

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

**Tuesday, October 13, 2020**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, October 13, 2020.

Present were:

Alan Howe, Chairman

Joshua Butler, Vice Chairman

Christine Lawyer

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.

Present were: Joshua Butler, Christine Lawyer, Alan Howe and TJ Rhodeback. William Cook was not present.

**First on the Agenda, Variance Application VA-20-016, 28-34 Klema Drive.**

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a variance from Section 1251.05(C)(1) of the Pataskala Code to permit an existing structure to encroach into the required 50-foot front yard setback of the M-1 District by 1' 2". It was noted the original building was constructed in 2006. The property sold in 2010. A second building was constructed in 2018 and a survey was prepared at their bank's request. The survey noted the original building was constructed approximately 14-inches into the required 50-foot front yard setback. The Applicant stated in their Narrative Statement the purpose of this variance is to comply with the bank's requirement that all buildings on the property be code compliant. Area maps were reviewed. Staff and Departmental comments were noted.

The Applicant had no comments.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1251.05(c)(1) of the Pataskala Code for Variance Application VA-20-016. Seconded by Mr. Butler. Ms. Lawyer, Ms. Rhodeback, Mr. Butler and Mr. Howe voted yes. The motion was approved.

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

***Variance Application VA-20-016:***

- | <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-20-016. Seconded by Mr. Butler. Ms. Lawyer, Ms. Rhodeback, Mr. Butler and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Excuse of Absence from the September 9, 2020 Regular Meeting.***

Mr. Howe made a motion to excuse the absence of Joshua Butler from the September 9, 2020 regular meeting. Seconded by Ms. Lawyer. Ms. Rhodeback, Ms. Lawyer, Mr. Butler and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, approval of the September 9, 2020 Regular Meeting Minutes.***

Ms. Lawyer made a motion to approve the minutes from the September 9, 2020 regular meeting minutes. Seconded by Ms. Rhodeback. Ms. Lawyer, Ms. Rhodeback, Mr. Howe and Mr. Butler voted yes. The motion was approved.

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

It was noted Mr. Butler submitted his resignation letter as he will be moving from Pataskala.

Mr. Butler made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Butler, Mr. Howe, Ms. Lawyer, and Ms. Rhodeback voted yes. The meeting was adjourned at 6:41 p.m.

Minutes of the October 13, 2020 regular meeting were approved on

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

\_\_\_\_\_