



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 11, 2017

Conditional Use Application CU-17-009

| | |
|-------------------|---|
| Applicant: | Ben Stansbury |
| Owner: | John Jones |
| Location: | 6409 Summit Road |
| Acreage: | 0.22 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 auto-repair facility.

Staff Summary:

The property currently contains a roughly 1,620 square foot building that was built in 1966 as well as a 256 square foot shed built in 1999. The applicant is proposing to use the existing garage as an automotive repair facility. According to the applicant's narrative, the hours of operation are Monday-Friday 9am to 5pm.

The garage was previously used as an automotive repair facility but was zoned M-1 – Light Manufacturing, which did not permit auto-repair facilities. In May 2016, the owner rezoned 6407, 6409, and 6431 Summit Road from M-1 – Light Manufacturing to GB – General Business in order for an auto-repair facility to be a conditionally-permitted use on those properties.

Staff Review:

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

Section 1291.16 of the Code lists types of uses with their minimum number of required parking spaces. Automotive repair facilities or similar uses are not listed within the section. Based upon the lack of detail in the code, staff cannot determine the required amount of off-street parking spaces required for the business. The existing parking area is a gravel lot that is not striped and shows no clear delineation of parking spaces. Staff has had issues in the past with similar uses parking haphazardly and possible conditions have been placed to address the parking concerns.

The Public Service Director has commented that vehicles shall not be permitted to occupy the right-of-way at any time for parking or storage and that under no circumstances shall liquid pollutants be permitted to enter storm or sanitary facilities. He has requested that the applicant provide details of methods to be used to retain and properly dispose of pollutants.

The City Engineer has commented that the city must ensure that there is adequate parking for the business and that access to the property needs to be safe for additional traffic. In addition, the engineer noted that the runoff of fluids and paint is concerns and questions what provisions will be made to protect from dirt runoff or spills.

Surrounding Area:

| Direction | Zoning | Land Use |
|-----------|---------------------------|----------------------|
| North | GB – General Business | Auto-repair facility |
| East | M-1 – Light Manufacturing | Vacant |
| South | GB – General Business | Single-Family home |
| West | GB – General Business | Pizza shop |

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-17-009:

A – Protection of Surrounding Properties and Neighborhoods

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.

B – Specific Performance Standards

2. Hours may be limited further depending upon the surrounding land uses.

E – Access

8. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall, if applies, provide a safe drop off point for pedestrians that will not impede other traffic.

G – Miscellaneous – Administrative

1. The Board of Zoning Appeals may, at its discretion, require that, upon the issuance of a conditional use permit, the conditions of the permit be subject to periodic review to insure compliance with the terms of the permit.

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- Police Department – No comments
- SWLWSD – No comments
- West Licking Joint Fire District – No comments
- Licking Heights 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. No vehicles shall be permitted occupy the right-of-way for parking at anytime.
3. Liquid pollutants shall not enter or be allowed to enter any storm or sanitary facilities at any time.
4. The applicant shall submit details of method(s) to be used to retain and properly dispose of pollutants for review and approval by the Public Service Director.
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.

6. No parking on other lots without a shared parking arrangement shall be permitted pursuant to Section 1291.08.
7. Parking shall be permitted only in designated spaces.
8. The applicant shall submit a parking and traffic circulation plan pursuant to Section 1215.05(E).

Resolution:

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

“I move to approve a conditional use pursuant to Section 1249.04(5) of the Pataskala Code for application CU-17-009 (“with the following supplementary conditions” if supplementary conditions are to be placed on the approval).”

From: Jim Roberts
To: [Zachary Cowan](#)
Cc: [Scott Fulton](#); [Alan Haines](#); [Lisa Paxton](#); [Scott Haines](#)
Subject: July 11 BZA Hearing
Date: Sunday, June 25, 2017 10:27:25 PM

Zack,

JHA has reviewed the agenda items for the July 11 BZA meeting. We offer the following engineering comments:

Case VA-17-015 and VA-17-016

- Our only comment on this case (there are two cases that address the same property) is to ensure there are no negative drainage impacts on any abutting properties.

