



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

October 10, 2017

Variance Application VA-17-024

Applicant:	Larry Walker
Owner:	Larry Walker
Location:	153 Cedar Street
Acreage:	0.48 acres
Zoning:	GB – General Business
Request:	Requesting a variance from Section 1279.03(A)(1) of the Pataskala Code to allow for a fence to exceed the maximum height requirement in the front yard and from Section 1249.05(G) to allow for a garbage container to be located in the front yard.

Description of the Request:

The applicant is seeking a variance to allow for the installation of a 6-foot fence in the front yard to provide screening from a dumpster.

Staff Summary:

The property is a 0.48-acre lot that contains a 2,886 square foot building built in 1976. The applicant is proposing to install a 6-foot high fence around a dumpster measuring 6 feet by 8 feet. According to Section 1249.05(G) of the Pataskala Code, all trash and garbage shall be stored in container systems which shall not be located in front yards. In addition, Section 1283.06 states that any trash disposal unit shall be screened when a general business zone abuts a residential zone, thus requiring a continuous fence of 100% opaque on all four sides of the disposal unit. The average screen shall be at least one foot higher than the dumpster. Therefore, the applicant is proposing to install a 6-foot fence around the dumpster to comply with the screening requirements. However, the property abuts three different right-of-ways, constituting a front yard along each right-of-way. Per Section 1279.03 of the Code, a fence cannot exceed 4 feet in height in the front yard.

According to the applicant's narrative, the dumpster needs to be in that area of the property for ease of access for garbage trucks and because it frees up space for trailer storage.

Staff Review:

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

The applicant has not indicated the type or opacity of the proposed fence which is required to be 100% opaque. A possible supplementary condition has been placed to address this. Staff would like to note that a variance request could be avoided if the dumpster was placed on the southern portion of the property, which would be considered as a rear or side yard, permitting a 6-foot high fence.

Surrounding Area:

Direction	Zoning	Land Use
North	R-7 – Village Single Family Residential	Single Family Home
East	R-7 – Village Single Family Residential	Single Family Home
South	R-7 – Village Single Family Residential	Railroad
West	R-7 – Village Single Family 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-17-024:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Utility Director – 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 install the fence within one (1) year from the date of approval.
2. The applicant shall obtain all necessary permits from the City of Pataskala prior to installing the fence.
3. The fence shall be 100% opaque pursuant to Section 1283.06(13) of the Pataskala Code.

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 1279.03(A)(1) and from Section 1249.05(G) of the Pataskala Code for variance application VA-17-024 (“with the following supplementary conditions” if supplementary conditions are to be placed on the approval).”



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information		
Address: 193 Cedar St		
Parcel Number: 064-307926-00.000		
Zoning: GB	Acres: .48	
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-17-024
Fee: \$300 ⁰⁰
Filing Date: 9/15/17
Hearing Date: 10/10/17
Receipt Number: 20692

Applicant Information		
Name: Larry Walker		
Address: PO Box 244		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-919-6549	Email: lgwproperties@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 checked="" type="checkbox"/> Address List
<input checked="" type="checkbox"/> Area Map

Owner Information		
Name: Larry Walker		
Address: PO Box 244		
City: Pataskala	State: OH	Zip: 43062
Phone: 740-919-6549	Email: LGWProperties@gmail.com	

Variance Information
Request (Include Section of Code): 1279.03(a)(1)
Describe the Project: Dumpster Screen 6x8 fence

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:

Sep 15 2017

Owner:



Date:

Sep 15 2017

Wanting to Place trash can in this location of drive beause ease of access for trash truck and frees up old location for trailer storage. This trash can will be screened with a 6 ft fence.

