



## CITY OF PATASKALA BOARD OF ZONING APPEALS

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

### STAFF REPORT

June 13, 2017

#### Variance Application VA-17-013

<b>Applicant:</b>	Kathleen Ayres
<b>Owner:</b>	Kathleen Ayres
<b>Location:</b>	70 1 <sup>st</sup> Street SW
<b>Acreage:</b>	0.2 acres
<b>Zoning:</b>	R-20 – Medium Density Residential
<b>Request:</b>	Requesting a variance from Section 1203.03 of the Pataskala Code to allow for the construction of an accessory building on a lot without a principle structure.

#### Description of the Request:

The applicant is seeking a variance to construct a 10 foot x 16 foot (160-square foot) shed on a lot without a principle structure.

#### Staff Summary:

The applicant owns a 0.2-acre lot that contains a 1,522 square foot home built in 1998 and also owns an abutting 0.2-acre lot to the north that is currently vacant. The applicant is proposing to construct a 160-square foot shed on the vacant lot. Pursuant to Section 1203.03, an accessory building cannot be on a lot without a principle building. The proposed shed would meet all other zoning requirements

#### Staff Review:

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

Section 1211.07(1) of the code states factors for the Board of Zoning Appeals to consider when determining if an area variance is warranted. Within those factors, 1211.07(1)(i) states “whether the property owner’s predicament can be obviated through some other method than variance”. If the property owner were to combine the two lots, a variance request would not be required.

Staff has received a comment from the City Engineer stating that the property owner should consider a possible lot combination to eliminate the issue. Staff has not received input from neighboring residents.

**Surrounding Area:**

Direction	Zoning	Land Use
North	R-20 – Medium Density Residential	Single Family Home
East	R-20 – Medium Density Residential	Single Family Home
South	R-20 – Medium Density Residential	Single Family Home
West	R-20 – Medium 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-17-013:

- 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 construct the accessory building as submitted within one (1) year of the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to constructing the accessory building.

**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 1203.03 of the Pataskala Code for variance application VA-17-013 ("with the following supplementary conditions" if supplementary conditions are to be placed on the approval)."

**From:** Jim Roberts  
**To:** [Zachary Cowan](#)  
**Cc:** [Alan Haines](#); [Scott Fulton](#); [Scott Haines](#); [Lisa Paxton](#)  
**Subject:** Review of June 13 BZA Agenda  
**Date:** Friday, May 19, 2017 7:38:20 AM

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Zack, per the request of the City of Pataskala, Jobes Henderson & Associates, Inc. has reviewed the agenda items for the June 13 Board of Zoning Appeals hearing. We offer the following engineering related comments:

- Case VA-17-010
  - We have no engineering comments on this application
- Case VA-17-011
  - This case is located within the Kylemore Subdivision, which has been identified as an area with drainage problems. Therefore, our only comment is this project cannot contribute to or add to any drainage issues in the area.
- Case VA-17-012
  - This is a new development that JHA has reviewed the engineering plans for already. We do not take exception to this reduced centerline radius for this roadway.
- Case VA-17-013
  - We do not have any engineering comments on this section. Our only observation would be to consider a possible Lot Combination to eliminate the issue.
- Case VA-17-014
  - Because the existing property is a church, parking should be adequate for this use.
  - Traffic to this facility will be during normal peak hour traffic (as opposed to the peak traffic time for the church operations). Therefore, the city needs to ensure no traffic or safety issues will occur as a result of this variance.
- Case VA-17-015 and VA-17-016
  - If the circumstances described are accurate, we do not take exception to this request from the engineering perspective.
  - The city should confirm the hardship tied to the setback request.
  - The city should require that drainage from the new structure be approved by the Service Director to ensure no future problems are created.
- Case VA-17-008
  - It appears the site will have adequate space for parking. However, how will parking be defined and will there be parking accommodations for ADA compliance?
  - While traffic to the facility may not be heavy, the city needs assurance that no safety issues will occur with heavier traffic flow into this driveway.

Please let us know if you have any questions or we can assist in any other way. We appreciate

the opportunity to work with the city on this issue.

Jim

**James G. Roberts, P.E.**

PRESIDENT

**Jobs Henderson**

A HULL COMPANY

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# CITY OF PATASKALA BOARD OF ZONING APPEALS

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## VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

<b>Property Information</b>		
Address: 70 First Street SW		
Parcel Number: 47 + 46 063-150894-00.000		
Zoning: R-20	Acres: 0.2	
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

<b>Staff Use</b>
Application Number: VA-17-013
Fee: \$300 <sup>00</sup>
Filing Date: 5/12/17
Hearing Date: 6/13/17
Receipt Number:

<b>Applicant Information</b>		
Name: Kathleen M. Ayres		
Address: 70 First Street SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-485-8788	Email: Kathleen.Ayres@52@gmail.com	

<b>Documents</b>
<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

<b>Owner Information</b>		
Name: Kathleen M. Ayres		
Address: 70 First Street SW		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614-485-8788	Email: Kathleen.Ayres@52@gmail.com	

<b>Variance Information</b>
Request (Include Section of Code): 1203.03
Describe the Project: installing 10' by 16' shed to rear of house

**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:

5-12-17

My property @ 70 First Street  
S.W., has 2 front yards -  
lot 46 & 47. It's a corner  
lot that faces 2 connecting  
streets.