Case VA-17-017

- We have no engineering comments on this case.

Case VA-17-018

- We note that ODOT allows up to 12% drive slopes in extenuating circumstances. We have no other comments.

Case VA-17-019

- We have no engineering comments on this case. We are not certain if the actual hardship is evident, but we do not have engineering concerns.

Case CU-17-009 and CU-17-101

- These two cases appear to be for the same new business.
- The city must ensure there is adequate parking for this business
- The access to the property needs to be safe (sight distance, drive spacing, etc.) for additional traffic.
- Runoff of car fluids and paint is a concern. Will there be an oil/water separator? What provisions will be made to protect from any dirty runoff or spills?

Case CU-17-011

- We have no comments on this case.

We appreciate the opportunity to provide this service for the city. Please let us know if there are any questions or concerns or if we can help in any other way.

Jim

James G. Roberts, P.E.

PRESIDENT

Jobes Henderson

A HULL COMPANY

59 Grant Street | Newark, Oh 43055

PH: (740) 344-5451 x 225 | FAX: (740) 344-8659

jroberts@hullinc.com

www.jobeshenderson.com

www.hullinc.com

From: [Alan Haines](#)
To: [Zachary Cowan](#)
Cc: [Lisa Paxton](#); [Scott Fulton](#)
Subject: July 11th BZA Comments
Date: Thursday, June 22, 2017 9:44:33 AM

Zach,

Please see my comments below with regard to the July 11th BZA hearing.

1. VA-17-015
 - a. No comment
2. VA-17-016
 - a. No comment
3. VA-17-017
 - a. No comment
4. VA-17-018
 - a. No comment
5. VA-17-019
 - a. No comment
6. CU-17-009
 - a. Vehicles shall not be permitted to occupy the right-of-way at any time for parking or storage.
 - b. 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.
7. CU-17-010
 - a. Vehicles shall not be permitted to occupy the right-of-way at any time for parking or storage.
 - b. 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.
8. CU-17-011
 - a. No comment

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



CITY OF PATASKALA BOARD OF ZONING APPEALS

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621 West Broad Street
Pataskala, Ohio 43062

CONDITIONAL USE APPLICATION

(Pataskala Codified Ordinances Chapter 1213)

| Property Information | |
|--|---|
| Address: 6409 Summit Rd | |
| Parcel Number: 063-141-960-00 | |
| Zoning: GB | Acres: .215 |
| Water Supply: | |
| <input type="checkbox"/> City of Pataskala | <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site |
| Wastewater Treatment: | |
| <input type="checkbox"/> City of Pataskala | <input checked="" type="checkbox"/> South West Licking <input type="checkbox"/> On Site |

| Staff Use |
|----------------------------------|
| Application Number: CU-17-009 |
| Fee: \$300 ⁰⁰ |
| Filing Date: 6/15/17 |
| Hearing Date: 7/11/17 |
| Receipt Number: 20556 |

| Applicant Information | | |
|------------------------|-------------|------------|
| Name: Ben Stansbury | | |
| Address: 9787 Creek Rd | | |
| City: Pataskala | State: Ohio | Zip: 43062 |
| Phone: 614-348-9229 | Email: N/A | |

| 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: John Jones | | |
| Address: 9446 Mink | | |
| City: Reynoldsburg | State: Ohio | Zip: 43068 |
| Phone: 740-239-1760 | Email: | |

| Conditional Use Information |
|---|
| Request (Include Section of Code): 1249.04(5) |
| Describe the Project: Auto Repair shop (no auto body) strictly auto repair ^{oil} paint |

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.lcountv.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.lcountv.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:

6/15/17

Owner:

Date:

6/15/17

6409 Summit Road, Summit Station, Ohio 43073

Conditional Use Narrative Statement

A conditional use is being requested to allow the operation of an automobile repair business in an existing building located at 6409 Summit Road, Summit Station, Ohio 43073.

