

op **MINUTES OF THE**
CITY OF PATASKALA BOARD OF ZONING APPEALS

Tuesday, August 12, 2025

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 12, 2025.

Present were:

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, Senior Planner

Michaela Evans, City Planner

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:27 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Richard Cooper, Douglas Dandurand and Alan Howe. Lon Coleman was not present.

First on the Agenda, Variance Application VA-25-017 – 220 Isleta Drive

Ms. Evans gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance, pursuant to Section 1221.07(E)(1) of the Pataskala Code, to allow for a deck to be within an easement, for property located at 220 Isleta Drive. Area map, property summary, site plan noting utility and drainage easements along with proposed deck location were reviewed. Applicant's Narrative Statement along with Staff comments were noted. Existing conditions were also reviewed. There were no Departmental or Agency comments.

A discussion was had regarding AEP's approval to construct in the easement.

Alan Kominak, 220 Isleta Drive, Pataskala, was placed under oath.

Mr. Kominak gave a description and location of the proposed deck.

A discussion was had noting if AEP requires access to the easement and the deck is removed, that it is the property owner's responsibility to rebuild the deck.

Mr. Kominak stated he is aware that he would be responsible to rebuild the deck.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a Variance from Section 1221.07(E)(1) for Variance Application VA-25-017 with the following conditions:

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. Applicant shall receive necessary approvals from AEP prior to installing the deck.

Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-25-018 – 14617 Morse Road

Ms. Evans gave an overview of the Staff Report, noting the Applicant's request for approval of two Variances from Section 1227.05(B). First, to allow for a lot split that will create two lots less than the minimum lot size and, second, to allow for one lot to be less than the minimum lot width, for property located at 14617 Morse Road. Area map, property summary and proposed lot split were reviewed. Applicant's Narrative Statement along with Staff comments were noted. Existing conditions were shown, including the floodplain's location. City Engineer and health department comments were reviewed.

A discussion was had regarding the zoning classification for the properties to the west of the subject property.

Matthew Stewart, 14679 Morse Road, Pataskala, was placed under oath.

Mr. Stewart noted not having concerns with the lot split; however, his concerns include flooding, possible diversion of the stream that runs through the property, along with concerns regarding the floodplain and septic location if a new home is to be built on the new lot.

David Hodge, Esq., 8000 Walton Parkway, Suite 150, New Albany, on behalf of the Applicant, was placed under oath.

Mr. Hodge stated he understood the neighbor's concerns, and that there will be additional oversight relating to the floodplain, and anything that happens on the property will have to be approved through various regulatory agencies. Mr. Hodge stated the current home and

landscaping are being upgraded and the property owner will most likely sell the home, and create an adjacent lot as an opportunity for someone to build a new home.

A discussion was had regarding marking the floodplain on the survey as a condition so that there are no questions when selling the split lot.

Mr. Hodge noted they would also have to comply with the US Army Corp of Engineers.

A discussion was had regarding FEMA regulations and building in a floodplain.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve Variance Application VA-25-018 with the following conditions:

1. Applicant shall address all comments from Planning & Zoning Staff, the City Engineer, and the Health Department.
2. Applicant shall clearly indicate the floodplain on the survey as part of the Minor Subdivision application to ensure prospective buyers are aware of risks associated with the lot.
3. The Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.

Seconded by Mr. Cooper. Mr. Cooper, Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-25-019 – 266 S Main Street

Ms. Evans gave an overview of the Staff Report, noting the Applicant's request for an approval of a Variance from Section 1279.03(A)(1) of the Pataskala Code to allow for a 6-foot fence to be built within the minimum front-yard setback. Area map, property summary and proposed fence location were reviewed. Applicant's Narrative Statement along with Staff comments were also noted. There were no Departmental or Agency comments.

Dan Ericson, 266 S Main Street, Pataskala, was placed under oath.

Mr. Ericson gave an overview of the area he proposes to construct the fence, and noted the fence is for the safety of his child and pet.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a Variance from Section 1221.07(E)(1) for Variance Application VA-25-019 with the following condition:

1. Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.

Seconded by Mr. Dandurand. Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-25-004 – John Reese Parkway & Richard Conine Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, to allow the property to be developed with a motor vehicle garage for repair and servicing of vehicles. Area map, property summary and zoning history were reviewed. Access, parking, screening, lighting, brick or block trash enclosures, and a multi-use path were also noted. Applicant's Narrative Statement along with Staff comments were reviewed along with Departmental and Agency comments.

A discussion was had regarding a traffic signal that will be installed at the intersection of John Reese Parkway and Broad Street before the property is developed.

Jerry Royce, 3951 Hammersmith Lane, Loveland, Ohio and David Parker, 1706 Pleasant Hills Drive, Loveland, Ohio, were placed under oath.