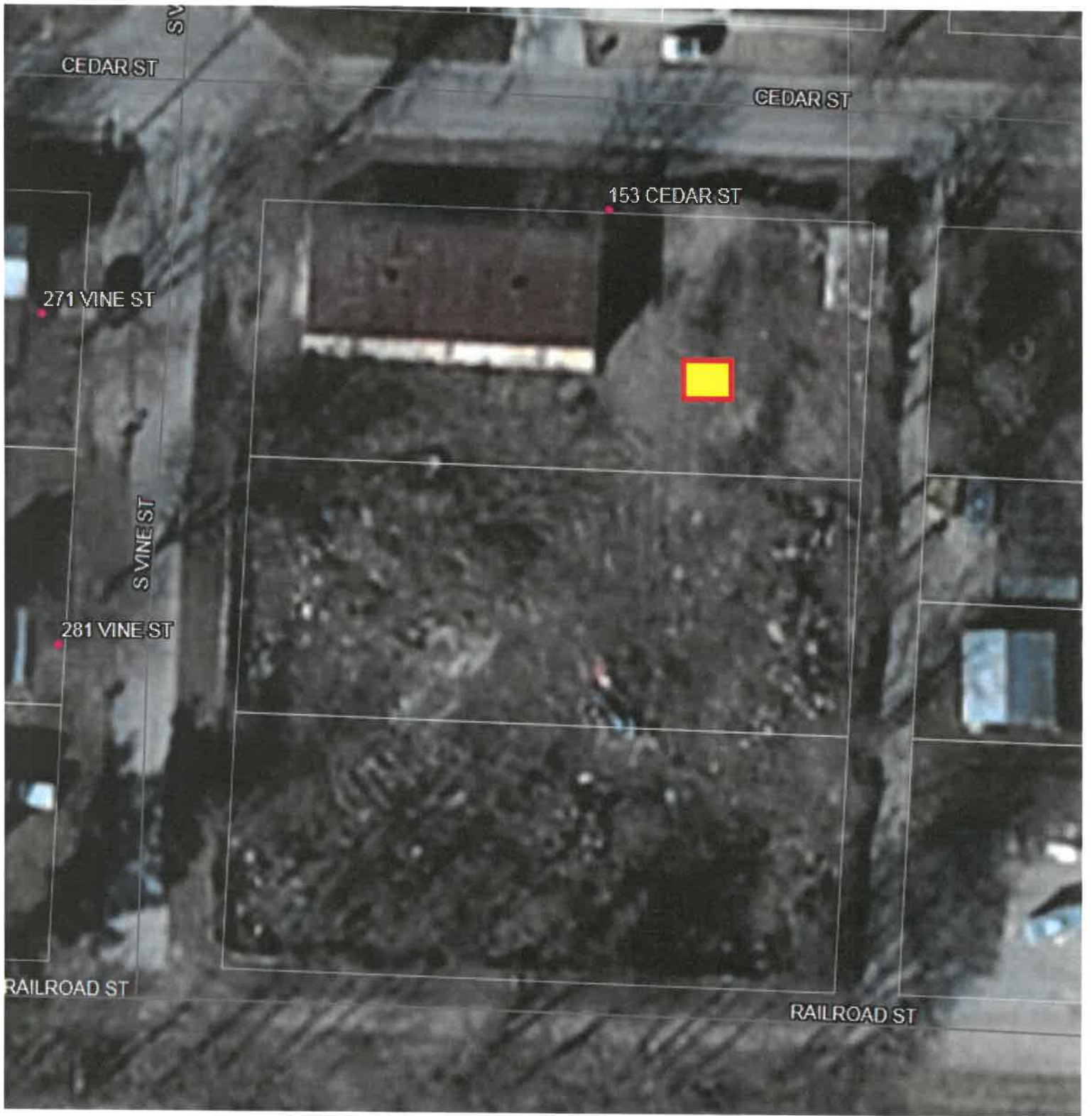
reason's

- a) yes
- b) yes
- c) No
- d) No
- e) No
- f) No
- g) No
- h) No
- i) No
- j) Yes
- k) Yes



+
-

POWERED BY
esri



[Handwritten signature]



DESCRIPTION APPROVED
WILLIAM C LOZIER
LICKING COUNTY ENGINEER
APPROVED BY
W.C. Lozier 1-8-16



201601080000421
Pgs: 1 \$28.00 T2016000498
01/08/2016 1:22PM BXHAYES TITLE
Bryan A. Long
Licking County Recorder

TRANSFERRED
Date *January 8, 2016*
Michael L. Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: *SEM # 180.00*

GENERAL WARRANTY DEED

Southwest Licking Local Schools, by Debra Moore, Board President and Richard D. Jones, Treasurer, for valuable consideration paid, grants with general warranty covenants to **IMW Commercial, LLC, an Ohio Limited Liability Company,** whose tax mailing address is PO Box 244, Pataskala, OH 43062, the following real property:

Situated in the City of Pataskala, County of Licking, State of Ohio:

Parcel I: Being in Lot Number Eighty-six (86) in John W. Joseph's Addition to the town of Conine, now called Pataskala, for a more particular description of said lot see the record of said plat of said addition as recorded in Newark, Ohio in record of plats in the recorder's office, reference being further made to Volume 452, page 583, Licking County Recorder's Office, being the same premises conveyed by Burr Harris to Josephine G. and Edgar S. Hull by deed dated September 15, 1953. Recorded in Plat Records 1, Page 112, Licking County Recorder's Office.
2 26

Parcel II: Being in Lots numbered Eighty-two (82) and Eighty-three (83) in Joseph's Additions to the Village as designated and described upon the plat of said addition in the Recorder's Office of Licking County, Ohio. Reference is made to Volume 421, page 264, Recorder's Office, Licking County, Ohio, wherein the premises were conveyed from Thomas W. Lowe, et al., to Edgar S. and Josephine G. Hull by deed dated June 21, 1950. Recorded in Plat Records 1, Page 112, Licking County Recorder's Office.
2 26

Prior Deed Reference: Instrument Number 201109270018010, Licking County Recorder's Office, Licking County, Ohio.