Narrative Statement Responses:

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.*

Yes. Section 1249.04 lists automobile repair business as a conditional use.

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.*

Yes. The proposed use will abide by the requirements of the General Business district.

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.*

Yes. The proposed use is for an existing building on the property and will be harmonious with the existing buildings and businesses in the surrounding area and will not change the essential character of the area.

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

The proposed use will not be hazardous or disturbing to existing or future neighborhood uses. The use will be low-impact with comparable uses for the property such as retail businesses or restaurants.

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.*

Yes. The proposed use will be served adequately by essential public facilities and services. The existing building is located on Summit Road across the road from the Summit Road Post Office.

Hours Monday - Friday 9 AM to 5 PM

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 use will not create 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, flare, odor, potential for explosion, and air or water pollution.*

The proposed use will not be detrimental to any persons, property or the public's general welfare including, but not limited to, the excessive production of traffic, noise, smoke, fumes, flare, 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.*

The proposed use is for an existing building which already has vehicular approaches to the property and will not create an 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.*

The use of the property which is an existing building will not result in destruction, loss or damage of a natural, scenic or historical feature of major importance.

Add to this to the section at 1st page bottom “Conditional Use Information”

There are 2 sections – add this as indicated below:

A conditional use is being requested to allow the operation of an automobile repair business in a General Business district.

AND

Allow the operation of an automobile repair business in an existing building.





MORRIS SAUBAY
ECKETT DONALD L
GR 4-2-0126
ID = 11637

JONES, JOHN H
201108050014823
ID = 215

JONES, JOHN H
201108050014822
ID = 215

JONES, JOHN H
201108050014823
ID = 215

NEWTON WILLIAM H CO TR
NEWTON PARKSOUTH MANAGER
201108050014822
ID = 215

10042

SUMMIT RD SW

26

OF ED LUKING HEIGHTS USD.

MAVBLLC
201309040022613
ID = 0

MAVBLLC
201309040022613
ID = 0

HOWELL, JACQUELINE
100002600014822
ID = 0

MAYNARD, DOUGLAS EMMANUEL
201309040022613
ID = 0

76

N ST SW

DEBORAH DATHAN SPOTT

OnTrac Summary Information For The 2016 Tax Year



Parcel Number: 063-141906-00.000

Owner: JONES JOHN H

Address: 6409 SUMMIT RD SUMMIT STATION 43073

Tax District: 063 PATASKALA LK HGHTS LSD-WLJFD

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

Land Use: 455 Commercial garages

Class: Commercial

Legal Description: 0.22 AC LOT 21

Mailing Address: JONES JOHN H

PO BOX 265

ETNA OH 43018

Market Land Value: \$17,600

Market Improvement Value: \$33,100

Total Market Value: \$50,700

Sale Date: 8/5/2011

Sale Amount: \$150,000.00

Deed Type: WD - WARRANTY

Conveyance Number: 1625

Valid Sale: Yes

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: No

On Contract: No

Tax Lien Sold: No

8/5/11 AJC

CONDITIONAL APPROVAL FOR THIS TRANSFER
CORRECTION REQUIRED FOR NEXT TRANSFER
TIM LOLLO, LICKING COUNTY ENGINEER

201108050014522
Pgs: 2 \$28.00 T20110014935
08/05/2011 2:49PM BXAMBASSADOR
Bryan A. Long
Licking County Recorder

SEC.319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY KS see previous



AMBASSADOR TITLE MAILBOX
12899

TRANSFERRED
Date August 5, 2011
Michael L. Smith
Licking County Auditor KS

GENERAL WARRANTY DEED *
(*See Sections 5302.05 AND 5302.06 Ohio Revised Code)

Joseph Bishman, married, and Martha Bishman, his wife, AND Cecelia L. Bishman, unmarried, of Licking County, Ohio, for valuable consideration paid, grant(s) with general warranty covenants, to John H. Jones, the following REAL PROPERTY:

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

Being in Township One, Range 15, Third Quarter and a part of Lot No. 21, Summit Road, County Road 26.

