed above.*
 - 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; ⚡ *This concern is highly subjective.*
 - k) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. ⚡ *We believe that the intent of the fence restriction includes but may not be limited to maximizing preservation of the natural environment which includes preventing damage to the mature trees that may be caused by fence installation and to maintain the natural aesthetics that the Scenic View Estates Development provides. As noted above, we believe that given the topography of our property and the proposed fence type, the fence will be discrete and maintain the beauty of the wooded setting. To prevent damage to existing trees along the fence line, we consulted with Greg Liff, a Board-Certified Arborist who recommended that all fence posts be hand dug and adjusted as needed to avoid conflicts with structural tree roots (See Attachment 4). We required our fence contractor, Mae Fence, to include this "hand dig" requirement in the contract which was agreed to (See Attachment 5).*

- LEGEND**
- SAN = PROP. SANITARY SEWER
 - W = PROP. WATERLINE
 - STM = PROP. STORM SEWER
 - G = PROP. GAS LINE
 - E = PROP. ELECTRIC LINE
 - = SETBACK LINE
 - - - = EX. EASEMENT LINE
 - - - = EX. PAVEMENT
 - . . . = PROP. SILT FENCE
 - 976.8' = PROP. GRADE
 - 976.8' = EX. GRADE
 - ~> = SURFACE WATER FLOW ARROWS

Paul Schumacher
SCHUMACHER
H O M E S



FOR: Schumacher Homes HOUSE STYLE: Charleston Earnhardt/Custom

ADDRESS: 206 Leezy Drive, Pataskala, OH 43062

LOT 8: 2.495 Acres SUBDIVISION: Scenic View Estates Phase 1 CITY: Pataskala COUNTY: Licking STATE: Ohio

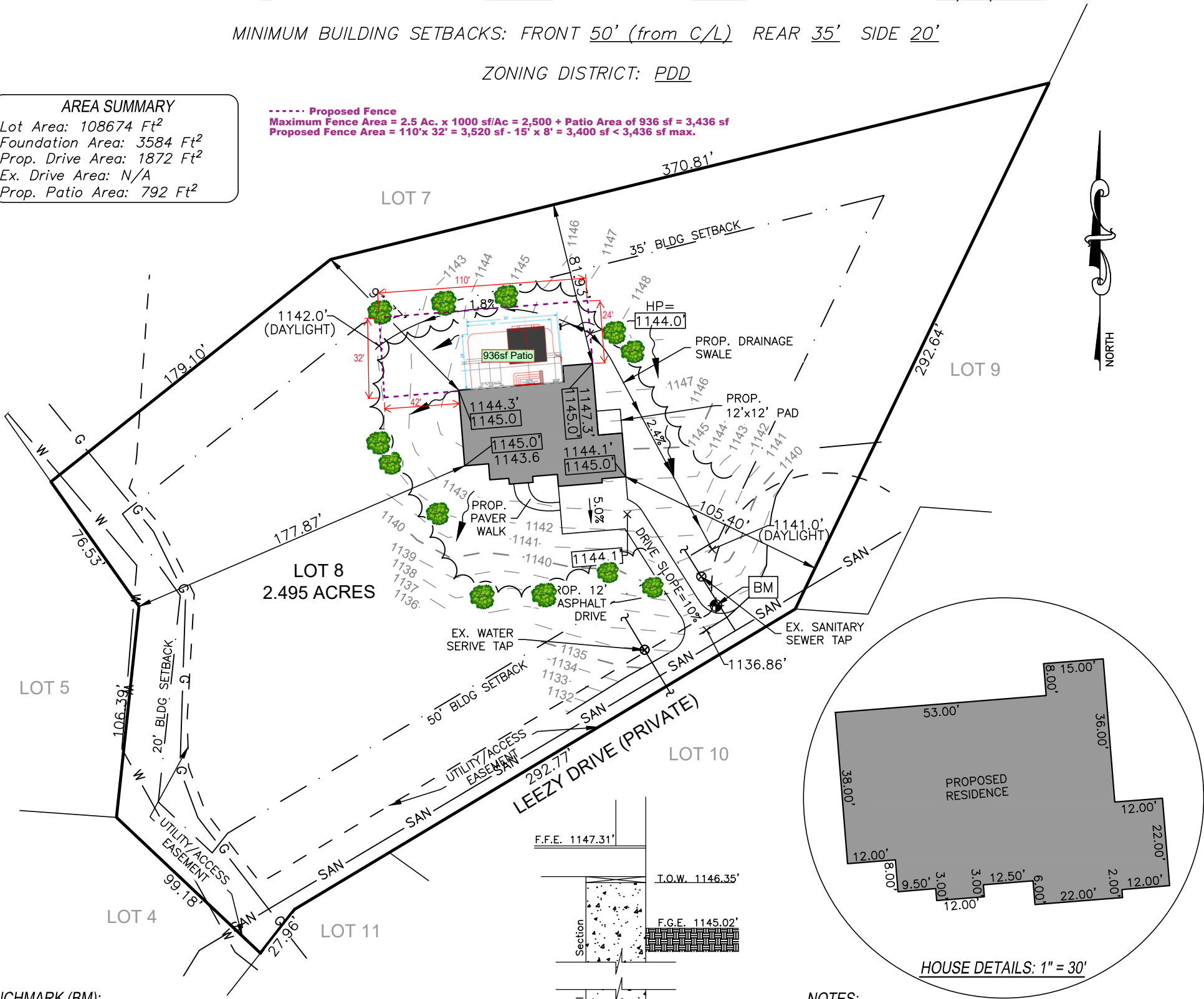
FLOOD ZONE: X COMMUNITY PANEL: 39089C PANEL No.: 0293J EFFECTIVE DATE: 03/16/2015

