

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

**Tuesday, August 8, 2017**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 8, 2017.

Present were:

Bruce Ashcraft  
Catherine Baird  
Kathleen Hasson  
Robert Platte  
TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Planning Director  
Zack Cowan, City Planner  
Lisa Paxton, Zoning Clerk

Chairwoman Baird opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Bruce Ashcraft, Catherine Baird, Robert Platte, Kathleen Hasson and T.J. Rhodeback.

***First on the Agenda, Variance Application VA-17-020:***

Mr. Cowan gave a review of the Staff Report, noting the applicant is requesting a variance from Section 1253.05(I) of the Pataskala Code to allow an exemption from the required eight (8) foot visual screening along the property lines and from Section 1253.05(A) to allow for a structure to exceed the maximum building height of 50 feet. The Planning and Zoning Commission hearing was also noted.

Discussion was had regarding separating the variance applications.

Discussion was had regarding supplementary conditions.

Aura Lindstrand, Electrical Consultants, Inc., 3521 Gabel Road, Billings, Montana, representing AEP, was placed under oath.

Ms. Lindstrand gave an overview of the project, noting the proposed use of the property, an unmanned electrical substation. Storm water pollution prevention site plan and detention pond were noted. Ms. Lindstrand explained the 110-foot monopoles and 120-foot communication tower along with the control buildings and future buildout.

Erin Miller, Project Outreach Specialist, representing AEP, 700 Morrison Road, Gahanna.

A discussion was had regarding transmission towers.

Ms. Rhodeback inquired as to the type of technology that was being used, and the reasoning for a 120-foot tower.

Mr. Platte inquired as to the variance for the screening.

Ms. Miller noted it being a maintenance issue, as the station is unmanned, and safety issues.

Fence location was noted.

Tree, vegetation and visual screening were discussed.

Landscaping code was reviewed.

A discussion was had regarding tabling the application and allowing the applicant to submit a landscaping plan, or allow administration approval.

John Hohman, 11015 Mill Street, was placed under oath.

Mr. Hohman noted his concerns regarding porous surfaces, and flooding issues.

Ms. Lindstrand asked the Board to consider allowing her to work with the Planning Director on their landscaping concerns.

Further discussion was had regarding landscaping.

Ms. Miller read a note from their engineer regarding the communication tower.

A discussion was had regarding tabling the landscaping application.

Mr. Platte noted having no issues with administrative approval of landscaping.

Findings of Fact were reviewed.

Mr. Platte made a motion to approve a variance from Section 1253.05 and from Section 1253.05 of the Pataskala Code for Variance Application VA-17-020 with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to constructing the facility.
2. The applicant shall submit revised plans clearly labeling the height of the berms and locations of all proposed towers and a detailed landscaping plan.
3. A landscape buffer shall be provided on the east, west and south property lines, with a minimum 12' height within three years, that provides a minimum opacity of 75%. Location of said buffer shall be reviewed by Staff and shall meet all applicable local, state and national codes.

Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Platte, Ms. Baird, Ms. Hasson and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-17-021.***

Mr. Cowan gave a review of the Staff Report, noting the applicant is requesting a variance from Section 1279.03 of the Pataskala Code to allow for a fence to exceed the maximum height requirement, and from Section 1291.02(A)(4) to allow an exemption from the required hard-surfaced parking area. Mr. Cowan further noted a federal mandate, under the National Electrical Safety Code, that requires a minimum 7-foot fence height around a substation; however, AEP requires a minimum of 8-feet for safety. Also, a federal mandate under the Institute of Electrical Electronics Engineers requires crushed aggregate rock for substations, which is essential to grounding.

Ms. Lindstrand reviewed the crushed aggregate along with fencing.

Mr. Hohman reiterated his earlier statement.

Findings of Fact were reviewed.

Mr. Platte made a motion to approve from Section 1279.03 and 1291.02(A)(4) of the Pataskala Code for variance application for application VA-17-021, with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to constructing the facility.

