



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-24-002

| | |
|-------------------|---|
| Applicant: | Bret Gerding |
| Owner: | Todd St. Clair |
| Location: | 5624 Mink Street SW, Pataskala, OH 43062 (PID: 063-141636-00.015) |
| Acreage: | +/- 5.00-acres |
| Zoning: | RR – Rural Residential |
| Request: | Requesting approval of a Variance from Section 1227.05(C)(2) to reduce the side yard setback for primary structures to 27’. |

Description of the Request:

Requesting approval of a Variance from Section 1227.05(C)(2) to reduce the minimum side yard setback for a primary structure to 27’ from 50’.

Staff Summary:

The 5.00-acre property located at 5624 Mink Street SW is currently occupied by a 1,500-square foot single-family home built in 1987. Additionally, there is a 768-square foot detached garage built in 2016, and a 240-square foot shed on the property. Access is via a gravel driveway from the property’s only frontage on Mink Street SW to the east. There are no easements on the lot.

The Applicant is proposing to construct an addition to the primary structure, as well as a new rear deck. The proposed addition will extend 34-feet out from the rear of the existing home and will be 18-feet wide. The new “L” shaped deck will be 10-feet wide and 24-feet in length along the length of the new addition, and 32-feet in length along the existing primary structure.

As proposed, the new addition will be located a distance of 27-feet from the north side property line. Pursuant to Section 1227.05(C)(2) of the Pataskala Code, the side yard setback for primary structures in the RR – Rural Residential zoning district is 50-feet.

According to the Narrative Statement as submitted by the Applicant, the Applicant is intending the addition to serve as a mother-in-law suite. The Applicant believes that the requested variance will not negatively impact the character of the existing neighborhood or be detrimental to existing or future neighboring uses as the area adjacent to the proposed addition is woods and the neighbor’s driveway on the far north side of the adjacent property. Additionally, the Applicant believes that the variance request is not substantial.

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

As mentioned above, pursuant to Section 1227.05(C)(2) of the Pataskala Code, the side yard setback in the RR – Rural Residential zoning district is 50-feet. As proposed, the new addition will be set back from the north side property line a distance of 27-feet. Therefore, the Variance request is for a reduction of 23-feet, or a 46% decrease from the requirement.

Pursuant to Section 1221.07(b)(iii) of the Pataskala Code, Decks and patios shall meet the required side yard setback of the zoning district in which they are located -or- shall not extend further into the side yard setback than the principal structure on the lot, whichever is less. In this case, the new deck will not meet the side yard setback, however, since the new addition will be less than the required side yard setback if this Variance is approved, and the deck will not extend beyond it, no variance would be required.

Should this Variance be approved, the Applicant will need to submit for an Addition and a Deck permit with the Planning and Zoning Department, as well as a building permit from the Licking County Building Code Department before beginning construction. Staff have no further comments.

Other Departments or Agencies

No other comments were received.

Surrounding Area:

| Direction | Zoning | Land Use |
|-----------|------------------------|---------------------------------|
| North | RR – Rural Residential | Single-Family Home |
| East | AG - Agricultural | Single-Family Home |
| South | RR – Rural Residential | Agricultural/Single-Family Home |
| West | RR – Rural Residential | 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:

- Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- 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;*
- Whether the variance requested is substantial;*
- 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;*
- Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- 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-24-002:

- None

Department and Agency Review

- Zoning Inspector – No comments.
- Public Service – No comments
- City Engineer – No comments
- SWLCWSD– No comments.
- Licking County Health Department – No comments.
- Police Department – No comments.
- West Licking Joint Fire District – No comments.
- Licking Heights School District – No comments.

