



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

May 9, 2017

#### Conditional Use Application CU-17-007

<b>Applicant:</b>	Overflow International, Inc
<b>Owner:</b>	Stephen White
<b>Location:</b>	361 South Main Street
<b>Acreage:</b>	0.07 acres
<b>Zoning:</b>	DB – Downtown Business
<b>Request:</b>	Requesting a conditional use pursuant to Section 1245.04(2) of the Pataskala Code to allow for the property to be used for religious purposes.

#### Description of the Request:

The applicant is seeking a conditional use to allow the existing building to be used for religious purposes.

#### Staff Summary:

The property currently contains a roughly 2,700 square foot building that was built in 1890. The applicant has proposed to use the existing facility for faith-based activities including but not limited to meetings of worship, providing Christian training and instruction, and establishing new programs of outreach and ministry in the local community. According to the narrative, the property was selected by the applicant because of its location relative to the community, sufficient open space for events, sufficient parking options, and visibility. Future plans for the site include hosted events such as weddings, youth events, and free tutoring.

#### Staff Review:

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

The Future Land Use map designates this property as Mixed-Use in which case the proposed use would conform to the Comprehensive Plan. Religious Institutions are Conditionally Permitted Uses under the DB Zone District.

The property has limited on-site parking space with available parking on-street along Depot Street, South Main Street, and Wood Street. Pursuant to section 1291.05 of the Code, if public parking is within 300 feet of the property, the property does not need to meet the minimum parking requirements. Therefore, all parking requirements will be met because there is a public parking lot less than 300 feet north of the location.

**Surrounding Area:**

Direction	Zoning	Land Use
North	DB – Downtown Business	Pizza Shop
East	DB – Downtown Business	Auto-repair facility
South	DB – Downtown Business	Dentist Office
West	DB – Downtown Business	Single-family 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-17-007:

- 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 City of Pataskala and the Licking County Building Department prior to operating the facility.

**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(2) of the Pataskala Code for application CU-17-007 ("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: 361 S Main St Pataskala 43062	
Parcel Number: 064-388004-00.000	
Zoning: DB	Acres: .07
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-17-007
Fee: \$300 <sup>00</sup>
Filing Date: 4/14/17
Hearing Date: 5/9/17
Receipt Number: 20460

Applicant Information		
Name: Overflow International, Inc.		
Address: 361 S. Main St		
City: Pataskala	State: OH	Zip: 43062
Phone: 614 361 7858	Email: info@overflow-international.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: Stephen White		
Address: 326 Lakeshore Dr W		
City: Hebron	State: OH	Zip: 43025
Phone: 740 755 0439	Email: swhite326@hotmail.com	

Conditional Use Information
Request (Include Section of Code): Section 1245.04 Religious organization hosting meetings and offering affordable community services (e.g. tutoring, banquet hall, etc.)
Describe the Project: See Narrative Attached

## 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:

4-13-17

Owner:

Date:

## **Narrative for Conditional Use Permit Application**

**At**

**361 S. Main St  
Pataskala, OH 43062**

### **Introduction**

This narrative is to serve as supplementary information related to conditional use permit application to conduct faith-based community activities and services at 361 S. Main St, Pataskala, OH 43062. The applicant is Overflow International, Inc but is more commonly referred to as Overflow. Alex Bush is representing Overflow as a founding Board member for the organization concerning this application.

### **Summary of Project**

Overflow is proposing to utilize the property located at 361 S. Main St, Pataskala, OH 43062 for faith-based activities and services including but not limited to meetings of worship, providing Christian training and instruction, establishing new programs of outreach and ministry in the local community. To this end, we explore every opportunity to partner with neighboring organizations including the Pataskala Lions Club, the city of Pataskala, and other religious institutions within the city to promote the spiritual and physical wellbeing of local and non-local residents. Activities in consideration are tutoring, youth programs, and Christian-based educational training.