Mr. Royce stated they have been working on the project for the past two years and are trying to bring together the best possible development and design that works for everyone, including the neighborhood, along with being mindful of the neighbors. Mr. Royce noted their commitment to the traffic light, sidewalk, and asphalt path that will help connect the community. Additional buffering along Broad Street and Richard Conine were noted along with dumpster enclosures and additional landscape.

Steve Fisher, 331 Isaac Tharp Street, Pataskala, was placed under oath.

Mr. Fisher noted concern with the right turn lane on to Broad Street.

Mr. Howe noted from the beginning of this development, they have always had a right in, right out, and the question was where was it going to be located.

A discussion was had regarding John Reese Parkway and the Richard Conine Street intersection.

Pamela Parkinson, 204 S Township Road, Pataskala, was placed under oath.

Ms. Parkinson indicated having no issues; however, inquired as to the assisted living that was proposed a few years ago.

Mr. Fulton stated the assisted living was further to the west of this development; however, the approval has since expired.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve a Conditional Use request for Application CU-25-004, with the following conditions:

1. The Applicant shall address all comments from the Public Service Department, Pataskala Utilities Department, and Planning and Zoning Staff.
2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.
3. A traffic signal, including any other required intersection improvements, shall be installed at the intersection of John Reese Parkway and W Broad Street.
4. Pursuant to Section 1249.04(5) of the Pataskala Code, all operations shall be conducted within a fully enclosed building and there shall be no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-25-005 – John Reese Parkway & Richard Conine Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, to allow the property to be developed with a restaurant with a drive-through. Area map and proposed use were reviewed, along with lighting, access, and dumpster location. Site plan for a proposed quick service restaurant with drive through, but no specifics on user. Applicant's Narrative Statement Staff comments, along with Departmental and Agency comments were reviewed.

Mr. Royce was previously placed under oath.

Mr. Royce indicated having nothing to add, although he has been talking to several users that are interested in that location.

Mr. Dandurand asked if they feel good about the location, even though they do not have a user.

Mr. Royce stated it could change slightly, depending on the user; however, he believes it is a good representation of what is being proposed for the location.

A discussion was had regarding the three access points to Richard Conine Street.

Mr. Fisher was previously placed under oath.

Mr. Fisher noted concerns with not knowing what business will be going in and the amount of traffic it may generate.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a Conditional Use request for Application CU-25-005 with the following conditions:

1. The Applicant shall address all comments from the Public Service Department, Pataskala Utilities Department, and Planning and Zoning Staff.
2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.
3. A traffic signal, including any other required intersection improvements, shall be installed at the intersection of John Reese Parkway and W Broad Street.

Seconded by Mr. Dandurand. Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-25-022 – John Reese Parkway & Richard Conine Street

Mr. Kuntzman gave an overview of the Staff Report, noting the development as a whole. Applicant is requesting approval of two variances, one from Section 1249.05(G) to allow for two garbage dumpsters to be located in the front yard, and one from Section 1259.05(G)(4)(a) to allow the distance between the building and parking area to be less than the minimum required. Mr. Kuntzman noted prior to development, a TCOD application must go to the Planning and Zoning Commission for review of the site layout, and as part of the TCOD application, the Planning and Zoning Commission has the ability to approve certain aspects of the proposal even if they do not meet Pataskala Code. Area map noting dumpster locations were reviewed. Applicant's Narrative Statement, Staff comments along with Departmental and Agency comments were reviewed.

A discussion was had regarding front yard setbacks on public rights-of-way.

Mr. Royce was previously placed under oath.

Mr. Royce stated not having easy locations to place the dumpsters, and noted additional screening along with masonry construction of brick or split-face architectural block for the trash enclosures.

There were no further questions or comments.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve two variance requests for Application VA-25-022 with the following conditions:

1. The Applicant shall address all comments from the City Engineer, Public Service Department, Pataskala Utilities Department, and Planning and Zoning Staff.
2. The Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.

Seconded by Mr. Cooper. Mr. Cooper, Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact

VA-25-017 – 220 Isleta Drive

<u>Yes</u>	<u>No</u>	
√		a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
√		b) <i>Whether there are unique physical circumstances or conditions that prohibit property being developed in strict conformity with the zoning regulation such variance is necessary to enable the reasonable use of the property;</i>
√		c) <i>Whether the variance requested is substantial;</i>
√		d) <i>Whether the essential character of the neighborhood would be substantially or the adjoining properties would suffer a substantial detriment as a result of variance;</i>
√		e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>
√		f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>
√		g) <i>Whether the variance, if granted, would adversely affect the delivery of services;</i>
√		h) <i>Whether the property owner purchased the subject property with knowledge of zoning restriction;</i>
√		i) <i>Whether the property owner's predicament can be obviated through some</i>