Seconded by Mr. Ashcraft. Ms. Rhodeback, Ms. Hasson, Ms. Baird, Mr. Platte and Mr. Ashcraft voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-17-022.***

Mr. Cowan gave an overview of the Staff Report, noting the applicant is requesting a variance from Section 1297.02(B)(2) of the Pataskala Code to allow for a swimming pool to be located in the front yard, in what would typically be considered the rear yard, located between the house and the garage. Code requires the filter pump be located at least 20 feet from the property lines, as the applicant has not addressed the location of the pump, and a fence of at least 5 feet in height is required to surround the swimming pool, which the applicant has indicated an existing fence abuts the property lines.

Maggie Jones, 467 South Main Street, was placed under oath.

Ms. Jones had no comments.

Ms. Baird inquired as to the filter pump.

Mr. Cowan indicated the area where the pump could be placed.

Mr. Platte made a motion to approve a variance from Section 1297.02(B)(2) with the following supplementary conditions:

1. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to installing the pool.
2. All filter installations shall be located a minimum of 20 feet from the property lines pursuant to Section 1297.02(B)(2) of the Pataskala Code.

Seconded by Ms. Hasson. Ms. Hasson, Ms. Rhodeback, Ms. Baird, Mr. Ashcraft and Mr. Platte voted yes. The motion was approved.

**Next on the Agenda, Findings of Fact.**

**Variance Application VA-17-020:**

Ms. Rhodeback made a motion to approve Findings of Facts for Variance Application VA-17-020. Seconded by Mr. Ashcraft. Ms. Rhodeback, Ms. Hasson, Ms. Baird, Mr. Platte and Mr. Ashcraft voted yes. The motion was approved.

**Yes   No**

- ✓ 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.*

**Variance Application VA-17-021:**

Mr. Platte made a motion to approve Findings of Facts for Variance Application VA-17-021. Seconded by Mr. Ashcraft. Mr. Ashcraft, Mr. Platte, Ms. Baird, Ms. Hasson, and Ms. Rhodeback voted yes. The motion was approved.

- | <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 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;</i> |
| ✓          |           | c) <i>Whether the variance requested is substantial;</i>   |
| ✓          |           | d) <i>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;</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 government services;</i>  |
| ✓          |           | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i>  |
| ✓          |           | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i>  |
| ✓          |           | j) <i>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,</i>  |
| ✓          |           | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i>   |

**Variance Application VA-17-022:**

Mr. Ashcraft made a motion to approve Findings of Fact for Variance Application VA-17-022. Seconded by Mr. Platte. Ms. Rhodeback, Mr. Ashcraft, Ms. Baird, Mr. Platte and Ms. Hasson voted yes. The motion was approved.

- | <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 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;</i> |

- ✓ 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.*

***Next on the Agenda, excuse of absence for Bruce Ashcraft from the July 11, 2017 meeting.***

Mr. Platte made a motion to approve the absence of Bruce Ashcraft. Seconded by Ms. Hasson. Mr. Platte, Ms. Baird, Ms. Hasson and Ms. Rhodeback voted yes. Mr. Ashcraft abstained. The motion was approved.

***Next on the Agenda, Approval of the July 11, 2017 Minutes.***

Ms. Rhodeback made a motion to approve the minutes of the July 11, 2017 meeting. Seconded by Ms. Hasson. Ms. Hasson, Mr. Platte, Ms. Rhodeback, Ms. Baird and Mr. Ashcraft voted yes. The motion was approved.

***Next on the Agenda, Other Business.***

Mr. Fulton gave an update regarding accessory buildings.

***Next on the Agenda, adjournment to the September 12, 2017 meeting.***

Mr. Platte made a motion to adjourn the meeting. Seconded by Mr. Ashcraft. Ms. Hasson, Ms. Baird, Mr. Platte, Mr. Ashcraft and Ms. Rhodeback voted yes.

The meeting was adjourned at 8:03 p.m.

Minutes of the August 8, 2017 meeting were approved on

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Chairperson Baird