



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-17-017

Applicant:	William C. Hayes
Owner:	Carolyn Hayes
Location:	320 International Drive
Acreage:	0.60 acres
Zoning:	R-15 – Medium-High Density Residential
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.

Description of the Request:

The applicant is seeking a variance to construct a 10' x 14' (140 square feet) accessory building that would be located in front of the principle structure.

Staff Summary:

The property is a 0.60-acre corner lot that contains a 2,431 square foot home built in 1962. The applicant is proposing to construct a 140 square foot shed in what would typically be considered the back yard. According to Section 1221.05(D)(1) of the code, accessory buildings shall be located even with or behind the front of a principle structure within the side or rear yard. The lot has two front yards due to it being situated on the corner of E. Broad St. and International Drive.

According to the applicant's narrative, the proposed location of the shed is the only suitable location due to existing landscaping and limited space to the rear of the house.

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 has two front yards according to the Code. In addition, there is limited space in the rear yard to place the shed with the existing landscaping. Staff has not received any input from neighboring residents nor any comments from departments.

It is not clear from the submitted site plan what the proposed setbacks for the accessory building are. Staff does not foresee an issue with the applicant being able to meet the minimum setback requirement of 5 feet from the property lines.

Surrounding Area:

Direction	Zoning	Land Use
North	PRO – Professional Research Office	Offices
East	R-15 – Medium-High Density Residential	Single Family Home
South	R-15 – Medium-High Density Residential	Single Family Home
West	PRO – Professional Research Office	Offices

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-17-017:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- Utility Department – No comments
- City Engineer – 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. All other requirements of Section 1221.05 shall be met.

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) of the Pataskala Code for variance application VA-17-017 ("with the following supplementary conditions" if supplementary conditions are to be placed on the approval)."



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621 West Broad Street
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 320 International Drive	
Parcel Number: 064-309246-00.000	
Zoning: R15	Acres: 0.603 Lot 37 Filling Subdivision
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

Staff Use
Application Number: VA-17-017
Fee: \$ 300
Filing Date: 6-7-17
Hearing Date: 7-11-17

Applicant Information		
Name: William C. Hayes, Attorney		
Address: 320 International Drive		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 614/419-5346	Email: Billhayes58@gmail.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 type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Owner Information		
Name: Carolyn G. Hayes		
Address: 320 International Drive		
City: Pataskala	State: Ohio	Zip: 43062
Phone: 740/927-4285	Email: jellyg1961@gmail.com	

Variance Information
Request (Include Section of Code): Owner seeks permission to build shed (10'x14') behind and North of home. Due to fact that property has frontage on 2 of 4 sides, desired location is considered front yard under code.
Pat. Ord. 1221.05 prohibits accessory building in front yard.
Describe the Project: Project is a 10'x14' shed to be erected on the NW corner of property. Shed will have a gable roof and will be designed and built in such a way as to compliment the nature of the parcel as a whole.

Documents to Submit

Variance Application: Submit 14 copies of the variance application.

Narrative Statement: Submit 14 copies 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 14 copies 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 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 14 copies 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.

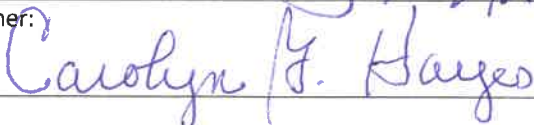
Applicant:



Date:

6-6-2017

Owner:



Date:

6-6-2017

NARRATIVE RELATING TO VARIANCE APPLICATION

PROPERTY OWNER: CAROLYN G. HAYES

As indicated in the application, the owner of the property wishes to place a shed at her private residence. The property is zoned R15. The residence is the only structure on the property. Due to the nature of the property and an unintended consequence of code language, the owner is unable to construct a shed without a variance because the property has two front yards (facing International Drive and Broad Street). Due to current landscaping and limited space to the rear of the house there is no suitable location for the shed to the rear of the residence unless is in the "front yard" facing Broad Street.

Code section 1221.05 (D) does not permit the construction of an accessory building in the "front yard)

The proposed location of the shed in this case is in the rear corner of what any reasonable person would consider the "rear yard" of the subject property.

