

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

**Tuesday, November 8, 2016**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Tuesday, November 8, 2016.

Present were:

Matt Dixon, Chairman

Catherine Baird, Vice Chairwoman

Kathleen Hasson

Steve Valentine

TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Planning Director

Zack Cowan, City Planner

Lisa Paxton, Zoning Clerk

Chairman Dixon opened the hearing at 6:32 p.m., followed by the Pledge of Allegiance. Roll call was made.

Present were: Matt Dixon, Catherine Baird, Kathleen Hasson, TJ Rhodeback and Steve Valentine were present.

First on the Agenda, ***Variance Application VA-16-025***.

Robert King, 176 West Mill Street was placed under oath.

Mr. King gave an overview of his variance, requesting to construct a home addition that would fail to meet the required front yard setback.

Mr. Cowan reviewed the Staff Report, noting The Applicant is seeking a variance to construct a 16' x 44' (704 square feet) home addition that extends into the required 25-foot front yard setback. Two front yard setback variances are required due to the home being located on a lot that has three (3) front yards.

Ms. Baird asked if there were any easements that would cause any issues.

Mr. King indicated no

A discussion was had regarding easements and right-of-ways.

Ms. Baird made a motion to approve Variance Application VA-16-025, from Section 1237.05(C) of the Pataskala Code, with the following modifications:

1. The Applicant shall construct the home addition as submitted within one (1) year of the date of approval.
2. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County

Building Department prior to construction of the home addition.

Ms. Hasson seconded the Motion. Ms. Rhodeback, Mr. Dixon, Ms. Hasson, Mr. Valentine and Ms. Baird voted yes. The Motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, **Variance Application VA-16-026.**

Jim Rosing and Ian Aultman were placed under oath.

Mr. Rosing and Mr. Aultman gave an overview of the variance, requesting an exemption from the required eight-foot screening on the side and rear of the parcel. Security issues were also noted.

Mr. Cowan reviewed the Staff Report, noting The Applicant has proposed to construct a warehouse and office building on the property with gravel laydown/storage area in the rear. The property would be used as an AEP Distribution Center. A Planned Manufacturing District Application has been submitted to the Planning Commission for review on November 2, 2016. Mr. Cowan stated eight feet of visual screening on the east, west, north, and south property lines are required pursuant to Section 1253.05(I) of the Pataskala Code. The code requires eight feet of visual screening with a four foot berm topped with four foot evergreen shrubs. Mr. Cowan noted the required landscaping has been met along Etna Parkway with eight-foot screening along the right-of-way and The Applicant is seeking a variance so as to not be required to provide any screening on the remaining three property lines.

A discussion was had regarding landscaping.

Ms. Baird made a motion to approve Variance Application VA-16-026. Seconded by Ms. Rhodeback. Ms. Baird, Ms. Hasson, Mr. Valentine, Ms. Rhodeback and Mr. Dixon voted yes. The motion was approved.

Next on the Agenda, **Variance Application VA-16-027.**

Mr. Aultman gave an overview of the variance, requesting to allow a fence to exceed the maximum height in the front yard and to allow for the amount of parking to not meet the minimum requirement.

Mr. Cowan reviewed the Staff Report, noting The Applicant has proposed to install a six-foot fence topped with two feet of barbed wire, for security purposes, along the rear and side property lines, and 150 feet from the front property line. Mr. Cowan noted the maximum height for a fence in the front yard is six feet. The Applicant also proposes to install 19 parking spaces in front of the warehouse, which is a reduction of 35 required spaces; the minimum amount of required parking spaces is 54.

A discussion was had regarding setbacks, and the parking lot.

Mr. Valentine made a motion to approve Variance Application VA-16-027. Seconded by Ms. Baird. Ms. Hasson, Ms. Rhodeback, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Next on the Agenda, **Variance Application VA-16-028.**

Todd Fields was placed under oath.

Mr. Fields gave an overview of his variance, requesting to allow an accessory building to exceed the maximum permitted size and to allow an accessory building to be located on a lot without a principle structure.

Mr. Cowan reviewed the Staff Report, noting The Applicant owns a 0.48-acre lot that contains a 1,156 square foot house built and also owns an abutting 0.23-acre lot to the west that is currently vacant. The Applicant is proposing to construct a 30' x 40' accessory building on the vacant lot. The proposed 1,200 square foot structure would be 30 feet from the west property line and 45 feet from the south property line.

Charles and Mary Hopkins, 5392 Mink Street, were placed under oath

Ms. Hopkins owns property west of Mr. Fields' property. The Hopkins noted concerns regarding the proposed accessory building.

Ms. Hasson asked if the concern was the size of the building or the height.

