



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

July 11, 2017

Variance Application VA-17-016

Applicant:	Christopher & Velvet Dean
Owner:	Christopher & Velvet Dean
Location:	10500 McIntosh Road
Acreage:	2.533 Acres
Zoning:	AG - Agriculture
Request:	Requesting a variance from Section 1221.05(D)(1) of the Pataskala Code to allow for the construction of an accessory building that would be located in front of the principle structure and from Section 1221.05(E)(1) to allow for the construction of an accessory building that would fail to meet the minimum setback requirement.

Description of the Request:

The applicant is seeking a variance to construct a 40' x 70' (2,800 square feet) accessory building that would be located in front of the principle structure and less than the required 10 feet from the side property line.

Staff Summary:

The applicant owns a 2.533-acre lot that contains a 1,987 square foot home built in 2002. The applicant is proposing to construct a 2,800 square foot garage that would be located less than 10 feet from the side property line sitting in front of the principle structure. This application was tabled at the June 13, 2017 Board of Zoning Appeals meeting due to the applicant not completing a lot combination where the proposed accessory building is located.

According to Section 1221.05(E)(1) of the code, accessory buildings on lots with 2 or more acres are required to be at least 10 feet from property lines. In addition, Section 1221.05(D)(1) states that an accessory building shall be located even with or behind the front of the principle structure.

The applicant has submitted variance application VA-17-015 requesting a variance in order to construct the accessory building that would exceed the maximum size requirement. The two variances requested in this application would not have an effect on application VA-17-015.

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 considering that the property contains a well, leech field, and pond in the rear yard which occupies a majority of the possible locations for an accessory building. In addition, a large front yard is present due to the house being situated at an angle towards the front property line. The applicant has not addressed the height of the accessory building in the application, which is a maximum of 25 feet based upon the lot size.

At the June 13th Board of Zoning Appeals meeting, a neighbor to the property expressed concern about the possibility of the property owner using the accessory building for commercial activity. According to Section 1221.05(G), no commercial use shall be permitted from an accessory building. A possible condition has been placed to address the concern.

Staff has received a comment from the City Engineer stating that he does not take exception to the request from an engineering perspective and also that the city should require that drainage from the new structure be approved by the Public Service director to ensure no future problems are created. A possible supplementary condition has been placed to address the comment.

Surrounding Area:

Direction	Zoning	Land Use
North	AG – Agriculture	Single Family Home
East	AG – Agriculture	Single Family Home
South	AG – Agriculture	Single Family Home
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-17-016:

- 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
- 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 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.
3. The proposed accessory building shall not adversely affect neighboring properties pursuant to Section 1221.05(H).
4. No commercial activity shall be permitted from the accessory building pursuant to Section 1221.05(G).
5. The height of the accessory building shall not exceed 25 feet pursuant to Section 1221.05(C).

Resolution:

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

“I move to approve variance from Section 1221.05(D)(1) and from Section 1221.05(E)(1) of the Pataskala Code for variance application VA-17-016 (“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

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

59 Grant Street | Newark, Oh 43055

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

jroberts@hullinc.com

www.jobshenderson.com

www.hullinc.com

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621 West Broad Street
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 10500 Mcintosh Rd.	
Parcel Number: 201508100016827	
Zoning: agricultural	Acres: 2.95
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-17-016
Fee: \$300.00
Filing Date: 5/12/17
Hearing Date: 6/13/17
Receipt Number: 20506

Applicant Information		
Name: Christopher Dean + Velvet Dean		
Address: 10500 Mcintosh Rd.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-778-9151	Email: Chris@DeanMotorExpress.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: Christopher Dean + Velvet Dean		
Address: 10500 Mcintosh Rd.		
City: Pataskala	State: OH	Zip: 43062
Phone: 614.778.9151	Email: chris@deanmotorexpress.com	

Variance Information
Request (Include Section of Code): Setback and Partial Front of House 1221.05 D-1
Describe the Project: Installation of a new Accessorial building of a pole barn to house construction equipment & accessories. Requesting a variance of a setback of 3 foot from property line and partial front of house location.

Documents to Submit	
Variance Application: Submit 1 copy of the variance application.	
Narrative Statement: Submit 1 copy of a narrative statement explaining the following: <ul style="list-style-type: none"> • 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: <ol style="list-style-type: none"> a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;</i> b) <i>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;</i> c) <i>Whether the variance requested is substantial;</i> d) <i>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;</i> e) <i>Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;</i> f) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> g) <i>Whether the variance, if granted, would adversely affect the delivery of governmental services;</i> h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> j) <i>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,</i> k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> 	
Site Plan: Submit 1 copy of a site plan to scale of the subject property indicating the following: <ul style="list-style-type: none"> • 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: <i>Christopher Dean + Melvyn S. Dean</i>	Date: <i>5/12/17</i>
Owner: <i>Christopher Dean + Melvyn S. Dean</i>	Date: <i>5/12/17</i>

Side Yard Setback & Partial Front of House Variance Request

Date: May 12, 2017

Applicant: Christopher and Velvet Dean

Address: 10500 McIntosh Rd., Pataskala, Ohio 43062

Location: 1500 McIntosh Rd., Pataskala, Ohio 43062; Parcel #201508100016827

Zoning: Agricultural

Request: To reduce the property line setback to 3 feet from 10 feet and build with partial front of house structure.