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

1. Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve two variances from Section 1227.05(C)(2) for Variance Application VA-24-002 ("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: 5624 Mink St Pataskala, OH 43062 | |
| Parcel Number: 063-14163600.015 | |
| Zoning: RR | Acres: 5.01 |
| Water Supply: | |
| <input type="checkbox"/> City of Pataskala | <input type="checkbox"/> South West Licking <input checked="" 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: YA-24-002 |
| Fee: 300 |
| Filing Date: 1-12-24 |
| Hearing Date: 2-13-24 |
| Receipt Number: 001453 |

| Applicant Information | | |
|-----------------------------|--------------------------|------------|
| Name: Bret Gerding | | |
| Address: 258 Park Trails Dr | | |
| City: Newark | State: OH | Zip: 43055 |
| Phone: (740) 977-3060 | Email: Bret886@gmail.com | |

| Documents |
|---|
| <input type="checkbox"/> Application |
| <input 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: Todd St. Clair | | |
| Address: 5624 Mink St. SW | | |
| City: Pataskala | State: OH | Zip: 43062 |
| Phone: (513) 254-5358 | Email: tstclair74@gmail.com | |

| Variance Information |
|--|
| Request (Include Section of Code): Reduce side yard setback — Feet 1227.05(c)(2) |
| Reduce deck side yard setback — Feet 1221.07(b)(iii) |
| Describe the Project: |
| Addition: 34' x 18' |
| Deck: 24' x 32' |
| |
| |

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:

1-12-24

Property Owner (Required):

Date:

1/12/24

Lisa Paxton

From: Todd St.Clair <tstclair@iqventures.com>
Sent: Friday, January 12, 2024 1:44 PM
To: Lisa Paxton
Cc: Todd Stclair
Subject: Variance Narrative Statement - 5624 Mink Street SW

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.

Hi Lisa,

We just applied for a variance for a Mother-in-Law Addition we are looking to build onto our existing home. Below is the requested Narrative Statement:

- Reason variance is necessary: My father currently has mid-stage Alzheimer's. The current cost of their independent living facility is \$6,000 a month which exceeds what they can realistically spend for the care they are provided. Due to the position of our existing home on our property, the most desirable and realistic placement to attach the Mother-in-Law addition (i.e. access to existing water, sewer, etc) would be at the far rear corner of our home extending out. When adding this addition, the remaining square feet between the addition and the property line would be less than the required 50 feet (but over 50%). The edge of the property where the variance is requested is adjacent to the neighboring property's driveway which also sits probably 75 feet or more from the property line. The property is wooded with a creek running alongside, and no other development would likely be considered in that area.
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - A) Due to the position of our existing home on our property (far rear corner), the most realistic placement to attach the Mother-in-Law addition (i.e. access to existing water, sewer, etc) would be at the far rear corner of our home extending out.
 - B) The edge of the property where the variance is requested is adjacent to undeveloped woods and creek with the neighboring property's long driveway sits probably 75 feet or more from the property line where the variance is requested. No other development would likely be considered in that area.
 - C) The variance would assume less than 50% of the required 50 feet from property line
 - D) The area is zoned residential therefore the neighborhood would not be substantially altered
 - E) The variance would allow for the addition to be positioned in the most efficient and effective location to the existing home
 - F) The variance would not be detrimental to the public welfare
 - G) The variance will not adversely affect the delivery of governmental services
 - H) We did not have knowledge of the zoning restrictions at the time of purchase
 - I) Due to the positioning of the existing home, access to existing water/sewer access, as well as the location of the existing detached garage, there is not another solution to better accommodate the addition and the needs of those who will be occupying it
 - J) The variance will assume less than 50% of the required 50 feet from property line
 - K) The addition will be almost a seamless extension of the existing home; similar exterior, landscaped and maintained beautifully.

Please let me know if any additional information is needed and I will be happy to provide. If you could, please confirm receipt of this email.

