

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

Tuesday, February 11, 2020

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, February 11, 2020.

Present were:

Alan Howe, Chairman

Brandon Galik, Vice Chairman

Joshua Butler

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

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

Roll call was made. Present were Brandon Galik, Alan Howe, TJ Rhodeback and Joshua Butler.

First on the Agenda, Variance Application VA-20-001, 353 Woodside Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting four variances: Section 1221.05(D)(1) to allow for an accessory structure to be located in the front yard setback; Section 1221.05(D)(4) for an accessory structure to be located on a lot without a principal structure; Section 1229.05(C)(2), for a future principal structure to have reduced side yard setbacks; Section 1291.02(A)(4) to allow for the construction of a gravel driveway within a platted subdivision. Mr. Kuntzman noted the property as being narrow and deep, with a significant flood plain drop off directly behind where the previous structure was located. An overview of the site plan and proposed structures were reviewed. Departmental and agency comments were noted.

Mr. Howe inquired as to potential easements.

Mr. Fulton noted Staff will review Plat and address any concerns.

Flood plain and flood insurance were discussed.

A discussion was had regarding neighboring setbacks.

Rob Platte, 371 Woodside Drive, was placed under oath.

Mr. Platte provided a PowerPoint presentation, noting layout of the property and existing conditions. Accessory building and future principal structure were reviewed. Multiple-year approval was noted. A letter of support was also noted.

Mr. Howe indicated concerns regarding multiple-year approval.

A discussion was had regarding timeframe of construction.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve variances from Section 1221.05(D)(1), Section 1221.05(D)(4), Section 1229.05(C)(2) and Section 1291.02(A)(4) of the Pataskala Code for Variance Application VA-20-001 with the following 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 Planning and Zoning Staff and the City Engineer.

Seconded by Mr. Butler. Mr. Howe, Mr. Butler and Mr. Galik voted yes. Ms. Rhodeback voted no. The motion was approved.

Next on the Agenda, Conditional Use Application CU-20-001, 40 Cypress Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is seeking a Conditional Use for a landscaping service and a boat and RV storage facility located at 40 Cypress Street. It was noted six full-time employees and six part-time employees. Services that will be provided include landscaping and snowplowing. Hours of operation were noted as 7:00 a.m. to 5:00 p.m. The RV and boat storage are proposed to be open 24 hours a day, seven days a week.

Mr. Butler inquired as to fencing and screening.

Mr. Kuntzman noted the intent is to keep the landscaping material from being higher than the fencing.

Ms. Rhodeback inquired as to the number of spaces for RV/boat storage.

Mr. Fulton indicated the Board may limit the number of spaces.

A discussion was had regarding the number of parking spaces for RV/boat storage.

Erik High, 148 Tanglewood Lane, Reynoldsburg, was placed under oath.

Mr. High noted parking spaces as 11 x 40 and needing 75 spaces.

Mr. Butler inquired as to Mr. High's current business location.

Mr. High gave an overview of his current business location and needing to move to a new location by May 1st.

Ms. Rhodeback inquired as to placing a limit on the number of RVs being stored.

Mr. High stated not wanting to limit the number of RVs but will keep the area neat.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve a Conditional Use, pursuant to Section 1251.04(10) and Section 1251.04(4) of the Pataskala Code, for application CU-20-001 with the following 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. Any outdoor storage of landscaping materials including, but not limited to; mulch, gravel, stone, brick and dirt shall be appropriately screened from public rights-of-way and adjacent properties.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-20-001

<u>Yes</u>	<u>No</u>	
✓		a) <i>Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;</i>
✓		b) <i>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;</i>
✓		c) <i>Whether the variance requested is substantial;</i>
✓		d) <i>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;</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 government 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>

Mr. Butler made a motion to approve Findings of Facts for VA-20-001. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Butler, Mr. Galik and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-20-001

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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-20-001. Seconded by Mr. Galik. Mr. Howe, Mr. Butler, Mr. Galik and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, approval of the January 14, 2020 Organizational Meeting Minutes.

Ms. Rhodeback made a motion to approve the minutes from the January 14, 2020 organizational meeting minutes. Seconded by Mr. Galik. Ms. Rhodeback, Mr. Howe, Mr. Butler and Mr. Galik voted yes. The motion was approved.

Next on the Agenda, approval of the January 14, 2020 Regular Meeting Minutes.

Mr. Butler made a motion to approve the minutes from the January 14, 2020 regular meeting minutes. Seconded by Ms. Rhodeback. Mr. Galik, Ms. Rhodeback, Mr. Butler and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was given.

Mr. Galik made a motion to adjourn the meeting. Seconded by Mr. Howe. Mr. Galik, Mr. Butler, Ms. Rhodeback and Mr. Howe voted yes. The meeting was adjourned at 7:31 p.m.

Minutes of the February 11, 2020 regular meeting were approved on

_____, 2020.
