



CITY OF PATASKALA BOARD OF ZONING APPEALS

City Hall, Council Chambers
621 West Broad Street
Pataskala, Ohio 43062

STAFF REPORT

February 8, 2022

Variance Application VA-22-003

Applicant:	Jeff & Caitlyn Heimerl
Owner:	Jeff & Caitlyn Heimerl
Location:	42 S. Main Street, Pataskala, OH 43062 (PID: 064-308454-00.000)
Acreage:	+/- 0.42-acres
Zoning:	GB – General Business
Request:	Requesting approval of a Variance from Section 1221.05(D)(1) to allow for an accessory building to be constructed that will not meet the required side yard setback.

Description of the Request:

The applicant is seeking approval of a Variance from Section 1221.05(D)(1) to allow for an accessory building to be constructed that will not meet the required side yard setback.

Staff Summary:

The 0.42-acre property located at 42 S. Main Street is currently occupied by “The Dairy Hut”, a commercial restaurant use. The lot itself is a corner lot, with its main frontage along S. Main Street, and a small portion at W. Broad Street. The South Fork Licking River runs partially through the property, behind the main structures on the lot. Within the lot itself, there is the 160-square foot main commercial building that was built in 1978, a 144-square foot shelter house, and two (2) sheds of unknown size.

It is Applicant’s intention is to remove the two existing sheds that are behind the shelter house and replace them with one new 420-square foot (12x35) storage shed. The new proposed structure will be set back from the front (west) property line 53-feet, 19-feet from the rear (east), but will be directly adjacent to the side (south) property line with a setback of 0-feet. Per Section 1221.05(D)(1) of the Pataskala Code, Accessory Buildings on lots less than two (2) acres in size shall be set back from side and rear property lines a minimum of five (5) feet.

According to the Narrative Statement submitted by the Applicant, the two (2) existing sheds need replacing. The Applicant believes there are some unique physical characteristics of the lot that prevent them from locating the structure per Pataskala Code requirements, notably that there is only approximately 0.18-acres out of the total 0.42-acres that is usable space, as most of the property is occupied by the South Fork Licking River and surrounding vegetation. The Applicant had considered a smaller shed that could meet the required five (5) foot setback, however, they believe a larger shed is required in order to provide enough storage space for dry goods, paper products, and chest freezer.

Staff Review: *The following review does not constitute recommendations but merely conclusions and suggestions from staff.*

Other changes to the property are shown on the Site Plan submitted as part of this Application, including a second 120-square foot (10x12) replacement walk-in cooler on the north side of the existing commercial structure. This structure has been reviewed by Staff and is compliant with Pataskala Code, as such it is not for consideration as part of this Variance, which is only for the addition of the 12-foot by 25-foot shed.

As mentioned above, Section 1221.05(D)(1) of the Pataskala Code states that on lots less than two (2) acres, Accessory Buildings shall be set back five (5) feet from side and rear property lines. As proposed, the new structure will be directly adjacent to side yard property line to the south, or a setback of zero (0) feet. Therefore, the Variance request is for a reduction of the required side yard setback from five (5) feet to zero (0) feet, or a 100% decrease.

Planning and Zoning Staff have reviewed the other aspects of the proposed structure, and it will be compliant with other aspects of Section 1221.05 – Accessory Buildings. Staff has no further comments.

Other Departments or Agencies

No other comments from applicable Departments or Agencies were received.

Surrounding Area:

Direction	Zoning	Land Use
North	GB – General Business	Broadview Golf Course
East	GB – General Business	Used Vehicle Sales
South	GB – General Business	Vacant
West	GB – General Business	Hardware Store

Variance Requirements:

According to Section 1211.07(1) of the Pataskala Code, the Board of Zoning appeals shall consider the following factors when determining if an area variance is warranted:

- 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.*

Furthermore, Section 1211.07(2) allows other factors to be considered, including comments from City staff, when determining if an area variance is warranted. The following factors from Section 1211.07(2) are applicable to Variance Application VA-22-003:

- None

Department and Agency Review

- Zoning Inspector – No comments
- Public Service – No comments
- City Engineer – No comments
- Pataskala Utilities – No comments
- Police Department – No comments
- West Licking Joint Fire District – No comments
- Southwest Licking School District – No comments

Conditions:

Should the Board choose to approve the applicant's request, the following conditions may be considered:

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.

