



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-17-005

Applicant:	Richard Marmol
Owner:	WGD Properties
Location:	330 Jefferson Park Drive
Acreage:	0.24 Acres
Zoning:	GB – General Business District
Request:	Requesting a conditional use pursuant to Section 1249.04(5) of the Pataskala Code to allow for the property to operate an automotive repair facility.

Description of the Request:

The applicant is seeking a conditional use to allow the property to be used for an automotive repair facility.

Staff Summary:

The property currently contains a roughly 1,600 square foot building that was built in 2002 and was previously used as an automotive repair facility. The Planning and Zoning Department has no record of a conditional use being approved for the property from the previous user. Therefore, an approval of a conditional use is required to use the property for automotive repair purposes.

Staff Review:

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

There are no foreseen issues with the proposed location nor with the proposed use of the property. The City's Future Land Use Map designates the location as Office. However, the property is surrounded by similar businesses and Staff does not see this location as suitable for an office. The proposed use is a Conditionally Permitted Use under the GB – General Business zone district.

The Public Service Director has request that the applicant provide details of methods to be used to retain and properly dispose of pollutants. The West Licking Fire District has also requested that the use group of the building be changed through the Licking County Building Department. Possible supplementary conditions have been listed to address the comments.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	N/A
East	GB – General Business	Auto-repair facility
South	GB – General Business	Motorcycle shop
West	GB – General Business	Car detailing service

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-17-005:

- 7. 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.*

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – See attached
- 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 City of Pataskala and the Licking County Building Department prior to operating the facility.
2. Liquid pollutants shall not enter any storm or sanitary facilities.
3. The applicant shall submit details of method(s) to be used to retain and properly dispose of pollutants.
4. The use group of the building shall be changed from S-2/B to S-1/B through the Licking County Building Department prior to occupying the building.
5. 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.

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 1249.04(5) of the Pataskala Code for application CU-17-005 ("with the following supplementary conditions" if supplementary conditions are to be placed on the approval)."



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1213)

Property Information		
Address: 330 Jefferson Park Dr.		
Parcel Number: 063-140976-00.007		
Zoning: GB	Acres: .237	
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: CU-17-005
Fee: \$300 ⁰⁰
Filing Date: 3/17/17
Hearing Date: 4/11/17

Applicant Information		
Name: Richard Marmol		
Address: 8565 Wildomar Ave		
City: Reynoldsburg	State: OH	Zip: 43068
Phone: 614-316-1539	Email:	

Documents
<input checked="" 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"/> Address List
<input checked="" type="checkbox"/> Area Map

Owner Information		
Name: WGD Properties		
Address: 330 Jefferson Park Dr.		
City: Pataskala	State: OH	Zip: 43062
Phone:	Email:	

Conditional Use Information	
Request (Include Section of Code):	1249.04
A conditional use is being requested for Auto Repair Services in a GB zoning district	
Describe the Project:	
TO start an auto repair shop at the business location that already exists.	

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.

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.

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:

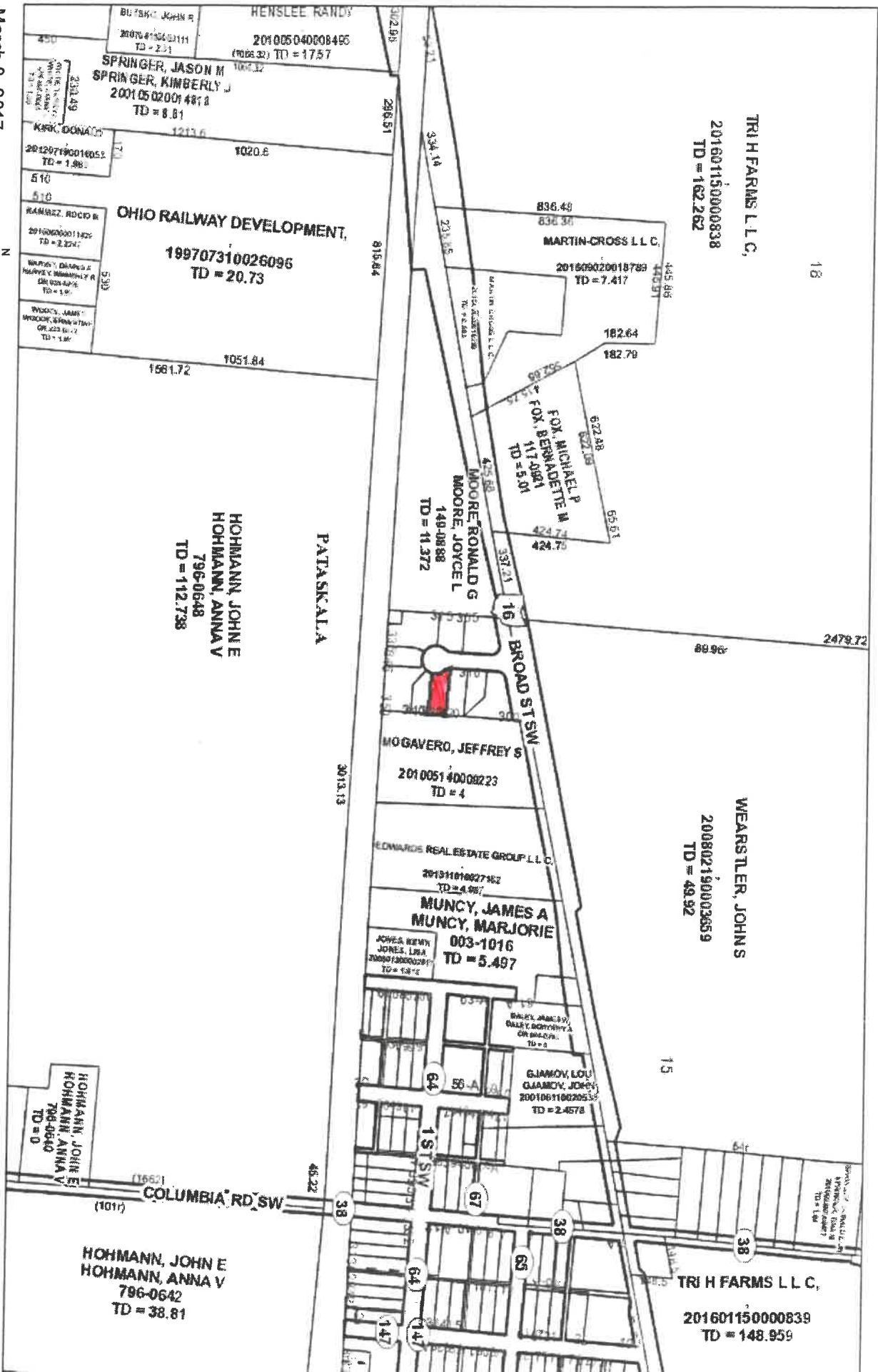
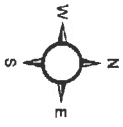
Owner:

Date:

3-17-17

email:

March 8, 2017



TRI H FARMS L.L.C.
201601150000838
TD = 162.262

18

HOHMANN, JOHN E
HOHMANN, ANNA V
796-0648
TD = 112.738

PATAKALIA

WEARSTLER, JOHNS
200802190002659
TD = 49.92

15

TRI H FARMS L.L.C.
201601150000838
TD = 148.959

HOHMANN, JOHN E
HOHMANN, ANNA V
796-0642
TD = 38.81

LICKING COUNTY TAX MAP

ISDEPT

Licking County, OH



330 Jefferson Park Dr. Conditional Use

Narrative Statement

A conditional use is being requested in order to provide Auto Repair services in a GB- General Business zoning district.

Narrative Statement Responses:

1. Is in fact a conditional use as established under the provisions of the Title Three of the Planning and Zoning Code for the specific zoning district of the parcel (s) listed on this application.

Yes, section 1249.04 of the zoning code lists a motor vehicle garage for repair and servicing of vehicles as a conditional use.

2. Will be harmonious with an in accordance with the general objectives, or with any specific objective of the City comprehensive plan and/or this Code:

Yes, the facility will abide by the requirements of the GB district.

3. Will be designed, constructed, operated and maintains 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 surroundings.

Yes, the existing building will be harmonious with the existing developments in the surrounding areas.

4. Will not be hazardous or disturbing to existing or future neighboring areas.

The proposed business in the existing building will not be hazardous or disturbing to existing or future neighbor 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 service.

Yes, the existing location already provides public facilities and services as well as refuse disposal.

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.

The proposed business will not create excessive additional requirements at public cost for public facilities and services, and will not detrimental to the economic welfare of the community. The building already exists and won't require additional requirements at public cost.

