



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

April 11, 2017

#### Conditional Use Application CU-17-003

<b>Applicant:</b>	Diana Christine LeFever
<b>Owner:</b>	Diana Christine LeFever
<b>Location:</b>	280 S. Main Street
<b>Acreage:</b>	0.25 Acres
<b>Zoning:</b>	DB – Downtown Business
<b>Request:</b>	Requesting a conditional use pursuant to Section 1245.04(3) of the Pataskala Code to allow for property to be used as a single-family residence.

#### Description of the Request:

The applicant is seeking a conditional use to allow for the second floor of the principle structure to be used as a residence.

#### Staff Summary:

The property has an existing 1,954 square foot home built in 1890 that is being used as a confectionary and bakery as well as a 720-square foot detached garage. On March 1, 2017, the Planning & Zoning Commission recommended conditional approval of the applicant's rezoning application to change the zoning from R-7 – Village Single Family Residential to DB – Downtown Business to allow the property to be used for commercial purposes. The applicant is proposing to continue using the second floor of the home as her residence.

#### Staff Review:

*The following review does not constitute recommendations but merely conclusions and suggestions based on the summary*

A condition was approved with the Zoning Change Application by the Planning Commission stating that "A Conditional Use shall be approved to allow the second floor of the principle structure to be used as a residence."

Section 1215.04(2) states that the location shall be harmonious with and in accordance with the City comprehensive plan, which designates the location's future land use as Mixed Use. Therefore, even with the property being used for commercial and residential purposes, it would be conforming with the Future Land Use Plan.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Single-Family Home
East	R-7 – Village Single Family Residential	Single-Family Home
South	DB – Downtown Business	Café & Inn
West	R-7 – Village Single Family Residential	Funeral Home

**Conditional Use Requirements:**

According to Section 1215.04 of the Pataskala Code, the Board of Zoning appeals shall consider whether the conditional use at the proposed location:

- 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 same area.*
- 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 responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
- 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 the community.*
- 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, fumes, glare, odor, potential for explosion, and air or water pollution.*
- 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.*

Furthermore, Section 1215.05 allows other factors to be considered, when determining if a conditional use is appropriate. In Staff’s opinion, the following factors from Section 1215.05 are applicable to Conditional Use Application CU-17-003:

- 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

**Supplementary Conditions:**

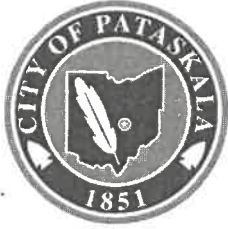
Should the Board choose to approve the applicant's request, the following supplementary conditions may be considered:

1. The applicant shall obtain all necessary permits from the Licking County Building Department.

**Resolution:**

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

"I move to (approve/disapprove) a conditional use pursuant to Section 1245.04(3) of the Pataskala Code for application CU-17-003 ("with the following supplementary conditions" if supplementary conditions are to be placed on the approval)."



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Pataskala, Ohio 43062

## CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1213)

Property Information	
Address: 280 S. Main Street	
Parcel Number: 064-309930-00.0	
Zoning: <b>DB</b>	Acres: 0.25
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: <b>CU-17-003</b>
Fee: <b>\$300<sup>00</sup></b>
Filing Date: <b>3-9-17</b>
Hearing Date: <b>4/11/17</b>

**Receipt 20407**

Applicant Information		
Name: Diana Christine LeFever		
Address: 280 S. Main Street		
City: Pataskala	State: Oh	Zip: 43062
Phone: 614.395.7949	Email: blissfulconfectionsevents@yahoo.com	

Documents
<input checked="" type="checkbox"/> Application
<input checked="" type="checkbox"/> Fee
<input checked="" type="checkbox"/> Narrative
<input checked="" type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Owner Information		
Name: Diana Christine LeFever		
Address: 280 S. Main Street		
City: Pataskala	State: OH	Zip: 43062
Phone: 614.395.7949	Email: blissfulconfectionsevents@yahoo.com	

Conditional Use Information
Request (Include Section of Code): <del>1255.13</del> Zoning Amendment Request <b>1245.04</b>
Describe the Project: <b>Current Use – this is a residential property. Future Use: I would like to use the downstairs of this building for my Confections &amp; Event business. It is named Blissful Confections &amp; Events. I want to put in either residential or commercial electric convection ovens, to do my baking and cooking as well as have small events in my location such as baby showers, birthday parties, etc. I would use the residence upstairs to reside in.</b>

## Documents to Submit

**Conditional Use Application:** Submit 1 copy of the conditional use application.

**Narrative Statement:** Submit 1 copy of a narrative statement explaining the following:

- The reason the conditional use has been requested.
- The specific reasons why the conditional use is appropriate as it pertains to Section 1215.04 of the Pataskala Code:
  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 this 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 same area.*
  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 responsible for the establishment of the proposed use shall be able to provide adequately any such services.*
  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 the community.*
  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 not limited to excessive production of traffic, noise, smoke, fumes, glare, odor, potential for explosion, and air or water pollution.*
  8. *Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public thoroughfares.*
  9. *Will not result in destruction, loss, or damage of a natural, scenic, or historical feature of major importance.*
- Specific standards for conditional uses can be found in Section 1215.05 of the Pataskala Code.

