

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

**Tuesday, March 9, 2021**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, March 9, 2021.

Present were:

Alan Howe, Chairman

William Cook

Jenna Kennedy, Vice Chairwoman

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: Alan Howe, William Cook, Jenna Kennedy, Christine Lawyer. TJ Rhodeback arrived after roll call.

***First on the Agenda, Variance Application VA-21-013, 7409 Mink Street, 0 Mink Street (PID 063-140508-00.000), 0 Mink Street (PID 063-140724-00.000) and 0 Etna Parkway (PID 064-152898-00.001).***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request to allow for the creation of a lot that fails to meet the minimum lot width. The project site is comprised of four properties totaling 179 acres. A proposed access road, which could be public or private, would run along the northern portion of the site connecting Mink Street and Etna Parkway. The connection to Etna Parkway crosses the property owned by AEP; negotiations are ongoing to acquire property along Etna Parkway, however, it does not appear likely that AEP is willing to sell the required 500 feet due to their future plans for the property. Therefore, the Applicant is requesting the variance to reduce the lot width requirement from 500 feet to 100 feet. It was noted the connection to Etna Parkway is imperative for a project of this type as it directs heavy truck traffic to Etna Parkway. Should the access road be dedicated as public, the 100 feet will allow adequate room for the road, sidewalks and right-of-way. Site plans were reviewed. Departmental and Agency comments were noted.

Amanda Spencer, 59 Grant Street, Newark, was placed under oath.

Ms. Spencer noted discussions and working with AEP regarding access.

A discussion was had regarding setbacks.

Findings of Facts were reviewed.

Ms. Lawyer made a motion to approve a variance from Section 1253.05(B) of the Pataskala Code for Variance Application VA-21-013. Seconded by Mr. Cook. Mr. Howe, Ms. Kennedy, Ms. Lawyer, Mr. Cook and Ms. Rhodeback voted yes. The motion was approved.

***Variance Application VA-21-014, 7409 Mink Street, 0 Mink Street (PID 063-140508-00.000), 0 Mink Street (PID 063-140724-00.000) and 0 Etna Parkway (PID 064-152898-00.001).***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request of an approval to allow for a trash receptacle without screening. The Applicant is proposing to install trash compactors on the south side of Building A and the east side of Building B; the Code requires trash storage containers to be located behind buildings and screened on four sides. While the trash compactors will be located behind the respective buildings, the Applicant is proposing no screening due to the size and space needed to do so. The Applicant states that the trash compactors are larger than a standard dumpster and the screening would reduce the number of available truck bays. The Applicant has agreed to place the dumpsters on the side of the buildings that faces away from the public right-of-way. Site plans were reviewed. Departmental and Agency comments were noted.

A discussion was had regarding the current structures.

There were no further comments.

Findings of Facts were reviewed.

Mr. Cook made a motion to approve a variance from Section 1259.05(D) of the Pataskala Code for Variance Application VA-21-014 with the following conditions:

1. The trash compactors shall be located on the south side of Building A and the east side of Building B.

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

***Variance Application VA-21-015, 7409 Mink Street, 0 Mink Street (PID 063-140508-00.000), 0 Mink Street (PID 063-140724-00.000) and 0 Etna Parkway (PID 064-152898-00.001).***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request to allow for loading docks to be located on the front of a structure. Section 1259.05(C) states loading areas shall be located behind buildings and screened from adjacent unlike uses. Because the buildings being constructed are for warehouse/distribution use, loading docks are proposed for two sides of each building: the north and south side of Building A, and the east and west side of Building B. If the access road becomes public, the loading docks on Building A would be located in front of the building. The Applicant is requesting the variance if the access road were to be dedicated as public. The loading docks on the west side of Building B require a variance because they are located in the front along Mink Street. The Applicant states tenants who would occupy these types of buildings require cross dock facilities to accommodate their needs and function appropriately. It was noted Staff has no concerns with the proposed variance as the site is intended for industrial uses of this type. Site plans were reviewed. Departmental and Agency comments were noted.

A discussion was had regarding access and traffic.

There were no further comments.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1259.05(C) of the Pataskala Code for Variance Application VA-21-015. Seconded by Mr. Cook. Mr. Cook, Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Ms. Lawyer voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-21-006, 36 East Avenue.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for an accessory building to exceed the maximum square footage permitted on a single lot. The Applicant is proposing to construct a 40-foot by 60-foot accessory building in the southeast corner of the property. The Applicant will also construct a 10-foot by 12-foot mud room connecting the single-family home to the existing detached garage, making it an attached garage and part of the primary structure. Site plans were reviewed. Departmental and Agency comments were noted.

Jesse Maynard, 36 East Avenue, was placed under oath.

Mr. Maynard noted the accessory building's purpose is to store equipment.

A discussion was had regarding connecting the detached garage to the primary structure.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1221.05(B)(1) of the Pataskala Code for Variance Application VA-21-006 with the following condition:

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.

