



CITY OF PATASKALA BOARD OF ZONING APPEALS

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

STAFF REPORT

May 13, 2019

Variance Application VA-19-013

Applicant:	Erin Detty
Owner:	Kim DeVone
Location:	6393 Summit Rd Pataskala, OH 43062
Acreage:	+/- 0.17 acres
Zoning:	R-87 – Medium-Low Density Residential
Request:	Requesting approval of a variance from Section 1279.03(A)(1) of the Pataskala Code to allow for a fence exceeding 48 inches in height to be erected in front of the building setback line.

Description of the Request:

The applicant is seeking a variance to allow for a fence that exceeds the 48-inch height limit to be erected in front of the building setback line.

Staff Summary:

The 0.17-acre property at 6393 Summit Rd SW is currently occupied by a 1,420-square foot single-family home built in 1960. It sits on three public rights-of-way, the front (west) is on Summit Rd SW, and the north and rear (east) have frontage on unnamed alleys.

Section 1279.03(A)(1) of the Pataskala Code states: "A fence or wall not exceeding 48-inches in height may be erected between the building setback line and a line three (3) feet toward the building setback line from the street right-of-way line". As the property has multiple frontages along public rights-of-way, Pursuant to Section 1211.05(C)(4), the building lines for all street frontages shall be the same required for the front yard. In the R-87 District, the front yard setback is 75-feet (1229.05(C)(1)). Applying these regulations to the property, any fence erected between a line 75-feet from the property line up and up to 3-feet off the street right-of-way line must be 48-inches (4-feet) in height.

The Applicant is requesting a variance to allow for a permit to be issued for a 6-foot (72-inches) privacy fence along the North and East (rear) of the property that will fail to meet the required maximum height for fences in front of the building setback line. The portion of the fence along the South property line does not require a variance for the height. The North fence line follows the side wall of the house, approximately 13.5-feet from the property line, 53-feet to the East where it notches, and continues South for approximately 40-feet before connecting to the South fence line and coming back to the home. The East fence line is approximately 8.5-feet from the property line.

The Applicant had constructed the fence without obtaining a permit, which was discovered after the Applicant contacted Planning and Zoning Staff about a driveway permit. According to the submitted Narrative Statement, the Applicant hired a contractor to install the fence, who stated that they would obtain all necessary permits before performing the work. However, the contractor failed to do so. Further stated, The Applicant would like to have a 6-foot fence to ensure the safety and privacy of their child and dogs.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

Staff would like to note that the lot itself is only approximately 150-feet long, and 50-feet wide. With the current zoning district, the only location a 6-foot fence could be located without requesting a variance, is on the South property line.

The Applicant notched the Northeast corner of the fence, and Staff believes it will not cause sight visibility problems at the alley. Staff has not identified any other concerns with the proposal.

City Engineer

1. The applicant shall ensure that all existing drainage is not impeded due to the installation of the fence.

Public Service Department

1. The fence shall not block the flow of storm water.

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	R-87 – Medium-Low Density Residential	Single-Family Home
East	R-87 – Medium-Low Density Residential	Single-Family Home
South	R-87 – Medium-Low 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-19-013:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – See attached
- City Engineer – See attached
- SWLCWSD – 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 conditions may be considered:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within one (1) year of the date of approval.
2. The Applicant shall that all existing drainage is not impeded due to the installation of the fence.

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) of the Pataskala Code for variance application VA-19-013 ("with the following supplementary conditions" if conditions are to be placed on the approval)."

From: [Alan Haines](#)
To: [Jack Kuntzman](#)
Cc: [Scott Fulton](#); [Lisa Paxton](#); [Scott Haines](#)
Subject: May 13 BZA - PSD Comments
Date: Friday, April 26, 2019 4:29:29 PM

Jack,

My comments for the May 13 BZA hearing are as follows:

1. VA-19-010
 - a. No comment
2. VA-19-011
 - a. Coordinate with Public Service Director
 - i. To address how deliveries will be made to the site.
 - ii. For any driveway/parking lot/stormwater improvements.
3. VA-19-012
 - a. Fence shall not block flow storm water.
4. VA-19-013
 - a. Fence shall not block flow storm water.

Let me know if questions.

Regards,

Alan W. Haines, P.E.
Public Service Director
City of Pataskala

621 W. Broad Street
Suite 2B
Pataskala, Ohio 43062

Office: 740-927-0145
Cell: 614-746-5365
Fax: 740-927-0228

From: [Scott Haines](#)
To: [Jack Kuntzman](#)
Cc: [Jim Roberts](#); [Alan Haines](#); [Scott Fulton](#); [Lisa Paxton](#)
Subject: May BZA Review
Date: Friday, April 26, 2019 9:23:02 AM

Jack

Hull and Associates has reviewed the agenda items for the May 13, 2019 BZA Meeting. I have been in contact with the Public Service Director and we offer the following comments:

VA-19-010

1. We have no engineering related comments on this application

VA-19-011

1. We have no engineering related comments on this application

VA-19-012

1. Portions of the fence will be installed within an existing drainage easement. The applicant shall ensure that all existing and future drainage is not impeded due to the installation of the fence.

VA-19-013

1. The applicant shall ensure that all existing drainage is not impeded due to the installation of the fence.

Let me know if you have any questions.