Beginning in the center line of County Road 26 on the west line of said Lot No. 21, at a point 142 feet south of the south boundary line of the P.C.C. and the St. L. Railroad; thence east, parallel with the Railroad, 185 feet; thence east parallel with said Railroad 185 feet; thence south 46 feet to the south east corner of lands conveyed to Henry Looker for a corner, said corner is the center of the alley running east and west between said lot and lands owned by Charles Millay; said lot was by John Millay deeded to Henry Looker October 18, 1889, and recorded in Volume 143, page 405, of the records of Licking County; thence west, along the line of said premises located, in the center of the alley, to the center of said County Road; thence north along the center of said road 46 feet to the place of beginning: containing .215 acre.

PARCEL NUMBER: 063-141906-00.000

EXCEPT real estate taxes and special assessments, if any, which grantors and grantees respectively shall pay pro-rata, as estimated to and from the date of closing and SUBJECT to restrictions, easements, rights of way and leases of record.

Prior Instrument Reference: Instrument #200907270016547, Licking County, Ohio.

Executed on this 29th day of June, 2011.

Joseph Bishman
Joseph Bishman

Cecelia L. Bishman
Cecelia L. Bishman

Martha Bishman
Martha Bishman

State of Ohio, County of Licking, ss:

The foregoing instrument was acknowledged before me by Joseph Bishman, married, and Martha Bishman, his wife, AND Cecelia L. Bishman, unmarried, the Grantor(s) and that the same was their free act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my Official seal on the day and year last aforesaid.



Konnie C. Nelson
Notary Public
State of Ohio
Commission Expires
September 9, 2011

This instrument prepared by: Robin Lyn Green, Attorney at Law

| OWNER1 | OWNER2 | Address | City | State | Zip Code |
|-------------------------------|------------------------------|--------------------|----------------|-------|----------|
| BD OF ED LICKING HEIGHTS LSD, | | 6539 SUMMIT RD | PATASKALA | OH | 43062 |
| JONES, JOHN H | | PO BOX 265 | ETNA | OH | 43018 |
| JONES, JOHN H | | PO BOX 265 | ETNA | OH | 43018 |
| JONES, JOHN H | | PO BOX 265 | ETNA | OH | 43018 |
| JONES, JOHN H | | PO BOX 265 | ETNA | OH | 43018 |
| DELIBERA, BEVERLY J | | PO BOX 202 | SUMMIT STATION | OH | 43073 |
| MORRIS, SALLY W | BECKETT, DONALD L | 41 S HIGH ST FL 32 | COLUMBUS | OH | 43215 |
| MAVB L L C, | | 4832 KELLER RD | HEBRON | OH | 43025 |
| GOODMAN, DAMIAN SCOTT | | 6454 SUMMIT RD | PATASKALA | OH | 43062 |
| MAVB L L C, | | 4832 KELLER RD | HEBRON | OH | 43025 |
| WONSICK, BEVERLY J | | PO BOX 93 | SUMMIT STATION | OH | 43073 |
| JOSEPH, JILL | JOSEPH, KANDACE | PO BOX 158 | SUMMIT STATION | OH | 43073 |
| NEWTON, WILLIAM A-III-CO-TR | NEWTON DARROUGH, NANJI-CO-TR | 12933 JUG ST | JOHNSTOWN | OH | 43031 |
| HOWELL, JACQUELINE | | PO BOX 212 | SUMMIT STATION | OH | 43073 |
| MAVB L L C, | | 4832 KELLER RD | HEBRON | OH | 43025 |
| MAYNARD, DOUGLAS BRYAN-JR | | 6442 SUMMIT RD | PATASKALA | OH | 43062 |