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

***Variance Application VA-21-007, 5024 Summit Road.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for a reduced side yard setback for an accessory building. It was noted an Accessory Building permit was approved on November 19, 2020 to construct an addition to the pole barn. Per the Site Plan submitted by the Applicant, the addition was to be five feet from the northern side property line. However, the owner of the adjacent property, 4996 Summit Road, contended that the addition did not meet the required setback and encroached slightly onto his property. 4996 Summit Road property owner, Mr. Poole, furnished a surveyor that indicates the addition encroached onto his property; the permit was then rendered void. The Applicant has chosen to pursue a Variance in order to allow to leave most of the structure up to the property line or as close as possible. Site plans were reviewed. Conditions were noted. It was also noted, the Board cannot approve variances to allow buildings to encroach onto someone else's property.

Thomas Rutherford, 5024 Summit Road, was placed under oath.

Mr. Rutherford stated using the property line information provided online for the application. Mr. Rutherford requested to allow the addition up to the property line. Mr. Rutherford stated he would not have built the addition if he knew it was on the adjoining property.

Property surveys were discussed.

A discussion was had regarding moving the location of the addition.

Martin Poole, 4996 Summit Road, was placed under oath.

Mr. Poole stated he has had three surveys completed and the surveys show the accessory building located on his property. Mr. Poole stated he does not want the addition encroaching on his property. Mr. Poole also noted concerns regarding water running on to his property.

Ms. Rhodeback inquired as to what type of variance would be acceptable.

Mr. Poole noted the addition could be built on the other side of the barn.

A discussion was had regarding drainage.

A discussion was had regarding reduction of structure.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve a variance from Section 1221.05(E)(1) of the Pataskala Code for Variance Application VA-21-007.

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 submit, in writing, how they plan to remove the encroaching structure as the plan proposed in this Variance Request will not resolve the issue.
3. The Applicant shall furnish a survey, completed by a Registered Surveyor in the State of Ohio, to the Planning and Zoning Department after construction has been completed.

Seconded by Ms. Lawyer. Ms. Kennedy voted yes. Ms. Rhodeback, Mr. Howe, Ms. Lawyer and Mr. Cook voted no. The motion failed.

Mr. Howe made a motion for recess. Seconded by Mr. Cook. Ms. Lawyer, Mr. Howe, Mr. Cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Recess was taken at 8:11 p.m.

Mr. Howe made a motion to resume the hearing. Seconded by Mr. Cook. Mr. Cook, Ms. Kennedy, Ms. Rhodeback, Mr. Howe and Ms. Lawyer voted yes. The motion was approved.

Back on the record at 8:17 p.m.

***Next on the Agenda, Variance Application VA-21-008, 87 East Broad Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the reconstruction of a gas pump canopy after the one-year reconstruction time has expired. It was noted the original canopy was removed in May of 2018 due to weather damage and, per the Code, if rebuilding commences within 12 months of the time of damage, it would have been eligible to be rebuilt. The proposed canopy will be constructed in the same location with the same dimensions as the previous canopy, 24' by 42' and a total height of 18'. Site plans were reviewed. Departmental comments were noted.

Santa Lama, 87 East Broad Street, was placed under oath.

Mr. Lama noted being the new business owner of 87 East Broad Street since 2019 and stated the canopy will help with his business.

Signage was discussed.

Findings of Facts were reviewed.

Ms. Lawyer made a motion to approve a variance from Section 1285.07 of the Pataskala Code for Variance Application VA-21-008 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 the City Engineer.

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

***Next on the Agenda, Variance Application VA-21-009, 3540 Mink Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the approval of three variances; to allow for a lot split that does not meet the minimum size or width, and to allow for reduced front yard setback of a new primary structure. The Applicant is proposing to split the existing single lot into two separate lots, and eventually construct a single-family home on the newly created lot behind the existing single-family home. The proposed newly created lot will be 1.00-acres in size, approximately 185-feet wide at the buildable portion, with an approximately 296-foot by 54-foot strip connecting it to the right-of-way. The purpose of the variance request is to allow for a family member to build a single-family home near their immediate family. Site plans were reviewed.

A discussion was had regarding lot size requirements.

Major and minor subdivisions were discussed.

Timothy O'Cain, 3560 Mink Street, was placed under oath.

Mr. O'Cain stated the split property is to build a home for his son and son's family. It was also noted his sister lives at 3560, and the new home will be between the two existing homes. Mr. O'Cain noted no plans to develop the property any further.

Findings of facts were reviewed.

Ms. Kennedy made a motion to approve two variances from Section 1229.05(B) of the Pataskala Code, and a variance from Section 1229.05(C)(1) for Variance Application VA-21-009 with the following condition:

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.

Seconded by Mr. Cook. Mr. Cook, Ms. Kennedy, Mr. Howe and Ms. Lawyer voted yes. Ms. Rhodeback voted no. The motion was approved.

***Next on the Agenda, Variance Application VA-21-010, 3540 Mink Street.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for an approval of four variances. Two to allow for a lot split that does not meet the minimum size or width and two to allow for the existing structure to not meet the required front or side yard setbacks. Mr. Kuntzman noted front yard and side yard setback requirements. It was noted this application's information is the same as the previous application.