Ms. Hopkins noted the height of the building being a concern.

A discussion was had regarding the size of the garage door.

Mr. Fields noted the height of the garage door will be 10 feet and the width will be 12 feet. Mr. Fields noted wanting to place a car-lift inside the building, along with a work vehicle.

Ms. Hasson asked if the building is for a business.

Mr. Fields indicated the building would be for personal use only.

A discussion was had regarding combining the two lots.

Mr. Dixon inquired as to a driveway.

Mr. Fields noted a driveway will go back to the garage.

A discussion was had regarding landscaping, buffering.

Mr. Fields indicated placing trees on long the property.

Further discussion was had regarding landscaping.

Mr. Valentine made a motion to approve Variance Application VA-16-028 with the following modifications:

1. The Applicant shall construct the accessory building addition as submitted within one (1) year of the date of approval.
2. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the accessory building addition.
3. The accessory building must be constructed 55 feet from the west property line of Parcel No. 063-141654-21.000.
4. L3 Landscaping along the west property line of Parcel No. 063-141654-21.000.

Ms. Hasson seconded the Motion. Ms. Rhodeback, Mr. Dixon, Ms. Hasson, Mr. Valentine and Ms. Baird voted yes. The Motion was approved.

Mr. Dixon noted the 30-day appeals process.

Next on the Agenda, Conditional Use Application CU-16-007.

Jason Carsey, 160 Pat Haven Drive and Chris Douglas, 380 Hopewell Drive, were placed under oath.

Mr. Fulton gave a history of the approved 2014 conditional use and revoked in 2015.

A discussion was had regarding conditions needing met.

A discussion was had regarding permits needed for the office addition that was added.

Jerry Young, 68 3<sup>rd</sup> Ave, Etna, was placed under oath.

Mr. Young stated he is the property owner and noted he will be completely involved in the conditional use process.

A discussion was had regarding conditions.

Ms. Hasson inquired as to hours of operation.

Mr. Carsey noted Monday through Friday, 8:00 a.m. to 6:00 p.m., no weekends.

Mr. Dixon asked Mr. Fulton if there is a way to make sure all the conditions are met before the business opens.

Mr. Fulton noted the Certificate of Compliance will need to be approved.

Ms. Rhodeback inquired as to what items have been completed.

Mr. Fulton reviewed items 1 through 7 of the Staff Report.

A discussion was had regarding proposed modifications.

Mr. Dixon asked if the modifications would need to be completed prior to receiving Compliance.

Mr. Fulton noted the conditions will need to be met prior to opening.

Ms. Baird inquired as to the number of cars permitted.

Mr. Fulton noted the lot needing to be striped and every car would need to go in a designated space. Mr. Fulton noted Staff working with Applicant and Mr. Young to make sure all the requirements are met

Joyce Zimmerman, 26 Liden Avenue, was placed under oath.

Ms. Zimmerman noted the fence needing repair and inquired as to buffering.

A discussion was had regarding buffering.

Mr. Valentine made the motion to approve Conditional Use Application CU-16-007 with the following modifications:

1. A revised site plan shall be submitted to include the following:
  - A "Do Not Enter" sign adjacent to the gravel drive facing Linda Avenue
  - Proposed landscaping around the base of the existing ground sign.
  - All existing and proposed lighting.
  - Proposed parking spaces.
  - L2 Landscaping along the front of the property adjacent to Broad Street.
  - The existing fence along the eastern property line
  - The dumpster location and dumpster enclosure.
2. The applicant shall install and/or repair the improvements indicated on the site plan within one (1) year of the date of approval.
3. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
4. Drainage from the property shall not have an off-site impact.
5. The fence along the east property line shall be repaired and maintained per the requirements of the Pataskala Code.
6. The parking lot shall be striped per the requirements of the Pataskala Code.
7. The dumpster shall be enclosed per the requirements of the Pataskala Code.
8. The applicant shall remove or obtain a building permit from Licking County for the existing alcove on the front of the building.
9. A backflow prevention device shall be installed pursuant to the requirements of the Pataskala Utility Department and the existing well on site shall be abandoned. Water service shall not be reinstated until these items are complete.
10. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department.
11. L2 landscaping along the western property line abutting 325 Broad Street.

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

Mr. Dixon noted the 30-day appeal process.

Next on the Agenda, Conditional Use Application CU-16-009.

Dr. Christine Charyton, 4151 Mink Street, and Attorney Braden Blumensteil, 4242 Tuller Road, Dublin were placed under oath.

Mr. Blumensteil noted Dr. Charyton's psychology practice to be conducted from the residence as well as a conditional use to allow commercial horse stables.