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.

The proposed use will not be detrimental to any persons or properties general welfare. There will be no manufacturing on the site.

8. Will have vehicular approaches to the property which shall be so designed as to not create interference with traffic on surrounding public throughfares.

Yes, a driveway entrance already exists off of E. Broad Street leading to a cul-de-sac of businesses.

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

This building already exists so there will be no destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

OnTrac[®] Summary Information For The 2016 Tax Year



Parcel Number: 063-140976-00.007

Owner: WGD PROPERTIES LLC

Address: 330 JEFFERSON PARK DR PATASKALA 43062

Tax District: 063 PATASKALA LK HGHTS LSD-WLJFD

2016 Rates: 86.61000 (Full) / 75.79670 (Effective)

Land Use: 480 Commercial warehouses

Class: Commercial

Legal Description: JEFFERSON PARK UNIT 330

Mailing Address: WGD PROPERTIES LLC

350 JEFFERSON PARK DR

PATASKALA OH 43062

Market Land Value: \$21,000

Market Improvement Value: \$69,000

Total Market Value: \$90,000

Sale Date: 3/25/2014

Sale Amount: \$270,000.00

Deed Type: WD - WARRANTY

Conveyance Number: 585

Valid Sale: Yes

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: No

On Contract: No

Tax Lien Sold: No

DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
WCL 3-25-14



201403250005235
Pg# 3 \$36.00 T20140306524
03/25/2014 9:32AM BXCROWN
Bryan A. Long
Licking County Recorder

TRANSFERRED
Date MARCH 25, 2014
M. L. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY *MS* 8310.00

GENERAL WARRANTY DEED

First American Title Insurance Co. 2048209 DUB
THE CITIZENS BANK OF LOGAN, OHIO aka THE CITIZENS BANK OF

LOGAN, an Ohio corporation, Grantor, for valuable consideration paid, grants, with
general warranty covenants, to WGD PROPERTIES, LLC, Grantee, whose tax mailing
address is 330 JEFFERSON PARK DRIVE, the following described real
property: PATASKALA, OH 43062

TRACT I:

Situated in the State of Ohio, County of Licking and City of Pataskala:

Being Unit Number Three Hundred Thirty (330) of JEFFERSON PARK
CONDOMINIUM, as the same is filed for record in Condominium Plat Book 4, Pages
220-221 with Declaration of Condominium filed for record as instrument Number
200202120005794, Recorder's Office, Licking County, Ohio.

More commonly known as 330 Jefferson Park Drive
Auditor's Parcel No. 063-140976-00.007
Prior Instrument Reference: Instrument No. 201208080020388

TRACT II:

Situated in the State of Ohio, County of Licking and City of Pataskala:

Being Unit Number Three Hundred Forty Five (345) of JEFFERSON PARK
CONDOMINIUM, as the same is filed for record in Condominium Plat Book 4, Pages
220-221 with Declaration of Condominium filed for record as instrument Number

200202120005794, Recorder's Office, Licking County, Ohio.

More commonly known as 345 Jefferson Park Drive
Auditor's Parcel No. 063-140976-00.004
Prior Instrument Reference: Instrument No. 201208080020388

TRACT III:

Situated in the State of Ohio, County of Licking and City of Pataskala, being located in Section 4, Township 1, Range 15, United States Military Lands and being part of Lot 5 of Jefferson Park, a commercial subdivision recorded in Plat Book 17, page 60, said Lot 5 being conveyed to Jefferson Park Inc. by Instrument Number 200202060004973 of the Licking County Recorder's Office (all records of the same office), and being more particularly described as follows:

Beginning at a 5/8" Rebar Set at the southwest corner of said Lot 5 and said Jefferson Park Inc. property, said point also being on the north right-of-way line of the Baltimore and Ohio Railroad, thence along the westerly line of said Lot 5 and said Jefferson Park Inc. property, North 00 degrees 14 minutes 43 seconds West, 50.03 feet to a 5/8" Rebar Set;

Thence parallel to and 50.00 feet north of the south line of said Lot 5 and said Jefferson Park Inc. property, North 87 degrees 42 minutes 28 seconds East, 50.00 feet to a 5/8" Iron Rebar Set in the easterly line of said Lot 5 and said Jefferson Park Inc. property, said point being the westerly line of Lot 4;

Thence along the easterly line of said Lot 5 and said Jefferson Park Inc. property, and the westerly line of said Lot 4, South 02 degrees 17 minutes 32 seconds East, 50.00 feet to a 5/8" Iron Rebar Set at the southeast corner of said Lot 5 and said Jefferson Park Inc. property and the southwest corner of said Lot 4, and the northerly line of said railroad right-of-way.