Narrative Statement: This is a variance request the property line setback to 3 feet from 10 feet and build with partial front of house structure. This request is a result of the need to add additional accessorial building to secure construction equipment and accessories. The location options are limited due the well, septic system, and utility and drainage lines on the property.

Responses to Narrative Statement

- a) The property is currently being used for residential purposes and this is a continuation of the current use.
- b) The property is extremely unique due to the physical circumstances and limitations of the placement of the well, septic system, and utility and drainage lines on the property.
- c) The request is not substantial because the placement of the pole barn is against a 20 acre field.
- d) The character of the neighborhood and adjoining properties will not have any detrimental alterations because the community is agricultural farm land.
- e) The variance will not eliminate or change the use of the properties adjacent to the construction.
- f) The variance will not be detrimental to public welfare.
- g) The variance will not adversely affect the delivery of governmental services.
- h) The owner purchased the subject property with knowledge of the zoning regulations.
- i) A variance is the only appropriate way to solve the situation. The well, septic system, and utility and drainage line restrictions make the variance necessary.
- j) The request is the minimum variance needed to allow for the construction for the equipment and accessories in a secured building.
- k) The spirit and intent of the zoning ordinance will be upheld by the granting of this variance. The use of the property remains residential and the community will not endure a negative impact.



Comment [VL1]:





DEAN, KENNETH
201706200012
TD = 6,066

LILES, VELVETS
DEAN, CHRISTOPHER K
2017
TD = 2,533

KIDD, TROYA
200201250003312
TD = 1,611

BRANDI, PERRY M
BRANDI, KATHY K
OR 032-9364
TD = 872

KIDD, TROYA
200201250003312
TD = 872

PATASKALA

126.14
WELL, DENNIS C
WELL, JENNIFER C
OR 503-833-8888

155

MCINTOSH RD SW

10314

90 30

OnTrac[®] Summary Information For The 2016 Tax Year



Parcel Number: 064-152814-02.001

Owner: LILES VELVET S & DEAN CHRISTOPHER K

Address: 10500 MCINTOSH RD PATASKALA 43062

Tax District: 064 PATASKALA SW-LK LSD-WLJFD

2016 Rates: 62.92000 (Full) / 58.16055 (Effective)

Land Use: 511 Single family unplatted 0-09.9

Class: Residential

Legal Description: 015-01-01 LOT 19 PT 1.00A

Owner Mailing Address: LILES VELVET S & DEAN CHRISTOPHER K
10500 MCINTOSH RD
PATASKALA OH 43062

Tax Mailing Address: CORELOGIC TAX SERVICES
ESCROW REPORTING
3001 HACKBERRY RD
IRVING TX 75063

Market Land Value: \$30,000

Market Improvement Value: \$133,900

Total Market Value: \$163,900

Sale Date: 8/7/2015

Sale Amount: \$84,300.00

Deed Type: QC - QUIT CLAIM

Conveyance Number: 2230

Valid Sale: No

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: Yes

On Contract: No

Tax Lien Sold: No

MAYNARD, CRAIG W
2158 MONTANA PINE DR
HENDERSON, NV 89052

BRANDT, PERRY M
10518 MCINTOSH RD
PATASKALA, OH 43062

ROLLINS, PAULINE L
10228 MCINTOSH RD
PATASKALA, OH 43062

DEAN, KENNETH R
10300 MCINTOSH RD
PATASKALA, OH 43062

STRONG, LISA R
10280 MCINTOSH RD
PATASKALA, OH 43062

LEE, REBECCA F-TR
10544 MCINTOSH RD
PATASKALA, OH 43062

MORELAND, VICTOR L
10355 MCINTOSH RD
PATASKALA, OH 43062

MAYNARD, CRAIG W
2158 MONTANA PINE DR
HENDERSON, NV 89052

THOMAS J EVANS FOUNDATION,
621 W BROAD ST STE 2B
PATASKALA, OH 43062

SCHNEIDER, SANDRA L
10453 MCINTOSH RD
PATASKALA, OH 43062

POWELL, DENNIS C
10425 MCINTOSH RD
PATASKALA, OH 43062

KIDD, TROY A
10314 MCINTOSH RD
PATASKALA, OH 43062

LILES, VELVET S
10500 MCINTOSH RD
PATASKALA, OH 43062

NIEDZIELSKI, THOMAS J
10284 MCINTOSH RD
PATASKALA, OH 43062

HEILMAN, MARK P
10451 MCINTOSH RD
PATASKALA, OH 43062

VA-15-015