**Site Plan:** Submit 1 copy 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 conditional use request

**Deed:** Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained at [www.lcounty.com/rec](http://www.lcounty.com/rec).

**Address List:** Submit one copy of a list of all property owners and addresses of those owning property within 200 feet or two parcels from any point on the subject property line, whichever creates more property owners. This list must be in accordance with the Licking County Auditor's current tax list and must be submitted on mailing labels.

**Area Map:** Submit 1 copy of an area map from the Licking County Engineer's office showing the area encompassed by the address list. Area maps can be obtained at [www.lcounty.com/taxparcelviewer/default](http://www.lcounty.com/taxparcelviewer/default).

## 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 conditional use request.

Applicant:

Date:

3/14/17

Owner:

Date:







JARED N. KNERR  
LICKING COUNTY ENGINEER  
APPROVED BY  
*JNK* 1-18-17

*Michael L. Smith*  
Licking County Auditor  
SEC. 319.202 COMPLIED WITH  
MICHAEL L. SMITH, AUDITOR  
BY: *ML* 486.00



201701260001935

Pgs: 2 \$28.00 T20170002006  
01/26/2017 4:00PM MEPGREAT AMER  
Bryan A. Long  
Licking County Recorder

File No.: 2016344

## GENERAL WARRANTY DEED

Paul Najdowski and Rhonda L. Najdowski, Husband and Wife, Grantor(s), for valuable consideration paid, grant(s) with general warranty covenants to Diana Christine LeFever, Grantee(s), whose tax mailing address is:

100 E. Water St, Sandusky, OH 44870  
the following REAL PROPERTY:

Situated in the State of Ohio, County of Licking and in the former Village of Pataskala, now by merger, City of Pataskala and bounded and described as follows:

Being Lot Number Five (5) in WILLIAM C. ELLIOTT'S SECOND ADDITION now in the said Village of Pataskala according to the plat of said Addition recorded in Volume 1, at Page 273, of the Plat Records of Licking County, Ohio.

Parcel Number: 064-309930-00.000

The warranties of this Deed are subject to: a) any mortgage assumed by Buyer, b) such restrictions, conditions, easements (however created) and encroachments as do not materially adversely affect the use or value of the property, c) zoning ordinances, if any, and d) taxes and assessments, both general and special, not yet due and payable.

Prior Instrument Reference: Instrument Number 201005120009048

Property Address: 280 S Main Street, Pataskala, OH 43062

Parcel Number: 064-309930-00.000



01150583601273003000



Executed this the 9th day of January, 2017.

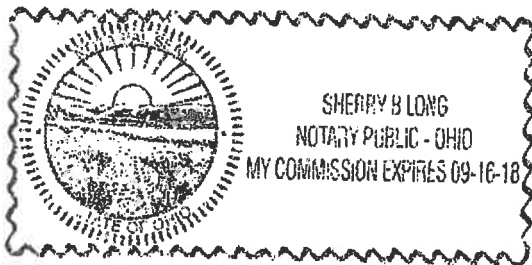
Paul Najdowski  
Paul Najdowski

Rhonda L. Najdowski  
Rhonda L. Najdowski

State of Ohio  
County of Licking

Be it remembered that on this 9th day of January, 2017, before me, the subscriber, personally came the above named **Paul Najdowski and Rhonda L. Najdowski, Husband and Wife**, who acknowledged that he/she/they did sign the foregoing instrument and that the same is his/her/their free act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.



Sherry B. Long  
Notary Public  
My Commission Expires: 09-16-2018

This instrument was prepared by: Gropp Law, LLC.



*Planning and Zoning  
Department*

March 2, 2017

Diana Christine LeFever  
280 South Main Street  
Pataskala, Ohio 43062

RE: Zoning Application ZON-17-002

Ms. LeFever:

Your request to rezone property located at 280 South Main Street, from R-7 – Village Single Family Residential District to DB – Downtown Business District, pursuant to Section 1217.10 of the Pataskala Code, was given a public hearing by the Pataskala Planning and Zoning Commission on Wednesday, March 1, 2017.

The City of Pataskala Planning and Zoning Commission recommended approval of the request, with the following modification:

1. A Conditional Use shall be approved to allow the second floor of the principle structure to be used as a residence.

The recommendation will be forwarded to Pataskala City Council for consideration.

Keep this letter for your records as it constitutes your official notification of the decision by the City of Pataskala Planning and Zoning Commission.

Should you have any questions, please feel free to contact me by phone at 740-927-4910 or via email at [lpaxton@ci.pataskala.oh.us](mailto:lpaxton@ci.pataskala.oh.us).

Sincerely,

Lisa Paxton  
Zoning Clerk

File