



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

April 11, 2017

Variance Application VA-17-008

Applicant:	Donald and Carolyn Moreland
Owner:	Robert Alright
Location:	0 Merritt Road
Acreage:	1.5 Acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting a variance from Section 1229.05(G) of the Pataskala Code to allow the construction of a home that would fail to meet the minimum dwelling area requirement.

Description of the Request:

The applicant is seeking a variance to construct a 12' x 52' (624 square feet) "tiny home" on the property.

Staff Summary:

The property is a roughly 490' x 130' (1.5-acre lot) that is currently vacant. The applicant is proposing to construct a 624-square foot "tiny home" located 75 feet from the north property line, 25 feet from the west and 46.5 feet from the east. The code requires a minimum dwelling area of 1,450 square feet. According to the applicant's narrative, they will not be removing any trees from the property and they are working with the Licking County Health Department to be in compliance with their regulations.

Staff Review:

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

The applicant is proposing to construct the home 46.5 feet from what would be considered the rear property line. The required rear setback in the R-87 Zone District is 75 feet. However, variance application VA-16-012 from June 2016 was approved to allow for a 40-foot rear setback. All other setbacks would be met.

Staff has received comments from the Licking County Health Department stating that they have not received soil testing for the property and that they have concerns regarding the ability to place a household treatment system on the lot. The minimum size design for the system would be required to meet the standards for a two-bedroom dwelling. A possible supplementary condition has been placed to address the Health Department's concerns.

Surrounding Area:

Direction	Zoning	Land Use
North	RR – Rural Residential	Vacant
East	R-87 – Medium-Low Density Residential	Single Family Home
South	R-87 – Medium-Low Density Residential	Single Family Home
West	R-87 – Medium-Low Density Residential	Single Family Home

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- b) *Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
- c) *Whether the variance requested is substantial;*
- d) *Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;*
- e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
- f) *Whether the variance, if granted, will be detrimental to the public welfare;*
- g) *Whether the variance, if granted, would adversely affect the delivery of government services;*
- h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
- i) *Whether the property owner’s predicament can be obviated through some other method than variance;*
- j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
- k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-17-008:

b.) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots (it is suggested that no reduction should exceed 20% of the requirement.

- *Dwelling Area: 57% reduction*

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Utility Department – No comments
- Health Department – See attached
- Police Department – 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 construct the home 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 constructing the home.
3. The applicant shall comply will all Licking County Health Department regulations before constructing the home.

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) variance from Section 1229.05(G) of the Pataskala Code for variance application VA-17-008 ("with the following supplementary conditions" if supplementary conditions are to be placed on the approval)."



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VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 0 Merritt Road, Pataskala, OH 43062	
Parcel Number: 063 14825400000	
Zoning: <u>R-87</u>	Acres: 1.5
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input checked="" type="checkbox"/> On Site

Staff Use
Application Number: <u>VA-17-008</u>
Fee: \$300
Filing Date: <u>3/17/17</u>
Hearing Date: <u>April 11, 2017</u>

Applicant Information		
Name: Donald and Carolyn Moreland		
Address: 100 Orchard Hill Court		
City: <u>Columbus</u>	State: <u>OH</u>	Zip: <u>43230</u>
Phone: <u>Don (614)778-2706</u> <u>Cari (614)440-6505</u>	Email: <u>don.moreland@jesshoward.com</u> <u>cari.hecachm@gmail.com</u>	

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: <u>Robert W. Albright</u>		
Address: <u>345 Meadow Way SW</u>		
City: <u>Pataskala</u>	State: <u>OH</u>	Zip: <u>43062</u>
Phone:	Email:	

Variance Information	
Request (Include Section of Code):	
<u>1229.05 (G) (1) - size</u>	
<u>1229.05 (C) (1) - setback</u>	
Describe the Project:	
Applicants intend to purchase this land and build a primary residence with approval from the city of the plans included in this application.	

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

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

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
 - b) *Whether there are unique physical circumstances or conditions that prohibit the property from being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;*
 - c) *Whether the variance requested is substantial;*
 - d) *Whether the essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment as a result of the variance;*
 - e) *Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;*
 - f) *Whether the variance, if granted, will be detrimental to the public welfare;*
 - g) *Whether the variance, if granted, would adversely affect the delivery of governmental services;*
 - h) *Whether the property owner purchased the subject property with knowledge of the zoning restriction;*
 - i) *Whether the property owner's predicament can be obviated through some other method than variance;*
 - j) *Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,*
 - k) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*

Site Plan: Submit 1 copy of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- 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 variance 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 1 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 variance request.

