

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

Tuesday, September 14, 2021

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, September 14, 2021.

Present were:

William Cook

Alan Howe, Chairman

Christine Lawyer

City of Pataskala Planning and Zoning Department Staff:

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:31 p.m., followed by the Pledge of Allegiance.

Present were: William Cook, Alan Howe and Christine Lawyer. Jenna Kennedy and TJ Rhodeback were not present.

First on the Agenda, Variance Application VA-21-024 – Remain Tabled.

Next on the Agenda, Variance Application VA-21-025, 601 Keltonhurst Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to construct a 6-foot-tall fence in the rear yard, as the property is a corner lot with frontage on two public rights-of-way. Area map and proposed fence location were reviewed. It was noted, the property owner was not aware of the zoning restrictions when the property was purchased. There were no Departmental of Agency comments.

Prem Lagun, 601 Keltonhurst Drive, was placed under oath.

Mr. Lagun stated the fence is for privacy, and safety for his children.

A discussion was had regarding location and height of fence.

Mr. Howe suggested Mr. Lagun reach out to the Homeowner's Association for their rules and regulations on fences.

Clarence Vinson, 918 Lockmead Court, was placed under oath.

Mr. Vinson inquired as to the variance request for the fence to be placed in the front yard.

Mr. Howe explained the variance process regarding fences and the uniqueness of corner lots being considered front yards.

Findings of Facts were reviewed.

Ms. Lawyer made a motion to approve a variance from Section 1279.03(A)(1) of the Pataskala Code for Variance Application VA-21-025 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.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-21-025

Yes No

- ✓ a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;*
- ✓ b) *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;*
- ✓ c) *Whether the variance requested is substantial;*
- ✓ d) *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;*
- ✓ 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 the Findings of Fact for Variance VA-21-025. Seconded by Ms. Lawyer. Ms. Lawyer, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Approval of the August 10, 2021, Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the August 10, 2021, regular meeting.

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

Next on the Agenda, Approval of the Written Decision for Appeal Application AP-21-002, 460 Connor Avenue SW.

Mr. Howe made a motion to approve the Written Decision for Appeal Application AP-21-002. Seconded by Ms. Lawyer. Mr. Cook, Mr. Howe and Ms. Lawyer voted yes. The motion was approved.

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

The hearing was adjourned at 6:57 p.m.

Minutes of the September 14, 2021, regular meeting was approved on

_____, 2021.