

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

Tuesday, November 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, November 9, 2021.

Present were:

Alan Howe, Chairman

Jenna Kennedy, Vice Chairperson

TJ Rhodeback

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:34 p.m., followed by the Pledge of Allegiance.

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

First on the Agenda, remove from table Variance Application VA-21-024.

Mr. Howe made a motion to remove Variance Application VA-21-024 from the table. Seconded by Ms. Rhodeback. Ms. Kennedy, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-21-024, 6408 Columbia Road SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a reduced rear-yard setback from 25 feet to 20 feet, for a proposed 48' by 30' shelter house that will be attached to the church via a breezeway. Area map and proposed location was reviewed. Applicant's Narrative Statement notates the shelter would be used for church functions and activities. Departmental and Agency comments were noted.

George Moore, 76 Railroad Street SW, was placed under oath.

Mr. Moore noted the need for the shelter house.

A discussion was had regarding the timeframe of construction.

Findings of Facts were reviewed.

Ms. Kennedy made a motion to approve a variance from Section 1231.05(C)(3) of the Pataskala Code for Variance Application VA-21-024 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 Ms. Rhodeback. Mr. Howe, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-21-027, 14352 Clark State Road SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of three variances; a variance from Section 1227.05(B), to split the lot in two, and not meet the minimum lot size of 5 acres; a variance from Section 1227.05(C)(1), to reduce the required front-yard setback, and a variance from Section 1277.05(C)(2) to reduce the required side yard. Area map was reviewed along with proposal of Lot A and Lot B. This variance request is one of three applications submitted, and all three properties are adjoining. The Narrative Statement noted the Applicant will split the three lots into six lots and develop a single-family home on each lot split. Future Land Use Map and RR-Rural Residential District was noted. It was noted modifications of the lots will need to conform to the current Pataskala Zoning Code. The Applicant's Narrative Statement also indicates existing buildings will be demolished should the Variance be approved. Departmental and Agency comments were noted.

A discussion was had regarding the Comprehensive Plan, Innovation definition, along with wetland and soil analysis.

Eric Zartman, Esq., 8000 Walton Parkway, Suite 260, New Albany, Ohio, was placed under oath.

Mr. Zartman noted plans to develop a single-family home on each of the proposed lot splits. Soil reports were noted.

A further discussion was had regarding soil reports.

Mr. Zartman noted the Comprehensive Plan. It was also stated the variance request is within the character of the neighborhood. Surrounding lots were also reviewed.

A discussion was had regarding the current structures.

A discussion was had regarding the City of Pataskala and New Albany lines.

A further discussion was had regarding the Comprehensive Plan and Innovation.

Utilities were discussed.

Jeffrey Spratt, 14476 Clark State Road SW, was placed under oath.

Mr. Spratt noted concerns regarding reduction of lot size.

A discussion was had regarding neighboring lots, including the developed property on Morse Road and Beech Road.

A further discussion was had regarding the Comprehensive Plan and land use.

Ms. Rhodeback noted her concern regarding splitting properties and adherence to the Zoning Code.

Mr. Zartman noted one-acre lots along Morse Road, and believes their request is consistent with the neighborhood.

Mr. Howe noted the Morse Road neighborhood is different than the Clark State Road neighborhood.

Mr. Zartman noted the Comprehensive Plan would allow industrial warehouses.

A discussion was had regarding developing the properties without lot splits.

Jim Reid, 8236 Kesegs Way, Blacklick, was placed under oath.

Mr. Reid noted purchasing the property as an investment. It was also noted his nephew lives across the street from Mr. Pratt, and he does not want the area changed to industrial use. It was also noted Mr. Reid was aware of the variance requirements when purchasing the properties.

Mr. Howe indicated placing commercial on those lots would be detrimental.

Ms. Rhodeback noted current zoning codes and concerns regarding splitting lots that have previously been split.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve variances from Section 1225.05(B), Section 1227.05(C)(1) and Section 1227.05(C)(2) of the Pataskala Code for Variance Application VA-21-027, with the following conditions:

1. The Applicant shall submit for, and have approved, a Lot Split Application from the City of Pataskala within one (1) year of the date of approval.
2. Upon Approval of a Lot Split Application, the existing structures on site shall be removed within one (1) year of the date of approval.