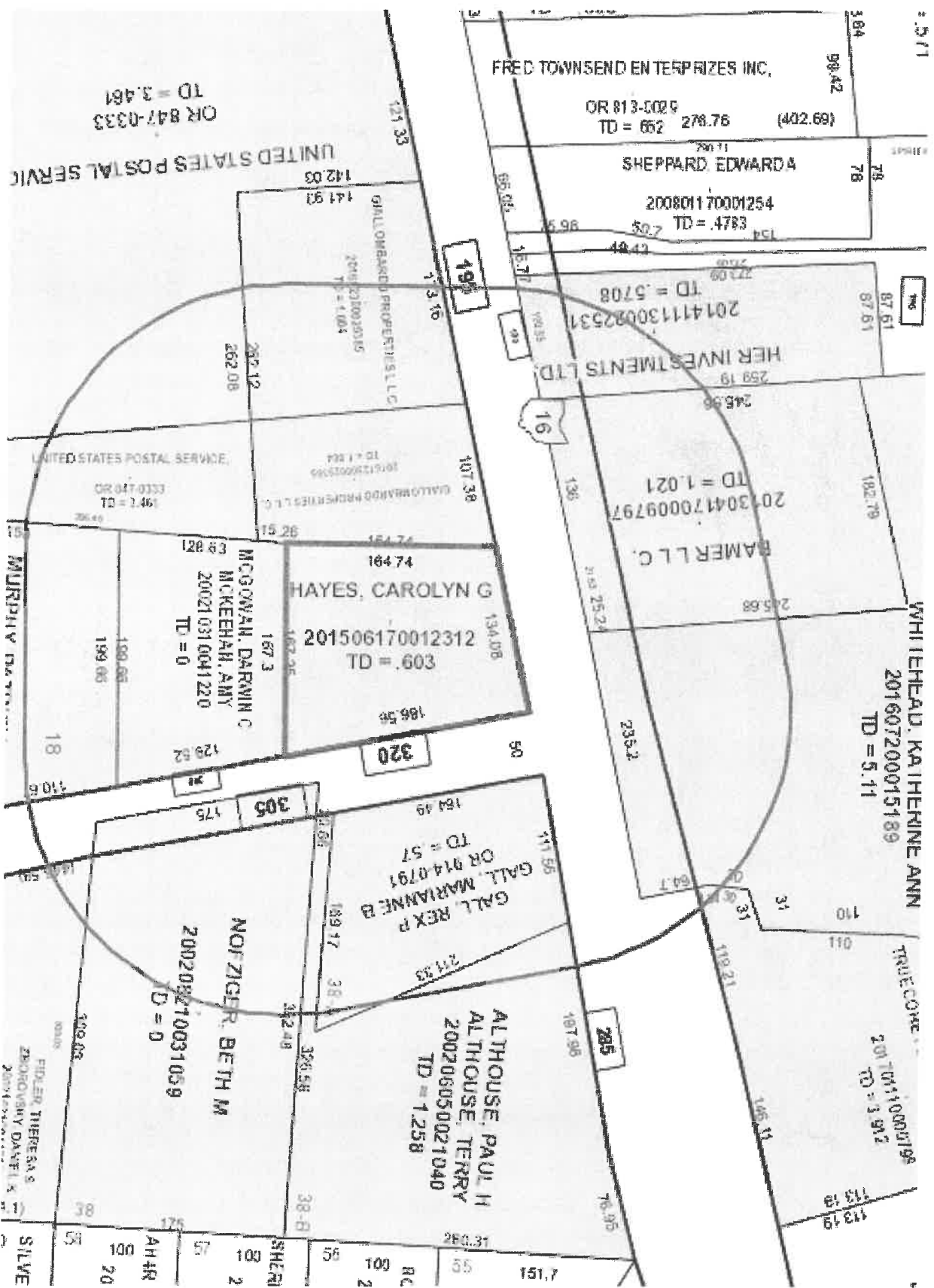
Section 1211.01 Factors:

- a) While the shed will not necessarily add substantial property value to the parcel, the code as it is written substantially limits the beneficial use of the property in question. Without a variance, said limitations will detrimentally impact the owners beneficial use of the property when compared with other residential property located within the city.
- b) As indicated, there are unique circumstances in this application in relation to the layout of the lot and the definition of "front yard".
- c) The variance requested is not substantial as it will result in what is typically allowed up most residential lots.
- d) Granting the variance will not impact the character of the neighborhood and no adjoining properties would suffer a detriment.
- e) Granting the variance will not impact the appropriate use or development of the neighboring parcels.
- f) Granting the variance will have no impact on the public welfare.
- g) Granting the variance will not impact the delivery of governmental services.
- h) The property owner did not purchase the property with the understanding that her back and side yard fell within the technical definition of "front yard".
- i) The only other way to obviate the owner's predicament would be to change the definition of "front yard" under the zoning code.
- j) The variance requested would represent the minimum variance that would afford relief and represents the least modification possible of the requirement at issues.
- k) The spirit and intent of the zoning requirement is not harmed by the requested variance and granting same would afford the owner justice as she is simply seeking the same property rights as most every other residential property owner in the City of Pataskala.

Respectfully submitted,



William C. Hayes
Attorney at Law



OR 847-0333
 TD = 3.461
 UNITED STATES POSTAL SERVICE

UNITED STATES POSTAL SERVICE
 OR 847-0333
 TD = 0

MCGOWAN, DARIN C
 MCKEEHAN, AMY
 200210310041220
 TD = 0

HAYES, CAROLYN G
 201506170012312
 TD = .603

GALL, MARIANNE B
 OR 914-0791
 TD = 57

NOFZIGER, BETH M
 200209210031059
 TD = 0

ALTHOUSE, PAUL H
 ALTHOUSE, TERRY
 200206050021040
 TD = 1.258

FRED TOWNSEND ENTERPRISES INC.
 OR 813-0029
 9200-18 10
 TD = 662 278.76 (402.69)

SHEPPARD, EDWARD A
 200801170001254
 TD = .4783

HER INVESTMENTS LTD
 20141130022531
 TD = .5708

BAMER L.L.C.
 201304170009797
 TD = 1.021

WHITHEAD, KAHERINE ANN
 201607200015189
 TD = 5.11

TRUECOME
 201107110001199
 TD = 3.912

195	320	305	285	196	195
RC	RC	RC	RC	RC	RC
601	601	601	601	601	601
2	2	2	2	2	2
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59	59	59	59	59	59
13	13	13	13	13	13
342	342	342	342	342	342
38-B	38-B	38-B	38-B	38-B	38-B
38-B	38-B	38-B	38-B	38-B	38-B
55	55	55	55	55	55
AH+R	AH+R	AH+R	AH+R	AH+R	AH+R
001	001	001	001	001	001
20	20	20	20	20	20
SILVE	SILVE	SILVE	SILVE	SILVE	SILVE



GALL, MARIANNE
OR 914-0791
TD = .57

111.56

164.49

20.66

305

325

320

INTERNATIONAL DR

8



16


E BROAD ST

PATASKALA

GIALLOMBARDO PROPERTIES L.L.C.

201612300029385
TD = 1.004

DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
W.C. Lozier 6-17-15


201506170012312
Pgs: 2 \$28.00 T20150014032
06/17/2015 3:42PM BX:HAYES TITLE
Bryan A. Long
Licking County Recorder

TRANSFERRED
Date *JUNE 17, 2015*
Manda Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: *MS 6/15/15*

GENERAL WARRANTY DEED

Cynthia J. Steer, unmarried, of Licking County, Ohio, for valuable consideration paid, grants with general warranty covenants to **Carolyn G. Hayes**, married, whose tax mailing address is _____, the following real property:

Situated in the City of Pataskala, County of Licking and State of Ohio and Being part of Lot #37 in the Ellinger Subdivision to the Township of Harrison now by annexation the Township and City of Pataskala, Ordinance 64-455, Plat Book 8, page 150, Recorder's Office, Licking County, Ohio, by reference Plat Book 5, Page 154.