Thanks,
Todd St.Clair
(513) 254-5358

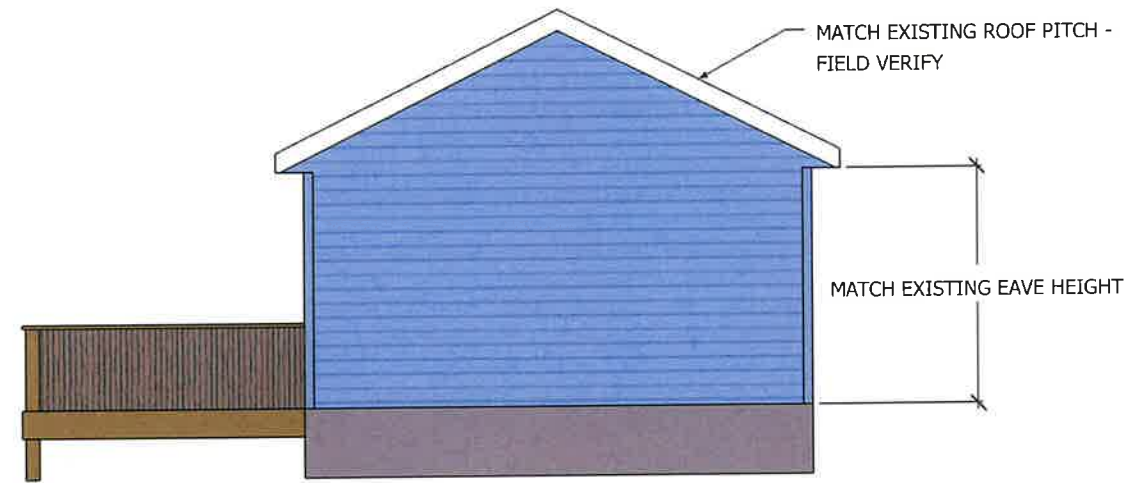


SITE PLAN
NO SCALE

ST CLAIR ADDITION
5624 MINK ST SW
PATASKALA, OH



EAST ELEVATION

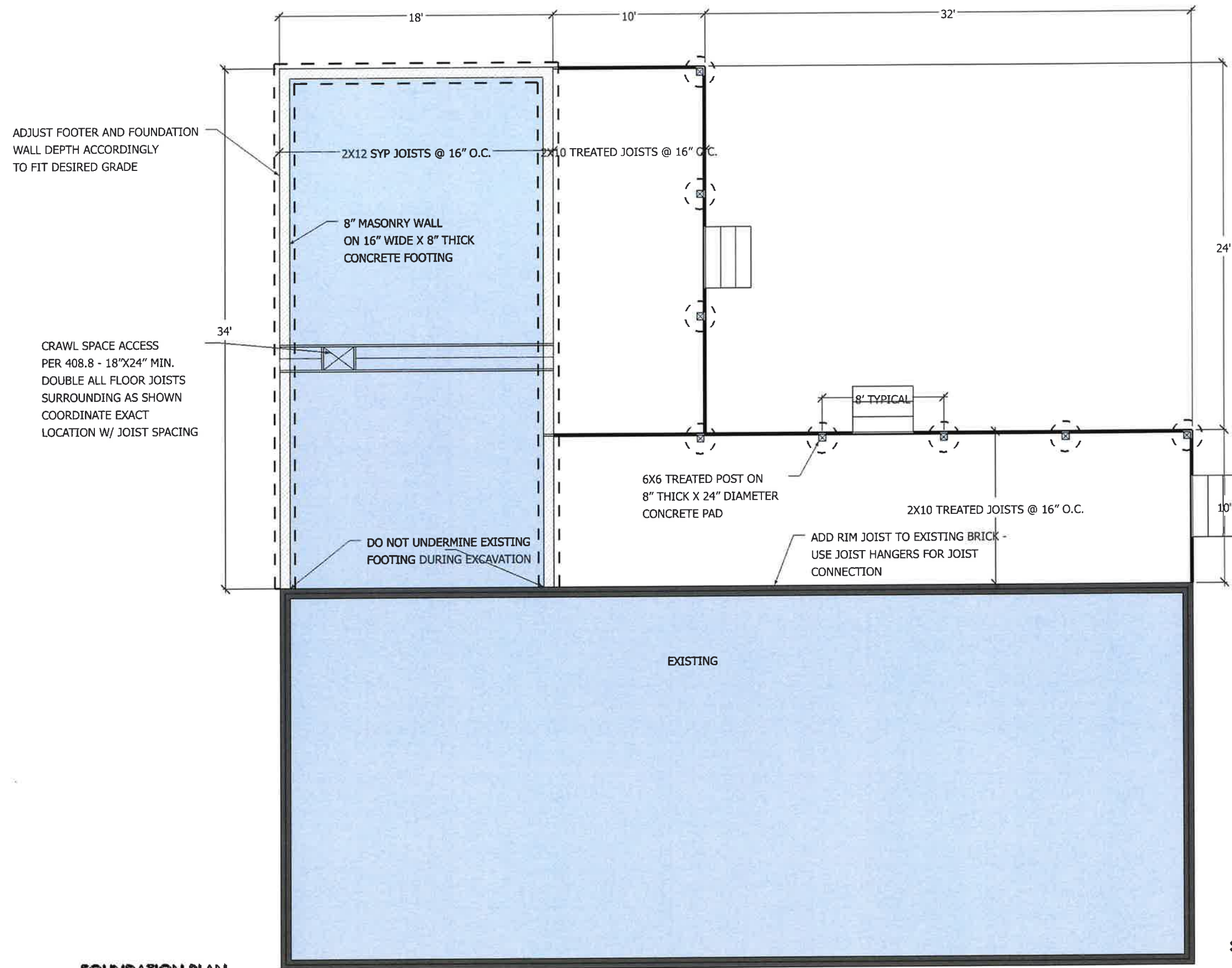


NORTH ELEVATION



ELEVATIONS
1/4"=1'-0"

ST CLAIR ADDITION
5624 MINK ST SW
PATASKALA, OH



FOUNDATION PLAN
1/4"=1'-0"

ST CLAIR ADDITION
5624 MINK ST SW
PATASKALA, OH

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER

Approved By JR May 18, 2021
0115PA0050000027100

TRANSFERRED

May 18, 2021
Michael L. Smith
LICKING COUNTY AUDITOR
SEC 319.902 COMPLIED WITH
MICHAEL L. SMITH
By: JAE 1154.70

| | |
|-------------------------|--------------------|
| InstrID:202105180014859 | 5/18/2021 |
| Pages:3 | F: \$42.00 9:51 AM |
| Bryan A. Long | T20210013821 |
| Licking County Recorder | |

File No.: 78407-OH

GENERAL WARRANTY SURVIVORSHIP DEED

Carlos D. Segovia aka Carlos Daniel Segovia and Destiny R. Segovia, married to each other, Grantors, for valuable consideration paid, grant with general warranty covenants to **Todd St. Clair and Dawn St. Clair, Grantees**, for their joint lives, remainder to the survivor of them, whose tax mailing address is

5624 Mink Street, SW, Pataskala, OH 43062