MINIMUM BUILDING SETBACKS: FRONT 50' (from C/L) REAR 35' SIDE 20'

ZONING DISTRICT: PDD

AREA SUMMARY
Lot Area: 108674 Ft²
Foundation Area: 3584 Ft²
Prop. Drive Area: 1872 Ft²
Ex. Drive Area: N/A
Prop. Patio Area: 792 Ft²

----- Proposed Fence
Maximum Fence Area = 2.5 Ac. x 1000 sf/Ac = 2,500 + Patio Area of 936 sf = 3,436 sf
Proposed Fence Area = 110' x 32' = 3,520 sf - 15' x 8' = 3,400 sf < 3,436 sf max.



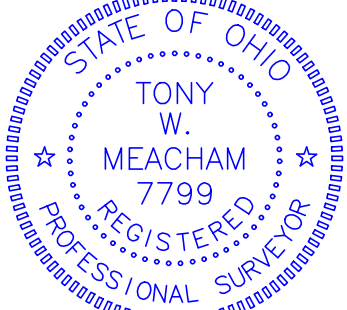
BENCHMARK (BM):
Top of iron pin found near the easterly lot corner, approximately 7.9' northwest of the edge of the gravel road. Elevation=1138.45'



CERTIFICATION:
I hereby certify that the foregoing PLOT PLAN was prepared from information provided by the client and 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 this PLOT PLAN for any other purpose is strictly prohibited.

Tony W. Meacham
OHIO REGISTERED SURVEYOR NO. 7799

06/19/2023
DATE



NOTES:
Underground utility locations are based on record drawings and above ground structure locations and should be verified prior to construction.
Builder shall provide a minimum of 0.5 feet of fall in 10 feet around house.
Be advised: A sub-surface drainage system may exist on this site. The system and/or outlet, if located on this site, must be maintained at all times.
Not all easements may be shown hereon. A title commitment report is recommended for review prior to construction but was not provided.
Positive drainage shall be maintained away from structures.
Builder shall provide drainage swales and culverts as needed.
All utilities underground should be located prior to construction.
Sanitary sewer type – Gravity.

PLOT & GRADING PLAN

206 LEEZY DRIVE - RIKK



Korda/Nemeth Engineering, Inc - Consulting Engineers
1650 Watermark Drive, Suite 200 - Columbus, Ohio 43215-7010
TEL 614-487-1650 FAX 614-487-8981 WEB www.korda.com

DATE	JUNE 19, 2023	JOB#	2023-7213
REVISED		DRAWN	CAQ
DWG.		CHK'D.	TWM





Joe Rikk <jrikkjr@gmail.com>

Re: 206 Leezy Dr.- Fence Plans

2 messages

Steve Richey <office@sveohio.com>

Fri, Jan 5, 2024 at 12:36 PM

To: Joe Rikk <jrikkjr@gmail.com>

Cc: Dimitry <computeekw@gmail.com>, Susan Rikk <suemrikk@gmail.com>

Joe,

Dimitry and I reviewed and this is acceptable. We would like one thing. When the holes get dug, we would like to be notified and come out to inspect the holes to make sure that no large tree roots were damaged. I will be available to come out just give me a little heads up on when you anticipate the work to start.

On Wed, Jan 3, 2024 at 10:11 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Happy New Year Dimitry and Steve,

Sorry it took a little while to respond to the email below. I needed to coordinate with Greg Liff, Board Certified Arborist, to get his recommendations on installing fence posts near tree roots and then get his recommendations incorporated into my fence installation contract.

The first attachment is Greg Liff's recommendations for installing fence posts near tree roots. His basic recommendation is to hand dig all post holes that may damage structural tree roots defined as greater than 4-6" diameter and adjust the fence post location as needed to prevent damaging the structural root.