Scott R. Haines, P.E., CPESC

Project Manager

HULL | Newark, Ohio

Environment / Energy / Infrastructure

o: 740-344-5451 | f: 740-344-8659

Follow Hull on [Facebook](#) & [LinkedIn](#)
[web](#) | [directions to offices](#)



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A

Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address:	6393 Summit Rd SW
Parcel Number:	063-150312-00.000
Zoning:	R-87
Acres:	0.17
Water Supply:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	
Wastewater Treatment:	
<input type="checkbox"/> City of Pataskala	<input checked="" type="checkbox"/> South West Licking
<input type="checkbox"/> On Site	

Staff Use
Application Number:
VA-19-10
Fee:
\$ 300
Filing Date:
4-12-19
Hearing Date:
5-13-19
Receipt Number:
499695

Applicant Information		
Name: Erin Ditty		
Address: 6393 Summit Rd SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-302-2427	Email: erinmichelle2@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"/> Area Map

Property Owner Information		
Name: Kim DeLore		
Address: 6393 Summit Rd SW		
City: Pataskala	State: OH	Zip: 43062
Phone: 614-266-8066	Email: Sara.erin@sbcglobal.net	

Variance Information	
Request (Include Section of Code):	1279.03(A)(1)
Describe the Project:	
6ft wood fence in 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.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of 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 from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

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 (Required):

Jim Dettig

Date:

3/28/19

Property Owner (Required):

Jim Dettig

Date:

3/29/19

To whom it may concern,

I am requesting a variance for a 6 ft privacy wood fence. I have a small child and dogs that play in the yard and a 6 ft fence would insure their safety. I did hire a contractor, BNH Contracting LLC, who stated they took care of the permits for the fence, and I have now found out that they did not even attempt to get any legal permits for the work I had hired and paid them to do.

Erin Detty

Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

Taxes Due July 17th

- BOR CAUV Dog License Downloads Forms GIS Homestead Taxes Other

Map
BOR
Card
CAUV
Documents
Land
Map
Parcel
Pictometry
Sketch
Street View
Structures
Taxes
Transfers
Values
Help
Login

Search by:
Address:
Search for:

Trouble Searching?

063-150312-00,000
DEVORE KIMBERLY J &
HOMAN TIMOTHY A
6393 SUMMIT RD
PATASKALA, OH 43062

Acre: 0.17
LOT 3 BESSE'S ADD

Land: \$16,300
Improv: \$75,400
Total: \$91,700

Sale Date: 03/15/2018
Amount: \$130,000
Conveyance: 599
Valid Sale: Yes

Homestead: No
Owner Occ: Yes
Foreclosure: No
Certified Delq: No
On Contract: No

DESCRIPTION APPROVED
JARED N. KNERR
LICKING COUNTY ENGINEER
APPROVED BY
JC 3-15-18



201803150004946
Fgs:2 \$28.00 T20180003651
3/15/2018 8:45 AM ME:PAXXIS TTTT.
Bryan A. Long Licking County Recorder

TRANSFERRED
Date MARCH 15, 2018
Murd Smith
Licking County Auditor
SEC. 319.202 COMPLIED WITH
MICHAEL L. SMITH, AUDITOR
BY: [Signature] \$210.00

Axxis Title Agency, LTD
73 Mill Street, Ste. C
Gahanna, OH 43230

GENERAL WARRANTY DEED

WBH COLUMBUS LLC, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants with general warranty covenants to **KIMBERLY J. DEVORE and TIMOTHY A. HOMAN**, wife and husband, whose tax mailing addresses are PO Box 701 Summit OH 43060, all of its right, title and interest in and to the following real property located in the State of Ohio, County of Licking, City of Pataskala (the "Premises"):

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

Being Lot Number Three (3), in said Village of Summit Station, according to the plat of BESSE'S ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 149, Recorder's Office, Licking County, Ohio.

Property Address: 6393 Summit Road SW, Pataskala, OH 43062 AKA 6393 Summit Road, Summit Station, Ohio 43073

Parcel Number: 063-150312-00.000

Prior Instrument Number: 201710300023493

Subject, however, to all taxes and assessments not yet due and payable, and to all encumbrances, easements, conditions and restrictions of record.

TO HAVE AND TO HOLD, the Premises, together with all privileges and appurtenances thereunto belonging to the Grantees, their successors and assigns forever.

(Continued on following page)



01150554503149003000

Michael L. Smith, Auditor
Olivia C. Parkinson, Treasurer

- Map
- BOR
- Card
- CAUV
- Documents
- Land
- Map
- Parcel
- Pictometry
- Sketch
- Street View
- Structures
- Taxes
- Transfers
- Values
- Help
- Login

Taxes Due July 17th

BOR CAUV Dog License Downloads Forms GIS Homestead



Search by: Owner
Search for: []
Trouble Searching?



063-150312-00-000
DEVORE KIMBERLY J &
HOMAN TIMOTHY A
6393 SUMMIT RD
PATASKALA, OH 43062
Acres: 0.17
LOT 3 BESSE'S ADD

Land: \$16,300
Improv: \$75,400
Total: \$91,700

Sale Date: 03/15/2018
Amount: \$130,000
Conveyance: 599
Valid Sale: Yes

Homestead: No
Owner Occ: Yes
Foreclosure: No
Certified Delq: No
On Contract: No
Bankruptcy: No
Tax Lien: No

For questions or suggestions regarding OnTrac, contact the Licking County Auditor's Office by clicking here. By accessing or using this web site, you agree to be bound by these Terms and Conditions.
Using a low screen resolution? Try our Mobile Version.