

This matter is before the City of Pataskala Board of Zoning Appeals on Appellant Dan Santa's appeal. Santa submitted a Notice of Appeal (AP-21-002) that summarily lists the following appeal information:

1. Permit for a shed on my property.

A hearing was commenced on this matter on August 10, 2021. Santa appeared at the hearing and represented himself. The BZA has reviewed Santa's Appeal Application, Santa's original Variance Application, the Staff Report and its exhibits, as well as the testimony and arguments presented at the hearing. As required by Codified Ordinance Section 1211.11, this is the Board's written determination.

Undisputed Facts

The following facts are relevant and undisputed:

- a. Dan Santa owns the property located at 460 Connor Avenue SW, Pataskala, Ohio (Parcel No. 063-149958-00.00) ("the Property"). The Property is ±0.99 acres and is zoned Medium Density Residential (R-20). Santa purchased the Property in January 2021.
- b. While it appears a structure has been built on the Property, this structure has not been properly permitted and constitutes a zoning violation
- c. The section of "Connor Avenue" that abuts the Property is not an improved, dedicated city street
- d. On April 20, 2021, Santa emailed City of Pataskala Zoning Clerk Lisa Paxton and inquired about building a shed on the Property
- e. City of Pataskala Codified Ordinance Section 1221.05(B)(5) states an "accessory structure shall not be located on a lot without a principal structure."
- f. As allowed under City of Pataskala Codified Ordinance Section 305.06, the City of Pataskala Public Service Director promulgated a rule/regulation that mandates "[n]o structure, building, or other improvement shall be made to a lot without direct access onto an improved City right-of-way".
- g. On June 1, 2021, Santa applied for a variance that, if granted, would allow him to install an accessory structure (i.e., a shed) on the Property, even though there is no permitted principal structure on the Property
- h. On June 4, 2021, City of Pataskala Planning Director Scott Fulton returned Santa's variance application because the application was not ripe. That is, until an improved public road (which has been built, dedicated to the City, and accepted by the City) has been built no structure or accessory structure can be built on the Property.

Assignment of Error No. 1

Santa's appeal and his underlying variance application focus on the eleven factors that must be considered in order to grant or deny a variance request. However, the BZA need not consider these factors, at this time. To do so would be an exercise in futility. Even if the BZA determined Santa was entitled to a variance from Section 1221.05(B)(5), he still could not construct a shed on the Property because the Property does not have direct access onto an improved City right-of-way. Therefore, the Planning Director's decision to not accept Santa's variance application was correct.

Therefore, the BZA disapproves Dan Santa's appeal.