The second attachment is my fence installation contract that specifies hand digging all holes as recommended by Greg.

The third attachment is the fence plan that I submitted previously for your quick reference.

I hope this provides you with the information that you need to recommend approval to the City of Pataskala. I am available for questions at any time.

Thank you,

Joe

On Mon, Dec 18, 2023 at 9:54 AM Steve Richey <office@sveohio.com> wrote:

Joe,

We feel that the corner post is going to be too close to the tree roots and will cause damage that will result in harming the tree. We suggest either cutting the corner and installing two posts to avoid the tree roots or change plans to make the post further away from the tree to avoid issues with the roots. After changes are made to avoid the tree roots, we will review and can recommend for approval. The roots are pretty large and digging the post in the area will damage the roots.

On Mon, Dec 18, 2023 at 6:47 AM Joe Rikk <jrikkjr@gmail.com> wrote:

Good morning Steve and Dimitry,

You have my word that I will take the necessary precautions to protect all of the trees that remain on my property. The closest that a fence post will be to a tree is 3-feet and it is only in one location near the northwest corner as shown in the attached pictures. When we layout the posts for the fence, they will be located to maximize the distance from the tree. Please let me know if you need additional information for you to issue a recommendation for approval that I can take to the City of Pataskala.

Thank you,

Joe

On Tue, Dec 12, 2023 at 4:59 PM Steve Richey <office@sveohio.com> wrote:
Joe,

We were looking over the sq ft and it is right at the amount allotted. The main thing we are concerned about is the NW corner on the plot appears that the post may be close to the tree. We want to make sure that the fence is not going to cause any issues with the trees in the present or in the future. I know you are aware of the tree concerns, just want to make sure that one corner is no issue.

On Tue, Dec 12, 2023 at 1:38 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Hi Dimitry,

I believe the drawing that I sent with my November 13, 2023 email shows the information that you require. If not, just let me know what is missing and I will provide it. For clarity, the proposed fence location will not impede on any trees and the closest it will get to a tree is about 3-4 feet at one tree location.

Also, I understand that the ARC is not giving final approval but recommending approval with final approval coming from the City of Pataskala. From my discussion with Scott Fulton a few weeks ago, he said that once the ARC recommends approval, he will work with me on what I need to do to get approval from the City.

Thank you,

Joe

On Tue, Dec 12, 2023 at 12:25 PM Dimitry <computekw@gmail.com> wrote:

Hi Joe. I do not think I was checking your last update. I need to make sure they have the correct Square footage. Also, mark the existing tree in relation to the fence line. Also please note that we are not "approving them" we do not have this Jurisdiction, we will recommend them for approval when I will take the final look.

Dimitry

From: Joe Rikk <jrikkjr@gmail.com>
Sent: Tuesday, December 12, 2023 10:58 AM
To: Steve Richey <office@sveohio.com>
Cc: Dimitry Filonenko <computekw@gmail.com>; Susan Rikk <suemrikk@gmail.com>; Joe Rikk <jrikkjr@gmail.com>
Subject: Re: 206 Leezy Dr.- Fence Plans

Steve,

Thank you for the quick response and for the ARC's approval of the fence plans that I submitted on November 13, 2023. Using ARC's approval in your email below, I will coordinate City of Pataskala's approval with Steve Fulton.

Thank you again,

Joe

On Tue, Dec 12, 2023 at 10:19 AM Steve Richey <office@sveohio.com> wrote:

Joe,

We sent changes to the city to update the development text plan for the city of Pataskala, we sent that last month and have not heard back yet. I sent another email this morning to check on status and what they need from us to get changes approved. Hopefully I will hear something soon.

As far as the new plans, we are approving the new plans per the new criteria, but not sure on what the city is going to need. You may need to submit for variance to the city if we don't get the new language approved before you need it installed.

On Tue, Dec 12, 2023 at 9:16 AM Joe Rikk <jrikkjr@gmail.com> wrote:

Good morning Dimitry and Steve,

I hope you're doing well and staying warm. Can you please give me an update on my fence request?

Thank you,

Joe

On Mon, Nov 13, 2023 at 10:28 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Good evening Dimitry and Steve,

First, I want to thank you for re-evaluating the fence criteria for Scenic View Estates. As I expressed during my call with Dimitry this afternoon, I think the proposed criteria is very reasonable and defensible when evaluating future fence requests.

Using the fence criteria explained by Dimitry to me this afternoon, I prepared the attached revised fence plan for my property at 206 Lezy Drive (Lot 8). Please review and advise if this revised fence plan is acceptable and the next steps that I need to take to get approval from the City of Pataskala. If you would like to see the physical location of the proposed fence, I would be happy to meet you at my house to lay this out for you with marker paint.