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

Next on the Agenda, Variance Application VA-21-028, 0 Clark State Road SW., PID 063-140484-00.003.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of an approval of a Variance from Section 1227.05(B) of the Pataskala Code in order to split the lot in two, and not meet minimum lot requirements. Area map was reviewed. Narrative Statement was noted. Proposal of Lot C and Lot D were reviewed. A creek running along the northerner portion of the property was discussed. Departmental and Agency comments were noted.

A discussion was had regarding the creek and access to the lot.

Findings of Fact were reviewed.

Ms. Kennedy made a motion to approve a variance from Section 1227.05(B) of the Pataskala Code for Variance Application VA-21-028 with the following conditions:

1. The Applicant shall submit for, and have approved, a Lot Split Application from the City of

Pataskala within one (1) year of the date of approval.

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

Next on the Agenda, Variance Application VA-21-029, 0 Clark State Road SW., PID 063-140484-00.004.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of an approval of a Variance from Section 1227.05(B) of the Pataskala Code in order to split the lot in two, and not meet the minimum lot size of 5 acres. Area map was reviewed. Narrative Statement was noted. Proposal of Lot E and Lot F were reviewed. Departmental and Agency comments were noted. Mr. Kuntzman noted a correction to the acreage for Lot F.

Mr. Howe noted a concern with Lot F and the minimal buildable area due to the creek.

Ms. Rhodeback noted concerns regarding water runoff, possible watershed issues and the need to uphold the Zoning Code.

Mr. Zartman reiterated the lots would be in character with the neighborhood and not detrimental to the area.

Findings of Facts were reviewed.

Ms. Kennedy made a motion to approve a variance from Section 1227.05(B) of the Pataskala Code for Variance Application VA-21-029 with the following conditions:

1. The Applicant shall submit for, and have approved, a Lot Split Application from the City of Pataskala within one (1) year of the date of approval.

Seconded by Ms. Rhodeback. Ms. Kennedy voted yes. Ms. Rhodeback and Mr. Howe voted no. The motion was disapproved.

Next on the Agenda, Findings of Fact.

Variance Application VA-21-024

Yes No

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| ✓ | 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 Variance Application VA-21-024. Seconded by Ms. Kennedy. Mr. Howe, Ms. Kennedy and Ms. Rhodeback voted yes. The motion was approved.

Variance Application VA-21-027

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 Findings of Fact for Variance Application VA-21-027. Seconded by Ms. Rhodeback. Ms. Kennedy, Ms. Rhodeback and Mr. Howe voted yes. The motion was approved.

Variance Application VA-21-028**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 Findings of Fact for Variance Application VA-21-028. Seconded by Ms. Kennedy. Ms. Rhodeback, Mr. Howe and Ms. Kennedy voted yes. The motion was approved.

Variance Application VA-21-029**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 Findings of Fact for Variance Application VA-21-029. Seconded by Ms. Rhodeback. Ms. Rhodeback, Ms. Kennedy and Mr. Howe voted yes. The motion was approved.

Next on the Agenda Excuse of Absence of Christine Lawyer from the October 12, 2021, Regular Meeting.

Mr. Howe made a motion to approve the absence of Christine Lawyer from the October 12, 2021, meeting. Seconded by Ms. Rhodeback. Ms. Kennedy, Mr. Howe and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda Excuse of Absence of Jenna Kennedy from the October 12, 2021, Regular Meeting.

Mr. Howe made a motion to approve the absence of Jenna Kennedy from the October 12, 2021, meeting. Seconded by Ms. Rhodeback. Mr. Howe and Ms. Rhodeback voted yes. Ms. Kennedy abstained. The motion was approved.

Next on the Agenda, Approval of the October 12, 2021, Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the October 12, 2021, regular meeting. Seconded by Ms. Rhodeback. Mr. Howe, Ms. Kennedy and Ms. Rhodeback voted yes. The motion was approved.

No other business was brought before the Board.

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

The hearing was adjourned at 8:03 p.m.

Minutes of the November 9, 2021, regular meeting was approved on

_____, 2021.

Chairperson Howe