



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

May 9, 2017

#### Variance Application VA-17-009

<b>Applicant:</b>	Chris Bailey
<b>Owner:</b>	Chris Bailey
<b>Location:</b>	2957 Headleys Mill Road
<b>Acreage:</b>	5.08 Acres
<b>Zoning:</b>	AG - Agriculture
<b>Request:</b>	Requesting a variance from Section 1221.05(D)(1) of the Pataskala Code to allow an accessory building to be located in front of the principle structure.

#### Description of the Request:

The applicant is seeking a variance to construct a 38' x 42' (1,596 square feet) barn that would be located in front of the principle structure on the property.

#### Staff Summary:

The property currently contains an existing 2,056 square foot home that was built in 2013 as well as a 624-square foot pole barn built in 2004. The applicant is proposing to demolish the existing pole barn and construct a 1,596-square foot barn that would be located in front the principle structure roughly 67 feet from the right-of-way. The code requires an accessory building to be located even with or behind the front of a principle structure within the side or rear yard. According the applicant's narrative, the existing pond in the rear yard limits the possible locations of the barn.

#### Staff Review:

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

Staff believes that a hardship is present with the existing conditions of the property considering the layout of the principle structure towards the property line and the location of the pond occupying a large portion of the property. In addition, the pond has a steep slope along the edge which may be unsafe to build near.

Staff has received a comment from the City Engineer stating that the property owner shall take care to not disturb the existing drainage pattern of the site. A possible supplementary condition has been placed to address the comment.

**Surrounding Area:**

Direction	Zoning	Land Use
North	Outside of City Limits	Vacant
East	AG – Agriculture	Single Family Home
South	AG – Agriculture	Vacant
West	AG – Agriculture	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-17-009:

- None

**Department and Agency Review**

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – See attached
- Health Department – No comments
- 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 obtain a demolition permit prior to demolishing the existing pole barn.
2. The applicant shall construct the accessory building as submitted within one (1) year of the date of approval.
3. The applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department prior to constructing the accessory building.
4. The existing drainage pattern shall not be disturbed.

**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 1221.05(D)(1) of the Pataskala Code for variance application VA-17-009 ("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: 2957 HEADLEYS Mill RD	
Parcel Number: 063-140478-00-001	
Zoning: AG.	Acres: 5.08
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: VA-17-009
Fee: \$300 <sup>00</sup>
Filing Date: 4/11/17
Hearing Date: 5/9/17
Receipt Number: 20451

Applicant Information		
Name: Chris Bailey		
Address: 2957 HEADLEYS Mill RD		
City: PATASKALA	State: OH	Zip: 43062
Phone: 614-348-2250	Email: chris_b1022@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: SAME		
Address:		
City:	State:	Zip:
Phone:	Email:	

Variance Information
Request (Include Section of Code): TO build a 38'x42' BARN ON SITE
Describe the Project: REMOVE EXISTING DILAPIDATED STRUCTURE AND INSTALL A NEW 38'x42' BARN ON SITE TO COMPLIMENT HOUSE ON-SITE. 1221.05(D)(1)

## 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](http://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](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 variance request.

Applicant:

Date:

Owner:

Date:



9/11/17

2957 Headleys Mill Rd narrative statement:

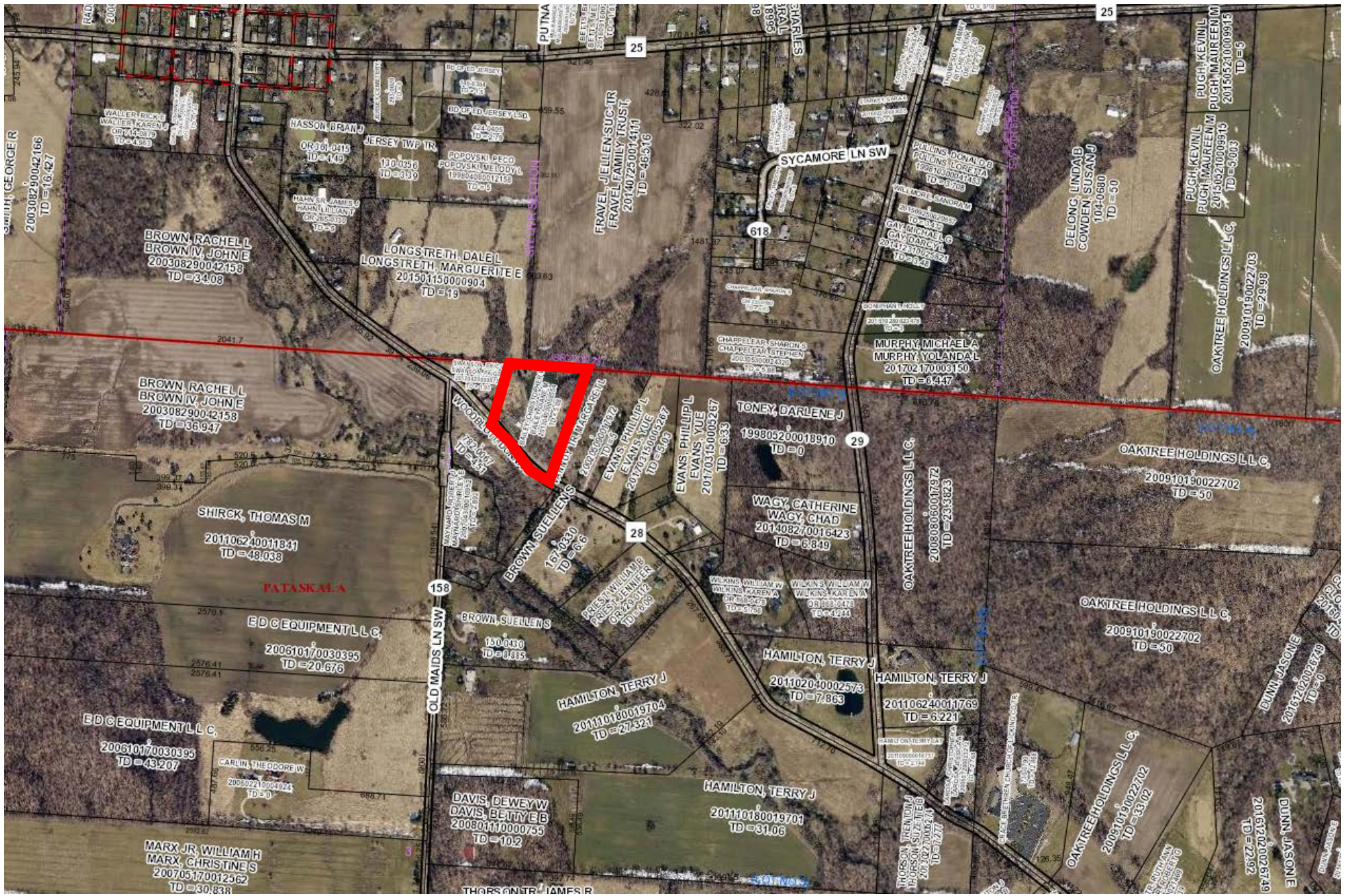
We would respectively ask for a variance to construct a 38'x 42' barn on 2957 Headleys Mill Rd. We would start by removing an existing 20'x 24' dilapidated building, and construct a 38'x 42' new barn that will compliment our existing house.

The reason that we need the variance is because the building cannot be built further back because of an existing large pond. Thus causing a hardship that the barn needs to be located in the front yard below the principle structure.