Thank you,

Joe

On Wed, Nov 1, 2023 at 1:19 PM Steve Richey <office@sveohio.com> wrote:

Joe,

We have reviewed the fence request in addition to the City of Pataskala Development Plan Text for Scenic View Estates. The plan states that "Small areas for pet containment shall be permitted with fencing approved by Architectural Review Committee and Scenic View Estates HOA, shall not exceed 400 sq ft and shall abut the residence or detached garage within the 20' perimeter buffer." If you decide that this amount of area is sufficient then you will only need to resubmit new plans to the Architectural Committee and would not need to submit a variance request to the City of Pataskala Board of Zoning Appeals. If you decide to have more fenced space, the Architectural Review Committee has decided that 800 sq ft would be proper size compromise, in this case you would need to submit a new plan to the Architectural Review Committee for approval first, and then file a variance request with the City of Pataskala Board of Zoning Appeals for approval, then they would make the final decision on the amount of fenced area that the committee has

approved. Once approved by both parties, then the work can be completed as requested and approved.

If you would decide to install an invisible fence you have no restrictions as long as it does not affect the trees and neighboring properties.

On Fri, Oct 27, 2023 at 2:07 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Hi Steve,

The purpose for the fence is to contain our dog but give it an area to roam.

On Fri, Oct 27, 2023 at 1:53 PM Steve Richey <office@sveohio.com> wrote:

Joe,

We got a request from your fence contractor to install a fence and gate system in the rear of the house on your property with the size and style. We are inquiring on the purpose of the fence to review for approval.

--



Steve Richey

Development Manager

614-861-6151, 614-861-6021

146 E Main Street

New Albany, OH 43054

--



Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

--



Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

--



Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

--



Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

--



Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

Joe Rikk <jrikkjr@gmail.com>
Draft

Fri, Jan 5, 2024 at 9:38 PM

[Quoted text hidden]



Joe Rikk <jrikkjr@gmail.com>

Re: 206 Leezy Dr.- Fence Plans

1 message

greg limbsandleaveslandscaping.com <greg@limbsandleaveslandscaping.com>

Tue, Dec 19, 2023 at 11:34
PM

To: Joe Rikk <jrikkjr@gmail.com>

Joe,

Thank you for the wishes. I completely understand this situation, as my company has experience building fences, both residentially and commercially and in close proximity to tree roots where tree preservation/care was top priority. Given my background in arboriculture, combined with experience as a company whom has installed fences similar to this nature: I would approach this situation in the following manner:

1. Hand dig this particular post hole, NO MECHANICAL EQUIPMENT
2. If a large structural root (larger than 4-6" in diameter is encountered, then shift the hand digging in one direction or another till the optimal path between the structural roots is found. Hand digging is highly recommended for all posts.
3. Therein base the equidistant post measurements (for cosmetic viewing purposes) in either direction along that straight run to the PI points, and repeat if necessary, along all fence lines.

By gently hand digging the post hole one is able to adjust the "in field" the position of that post if a structural root(s) is encountered. I would stress the following point. It does not matter as much the distance; but the precise location one is digging in relationship to that individual tree's root system growth pattern and the location of structural roots of that particular tree. Furthermore, the methods of digging are a possible "compaction issue" on already stressed root systems. I would place a "hand dig only requirement" on all post holes if tree preservation was top priority.

Reach out with any questions and I hope that you have a Merry Christmas!

Cordially,

Gregory Liff
ISA Board Certified Master Arborist
Ohio State Board Survey Intern
Limbs and Leaves Landscaping
614.540.7400 office
614.560.7827
greg@limbsandleaveslandscaping.com



From: Joe Rikk <jrikkjr@gmail.com>
Sent: Monday, December 18, 2023 6:01 PM
To: greg limbsandleaveslandscaping.com <greg@limbsandleaveslandscaping.com>
Subject: Fwd: 206 Leezy Dr.- Fence Plans

Hi Greg,

I hope you are doing well and transitioning into the blessings of Christmas.

I need a professional opinion regarding fence post installation near/through tree roots. I am trying to get approval for a fence in my backyard. Based on my current and preferred layout, one fence post will get about three feet from a tree (see pictures). Given that it is a large tree likely with many roots, what is the probability that drilling one hole three feet from the base of the tree will cause irreparable damage? If three feet is too close, then what buffer distance would you recommend? Also, is there a preferred method for drilling holes in a tree drip zone?

Thank you in advance for your advice. Maybe we can get together over the holidays.

