

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

Tuesday, October 12, 2021

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, October 12, 2021.

Present were:

William Cook

Alan Howe, Chairman

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

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

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

Next on the Agenda, Variance Application VA-21-026, 4075 Dixon Road and 0 Sims Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting to create a lot that will not meet the required minimum lot size. It was noted the Applicant is proposing to re-plat Lot 13 of the Sims Gardens Subdivision to include approximately 3.63-acres from 4075 Dixon Road SW, creating a new buildable lot. Area maps were reviewed. Licking County Health Department comments were noted.

Jim McFarland, PO Box 171, Commercial Point, Ohio, was placed under oath.

Mr. McFarland noted wanting to divide Parcel No. 063-145332-00.00, allowing access from Sims Road.

Well and Septic were noted.

Findings of Facts were reviewed.

Mr. Cook made a motion to approve a variance from Section 1229.05(B) of the Pataskala Code for Variance Application VA-21-026 with the following condition:

1. The Applicant shall apply for and have approved, and recorded, a Replat, pursuant to Section 1113.48 of the Pataskala Code, within one (1) year of the date of approval.

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

Next on the Agenda, Conditional Use CU-20-012, 6359 Summit Road SW.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is seeking a six-month extension of Conditional Use CU-20-012, which was approved on February 9, 2021, along with Variance VA-20-022; the approval was conditioned upon the Applicant receiving all necessary permits from the City of Pataskala and the Licking County Building Department within six months of the date of approval. Permits were not obtained by the deadline of August 9, 2021. Area map was reviewed along with existing conditions. Current violations were noted. Agency and Departmental comments were noted.

Fence permits were discussed.

John Fisher, 442 S. Drexel Avenue, Bexley, Ohio, was placed under oath.

Mr. Fisher noted allowing the Cavalier busses to park on the property.

Mr. Howe noted previous testimony regarding the buses not to be there, along with the June 2021 Mayor's court summons regarding the buses.

Mr. Fisher noted the bus owner having health issues and being unable to get ahold of him.

Mr. Howe noted concerns with the unkept fencing, along with previous violations from 2018 and no progress being done.

Mr. Fisher noted a delay in the zoning compliance and storm water management reports, which were sent to him the day before the six-month deadline.

A discussion was had regarding the permit process.

Ms. Rhodeback noted trash and a discarded couch on the property and why it hasn't been cleaned up.

Mr. Fisher noted an onsite dumpster that had been dumped two weeks prior.

A further discussion was had regarding trash on the property.

Mr. Howe inquired as to plans for the shipping containers and why it hasn't moved forward. Concerns were also noted regarding three years of citations and not following through.

Ms. Rhodeback noted wanting to see the trash picked up and some type of progress.

Mr. Howe indicated he would feel more comfortable if there had been some type of progress over the last six months.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve a six-month extension of a Conditional Use, pursuant to 1215.09 of the Pataskala Code, for application CU-20-012 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within six (6) months of the date of approval.

2. The Applicant shall address all comments from Planning and Zoning Staff, City Engineer, and the Public Service Director.
3. The storage units shall be maintained and painted a uniform color
4. All variances approved via application VA-20-022 shall remain in effect so long as condition number one is met.

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

Next on the Agenda, Conditional Use CU-21-004, 48 Klema Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a conditional use to allow for a portion of the property to be operated as an Emergency vehicle service, storage and maintenance business. Proposal along with area maps were reviewed. Site view and existing conditions were noted. Parking spaces, setbacks, parking and screening were reviewed. Agency and departmental comments were noted.

A discussion was had regarding conforming to current zoning regulations.

No other questions or comments were presented.

Findings of Facts were reviewed.

Ms. Rhodeback made a motion to approve Conditional Use Application CU-21-004, pursuant to Section 1215.08 of the Pataskala, with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Department within six (6) months of the date of approval.
2. The Applicant shall address all comments from Planning & Zoning, SWLCWSD, and the City Engineer.
3. The Applicant shall meet all stormwater requirements as determined by the Public Service Director.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-21-025

Yes No

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| ✓ | 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.

Ms. Rhodeback made a motion to approve Findings of Fact for Variance Application VA-21-026. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Conditional Use CU-20-012

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application. |
| ✓ | | 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code. |
| ✓ | | 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. |
| ✓ | | 4. Will not be hazardous or disturbing to existing or future neighboring uses. |
| ✓ | | 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment |
| ✓ | | 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. |
| ✓ | | 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, |
| ✓ | | 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares. |
| ✓ | | 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance. |

Mr. Howe made a motion to approve Findings of Fact for Conditional Use Application CU-21-012. Seconded by Ms. Rhodeback. Mr. Howe, Mr. Cook and Ms. Rhodeback voted yes. The motion was approved.

Conditional Use CU-21-004

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application. |
| | ✓ | 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code. |
| | ✓ | 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area. |
| | ✓ | 4. Will not be hazardous or disturbing to existing or future neighboring uses. |
| ✓ | | 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment |
| ✓ | | 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. |
| ✓ | | 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare, |
| ✓ | | 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares. |
| ✓ | | 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance. |

Mr. Howe made a motion to approve Findings of Fact for Conditional Use Application CU-21-004. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe and Mr. Cook voted yes. The motion was approved.

Next on the Agenda Excuse of Absence of Jenna Kennedy from the September 14, 2021, Regular Meeting.

Mr. Howe made a motion to approve the absence of Jenna Kennedy. Seconded by Mr. Cook. Mr. Howe and Mr. Cook voted yes. Ms. Rhodeback abstained. The motion was approved.

Next on the Agenda Excuse of Absence of TJ Rhodeback from the September 14, 2021, Regular Meeting.

Mr. Howe made a motion to approve the absence of TJ Rhodeback. Seconded by Mr. Cook. Mr. Cook and Mr. Howe voted yes. Ms. Rhodeback abstained. The motion was approved.

Next on the Agenda, Approval of the September 14, 2021, Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the September 14, 2021, regular meeting. Seconded

Mr. Cook. Mr. Cook and Mr. Howe voted yes. Ms. Rhodeback abstained. The motion was approved.

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

The hearing was adjourned at 7:50 p.m.

Minutes of the October 12, 2021, regular meeting was approved on

_____, 2021.