### **History**

This request is subsequent to the lease of the site by Overflow International from the owner, Stephen White, initiated in August 2016. After applying for a sign permit in March of 2017, it was discovered a zoning permit had not been obtained. After several emails and two meetings with the City Planner, Zack Cowan, it was determined that while Overflow International is not a church, it is appropriate to classify as a Religious Institution thus requiring this application for a Conditional Use Permit.

### **Location Selection**

As is the case with any type of business or service, when selecting a potential location several factors are taken into consideration. These factors include, but are not limited to, the following:

- Location relative to community
- Location with sufficient open space for events
- Location with sufficient parking options
- Location with visibility

Our organization previously operated at 44 Oak Meadow Dr in Pataskala Square. The space became unable to provide sufficient space for events and had poor visibility. More importantly, the building was in deep disrepair and the owner was unwilling to provide repairs. After investigating multiple

alternatives, keeping community oriented service as the guiding principle, no other location serves our purpose better than the proposed site.

### **Pataskala City Code Compliance**

Pursuant to Sections 1215.04 and 1215.05, itemized responses are below pertaining to the conditional use of the proposed location:

#### *General Standards for Conditional Use:*

1. The zoning district of the proposed site is DB (Downtown Business District). Our organization is a faith-based non-profit qualifying as a Religious Institution.
2. Granting a conditional use permit allowing Overflow International to conduct faith-based community activities is expected to enhance the use of the surrounding area. Most activities are event-driven during evening hours when most retail or business services are closed or in off-peak time. Food service locations are likely to encounter increased business from the increase in foot traffic stemming from these events, particularly Mama Linda's and the Depot Street Coffee House. Future plans for the site include "Community Third Space" hosted events such as wedding or other special occasion banquets, low-cost youth events, free tutoring, or other community oriented service activities. Many businesses and organizations in the area have been contacted and welcome the organization as a neighbor.
3. The building is existing and there are no plans for changes to the structure.
4. No activity or use will create a hazard or nuisance to existing or future neighbors.
5. All essential public facilities are in good operational use including sewer/water, drainage, fire protection, and public access.
6. There are no expected additional requirements for the granting of this conditional use permit and the site activity is expected to be a net economic benefit to the community.
7. No activities or conditions of operation will be harmful or detrimental to the surrounding community.
8. Existing streets and parking are sufficient for planned activities. For larger events, guests will be directed to park in the public parking available at the corner of Front St and S. Main St.
9. No activities will result in a loss of any existing major features on the site.

#### *Specific criteria for conditional uses:*

The site proposed for conditional use is pre-existing meeting all site-specific items. For items specific to use or advertising (Section 1215.05 Parts 8, 9, 10, 11) we note:

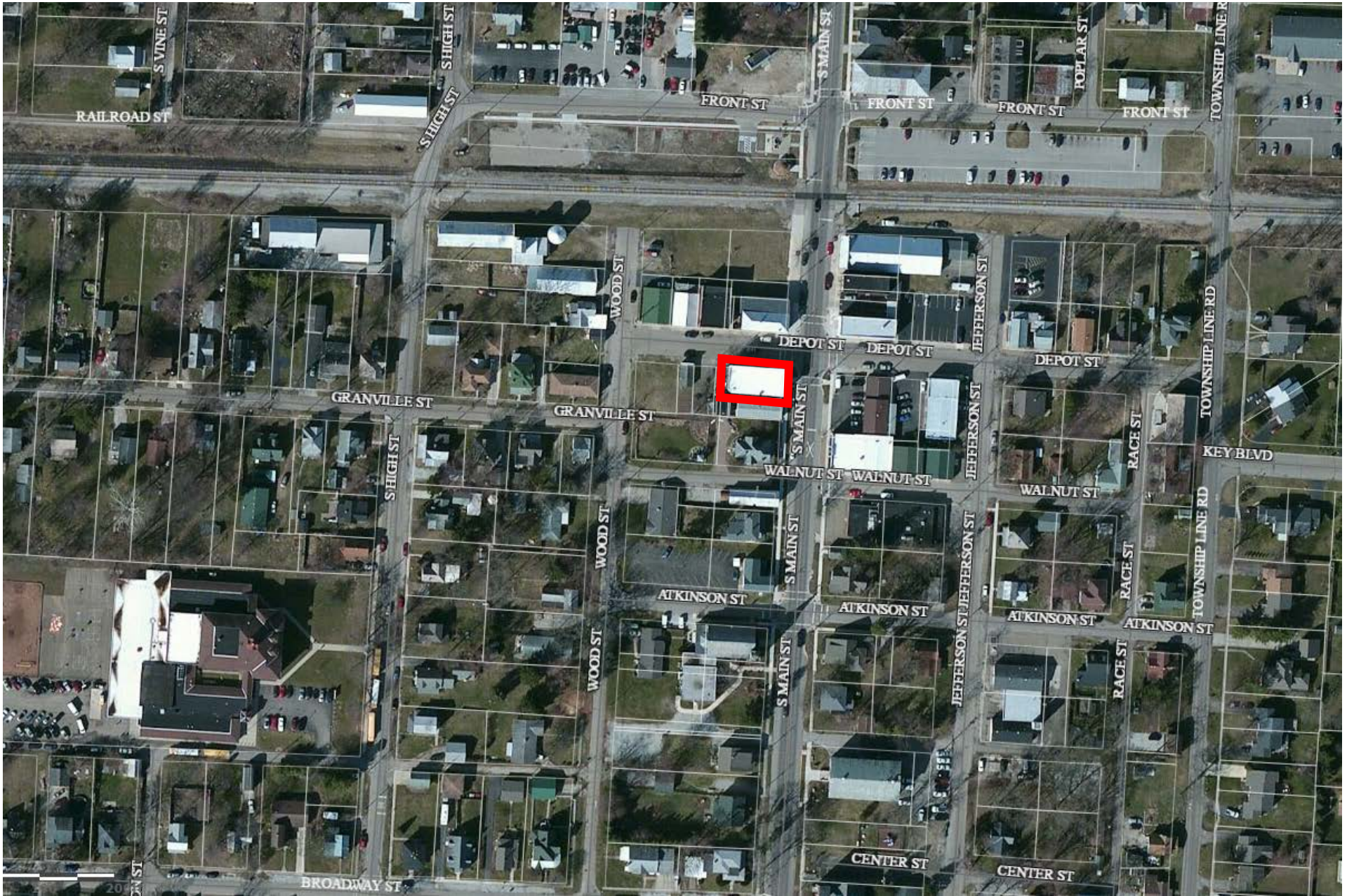
- The main entry has already been updated for public safety and to be more visually appealing. In a subsequent request pending approved conditional use, a wheelchair ramp is to be installed to the side entrance along Depot St.

- Signage will be a single, unlit 8x2 sign above the main entrance per ordinance.
- Sound from speakers will be monitored to ensure sound remains contained within building space.