Joe

----- Forwarded message -----

From: **Steve Richey** <office@sveohio.com>
Date: Mon, Dec 18, 2023 at 9:54 AM
Subject: Re: 206 Leezy Dr.- Fence Plans
To: Joe Rikk <jrikkjr@gmail.com>
Cc: Dimitry <computekw@gmail.com>, Susan Rikk <suemrikk@gmail.com>

Joe,

We feel that the corner post is going to be too close to the tree roots and will cause damage that will result in harming the tree. We suggest either cutting the corner and installing two posts to avoid the tree roots or change plans to make the post further away from the tree to avoid issues with the roots. After changes are made to avoid the tree roots, we will review and can recommend for approval. The roots are pretty large and digging the post in the area will damage the roots.

On Mon, Dec 18, 2023 at 6:47 AM Joe Rikk <jrikkjr@gmail.com> wrote:

Good morning Steve and Dimitry,

You have my word that I will take the necessary precautions to protect all of the trees that remain on my property. The closest that a fence post will be to a tree is 3-feet and it is only in one location near the northwest corner as shown in the attached pictures. When we layout the posts for the fence, they will be located to maximize the distance from the tree. Please let me know if you need additional information for you to issue a recommendation for approval that I can take to the City of Pataskala.

Thank you,

Joe

On Tue, Dec 12, 2023 at 4:59 PM Steve Richey <office@sveohio.com> wrote:

Joe,

We were looking over the sq ft and it is right at the amount allotted. The main thing we are concerned about is the NW corner on the plot appears that the post may be close to the tree. We want to make sure that the fence is not going to cause any issues with the trees in the present or in the future. I know you are aware of the tree concerns, just want to make sure that one corner is no issue.

On Tue, Dec 12, 2023 at 1:38 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Hi Dimitry,

I believe the drawing that I sent with my November 13, 2023 email shows the information that you require. If not, just let me know what is missing and I will provide it. For clarity, the proposed fence location will not impede on any trees and the closest it will get to a tree is about 3-4 feet at one tree location.

Also, I understand that the ARC is not giving final approval but recommending approval with final approval coming from the City of Pataskala. From my discussion with Scott Fulton a few weeks ago, he said that once the ARC recommends approval, he will work with me on what I need to do to get approval from the City.

Thank you,

Joe

On Tue, Dec 12, 2023 at 12:25 PM Dimitry <computekw@gmail.com> wrote:

Hi Joe. I do not think I was checking your last update. I need to make sure they have the correct Square footage. Also, mark the existing tree in relation to the fence line. Also please note that we are not "approving them" we do not have this Jurisdiction, we will recommend them for approval when I will take the final look.

Dimitry

From: Joe Rikk <jrikkjr@gmail.com>

Sent: Tuesday, December 12, 2023 10:58 AM

To: Steve Richey <office@sveohio.com>

Cc: Dimitry Filonenko <computekw@gmail.com>; Susan Rikk <suemrikk@gmail.com>; Joe Rikk

<jrikkjr@gmail.com>

Subject: Re: 206 Leezy Dr.- Fence Plans

Steve,

Thank you for the quick response and for the ARC's approval of the fence plans that I submitted on November 13, 2023. Using ARC's approval in your email below, I will coordinate City of Pataskala's approval with Steve Fulton.

Thank you again,

Joe

On Tue, Dec 12, 2023 at 10:19 AM Steve Richey <office@sveohio.com> wrote:

Joe,

We sent changes to the city to update the development text plan for the city of Pataskala, we sent that last month and have not heard back yet. I sent another email this morning to check on status and what they need from us to get changes approved. Hopefully I will hear something soon.

As far as the new plans, we are approving the new plans per the new criteria, but not sure on what the city is going to need. You may need to submit for variance to the city if we don't get the new language approved before you need it installed.

On Tue, Dec 12, 2023 at 9:16 AM Joe Rikk <jrikkjr@gmail.com> wrote:

Good morning Dimitry and Steve,

I hope you're doing well and staying warm. Can you please give me an update on my fence request?

Thank you,

Joe

On Mon, Nov 13, 2023 at 10:28 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Good evening Dimitry and Steve,

First, I want to thank you for re-evaluating the fence criteria for Scenic View Estates. As I expressed during my call with Dimitry this afternoon, I think the proposed criteria is very reasonable and defensible when evaluating future fence requests.

Using the fence criteria explained by Dimitry to me this afternoon, I prepared the attached revised fence plan for my property at 206 Lezy Drive (Lot 8). Please review and advise if this revised fence plan is acceptable and the next steps that I need to take to get approval from the City of Pataskala. If you would like to see the physical location of the proposed fence, I would be happy to meet you at my house to lay this out for you with marker paint.