- method than variance;*
- √ j) *Whether the variance, if granted, will represent the minimum variance that will relief and represent the least modification possible of the requirement at issue;*
 - √ k) *Whether the spirit and intent behind the zoning requirement would be substantial justice done by granting the variance.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-25-017. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

VA-25-018 – 14617 Morse Road

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| √ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| | √ | b) <i>Whether there are unique physical circumstances or conditions that prohibit property being developed in strict conformity with the zoning regulation such variance is necessary to enable the reasonable use of the property;</i> |
| √ | | c) <i>Whether the variance requested is substantial;</i> |
| √ | | d) <i>Whether the essential character of the neighborhood would be substantially or the adjoining properties would suffer a substantial detriment as a result of variance;</i> |
| √ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| √ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| √ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of services;</i> |
| √ | | h) <i>Whether the property owner purchased the subject property with knowledge of zoning restriction;</i> |
| | √ | i) <i>Whether the property owner’s predicament can be obviated through some method than variance;</i> |
| √ | | j) <i>Whether the variance, if granted, will represent the minimum variance that will relief and represent the least modification possible of the requirement at issue;</i> |
| √ | | k) <i>Whether the spirit and intent behind the zoning requirement would be substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-25-018. Seconded by Mr. Dandurand. Mr. Cooper, Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

VA-25-019 – 266 S Main Street

<u>Yes</u>	<u>No</u>	
√		a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
√		b) <i>Whether there are unique physical circumstances or conditions that prohibit property being developed in strict conformity with the zoning regulation such variance is necessary to enable the reasonable use of the property;</i>
√		c) <i>Whether the variance requested is substantial;</i>
√		d) <i>Whether the essential character of the neighborhood would be substantially or the adjoining properties would suffer a substantial detriment as a result of variance;</i>
√		e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i>
√		f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i>
√		g) <i>Whether the variance, if granted, would adversely affect the delivery of services;</i>
√		h) <i>Whether the property owner purchased the subject property with knowledge of zoning restriction;</i>
√		i) <i>Whether the property owner's predicament can be obviated through some method than variance;</i>
√		j) <i>Whether the variance, if granted, will represent the minimum variance that will relief and represent the least modification possible of the requirement at issue;</i>
√		k) <i>Whether the spirit and intent behind the zoning requirement would be substantial justice done by granting the variance.</i>

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-25-019. Seconded by Mr. Cooper. Mr. Howe, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Conditional Use Application CU-25-004

<u>Yes</u>	<u>No</u>	
✓		1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.
✓		2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.
✓		3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the
✓		4. Will not be hazardous or disturbing to existing or future neighboring uses.

- ✓ 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies
- ✓ 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of
- ✓ 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare. including but limited to excessive production of traffic. noise. smoke.
- ✓ 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
- ✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Mr. Howe made a motion to approve Findings of Fact for Conditional Use Application CU-25-004. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-25-005

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ✓ | | 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application. |
| ✓ | | 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code. |
| ✓ | | 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the |
| ✓ | | 4. Will not be hazardous or disturbing to existing or future neighboring uses. |
| ✓ | | 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies |
| ✓ | | 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of |
| ✓ | | 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare. including but limited to excessive production of traffic. noise. smoke. |
| ✓ | | 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares. |

- ✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Mr. Howe made a motion to approve Findings of Fact for Conditional Use Application CU-25-005. Seconded by Mr. Cooper. Mr. Cooper, Mr. Dandurand and Mr. Howe and voted yes. The motion was approved.

Variance Application VA-25-022

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i> |
| ✓ | | b) <i>Whether there are unique physical circumstances or conditions that prohibit property being developed in strict conformity with the zoning regulation such variance is necessary to enable the reasonable use of the property;</i> |
| ✓ | | c) <i>Whether the variance requested is substantial;</i> |
| ✓ | | d) <i>Whether the essential character of the neighborhood would be substantially or the adjoining properties would suffer a substantial detriment as a result of variance;</i> |
| ✓ | | e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> |
| ✓ | | f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some method than variance;</i> |
| ✓ | | j) <i>Whether the variance, if granted, will represent the minimum variance that will relief and represent the least modification possible of the requirement at issue;</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-25-022. Seconded by Mr. Dandurand. Mr. Howe, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the July 8, 2025 Regular Hearing

Mr. Howe made a motion to approve the Minutes of the July 8, 2025 hearing. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

No other business was presented.

Mr. Howe made a motion to adjourn the hearing to Tuesday, September 9, 2025. Seconded by Mr. Dandurand. Mr. Howe, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

The hearing was adjourned at 8:07 p.m. on Tuesday, August 12, 2025.

Chairperson

Date