Being a part of Lot Number 37 in the Ellinger Subdivision to the Township of Harrison (now the said Township and City of Pataskala) according to the Plat of said Subdivision recorded in Vol. 5, at pages 154 and 155, of the Plat Records in the Office of the Recorder of Licking County, Ohio, the real estate hereby conveyed being more particularly bounded and described as follows: beginning at a point in the Northeast corner of said Lot Number 37, said point also being the point where the West line of International Road intersects the South line of State Route No. 16, said point being marked by an iron pin, thence South 82 deg. 37' 30" West, along the South line of said State Route No. 16, a distance of 134.08 feet to a point for a corner marked by an iron pin; thence South 3 deg. 02' West 164.74 feet to a point for a corner marked by an iron pin at the Northwest corner of the real estate conveyed by Raymond H. Ellinger and Oza N. Ellinger to Gertrude H. Wright by deed dated July 25, 1957, and recorded in Vol. 498, at page 197, of the Deed Records of Licking County, Ohio; thence South 88 deg. 57' East, along the North line of the real estate conveyed to said Wright as aforesaid, 167.25 feet to a point for a corner in the West line of International Road; thence North 7 deg. 52' West, along the West line of International Road, 186.56 feet to the point of beginning: containing 0.603 acre, more or less, subject to all legal highways.

The foregoing real estate description is based on a survey prepared by Walter A. Stewart, Ohio Registered Surveyor No. 4693.

Prior Deed Reference: Instrument Number 201401310002048, Licking County Recorder's Office, Licking County, Ohio.

Also known as: 320 International Drive, Pataskala, Ohio 43062

Auditor's Parcel #064-309246-00.000

Excepting conditions, easements, restrictions, rights of way and zoning and other governmental regulations of record and taxes and assessments not yet due and payable which Grantees assume and agree to pay as a part of the consideration herein.


01140584705154021000

Executed this 15th day of June, 2015.

Cynthia J. Steer
Cynthia J. Steer

State of Ohio
County of Licking SS:

The foregoing instrument was acknowledged before me this 15th day of June, 2015 by Cynthia J. Steer.



Laurie Wells
LAURIE WELLS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission expires 06/30/16
Section 147.03 R.C.
NOTARY

Prepared by:
Laurie Wells, Esq., through
Hayes Law Offices, INC., L.P.A.
195 E. Broad St., Pataskala, OH 43062
740.927.2927



LAURIE WELLS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

ALTHOUSE, PAUL H
285 E BROAD ST
PATASKALA, OH 43062

BAMER L L C,
210 E BROAD ST
PATASKALA, OH 43062

CAIRNEY, RICHARD W
93 OAK CANYON DR
PATASKALA, OH 43062

FIDLER, THERESA S
275 INTERNATIONAL DR
PATASKALA, OH 43062

GALL, REX P
325 INTERNATIONAL DR
PATASKALA, OH 43062

GIALLOMBARDO PROPERTIES L L C,
PO BOX 47
PATASKALA, OH 43062

HAYES, CAROLYN G
58 CORBIN DR
GRANVILLE, OH 43023

HER INVESTMENTS LTD,
4261 MORSE RD
GAHANNA, OH 43230

MCGOWAN, DARWIN C
300 INTERNATIONAL DR
PATASKALA, OH 43062

MURPHY, PATRICIA L
270 INTERNATIONAL DR
PATASKALA, OH 43062

NOFZIGER, BETH M
305 INTERNATIONAL DR
PATASKALA, OH 43062

ONDRIK, PAMELA J
240 INTERNATIONAL DR
PATASKALA, OH 43062

SANFORD, GARY K
275 INTERNATIONAL DR
PATASKALA, OH 43062

SHEPPARD, EDWARD A
2791 DOUBLE EAGLE DR
BEAVERCREEK, OH 45431

SHIRCK PROPERTIES LLC,
4393 ANTMON ROUND
NEW ALBANY, OH 43054

SPIRIT MASTER FUNDING VI L L C,
16767 N PERIMETER DR STE 210
SCOTTSDALE, AZ 85260

TRUECORE FEDERAL CREDIT UNION,
10039 HOLLOW RD
PATASKALA, OH 43062

UNITED STATES POSTAL SERVICE,
P.O.BOX 701
COLUMBIA, MD 21045

WHITEHEAD, BENJAMIN DODD
3255 HAYES RD
GRANVILLE, OH 43023

VA-17-017