Thank you,

Joe

On Wed, Nov 1, 2023 at 1:19 PM Steve Richey <office@sveohio.com> wrote:

Joe,

We have reviewed the fence request in addition to the City of Pataskala Development Plan Text for Scenic View Estates. The plan states that "Small areas for pet containment shall be permitted with fencing approved by Architectural Review Committee and Scenic View Estates HOA, shall not exceed 400 sq ft and shall abut the residence or detached garage within the 20' perimeter buffer." If you decide that this amount of area is sufficient then you will only need to resubmit new plans to the Architectural Committee and would not need to submit a variance request to the City of Pataskala Board of Zoning Appeals. If you decide to have more fenced space, the Architectural Review Committee has decided that 800 sq ft would be proper size compromise, in this case you would need

~~CERTIFIED ARBORIST INSTALLATION RECOMMENDATION~~

to submit a new plan to the Architectural Review Committee for approval first, and then file a variance request with the City of Pataskala Board of Zoning Appeals for approval, then they would make the final decision on the amount of fenced area that the committee has approved. Once approved by both parties, then the work can be completed as requested and approved.

If you would decide to install an invisible fence you have no restrictions as long as it does not affect the trees and neighboring properties.

On Fri, Oct 27, 2023 at 2:07 PM Joe Rikk <jrikkjr@gmail.com> wrote:

Hi Steve,

The purpose for the fence is to contain our dog but give it an area to roam.

On Fri, Oct 27, 2023 at 1:53 PM Steve Richey <office@sveohio.com> wrote:

Joe,

We got a request from your fence contractor to install a fence and gate system in the rear of the house on your property with the size and style. We are inquiring on the purpose of the fence to review for approval.

--



Steve Richey

Development Manager

614-861-6151, 614-861-6021

146 E Main Street

New Albany, OH 43054

--



Steve Richey

Development Manager

614-861-6151, 614-861-6021

146 E Main Street

New Albany, OH 43054

--



Steve Richey

Development Manager

614-861-6151, 614-861-6021

146 E Main Street

New Albany, OH 43054

--



Steve Richey

Development Manager

614-861-6151, 614-861-6021

146 E Main Street

New Albany, OH 43054

--




Steve Richey
Development Manager
614-861-6151, 614-861-6021
146 E Main Street
New Albany, OH 43054

Name:

Target Install Date:

**ATTACHMENT 5
MAE FENCE CONTRACT**

Height 4	Material <input checked="" type="checkbox"/> Aluminum <input type="checkbox"/> Steel <input type="checkbox"/> Other: _____	Color <input checked="" type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Pewter <input type="checkbox"/> Bronze <input type="checkbox"/> Tan <input type="checkbox"/> Other: _____	
Pattern 		Other: _____	
Picket Size <input checked="" type="checkbox"/> 5/8"x 5/8" <input type="checkbox"/> 3/4"x 3/4" <input type="checkbox"/> 1"x 5/8" <input type="checkbox"/> 1"x 1"		Picket Top <input checked="" type="checkbox"/> None <input type="checkbox"/> Quad Finial <input type="checkbox"/> Pressed Spear <input type="checkbox"/> Triad Finial	
Picket Spacing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Other: <u>lumpy picket</u>			
# of Rails 3	Rail Placement <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Flush Bottom	Construction <input checked="" type="checkbox"/> Fitted <input type="checkbox"/> Bracketed	# of Bracketed Panels _____
Panel Size <input checked="" type="checkbox"/> 6' Wide <input type="checkbox"/> 8' Wide		Rail Size <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Other: _____	
Post Size 2"	Post Setting <input checked="" type="checkbox"/> Standard <input type="checkbox"/> Flanged	# of Flanged Posts _____	Post Top <input checked="" type="checkbox"/> Beveled Cap <input type="checkbox"/> Ball Cap
Coating <input checked="" type="checkbox"/> Powder Coat <input type="checkbox"/> Baked Enamel <input type="checkbox"/> Other: _____			
Gates <input checked="" type="checkbox"/> Single <input type="checkbox"/> Double	Amount 1	Width 4'	<input checked="" type="checkbox"/> Straight <input type="checkbox"/> Arched <input type="checkbox"/> Arch/ Scroll
Hardware STD		Notes	
Gates <input type="checkbox"/> Single <input checked="" type="checkbox"/> Double	Amount 2	Width 10'	<input checked="" type="checkbox"/> Straight <input type="checkbox"/> Arched <input type="checkbox"/> Arch/ Scroll
Hardware STD		Notes	
Gates <input type="checkbox"/> Single <input type="checkbox"/> Double	Amount	Width	<input type="checkbox"/> Straight <input type="checkbox"/> Arched <input type="checkbox"/> Arch/ Scroll
Hardware		Notes	

* Hand dig all post holes *

* Use plywood to protect *
new sod at post holes

Lifetime Warranty on finish

3yr "Workmanship"

