

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

Tuesday, January 11, 2022

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, January 11, 2022.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning 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: Alan Howe and Rob Jimison. William Cook was not present.

First on the Agenda, remove from table Conditional Use Application CU-21-005.

Mr. Howe made a motion to remove from table Conditional Use Application CU-21-005. Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison 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 a Conditional Use to utilize the property as a landscaping business. Area map, site plans and landscaping rendering were reviewed. It was noted the Board requested the Applicant to provide additional information from the December 14, 2021 hearing. Proposals were reviewed. Existing conditions and photos were noted. The Future Land Use map recommends the property to be 'Conservation Suburban'; therefore, the proposal is not in line with the City's Comprehensive Plan, although, it is currently zoned M-1 Light Manufacturing. It was noted a revised plan was given to Staff prior to today's hearing. A copy was also given to Board members. Zoning violations were reviewed. Department and Agency comments were noted.

A discussion was had regarding deadlines to submit paperwork, along with a list of items the Board requested the Applicant to complete.

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

Mr. Fisher noted issues with the timeline to submit paperwork and asking Matt Cull to help with the plans and understanding of zoning codes. The Applicant indicated he's been cleaning up the property and had also contacted the Zoning Inspector regarding items that needed to be corrected.

A discussion was had regarding the revised landscaping plan.

Mr. Howe stated Staff has not had adequate time to review the revised plans.

A discussion was had regarding the timeframe for meeting with Staff.

Mr. Howe noted his frustration and not ready to discuss the plans that were submitted late and not having time to review them for tonight's hearing.

Matt Cull, 307 N. Fourth Street, Columbus, Ohio was placed under oath.

Mr. Cull noted reviewing the past history of the property, wanting to get feedback from the Board and then formally resubmit.

Mr. Howe noted items that still have not been addressed and the frustration of not getting information that the Board has asked from previous hearings.

A discussion was had regarding items that were requested from the previous hearing.

Mr. Cull noted resubmitting for the February hearing.

A discussion was had regarding variances and resubmitting updated paperwork.

Mr. Howe inquired as to when Mr. Cull's services were obtained.

Mr. Cull noted late the previous week.

Mr. Howe stated the Board has been going through this since February 2021, and questions could have been addressed by contacting Staff. Mr. Howe, again, noted concerns with reviewing and approving plans that were just submitted.

Mr. Cull indicated tabling the application, correct everything and submit the paperwork by this Friday's deadline for the February hearing.

A discussion was had regarding the property's improvement.

Mr. Cull stated the property is significantly better and if the conditional use isn't approved, the improvements on the property stops.

Mr. Howe stated a business is being operated from the property, and the property is still not being maintained. It was noted the property looks better, and appreciates it looking better; however, it had to go before Mayor's Court to get cleaned up. Mr. Howe added that someone is currently living on the property, which was also addressed at the meeting last year that people cannot live in the house that was labeled "office", and it's still labeled "office" and people are still living there.

Mr. Jimison inquired if the Applicant has met with the Building Department.

Mr. Fisher noted reaching out to the Building Department but not meeting with them.

Mr. Howe inquired as to the plans for the storage units and what has been done over the past 11 months.

Mr. Fisher noted reaching out to the Engineering Department and sending an email.

Mr. Jimison noted being new to the Board, reviewing previous public hearings regarding this application and also being frustrated. Mr. Jimison commended the Applicant for wanting to come into the City and start a business and be a part of the community; however, permit lapsing along with zoning violations seems to be a recurring theme.

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Mr. Howe gave a brief history of the property, noting storage units that were approved and items the Board requested to be clarified on the plan, and nothing happened in the six months from approval. The Applicant applied for an extension, and the Board denied the extension because there was no progress.

A discussion was had regarding the deadline to submit for upcoming hearings.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for application CU-21-005 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 unless an extension Pursuant to Section 1215.09 of the Pataskala Code is granted. §
2. The Applicant shall address all comments from Planning and Zoning Staff and the Public Service Director.
3. Pursuant to Section 1215.05(7) of the Pataskala Code All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
4. There shall be no residential uses of this property.

Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted no. The motion was not approved.

Next on the Agenda, Request to Table Variance Application VA-21-031, 340 Wyncroft Court.

Mr. Howe made a motion to table Variance Application VA-21-031. Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-21-007, 14067 Broad Street SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use to expand an existing storage facility located at 14067 Broad Street SW. Area map was reviewed. It was noted a conditional use was approved in 2019 for Phase 2. Further extensions require a conditional use. The Applicant is considering constructing Phase 3; proposals include structures, re-orientation of stormwater pond, RV parking spaces and an additional asphalt access drive onto Summit Road SW. TCOD requirement was noted. Conditions placed on the previous Conditional Use was noted, including conditions that were not completed.

Department and Agency comments were noted.

A discussion was had regarding the previous conditional use's tree survey and existing vegetation being used as buffering along the southern property line.

Cory Bonda, PO Box 16281, Columbus, Ohio, 43216 was placed under oath.

Mr. Bonda apologized for miscommunication on the parcel combination and noted the deed is being reviewed by the County Engineers.

A discussion was had regarding Phase 4.

Findings of Fact were reviewed.

Mr. Howe made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for Conditional Use Application CU-21-007 with the following conditions:

1. The Applicant shall carry out the proposed use within six (6) months of the date of approval.
2. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, individual, or to the community in general pursuant to 1215.05(A)(7)
3. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway pursuant to 1215.05(B)(1).
4. Such use should be subject to the restrictions outlined in Chapter 1259, Transportation Corridor Overlay District pursuant to 1215.05(E)(7).
5. The Applicant shall record an updated deed with Licking County to combine the three (3) parcels into one (1) if they have yet to do so.

Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Conditional Use Application CU-21-005:

Yes No

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| ✓ | 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-21-005. Seconded by Mr. Jimison. Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-21-007:

- | <u>Yes</u> | <u>No</u> | |
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| ✓ | | 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-21-007. Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted yes. The motion was approved.

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

Mr. Howe made a motion to approve the minutes from the December 14, 2021 regular meeting. Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted yes. The motion was approved.

No other business was presented.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Jimison. Mr. Howe and Mr. Jimison voted yes. The motion was approved.

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

Minutes of the January 11, 2022, regular meeting was approved on

_____, 2022.

Chairperson