Applicant:		Date:
	<small>dotloop verified 03/14/17 7:17PM EDT H5IW-3PR7-VJFM-PCWS</small>	
Owner:		Date:
		<small>dotloop verified 03/15/17 7:20AM EDT OCWD-NUWK-6PAW-JAFL</small>

Don and Cari Moreland

100 orchard Hill Court
Columbus, Oh 43230

March 14, 2017

City of Pataskala Board of Zoning Appeals

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

We are applying for building a home smaller than the usual square footage recommended for this amount of land, otherwise known as 0 Merritt Road. We have included our plans and hope the council will allow us to build what we intend on being a very aesthetically pleasing home that will complement the long and narrow layout of this piece of land. It is also our wish to not cut down any of the existing trees on the lot. Our goal is to have the home in place quickly with very little disruption. We are working with the Licking County Health Department to make sure we are in compliance and look forward to becoming a part of your community.

Best regards,

Donald W Moreland
dotloop verified
03/14/17 8:02PM EDT
VME1-0GBO-4JPA-H6XC

Carolyn J Moreland
dotloop verified
03/14/17 9:18PM EDT
HFHP-ADEM-QWZDZ-JLUV



HWY. 159



HWY. 457

OnTrac[®] Summary Information For The 2016 Tax Year



Parcel Number: 063-148254-00.000

Owner: ALBRIGHT ROBERT W

Address: MERRITT RD PATASKALA 43062

Tax District: 063 PATASKALA LK HGHTS LSD-WLJFD

2016 Rates: 86.61000 (Full) / 77.99956 (Effective)

Land Use: 500 Residential Platted Vacant Lot

Class: Residential

Legal Description: LOT NO 4 BATES-SIMS SUB .00A

Mailing Address: ALBRIGHT ROBERT W

345 MEADOW WAY

PATASKALA OH 43062

Market Land Value: \$19,300

Market Improvement Value: \$

Total Market Value: \$19,300

Sale Date: 9/25/2009

Sale Amount: \$10,100.00

Deed Type: WD - WARRANTY

Conveyance Number: 2079

Valid Sale: No

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: No

On Contract: No

Tax Lien Sold: No

From: Chris Hill
To: [Lisa Paxton](#)
Cc: [Zachary Cowan](#)
Subject: RE: Pataskala Zoning - 04/11/2017 Board of Zoning Appeals Review Memo
Date: Friday, March 24, 2017 11:57:18 AM
Attachments: [image001.png](#)

Hello and Good Morning,

Regarding the variance for 0 Merritt Rd. The applicant states that they are working with LCHD. I have not have not received any soil testing for this lot. I have spoken with my co-workers and no one has been contacted regarding this lot.

Do to historic high water table in the area I have concerns regarding the ability to place a household sewage treatment system on this lot. The minimum size for design would be two bedrooms(even if it is only one).

Respectfully,

Chris Hill, RS, REHS
Environmental Sanitarian II
Licking County Health Department
675 Price Road
Newark, Ohio 43055
740-349-6503

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From: Lisa Paxton [mailto:lpaxton@ci.pataskala.oh.us]
Sent: Wednesday, March 22, 2017 12:04 PM
To: Chris Hill <chill@lickingcohealth.org>
Subject: Pataskala Zoning - 04/11/2017 Board of Zoning Appeals Review Memo

Hi, Chris.

Attached are two applications being heard before the Board of Zoning Appeals on April 11th.

Please send any comments to Zach Cowan zcowan@ci.pataskala.oh.us on or before March 31, 2017.

Thank you!!

Lisa ~



Lisa Paxton
Planning & Zoning Clerk
621 W. Broad Street, Suite 2A
Pataskala, OH 43062
(740) 927-4910
Office Hours M-F
8:00 a.m. – 4:00 p.m.

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*Planning and Zoning
Department*

June 15, 2016

Robert Albright
345 Meadow Way SW
Pataskala, Ohio 43062

RE: Variance Application VA-16-012

COPY

Mr. Albright,

Your request for a variance from Section 1229.05(C)(1) of the Pataskala Code to allow for a 40-foot front yard setback, and a variance from Section 1229.05(C)(3) to allow for a 40-foot rear yard setback was given a public hearing by the City of Pataskala Board of Zoning Appeals on June 14, 2016.

The City of Pataskala Board of Zoning Appeals **approved** your request.

Keep this letter for your records as it constitutes your official notification of the decision by the City of Pataskala Board of Zoning Appeals. Prior to any activity occurring on site related to this matter, a zoning certificate is required in accordance with chapter 1209 of the Pataskala Code. Furthermore, be advised that a 30-day appeal period from the date of approval will be in effect wherein no activity related to this matter should be occurring on site.

Please contact the Licking County Building Code Department at 740-349-6671 for any building permits they may require.

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.

Sincerely,

Lisa Paxton
Zoning Clerk

cc: Steve Blake, Zoning Inspector
File