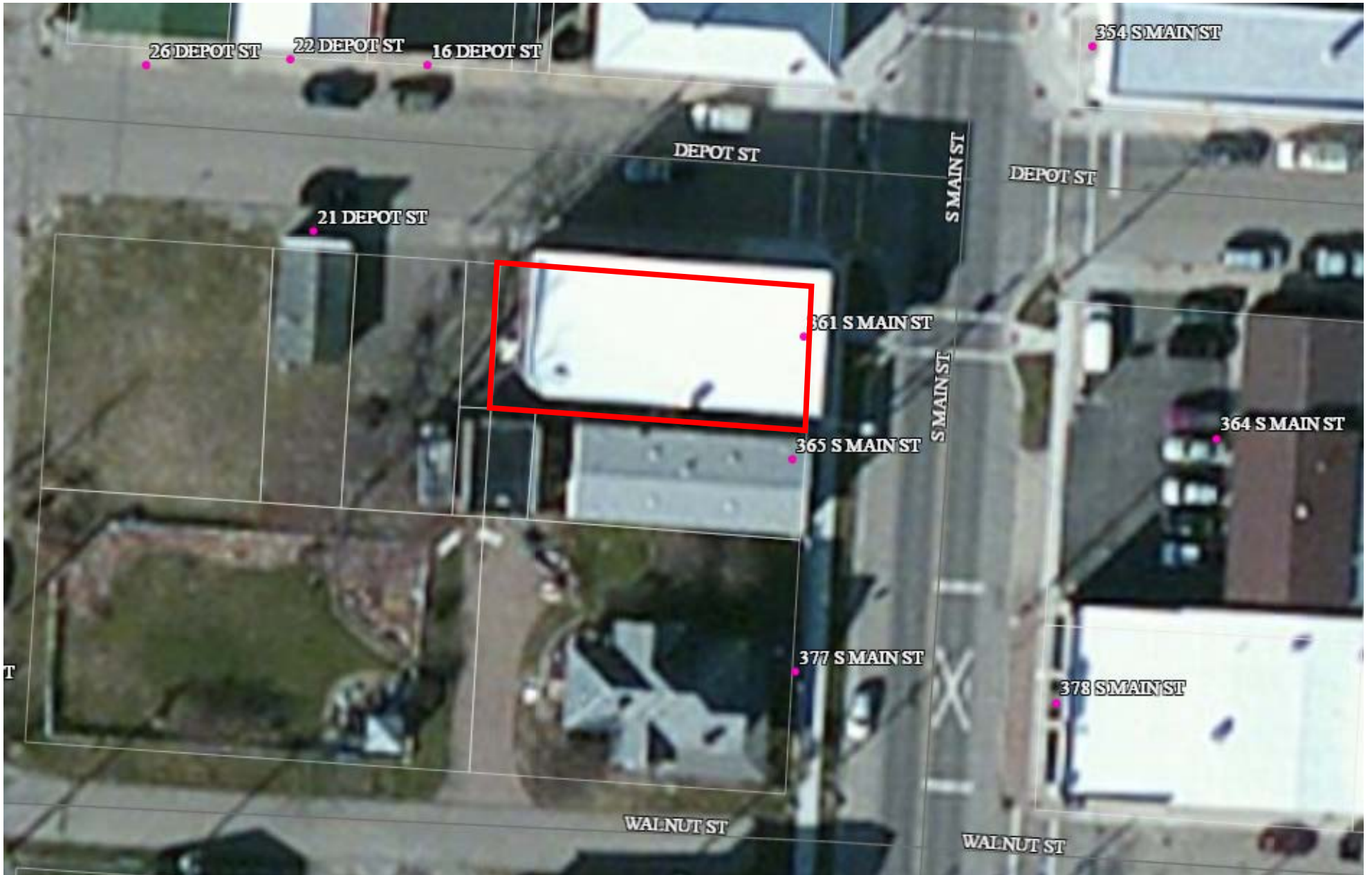
**Conclusion**

We respectfully request approval of the conditional use permit based upon the facts presented herein. Overflow International will not only enhance the properties and businesses nearby but also serve the greater Pataskala community.