Also known as: *153 Cedar Street, Pataskala, Ohio 43062*

Auditor's Parcel#064-307926-00.000 and 064-309972-00.000

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.

Executed this 7th day of January, 2016.

BY: *[Signature]*
Debra Moore, Board President
Southwest Licking Local Schools

BY: *[Signature]*
Richard D. Jones, Treasurer
Southwest Licking Local Schools

State of Ohio

County of Licking SS:

The foregoing instrument was acknowledged before me this 7th day of January, 2016 by Debra Moore and Richard D. Jones.



Laurie Wells, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C. NOTARY

Prepared by:
Laurie Wells, Esq.
Hayes Law Offices
195 E. Broad St., Pataskala, OH 43062
740.927.2927



01150583602277007000



01150583602277002000



01150583602277003000

OnTrac[®] Summary Information For The 2016 Tax Year

Parcel Number: 064-307926-00.000

Owner: IMW COMMERCIAL LLC

Address: 153 CEDAR ST PATASKALA 43062

Tax District: 064 PATASKALA SW-LK LSD-WLJFD

2016 Rates: 62.92000 (Full) / 56.43242 (Effective)

Land Use: 499 Other commercial structures

Class: Commercial

Legal Description: LOT 86 JOSEPHS ADDITION

Mailing Address: IMW COMMERCIAL LLC

PO BOX 244

PATASKALA OH 43062

Market Land Value: \$

Market Improvement Value: \$

Total Market Value: \$

Sale Date: 1/8/2016

Sale Amount: \$60,000.00

Deed Type: WD - WARRANTY

Conveyance Number: 53

Valid Sale: No

Foreclosure: No

Homestead/Disability: No

Owner Occupied Reduction: No

On Contract: No

Tax Lien Sold: No

327 HIGH STREET WEST LTD,
4234 WATKINS RD
PATASKALA, OH 43062

BALTIMORE & OHIO R R,
47849 PAPERMILL RD
COSHOCOTON, OH 43812

COLEGROVE, SHELA M
PO BOX 1174
PATASKALA, OH 43062

DALTON, JENNIFER
134 GRANVILLE ST
PATASKALA, OH 43062

EBNER, RYAN JUSTIN GILMORE
291 S HIGH ST
PATASKALA, OH 43062

FOX, MARY E
124 GRANVILLE ST
PATASKALA, OH 43062

HURLBURT, DORA E
281 S VINE ST
PATASKALA, OH 43062

MORGAN, JERRY L
111 MANSFIELD AVE
MOUNT VERNON, OH 43050

SMITH, RICHARD D
230 VINE ST
PATASKALA, OH 43062

VILLAGE OF PATASKALA,
621 W BROAD ST STE 2B
PATASKALA, OH 43062

ALLEN TR, BARBARA
12968 NATIONAL RD SW
PATASKALA, OH 43062

BIRR, JEFFREY F
36 BRUNSON AVE
COLUMBUS, OH 43203

CONAWAY, RANDALL-TR
PO BOX 888
PATASKALA, OH 43062

DELMINDO, ARLIANNA R
157 CEDAR ST
PATASKALA, OH 43062

FEENEY, KYLIE E
116 GRANVILLE ST
PATASKALA, OH 43062

GUARD, ZACHARY
238 VINE ST
PATASKALA, OH 43062

IMW COMMERCIAL L L C,
PO BOX 244
PATASKALA, OH 43062

REEVES, STEFANI JO-TR
271 S HIGH ST
PATASKALA, OH 43062

SMITH, STEVEN C
271 S VINE ST
PATASKALA, OH 43062

WARREN & KAUBER FUNERAL HOMES
INC,
289 S MAIN ST
PATASKALA, OH 43062

BAISDEN, JASON A
155 CEDAR ST
PATASKALA, OH 43062

CHINDAUONG, LEATHA RAE
255 S VINE ST
PATASKALA, OH 43062

COX, SPENCER C
285 S HIGH ST
PATASKALA, OH 43062

DORSEY, R GENE
4381 OUTVILLE RD
GRANVILLE, OH 43023

FOUTCH, GARY ROBERT
3590 GALE RD
GRANVILLE, OH 43023

HADDOX, HAROLD A
PO BOX 843
PATASKALA, OH 43062

MOORE, ANDREA L
218 SPRING ST
PATASKALA, OH 43062

ROACH, ROBERT L
6417 YORK RD
PATASKALA, OH 43062

TONEY, MICHAEL A
108 CEDAR ST
PATASKALA, OH 43062

WATKINS WILLIAMS, KRISTINA MAY
4003 KUTZTOWN RD
TEMPLE, PA 19560

WITHROW, COLBERT J
PO BOX 541
PATASKALA, OH 43062

VA-17-024

192