the following REAL PROPERTY:

SEE EXHIBIT "A" ATTACHED HERETO.

Parcel Number: 063-141636-00.015
Prior Instrument No.: 202012110033920
Property Address: 5624 Mink Street SW, Pataskala, OH 43062

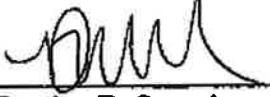
Exceptions to the general warranty covenants: (a) such encroachments and recorded restrictions, easements and conditions, including without limitations subsurface rights, which do not materially adversely affect the Property's use or value; (b) zoning ordinances, if any; (c) taxes and assessments, whether general or special, which are a lien on the Property but are not yet payable; (d) all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

IN WITNESS THEREOF, the said **Grantors** have signed and sealed these presents the day and year written below.

Executed this 22 day of March 2021.



Carlos Daniel Segovia

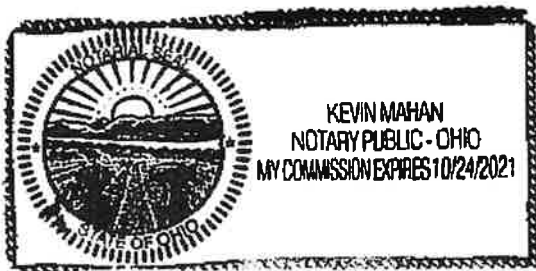


Destiny R. Segovia

State of Ohio
Licking County, SS:

BE IT REMEMBERED, that on this 22 day of March 2021, before me, the subscriber, a Notary Public in and for said state, personally came **Carlos D. Segovia aka Carlos Daniel Segovia and Destiny R. Segovia** and acknowledged the signing thereof to be their voluntary act and deed.