1yr "gates"

36" deep posts

~~\$1,800. + tax~~ → Fall Special → \$1,200 All in
(~~\$600~~) (expires 10.30.23)

50% Down to lock price & be put on install schedule
(~~\$600~~)

GRAND TOTAL \$

* No additional Coupons/Discounts *

Customer Initial



109 E Main Street
Fulton, OH 43321
Tel. 614.929.3526
Fax. 740.936.9991
www.MaeFence.com

Notes:

**ATTACHMENT 5
MAE FENCE CONTRACT**

Proposal Date 10-24-23
Expiration Date 11-24-23
Target Install Date 11-24-23

Sold

Name <u>Joe Rukh</u>	811 DIG #
Address <u>206 Leazy dr.</u>	Job Address
City, State, Zip <u>Pataskala, 43062</u>	Email <u>srirukh@gmail</u>
Home Phone <u>614-581-5100</u>	County/ Township/ Subdivision
Cell	
Other	

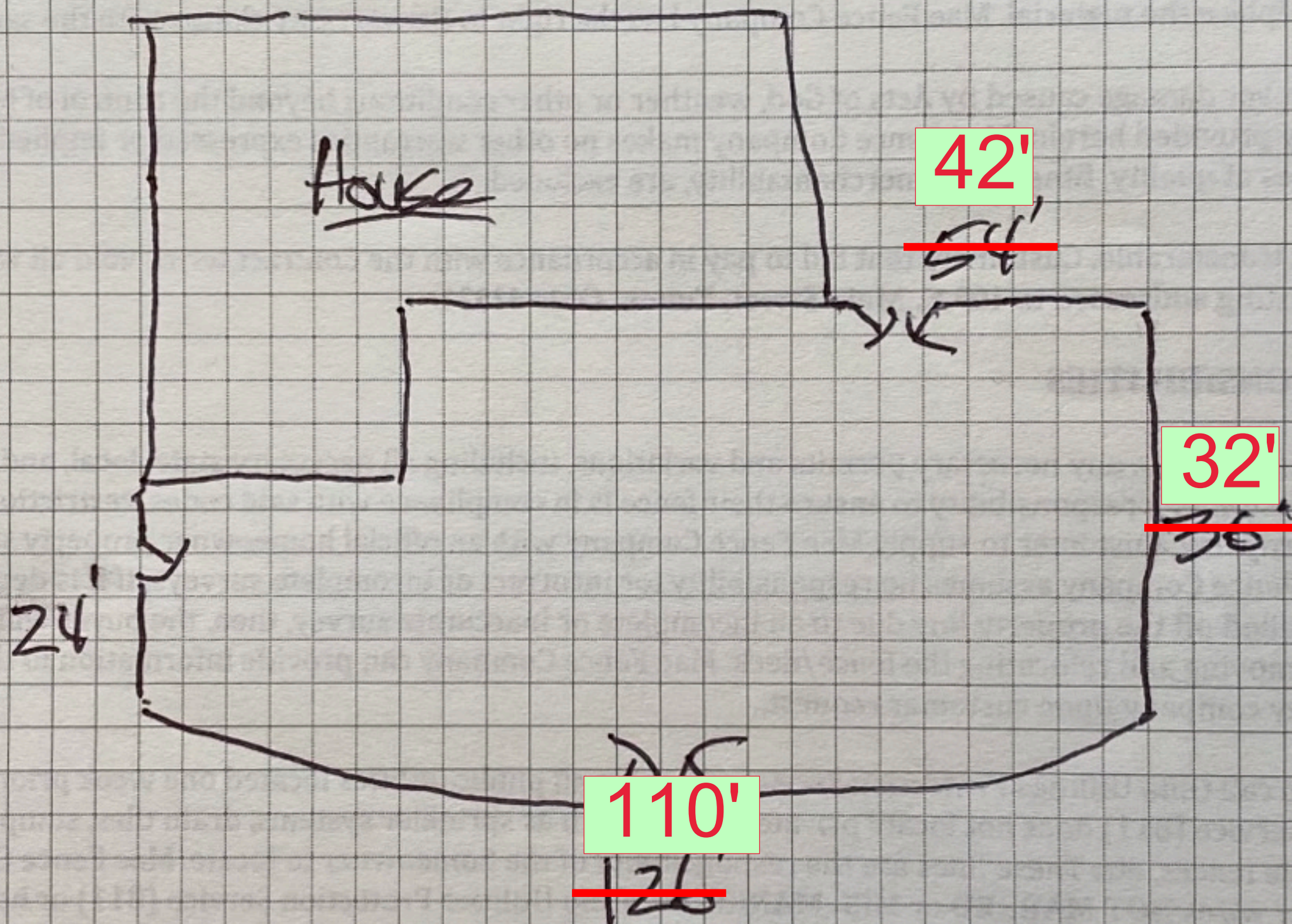
Customer Responsibilities:

- ☐ Obtain Permit / Variance
- ☐ HOA Approval
- ☐ Provide Legal Survey
- ☐ Clear Fence Line
- ☐ Contain Animals
- ☐ Locate Private Utilities

Please Review:

- ☐ Dirt removal is not included unless otherwise specified. COST TO REMOVE \$ _____
- ☐ The fence will follow the natural contour of the property unless otherwise specified.
- ☐ Under no circumstances is Mae Fence responsible for damages to private lines and/or items not professionally located by utility companies, including sprinkler lines, drain tiles, electric fence, and sump pump.
- ☐ Customer understands checking (cracking) in wood is normal and will not impact its structural integrity.
- ☐ A small degree of construction activity and refuse may occur.

A



Total Footage
234'

T.D: FTG _____

Haul: FTG _____
☐ Wood
☐ Link
☒ Other

Leave Dirt by Post
OR
Haul Dirt Away
Breaks ☐ Con ☐ Asp

Transition Slopes _____

Removable Panels _____

Permits/Approvals
☒ Yes
☐ No \$ 250

City and Association
fees are included
**PLAT OF SURVEY
MUST BE PROVIDED**

PAYMENT TERMS: <input checked="" type="checkbox"/> 50 % DEPOSIT Balance to be paid to installation crew chief or office upon completion <input type="checkbox"/> _____ % DEPOSIT Terms: _____	Payment 1	Payment 2	Payment 3	TOTAL	\$ <u>12,000</u>
	\$ _____	\$ _____	\$ _____	DEPOSIT	\$ <u>6000</u>
	Date _____	Date _____	Date _____	BALANCE	\$ _____
	V M D A Check # _____	V M D A Check # _____	V M D A Check # _____		
	Exp _____ Sec _____	Exp _____ Sec _____	Exp _____ Sec _____		

ACCEPTANCE OF PROPOSAL:

YOU, THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION

The above prices, specifications and conditions are satisfactory and are hereby accepted. Payment will be made as outlined in this contract. All work is to be completed in a workmanlike manner above the sale price. Cancellation of this contract after three business days will result in a 20% restocking fee. In the event of a default payment, Mae Fence may place the account with an agency ed. Customer agrees to pay all fees and costs associated with default payments. Our employees are fully covered by workman's compensation insurance.
Payment is due immediately following installation.

Company Representative <u>Gary Williams</u> <u>937-571-1234</u>	Customer Signature <u>Revised to 5/13/18 AM</u>	Date
---	--	------

File No.: 1959378

GENERAL WARRANTY DEED

Scenic View Estates, LLC, an Ohio limited liability company, for valuable consideration paid, grants with general warranty covenants to Joseph Rikk Jr. and Susan M. Rikk,

for and during their joint lives, remainder to the survivor of them, whose tax mailing address is: 2644 Skelton Lane, Blacklick OH 43009, the following Real Property:

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

Being Lot Number 8 in Scenic View Estates Phase 1 as the same is numbered and delineated upon the recorded plat thereof, of record in Instrument 202302080002320, Recorder's Office, Licking County, Ohio.

Parcel No. 064-068087-00.008

Property Address: Lot # 8, Pataskala, OH 43062

Prior Instrument Reference: Instrument No. 201903130004627 of the Licking County, Ohio Records.

Excepting from said general warranty covenants, all legal highways, restrictions, and easements of record, and taxes and assessments from the date of the closing.

Executed this 4 day of April, 2023.

Scenic View Estates, LLC, an Ohio limited liability company

By: [Signature] Date: 04.04.23
Dimitry Filonenko, managing member

State of Ohio
County of Franklin

This foregoing instrument was acknowledged before me this 4 day of April, 2023 by Dimitry Filonenko, managing member of Scenic View Estates, LLC, an Ohio limited liability company, on behalf of the company.



Nathan Banaski
Notary Public-State of Ohio
My Commission Expires
November 28, 2026

[Signature]
Notary Public
My Commission Expires: _____
This is an acknowledgment clause, no oath or affirmation was administered to the signer(s).

This instrument was prepared by:
Joe Budde, Attorney at Law
259 W Schrock Rd
Westerville, OH 43081



Nathan Banaski
Notary Public-State of Ohio
My Commission Expires
November 28, 2026



Michael L. Smith, Auditor
Roy Van Atta, Treasurer

ATTACHMENT 7 - AREA MAP



BOR



CAUV



Dog License



Downloads



Forms



GIS



Homestead T

Map

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

[Help](#)
[Login](#)