I was advised by Pataskala  
zoning office, that I needed to  
apply for a variance.

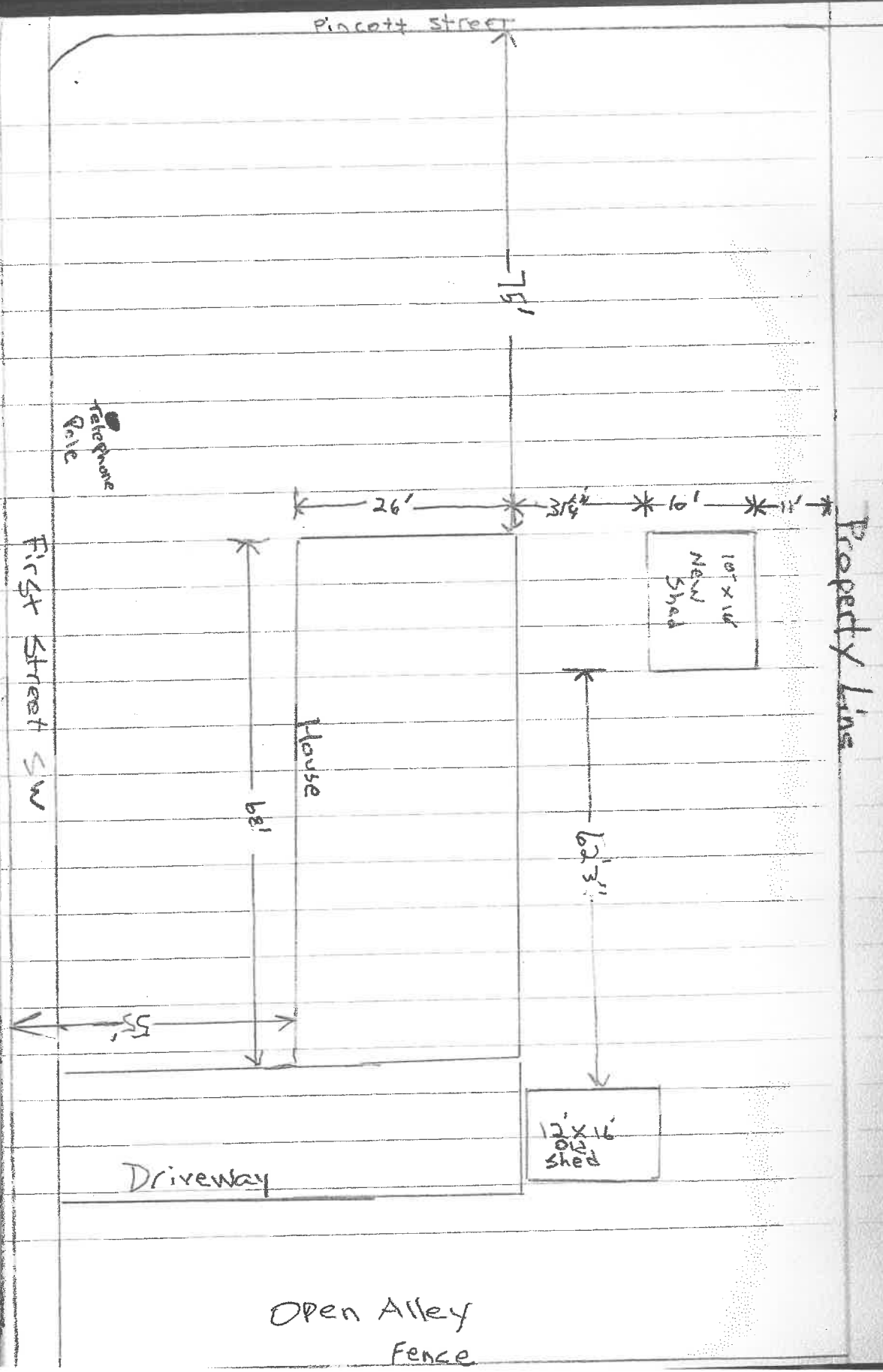
With both of my parcels being  
laid out the way they are and  
without a building structure,  
I am hereby requesting my  
variance to be approved  
(to add a shed) due to the  
hardship that this places on  
me.

Thank you!

Kathleen Ayres, also known as  
Kathleen Stiles







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



**Parcel Number:** 063-150894-00.000

**Owner:** STIRES KATHLEEN M

**Address:** 70 1ST ST PATASKALA 43062

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

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

**Land Use:** 510 Single family platted lot

**Class:** Residential

**Legal Description:** LOTS 46-47 .00A

**Owner Mailing Address:** STIRES KATHLEEN M

70 1ST ST

PATASKALA OH 43062

**Tax Mailing Address:** LERETA LLC

1123 S PARK VIEW DR

COVINA CA 91724

**Market Land Value:** \$34,500

**Market Improvement Value:** \$99,100

**Total Market Value:** \$133,600

**Sale Date:**

**Sale Amount:** \$0

**Deed Type:**

**Conveyance Number:**

**Foreclosure:** No

**Homestead/Disability:** No

**Owner Occupied Reduction:** Yes

**On Contract:** No

**Tax Lien Sold:** No