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





Notary Public

This instrument was prepared by Greg D. Port, Attorney at Law, Gregory Port Co., LPA

EXHIBIT A
SEGOVIA TRACT 2
DESCRIPTION
5.002 AC PARCEL

Exempted from public sale

City of Pataskala

Date Appraised

8-13-2020

LOT - 20-025

Situated in the Lot 8, Township 1 North, Range 15 West, United States Military Lands, City of Pataskala, Licking County, Ohio, and being part of the Carlos D. & Destiny R. Segovia, 5.053 acre and 6.378 acre parcels, as recorded in Instrument Number 201008250016476, all references are the Records of the Licking County Recorder, said parcel being further described as follows:

Commencing at a 5/8" dia. iron pin found at the southeast corner of Lot 6 of The Estates at Havens Corners subdivision, as recorded in Plat Book 16, Page 351 of the Plat Records;

Thence, South 03° 29' 43" West, 60.35 feet, along the east line of said Estates at Havens Corners subdivision, to a 1/2" dia. iron pin found at the northwest corner of the Andrew & Erika L. Sammons parcel, as recorded in Instrument Number 201009080017588;

Thence, South 86° 28' 53" East, 321.23 feet, along the north line of said Sammons parcel, to an iron pin set, said point also being the True Point of Beginning for the parcel herein described;

Thence, North 03° 32' 04" East, 390.72 feet, across said Segovia 6.378 acre and 5.053 acre parcels, to an iron pin set;

Thence, South 86° 27' 56" East, 558.12 feet, across said Segovia 5.053 acre parcel, to an iron pin set on the west line of the City of Pataskala, right-of-way parcel, as recorded in Instrument Number 201703090004775;

Thence, South 04° 48' 41" West, 74.76 feet, along the west line of said City of Pataskala parcel, to an iron pin set;

Thence, South 86° 27' 50" East, 5.00 feet, along said City of Pataskala parcel, to a point, witnessed by a 1" dia. iron pin found, South 86° 27' 50" East, 15.00 feet from said corner;

Thence, South 04° 48' 41" West, 315.90 feet, along the west line of said City of Pataskala parcel, to an iron pin set at the northeast corner of said Sammons parcel;

Thence, North 86° 28' 53" West, 554.42 feet, along the north line of said Sammons parcel, to the True Point of Beginning;

Containing 5.002 acres, more or less, of which 0.957 acres are in PN 063-141636-00.003 and 4.045 acres are in PN 063-141636-00.004, subject to all legal highways, all limitations of public access to highways, leases, zoning regulations, easements of record and restrictive covenants.

All iron pins set are 5/8" dia. x 30" long, rebar with Orange ID Cap, S-7996

Bearings are based on State Plane Grid, South Zone NAD83(2011).

This Description is based on a survey made under the direct supervision of Todd D. Willis in June, 2020. Reg. Surveyor No. 7996. Phone No. 740-739-4030, Willis Engineering & Surveying.

Todd D. Willis

7-06-2020

CS DL



Michael L. Smith, Auditor
Roy Van Atta, Treasurer

- BOR
- CAUV
- Dog License
- Downloads
- Forms
- GIS
- Homestead
- Taxes
- Other

Map

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

Help

- My OnTrac
- My Email
- My Parcels
- My Password
- Lists/Report
- BOR Filings
- Logout



FIND YOUR PARCEL

Address ▼

Trouble Searching?

063 147636-00 015
ST CLAIR TODD & DAWN
5624 MINK ST
PATASKALA, OH 43062

Acres: 5.40
5.002 AC LOT 8 R14, T1
Q3

Land: \$165,000
Improv: \$237,700
Total: \$397,700

Transfer Date: 05-18-2021
Amount: \$384,900
Conveyance: 1621
Valid Sale: Yes

Homestead: No
Owner Occ: **Yes**

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