

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

**Tuesday, June 8, 2021**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 8, 2021.

Present were:

Alan Howe, Chairman

Jenna Kennedy, Vice Chairperson

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, Jenna Kennedy, Christine Lawyer and TJ Rhodeback were present. William Cook was not present.

***First on the Agenda, Variance Application VA-21-020, 5100 Mink Street SW.***

Mr. Kuntzman gave an overview of the Staff Report, noting the request of approval to allow for the construction of a residence that will not meet the required side yard setback. Area map and proposal were reviewed. It was also noted an area variance was previously approved in 2018; however, the residence was not able to be built due to unforeseen circumstances, per the Applicant, and the variance expired. Existing conditions were reviewed. There were no Departmental or Agency comments.

Michael Brendemuehl, 130 Brandywine Drive, Westerville, was placed under oath.

Mr. Brendemuehl noted purchasing the property with the previously approved variance and intending to build a home; however, issues came up that didn't allow him to build within the approved timeframe.

Findings of Facts were reviewed.

Ms. Lawyer made a motion to approve variances from Section 1227.05(C)(2) of the Pataskala Code for Variance Application VA-21-020, 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, Ms. Lawyer, Mr. Howe and Ms. Kennedy voted yes. The motion was approved.

**Next on the Agenda, Variance Application VA-21-021, 218 S. Fork Circle.**

Mr. Kuntzman noted the Applicant's request to table the application to the July 13, 2021, hearing.

Ms. Lawyer made a motion to table Variance Application VA-21-021 to the July 13, 2021, hearing. Seconded by Ms. Rhodeback. Ms. Kennedy, Mr. Howe, Ms. Rhodeback and Ms. Lawyer voted yes. The motion was approved.

**Next on the Agenda, Findings of Facts.****Variance Application VA-21-020:**

- | <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-21-021. Seconded by Ms. Rhodeback. Ms. Lawyer, Mr. Howe, Ms. Kennedy and Ms. Rhodeback voted yes. The motion was approved.

**Next on the Agenda, approval of May 11, 2021, Regular Meeting Minutes.**

Ms. Rhodeback made a motion to approve the May 11, 2021, regular meeting minutes. Seconded by Ms. Lawyer. Ms. Kennedy, Ms. Rhodeback, Mr. Howe and Ms. Lawyer voted yes. The motion was approved.

**Next on the Agenda, Approval of the Board's Decision for Appeal Application AP-21-001.**

Ms. Rhodeback made a motion to approve the Board's decision of Appeal Application AP-21-001. Seconded by

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

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

The hearing was adjourned at 6:47 p.m.

Minutes of the June 8, 2021, regular meeting were approved on

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