

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Monday, August 12, 2019

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Monday, August 12, 2019.

Present were:

Robert Platte, Chairperson
Alan Howe, Vice Chairperson
Brandon Galik
TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Jack Kuntzman, City Planner
Lisa Paxton, Zoning Clerk

Mr. Platte opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Robert Platte, Alan Howe, Brandon Galik and TJ Rhodeback. Mr. Ashcraft was not present.

First on the Agenda, Variance Application VA-19-002.

Mr. Platte noted the Applicant has requested to table Variance Application VA-19-002. Mr. Platte further stated reviewing the Applicant's tabling request with the City's Law Director, and it was recommended to table the application.

Ms. Klema noted the Applicant's continuation request, as they are looking at alternative legal options. It was further stated proper notice will be given to Staff if they decide to move forward.

Mr. Platte agreed with Ms. Klema and noted the issues when notifying neighbors regarding tabling of an application. Mr. Platte stated the Board has expressed concerns with the application being tabled for so long, but wants to afford the rights of everyone involved.

A discussion was had regarding testimony.

Mr. Platte stated the application would remain tabled until the Applicant is ready to proceed, and proper neighbor notification will be given.

Mr. Platte asked Ms. Klema if the application is requested to come back before the Board, they will go forward with the hearing.

Ms. Klema answered in the affirmative.

Mr. Howe indicated he would like to see a date and not be open-ended.

Ms. Klema indicated until the end of this year.

Mr. Platte asked Ms. Klema to give the Board some assurance that if it is not requested to be brought back before the Board by the end of this year, she would commit to withdrawing the application.

Ms. Klema stated in the affirmative by either withdrawing it or having it heard.

Mr. Platte noted the Application will remain tabled until such time that the Applicant commits to proceeding with or withdrawing the application by the end of this year.

Next on the Agenda, Conditional Use Application CU-19-004, 370 East Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for the property to be used as a dentist's office as the proposed use is a Conditional Use in the GB-General Business District. Department and Agency comments were noted.

Chad Lewis, 272 Rutherford Avenue, Delaware, Ohio, was placed under oath.

Mr. Lewis stated the backflow prevention device has been addressed.

Findings of Fact were reviewed.

Mr. Howe made a motion to approve a conditional use pursuant to Section 1249.04(19) of the Pataskala Code for application CU-19-004 with the following supplementary conditions:

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 address all comments from the Pataskala Utilities Department.

Seconded by Ms. Rhodeback. Mr. Galik, Mr. Platte, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Conditional Use Application CU-19-004

Yes No

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| ✓ | 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application. |
| ✓ | 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code. |
| ✓ | 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. |

- ✓ 4. Will not be hazardous or disturbing to existing or future neighboring uses.
- ✓ 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment
- ✓ 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- ✓ 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare,
- ✓ 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
- ✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Ms. Rhodeback made a motion to approve Findings of Facts for CU-19-004. Seconded by Mr. Galik. Ms. Rhodeback, Mr. Platte, Mr. Galik and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, approval of the July 8, 2019 regular meeting minutes.

Mr. Howe made a motion to approve the minutes from the July 8, 2019 regular meeting minutes. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Rhodeback and Mr. Platte voted yes. Mr. Galik abstained. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Ms. Rhodeback made a motion to adjourn the meeting. Seconded by Mr. Howe. Mr. Howe, Mr. Galik, Ms. Rhodeback and Mr. Platte voted yes. The meeting was adjourned at 6:56 p.m.

Minutes of the August 12, 2019 meeting were approved on

_____, 2019.