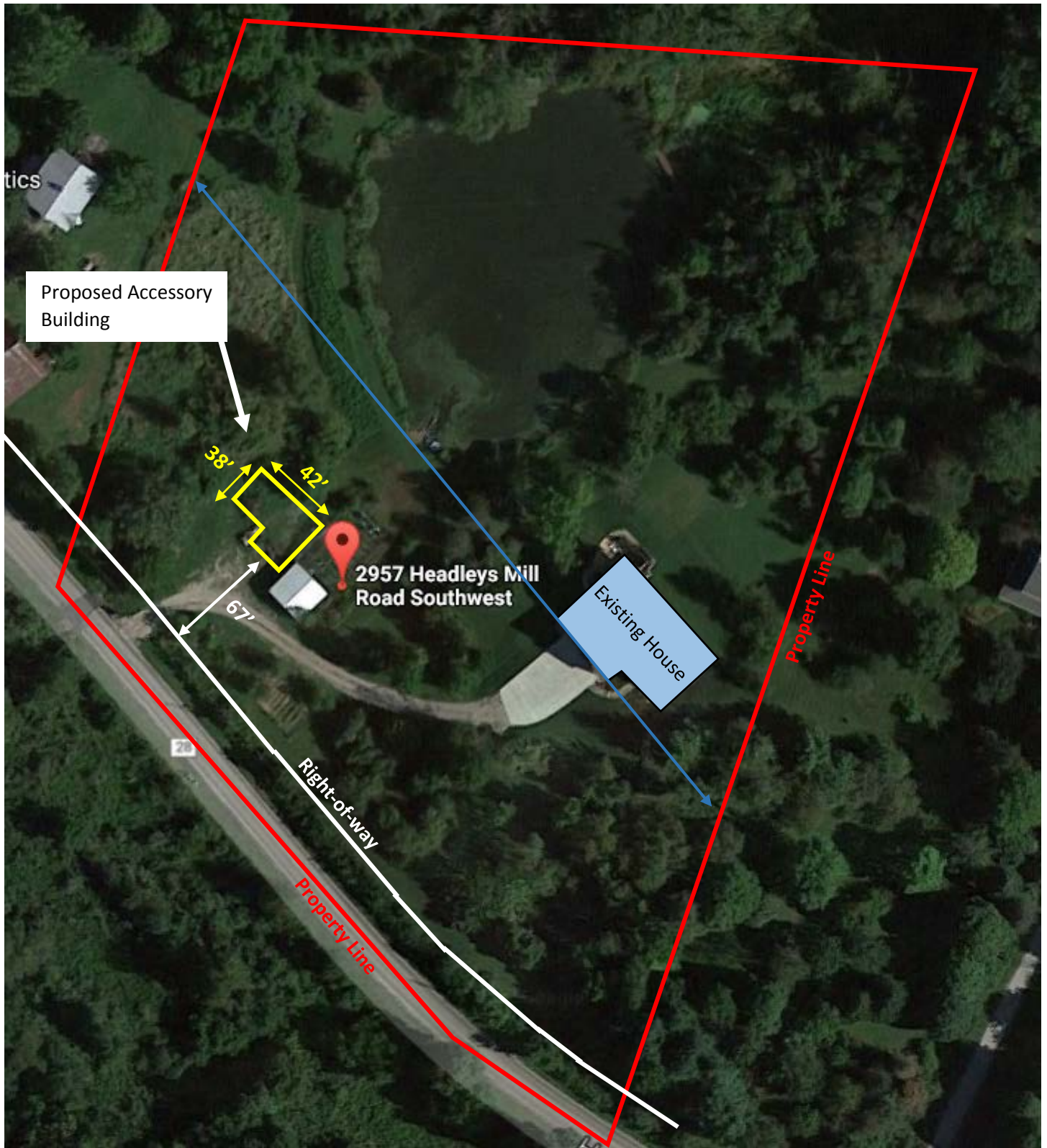
- A. No
- B. Yes, There is an existing pond on the property that will not allow us to construct the barn further back on the property
- C. No, There is already an existing building located at the site the variance is being requested.
- D. No, The new barn will be an improvement from the existing barn.
- E. No
- F. No
- G. No
- H. No
- I. No
- J. Yes
- K. Yes, The barn will be constructed in compliance with Licking County Building Code

Respectively ; Chris & Diane Bailey











# OnTrac<sup>®</sup> Summary Information For The 2016 Tax Year



**Parcel Number:** 063-140478-00.001

**Owner:** BAILEY CHRISTOPHER W & DIANE M

**Address:** 2957 HEADLEYS MILL RD PATASKALA 43062

**Tax District:** 063 PATASKALA LK HGHTS LSD-WLJFD

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

**Land Use:** 511 Single family unplatted 0-09.9

**Class:** Residential

**Legal Description:** LOT 5 PT PAR 1 5.03 AC

**Owner Mailing Address:** BAILEY CHRISTOPHER W & DIANE M

PO BOX 454

PATASKALA OH 43062

**Tax Mailing Address:** VINTON COUNTY NATIONAL BANK

ESCROW DEPARTMENT

PO BOX 460

MC ARTHUR OH 45651

**Market Land Value:** \$67,300

**Market Improvement Value:** \$292,400

**Total Market Value:** \$359,700

**Sale Date:** 4/3/2013

**Sale Amount:** \$99,950.00

**Deed Type:** JS - JOINT SURVIVORSHIP

**Conveyance Number:** 812

**Valid Sale:** Yes

**Foreclosure:** No

**Homestead/Disability:** No

**Owner Occupied Reduction:** Yes

**On Contract:** No

**Tax Lien Sold:** No

**From:** Scott Haines  
**To:** [Zachary Cowan](#)  
**Cc:** [Jim Roberts](#); [Alan Haines](#); [Scott Fulton](#)  
**Subject:** May 9th BZA Meeting  
**Date:** Sunday, April 30, 2017 9:11:57 PM

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Zach

JHA has reviewed the items for the agenda on May 9, 2017 Board of Zoning Appeals and offer the following comments.

Case VA-17-009

The property owner shall take care to not disturb the existing drainage pattern of the site.

Case CU-17-007

JHA has no engineering concerns on this case.

Please let us know if there are any questions or concerns.

Thanks

Scott R. Haines, P.E., CPESC  
Project Manager

**Jobes Henderson**

A HULL COMPANY

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