Dr. Charyton noted the proposed construction of the horse stable and an indoor arena for training. Dr. Charyton also noted boarding horses, along with psychology practice being conducted from her residence.

Ms. Baird asked if the stables and practice are separate.

Dr. Charyton noted they are in the same building, but the horses are separate from her practice.

A discussion was had regarding hours of business.

Mr. Dixon asked as to how many clients she would see at her residence in a week.

Dr. Charyton stated less than ten. Dr. Charyton also noted she would like to eventually have all her clients come to her residence location.

Mr. Cowan reviewed the Staff Report, noting the property currently contains a 1,666 square foot home, and the Applicant is requesting a conditional use for a home occupation so that she can conduct her psychology practice from the residence. Mr. Cowan noted this home occupation is classified as Type B, customers coming to the site. Mr. Cowan also noted the Applicant proposing to construct a 220' x 80' horse stable with an indoor arena. Mr. Cowan noted the indoor arena would provide training for other riders as well as an area to ride during inclement weather. Mr. Cowan noted a conditional use being required for the commercial stables.

A discussion was had regarding requirements of the AG District.

A discussion was had regarding location of the residence and arena.

Mr. Cowan reviewed with Dr. Charyton the remaining paperwork that needed to be submitted.

Ms. Baird made a motion to approve Conditional Use Application CU-16-009 with the following medications:

1. A full site plan shall be submitted prior to the construction of the commercial stables.
2. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to construction of the commercial stables.
3. A home occupation permit shall be valid for a four-year period. It is the responsibility of the application to obtain a permit every four years pursuant to Section 1267.06(C)

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

Mr. Dixon noted the 30-day appeal process.

Next on the Agenda, ***Conditional Use Application CU-16-010.***

Ms. Baird made a motion to table Conditional Use Application CU-16-010 due to non-appearance of Applicant. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Dixon, Ms. Hasson, Mr. Valentine and Ms. Baird voted yes. The application was tabled.

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

Ms. Baird made a motion to accept **Findings of Fact A, B, D, E, F, G, H, I and K for Variance Application VA-16-025**. Ms. Hasson seconded the motion. Ms. Rhodeback, Mr. Dixon, Ms. Hasson Mr. Valentine and Ms. Bai4rd voted yes. The motion was approved.

Ms. Hasson made a motion to accept **Findings of Fact A B, F, G, I, J and K for Variance Application VA-16-026**. Ms. Rhodeback seconded the motion. Ms. Baird, Ms. Hasson, Mr. Valentine, Ms. Rhodeback and Mr. Dixon voted yes. The motion was approved.

Ms. Rhodeback made a motion to accept **Findings of Fact A, B, D, F, G, J and K for Variance Application VA-16-027**. Ms. Hasson seconded the motion. Ms. Hasson, Ms. Rhodeback, Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Ms. Baird made a motion to accept **Findings of Fact A, B, E, F, G, H, I, J and K for Variance Application VA-16-028**. Ms. Hasson seconded the motion. Mr. Rhodeback, Mr. Valentine, Ms. Baird, Mr. Dixon and Ms. Hasson voted yes. The motion was approved.

Ms. Hasson made a motion to accept **Findings of Fact 1 through 9 for Conditional Use Application CU-16-007**. Mr. Valentine seconded the motion. Mr. Valentine, Ms. Baird, Ms. Hasson and Mr. Dixon voted yes. The motion was approved

Ms. Rhodeback made a motion to accept **Findings of Fact 1 through 9 for Conditional Use Application CU-16-009**. Mr. Valentine seconded the motion Ms. Hasson, Mr. Valentine, Ms. Baird, Ms. Hasson and Mr. Dixon voted yes. The motion was approved.

No other business was presented.

Mr. Valentine made a motion to approve the October 11, 2016 regular meeting minutes. Seconded by Ms. Hasson. Ms. Hasson, Ms. Rhodeback. Mr. Valentine, Ms. Baird and Mr. Dixon voted yes. The motion was approved.

Next on the Agenda, excuse of absence for Ms. Rhodeback from the October 11, 2016 meeting. Ms. Hasson made the motion to approve the absence of Ms. Rhodeback from the October 11, 2016 meeting. Ms. Baird seconded the motion. Mr. Valentine, Ms. Baird, Ms. Hasson and Mr. Valentine voted yes. Ms. Rhodeback abstained.

Ms. Baird made the motion to adjourn the meeting. Seconded by Mr. Valentine. Mr. Dixon, Ms. Baird, Ms. Hasson, Mr. Valentine and Ms. Rhodeback voted yes. The meeting was adjourned at 8:40 p.m.

Minutes of the November 8, 2016 Board of Zoning Appeals Meeting were approved on

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Chairman Matt Dixon