368 S Main St

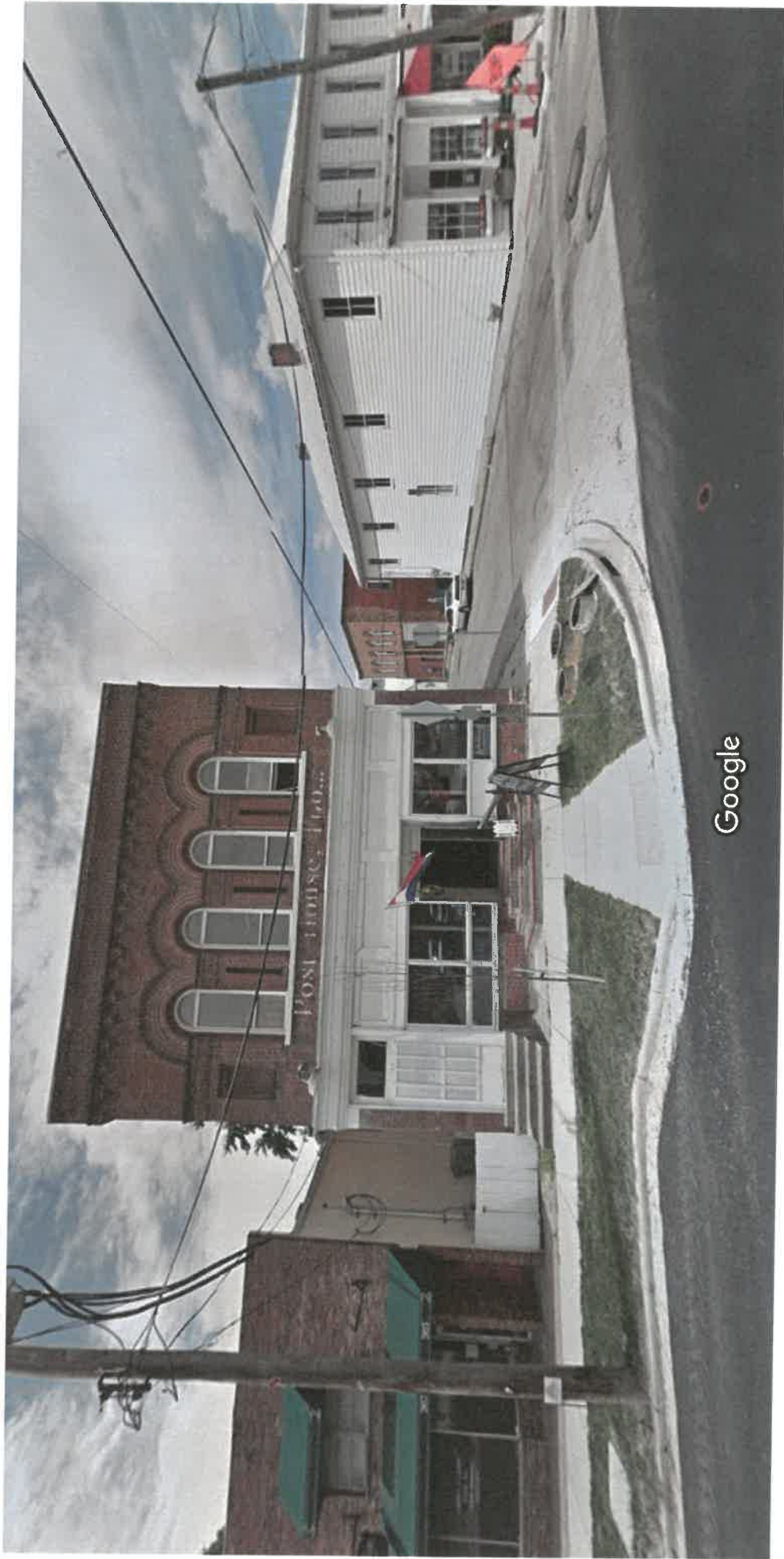
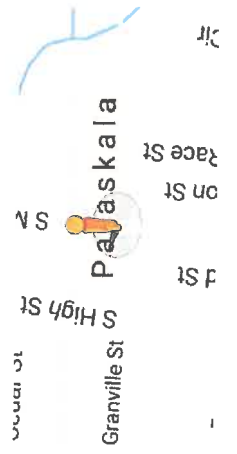


Image capture: Jul 2016 © 2017 Google

Pataskala, Ohio

Street View - Jul 2016



PATASKALA LODGE NO. 404 F. & A.M., of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to STEPHEN WHITE and VICTORIA WHITE, husband and wife, for their joint lives, remainder to the survivor of them, whose tax mailing address is 326 LAKESHORE DRIVE W, HEBRON, OH 43025, the following real property:

PARCEL ONE:

Being a part of Lots Sixty-nine (69) and Seventy (70) in Richard Conine's Addition to the town of Conine (now Pataskala), as the same is numbered upon the recorded plat thereof, of record in Volume 1, page 34, Plat Records, Recorder's Office, Licking County, Ohio and being more particularly described as follows:

Beginning at the Northeast corner of the above referenced Lot Number Sixty-nine (69); thence, in a Westerly direction 90 feet along the North line of said lot sixty-nine (passing the West line of said lot sixty-nine at 82.5 feet and proceeding along the North line of lot seventy 7.5 feet); thence in a Southerly direction 38 feet along a line parallel to the East lot line of lot seventy; thence in an Easterly direction 90 feet along a line parallel to the South line of lots sixty-nine and seventy to the East line of lot sixty-nine; thence in a Northerly direction 38 feet along the East line of lot sixty-nine to the place of beginning. Containing 3,420 square feet, more or less.

Subject to the Eight foot right of way reserved by W. W. Hoisington in Deed of General Warranty to Melissa A. Davis, filed for record in Vol 98, page 126, Deed Records, Licking County Recorder's Office. Said right of way includes an area within the above described property approximately four feet wide running from the east line of lot sixty-nine, 71 feet along the south line of the above described real property.

PARCEL TWO:

Situated in the County of Licking, in the State of Ohio and in the Village of Pataskala and bounded and described as follows:

Beginning on the North line of Lot No. 70 in Richard Conine's Addition to the Village of Conine, now Pataskala, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Volume 1, Page 34, Recorder's Office, Licking County, Ohio, 79 feet East of the Northwest corner of said

Also known as: 361 South Main Street, Pataskala, OH 43062  
Auditor's Parcel Numbers: 64-308004-00.000 & 64-307704-00.000  
Map Number: 58-31

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.

Witness our hands this 19<sup>th</sup> day of January, 19 95.

Signed and acknowledged in the presence of:

Pataskala Lodge No. 404  
F. & A.M.

David R. Neel  
David R. Neel  
Elaine M. Boyer  
ELAINE M. BOYER

George R. Young  
By: George R. Young, Trustee  
Robert Hicks  
By: Robert Hicks, Trustee  
Donald Varney  
By: Donald Varney, Trustee  
Ronald Doran  
By: Ronald Doran, Trustee

TRANSFERRED  
Date JANUARY 30 1995  
George D. Buchanan  
Licking County Auditor

STATE OF OHIO  
COUNTY OF Licking SS:

SEC. 318.202 COMPLIED WITH  
GEORGE D. BUCHANAN, AUDITOR  
BY: W 130.00

19<sup>th</sup> The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of January, 1995 by George R. Young, Trustee; Robert Hicks, Trustee; Donald Varney, Trustee and Ronald Doran, Trustee of the Pataskala Lodge No. 404 F. & A.M. for the uses and purposes therein mentioned.



David R. Neel  
NOTARY  
DAVID R. NEEL, Attorney at Law  
Notary Public, State of Ohio  
LICENSE NO. 130.00

This instrument prepared by:  
William C. Hayes  
Attorney at Law  
P.O. Box A-50  
Pataskala, Ohio 43062

Mail to:  
ACS PATASKALA  
621 W BROAD ST, SUITE 2C  
PATASKALA OH 43062

28354  
\* Price  
9-1-1995  
(3)

DESCRIPTION APPROVED  
TIM LOLLO  
LICKING COUNTY ENGINEER  
DIP. MAP DRAWING NO. 58-31  
APPROVED BY: WK

RECEIVED & RECORDED Jan 20 1995  
at 9:15 o'clock A. M. IN OFFICIAL RECORD  
VOL. 684 PAGE 906 FEE 14.00  
ROBERT E. WISE, LICKING COUNTY RECORDER