

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

Tuesday, December 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, December 14, 2021.

Present were:

William Cook

Alan Howe, Chairman

Jenna Kennedy, Vice Chairperson

Christine Lawyer

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 6:30 p.m., followed by the Pledge of Allegiance.

Present were: William Cook, Alan Howe, Jenna Kennedy, Christine Lawyer and TJ Rhodeback.

First on the Agenda, Variance Application VA-21-030, 186 Cedar Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval of variances from Sections 1279.03(A)(1), 1279.03(A)(4) and 1279.03(A)(5) of the Pataskala Code in order to erect a fence within the front yard setback that exceeds four feet in height, is within three feet of the public right-of-way and will not conform to the sight visibility triangle. Area map and site plan were noted. Existing conditions and photos were reviewed. Access and alley maintenance along with the Public Service Director's comments were discussed. Department and Agency comments were noted.

Aaron Crater, 186 Cedar Street, was placed under oath.

Mr. Crater noted neighboring fencing along with the vacant alley to the north.

Findings of Facts were reviewed.

Ms. Kennedy made a motion to approve variances from Section 1279.03(A)(1), 1279.03(A)(4) and 1279.03(A)(5) of the Pataskala Code for Variance Application VA-21-030 with the following conditions:

1. The Applicant shall address all comments from Planning and Zoning Staff and the Public Service Director.
2. 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. Ms. Kennedy, Mr. Howe, Ms. Rhodeback, Ms. Lawyer and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-21-005, 6359 Summit Road SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use in order to utilize the property as a landscaping business, pursuant to Section 1251.04(10) of the Pataskala Code. Area map and site plans were reviewed. Existing conditions and photos were noted. The 2006 Future Land Use map recommends the property to be 'Conservation Suburban'; therefore, the proposal is not in line with the City's Comprehensive Plan. Mr. Kuntzman noted screening, landscaping and signage were not identified on the plan. Applicant's narrative statement was reviewed. It was further noted the Applicant's intent is to continue working towards the use as proposed in Conditional Use Application CU-20-012 for shipping storage containers. Zoning Inspector's violations, including court summons to Mayor's Court, was included. Department and Agency comments were noted.

A discussion was had regarding Conditional Use Application CU-20-012.

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

Mr. Fisher noted speaking with Staff regarding cleaning up the property and meeting with the Zoning Inspector. Mr. Fisher also stated planning to meet with the County regarding feedback on the original plans for shipping storage containers.

A discussion was had regarding the fencing and cleaning up the property.

Mr. Howe noted the Board's concerns regarding items that have not been completed since the previous hearings, including the maintenance of the fencing and trash and debris.

A discussion was had regarding tabling the application and the Board's expectations of the Applicant for the next hearing.

Mr. Cook made a motion to table the application to the January 11, 2022 hearing. Seconded by Ms. Kennedy. Mr. Cook, Mr. Howe, Ms. Rhodeback and Ms. Kennedy voted yes. Ms. Lawyer voted no. the motion was approved.

Next on the Agenda, Conditional Use Application CU-21-006, 11540 Broad Street SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of a Conditional Use for a Home Occupation, pursuant to Section 1225.04(6) of the Pataskala Code, in order to allow the Applicant to maintain and sell firearms from their home. Area map was reviewed along with property description. It was stated a Type B Home Occupation and Conditional Use are necessary to maintain their Federal Firearms License. Applicant's Narrative Statement was noted. There were no other Department or Agency comments.

Michael Fox, 11540 Broad Street, was placed under oath.

A short recess was taken.

Mr. Fox's only comment was the driveway is asphalt and not gravel, as stated in the Staff Report.

Findings of Fact were reviewed.

Ms. Rhodeback made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for Conditional Use Application CU-21-006 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.
2. The Applicant shall adhere to the use-related regulations of Section 1267.03(C) of the Pataskala Code.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-21-030

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-21-030. Seconded by Mr. Cook. Ms. Kennedy, Mr. Howe, Mr. Cook, Ms. Lawyer and Ms. Rhodeback voted yes. The motion was approved.

Conditional Use Application CU-21-006

- | <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-21-006. Seconded by Ms. Lawyer. Mr. Howe, Ms. Lawyer, Mr. Cook, Ms. Rhodeback and Ms. Kennedy voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of William Cook from the November 9, 2021 Regular Meeting.

Mr. Howe made a motion to approve the absence of William Cook from the November 9, 2021 meeting. Seconded by Ms. Rhodeback. Ms. Lawyer, Ms. Rhodeback, Mr. Howe and Ms. Kennedy voted yes. Mr. Cook abstained. The motion was approved.

Next on the Agenda, Excuse of Absence of Christine Lawyer from the November 9, 2021 Regular Meeting.

Mr. Howe made a motion to approve the absence of Christine Lawyer from the November 9, 2021 meeting. Seconded by Mr. Cook. Ms. Rhodeback, Mr. Howe, Ms. Kennedy and Mr. Cook voted yes. Ms. Lawyer abstained. The motion was approved.

Next on the Agenda, Approval of the November 9, 2021 Regular Meeting Minutes.

Mr. Howe made a motion to approve the minutes from the November 9, 2021 regular meeting.

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

Next on the Agenda, AP-20-002 Appeal Decision.

Mr. Fulton noted Judge Branstool ruled in favor of the Plaintiff, Ms. Guttentag. Mr. Fulton stated the Decision requests the Board of Zoning Appeals to verbally acknowledge the receipt of the Decision and to instruct the Planning and Zoning Department to take action consistent with Judge Branstool's decision. Mr. Fulton further stated Staff will follow up with the Law Director regarding the action the Planning and Zoning Department is to take.

Mr. Howe acknowledged the receipt of the Decision and instructed the Planning and Zoning Department to take action consistent with Judge Branstool's decision as written.

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

The hearing was adjourned at 7:45 p.m.

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

_____, 2022.

Chairperson