There were no further comments.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve two variances from Section 1229.05(B), one variance from Section 1229.05(C)(1), and one variance from Section 1229.05(C)(2) of the Pataskala Code with the following condition:

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.

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

***Next on the Agenda, Variance Application VA-21-011, 7621, 7625 and 8065 Mink Street.***

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for an approval of a variance to allow for loading docks to be located on the front of a structure. The project site is comprised of three properties totaling 93.79 acres. Mr. Fulton noted the parcels are currently in the process of being rezoned. Site plan was reviewed. The Applicant is proposing to construct a warehouse/distribution building. The proposed building would be 1,203,350 square feet with loading docks on the west and east sides of the building. The proposed site plan is conceptual in nature and will require formal approval from the Planning and Zoning Commission for both a Transportation Corridor Overlay District (TCOD) application and a Planned Manufacturing. Landscaping and mounding were noted. Surrounding properties were noted. Departmental and Agency comments were noted.

A discussion was had regarding divergence of water and stormwater calculations.

Traffic was discussed.

Mr. Fulton noted there will be a regional traffic study.

Connie Klema, PO Box 991, Pataskala, was placed under oath.

Ms. Klema noted the need for the loading dock locations. Stormwater locations were and traffic access was also noted.

Findings of Facts were reviewed.

Mr. Cook made a motion to approve a variance from Section 1259.05(C) of the Pataskala Code for Variance Application VA-21-011. Seconded by Ms. Rhodeback. Ms. Rhodeback, Ms. Lawyer, Ms. Kennedy, Mr. Howe and Mr. Cook voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-21-012, 6379 Summit Road.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting approval of a Variance to allow for the construction of a fence that will exceed the maximum height within the front yard setback, and a variance to allow for the construction of a gravel driveway. Mr. Kuntzman noted the property having frontage on three public rights-of-way. Site plan was reviewed.

No questions or comments were presented.

Findings of Facts were reviewed.

Ms. Lawyer made a motion to approve a variance from Section 1279.03(A)(1), and Section 1291.02(A)(4) of the Pataskala Code for Variance Application VA-21-012 with the following condition:

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.

Seconded by Mr. Cook. Mr. Howe, Ms. Rhodeback, Ms. Kennedy, Ms. Lawyer and Mr. Cook votes yes. The motion was approved.

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

***Variance Application VA-21-013.***

<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) *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.*

Mr. Howe made a motion to approve Findings of Fact for VA-21-013. Seconded by Ms. Rhodeback. Ms. Rhodeback, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

**Variance Application VA-21-014.**

- | <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 VA-21-014. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Lawyer, Mr. Cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

**Variance Application VA-21-015.**

- | <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 VA-21-015. Seconded by Ms. Lawyer. Mr. Cook, Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Ms. Lawyer voted yes. The motion was approved.

**Variance Application VA-21-006.**

- | <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) *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.*

Mr. Howe made a motion to approve Findings of Fact for VA-21-006. Seconded by Mr. Cook. Ms. Kennedy, Ms. Rhodeback, Mr. Cook, Ms. Lawyer and Mr. Howe voted yes. The motion was approved.

**Variance Application VA-21-007.**

- | <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 VA-21-007. Seconded by Ms. Kennedy. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Howe and Mr. Cook voted yes. The motion was approved.

**Variance Application VA-21-008.**

- | <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 VA-21-008. Seconded by Ms. Kennedy. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved.

**Variance Application VA-21-009.**

- | <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) *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.*

Mr. Howe made a motion to approve Findings of Fact for VA-21-009. Seconded by Ms. Lawyer. Ms. Rhodeback, Ms. Howe, Ms. Kennedy, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

**Variance Application VA-21-010.**

- | <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 VA-21-010. Seconded by Mr. Cook. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

**Variance Application VA-21-011.**

- | <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 VA-21-011. Seconded by Mr. Cook. Ms. Kennedy, Ms. Rhodeback, Mr. Howe, Mr. Cook and Ms. Lawyer voted yes. The motion was approved.

**Variance Application VA-21-012.**

- | <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) *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.*

Mr. Howe made a motion to approve Findings of Fact for VA-21-012. Seconded by Ms. Kennedy. Mr. Cook, Mr. Howe, Ms. Kennedy, Ms. Lawyer and Ms. Rhodeback voted yes. The motion was approved.

***Next on the Agenda, approval of February 9, 2021 Regular Meeting Minutes***

Mr. Cook made a motion to approve the February 9, 2021 regular meeting minutes. Seconded by Ms. Rhodeback. Ms. Lawyer, Ms. Rhodeback, Ms. Kennedy, Mr. Cook and Mr. Howe voted yes. The motion was approved.

***Adjournment of Meeting to Tuesday, April 13, 2021***

Mr. Howe made a motion to adjourn the meeting to April 13, 2021. Seconded by Ms. Lawyer. Mr. Howe, Ms. Kennedy, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

The hearing was adjourned at 9:27 p.m.

Minutes of the March 9, 2021 regular meeting were approved on

\_\_\_\_\_, 2021.

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