Thence along the south line of said Lot 5 and said Jefferson Park Inc. property, and the northerly line of said railroad right-of-way, South 87 degrees 42 minutes 28 seconds West, 51.79 feet to the True Point of Beginning, containing 2545 square feet of land, more or less. Subject to any and all easements, right-of-ways, conditions and restrictions of record. All iron pins set are 5/8 inch by 30-inch rebar with yellow identification caps labeled "Smart Surveying". Bearings shown hereon are based upon the westerly line of Lot 5 referenced above North 00 degrees 14' 43" West. This description was prepared by Smart Surveying Inc. in August 2009 and is based upon actual field measurements.

More commonly known as "Cell Tower" Jefferson Park

Auditor's Parcel No. 063-140976-00.011
Prior Instrument Reference: Instrument No. 2012³08080020388

TOGETHER WITH a perpetual, non-exclusive easement for purposes of ingress and egress, both pedestrian and vehicular, and for all customary private road purposes on, over, and across the premises referred to as "Tower Access Easement" as shown on the Amended and Restated Jefferson Park Condominium Plat of record in Instrument No. 20111210022373, and as reserved in Deed of record in Instrument No. _____ Recorder's Office, Licking County, Ohio.

Signed and acknowledged this 20th day of March, 2014.

THE CITIZENS BANK OF LOGAN, OHIO

By: Ronald R Reed
Ronald Reed, President and CEO

STATE OF OHIO, COUNTY OF Hocking SS:

The foregoing instrument was acknowledged before me this 20th day of March, 2014, by The Citizens Bank of Logan, Ohio, by Ronald Reed, its President and CEO, who acknowledged the signing herein to be his voluntary act and deed for and on behalf of said corporation.



PAMELA A. MARCINKO
Notary Public, State of Ohio
My Commission Expires July 25, 2015

Pamela A. Marcinko
Notary Public

This instrument prepared by: Alban & Alban, LLP, 7100 N. High St., Suite 102,
Worthington, Ohio 43085



From: [Alan Haines](#)
To: [Zachary Cowan](#)
Cc: [Scott Fulton](#)
Subject: BZA - 4-11-17
Date: Thursday, March 30, 2017 12:52:47 PM

Mr. Cowan,

I have reviewed the BZA Memo for the April 11, 2017 hearing, and have the following comments:

1. VA-17-008
 - a. No comments
2. CU-17-003
 - a. No comments
3. CU-17-004
 - a. Right-of-way permit shall be obtained for installation of driveway.
 - b. Erosion control plan shall be submitted, including but not limited to:
 - i. Perimeter silt fence
 - ii. Construction entrance
 - iii. Concrete washout area
4. CU-17-005
 - a. Under no circumstances shall liquid pollutants (gas, oil, coolant, etc.) be permitted to enter storm or sanitary facilities. Applicant shall provide details of method(s) to be used to retain and properly dispose of pollutants.
5. CU-17-006
 - a. No comments

Let me know if questions or concerns.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad Street
Suite 2B
Pataskala, Ohio 43062

Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228

From: Singleton, John
To: [Zachary Cowan](#)
Cc: [White, Doug](#)
Subject: Conditional use application comments
Date: Thursday, March 30, 2017 9:04:18 AM

Zack,

I have the following comments on the above listed applications:

CU-17-005 1. The use group of the building must be changed from S-2/B to S-1/B through the Licking County Building Code Department prior to occupying the building.

CU-17-006 1. The use group of the building must be changed from S-1/B to F-1/B through the Licking County Building Code Department prior to occupying the building.

2. Calculations will need to be made of the sprinkler system for verification that it can provide the required demand of the new use by a licensed sprinkler designer.

This concludes my comments at this time.
Please let me know if you have any questions.

Yours in Safety,

John R. Singleton
Fire Prevention Officer

West Licking Joint Fire District
851 East Broad Street
Pataskala, Ohio 43062
740-927-3046 Office
740-964-6621 Fax
740-281-6068 Cell
www.westlickingfire.org



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