

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

**Tuesday, June 9, 2020**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 9, 2020.

Present were:

Alan Howe, Chairman

Joshua Butler

William Cook

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

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

Present were: Alan Howe, Joshua Butler, William Cook and TJ Rhodeback.

**First on the Agenda, Variance Application VA-20-006, 93 Harrison Street.**

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for a fence exceeding 48-inches in height to be erected in front of the building setback line. The property has three frontages: Harrison Street, an alley along the east property line, and an alley to the south. The Applicant stated the fence request is for the protection of their children and dogs. It was noted the Applicant received an approved variance in 2019 for the same fence request; however, the Applicant did not obtain the necessary permits within the one-year requirement and the variance has since expired.

Rebecca Hannah, 93 Harrison Street, was placed under oath.

Ms. Hannah noted the previous variance approval and unable to erect the fence during the one-year requirement. A temporary garden fence and plans for chickens and beekeeping were noted.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1279.03(A)(1) of the Pataskala Code for Variance Application VA-20-006, with the following supplementary condition:

1. The Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.

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

***Next on the Agenda, Variance Application VA-20-007, 355 West Broad Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for six variances from Sections 1259.09(b)(2)(C), 1259.09(b)(4)(C), 1259.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), 1259.10(b)(7)(B)(5), 1259.10(b)(7)(B)(6) for a ground sign with an Electronic Message Center sign. It was noted the YMCA's currently undergoing renovations to their facility and are proposing a new ground sign to be replace the existing ground sign. A review of the proposed sign was noted. Departmental and Agency comments were noted.

Roger Kessler, 170 Pinehurst Drive, Granville and Ed Bohren, 355 West Broad Street, Pataskala were placed under oath.

Mr. Kessler noted changes to the original variance requests, including reduction of square footage and height of proposed sign.

Mr. Bohren noted COTC and Licking County Aging Program will be listed on the sign, and the electronic sign will be used for community messages and activities.

Mr. Kessler stated they will comply with the three-minute hold time and will have no flashing or scrolling.

Mr. Bohren indicated there will be no distracting messages.

A review of the six variances were discussed.

Pamela Parkinson, 204 South Township Road, was placed under oath.

Ms. Parkinson inquired as to how much wording would be on the electronic sign; reading the sign while driving was a safety concern.

A discussion was had regarding messages on the electronic sign.

Mr. Howe noted his concerns and would like exact revisions to be submitted.

Mr. Butler made a motion to table Variance Application VA-20-007 to the August 11, 2020 meeting. Seconded by Mr. Cook. Mr. Cook, Mr. Howe, Mr. Butler and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-20-008, 157 Cedar Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a variance from Section 1279.03(A)(1) to allow for the construction of a fence, exceeding 48 inches, in the front yard setback. It was noted the property is adjacent to three public rights-of-way; Cedar Street to the north, Spring Street to the west, and Railroad Street to the south. The Applicant stated their request for the variance was for increased privacy and enjoyment of yard. Departmental and agency comments were noted.

Arianna Pringle, 157 Cedar Street, was placed under oath.

Ms. Pringle noted a 6' fence has been installed on the east side of the property.

Findings of Fact were reviewed.

Mr. Butler made a motion to approve a variance from Section 1279.03(A)(1) of the Pataskala Code for Variance Application VA-20-008, with the following supplementary condition:

1. The Applicant shall obtain all necessary permits from the City of Pataskala within one year of the date of approval.

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

***Next on the Agenda, Conditional Use Application CU-20-005, 299 West Broad Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use to allow the property to be used as an automotive repair shop. Mr. Kuntzman gave an overview of the history of the property, noting a Conditional Use in 2014 for a automotive repair shop with conditions and standards that needed to be met. The occupant at the time did not follow through with the conditions and the use was revoked and an attempt to reinstate was denied. In 2016 Fellowship Auto received a Conditional Use with conditions, and a couple of those conditions remained unmet, and are included in conditions. Mr. Kuntzman also noted to include a possible condition that all vehicles must be parked in designated parking spaces. Department and Agency comments were noted.

Mr. Howe asked if this is the third owner of the property.

Mr. Kuntzman noted the first two Conditional Use occupants were leasing the property. The Applicant owns the property.

John Parsons, 299 West Broad Street, was placed under oath.

Mr. Howe asked the Applicant if he was aware of the Conditional Use requirement.

Mr. Parsons stated he was unaware and having a miscommunication with Staff.

Mr. Howe asked if there were any concerns with the conditions presented.

Mr. Parsons indicated there were no concerns.

Mr. Howe noted the property having previous issues.

Mr. Parsons indicated he has been doing work on the property and it is looking a lot better.

A discussion was had regarding vehicle parking.

Mr. Howe asked if there were a time limit on how long a vehicle can stay on the property.

Mr. Kuntzman indicated enforcement would be difficult; however, property appearance would fall under 1215.05, Specific Criteria for Conditional Uses.

A discussion was had regarding property maintenance.

Mr. Kuntzman read from Conditionally Permitted Uses in the General Business District, Section 1249.04(5), "Motor vehicle garage for the repair and servicing of vehicles, provided all operations are conducted within a fully enclosed building and there is no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises."

Findings of Fact were reviewed.

Mr. Cook made a motion to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-20-005 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. L2 Landscaping shall be installed along the front of the property adjacent to Broad Street.
3. The fence along the east property line shall be repaired and maintained per the requirements of the code.
4. The dumpster shall be enclosed per the requirements of the Pataskala Code.
5. L2 landscaping shall be required along the western property line abutting 325 Broad Street.
6. All vehicles on property to be parked in designated spots.

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

***Next on the Agenda, Findings of Fact.***

***Variance Application VA-20-006***

- | <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</i>                                                                                                                                                              |

- 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.*

Mr. Howe made a motion to approve Findings of Fact for Variance Application VA-20-006. Seconded by Mr. Butler. Mr. Howe, Mr. Cook, Ms. Rhodeback and Mr. Butler voted yes. The motion was approved.

#### **Variance Application VA-20-008**

- | <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. Howe made a motion to approve Findings of Fact for Variance Application VA-20-008. Seconded by Mr. Cook. Mr. Cook, Ms. Rhodeback, Mr. Butler and Mr. Howe voted yes. The motion was approved.

#### **Conditional Use Application CU-20-005**

**Yes No**

- ✓ 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.

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

***Next on the Agenda, excuse of absence of William Cook from the May 12, 2020 hearing.***

Ms. Rhodeback made a motion to approve the absence of William Cook from the May 12, 2020 meeting. Seconded by Mr. Howe. Mr. Butler, Ms. Rhodeback, Mr. Cook and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, approval of the May 12, 2020 Regular Meeting Minutes.***

Mr. Cook made a motion to approve the minutes from the May 12, 2020 regular meeting minutes. Seconded by Mr. Butler. Mr. Howe, Mr. Cook, Mr. Butler and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, Other Business.***

Mr. Howe noted the Board not having a Vice Chairperson and opened the floor for nominations and making a motion to nominate Mr. Butler. Seconded by Ms. Rhodeback. Mr. Butler, Ms. Rhodeback, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Butler. Mr. Cook, Mr. Butler and Mr. Howe and Ms. Rhodeback voted yes. The meeting was adjourned at 7:52 p.m.

Minutes of the June 14, 2020 regular meeting were approved on

\_\_\_\_\_, 2020.

\_\_\_\_\_