Resolution:

For your convenience, the following resolution may be considered by the Board of Zoning Appeals when making a motion:

"I move to approve a variance from Section 1221.05(D)(1) of the Pataskala Code for variance application VA-22-003 ("with the following conditions" if conditions are to be placed on the approval)."



CITY OF PATASKALA PLANNING & ZONING DEPARTMENT

621 West Broad Street, Suite 2A
Pataskala, Ohio 43062

VARIANCE APPLICATION

(Pataskala Codified Ordinances Chapter 1211)

Property Information	
Address: 42 S. Main Street	
Parcel Number: 064-308454-00	
Zoning: GB	Acres: 0.42 ac
Water Supply:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site
Wastewater Treatment:	
<input checked="" type="checkbox"/> City of Pataskala	<input type="checkbox"/> South West Licking <input type="checkbox"/> On Site

Staff Use
Application Number: VA-22-003
Fee: \$300.00
Filing Date: 1/14/2022
Hearing Date: 2/8/2022
Receipt Number:

Applicant Information		
Name: Caitlyn Heimerl		
Address: 10574 Miller Road		
City: Johnstown	State: OH	Zip: 43031
Phone: 740-361-2990	Email: dairyhutpataskala@gmail.com	

Documents
<input type="checkbox"/> Application
<input type="checkbox"/> Fee
<input type="checkbox"/> Narrative
<input type="checkbox"/> Site Plan
<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Area Map

Property Owner Information		
Name: Jeff & Caitlyn Heimerl (Rolling Creek Enterprises)		
Address: 10574 Miller Road		
City: Johnstown	State: OH	Zip: 43031
Phone: 740-361-2990	Email: dairyhutpataskala@gmail.com	

Variance Information
Request (Include Section of Code): 1221.05 (D) (1)
Describe the Project: See attached

Documents to Submit

Variance Application: Submit 1 copy of the variance application.

Narrative Statement: Submit 1 copy of a narrative statement explaining the following:

- The reason the variance is necessary
- The specific reasons why the variance is justified as it pertains to Section 1211.07 of the Pataskala Code:
 - a) *Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property without the variance;*
 - b) *Whether there are unique physical circumstances or conditions that prohibit the property from 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 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 governmental 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.*
- A use variance must also meet the requirements described in Section 1211.07(B) of the Pataskala Code.

Site Plan: Submit 1 copy (unless otherwise directed by staff) of a site plan to scale of the subject property indicating the following:

- All property lines and dimensions
- Location and dimensions of all existing and proposed buildings and structures.
- Setbacks from property lines for all existing and proposed buildings, structures and additions
- Easements and rights-of-way
- Driveways
- Floodplain areas
- Location of existing wells and septic/aerator systems.
- Any other information deemed necessary for the variance request

Deed: Provide a copy of the deed for the property with any deed restrictions. Deeds can be obtained from the Licking County Recorder's website here: <https://apps.lcounty.com/recorder/recording-search/>

Area Map: Submit 1 copy of an area map showing the property and the surrounding area. Area maps can be obtained from the Licking County Auditor's website here: <https://www.lickingcountyohio.us/>

Signatures

I certify the facts, statements and information provided on and attached to this application are true and correct to the best of my knowledge. Also, I authorize City of Pataskala staff to conduct site visits and photograph the property as necessary as it pertains to this variance request.

Applicant (Required):



Date:

1/14/22

Property Owner (Required):



Date:

1/14/22

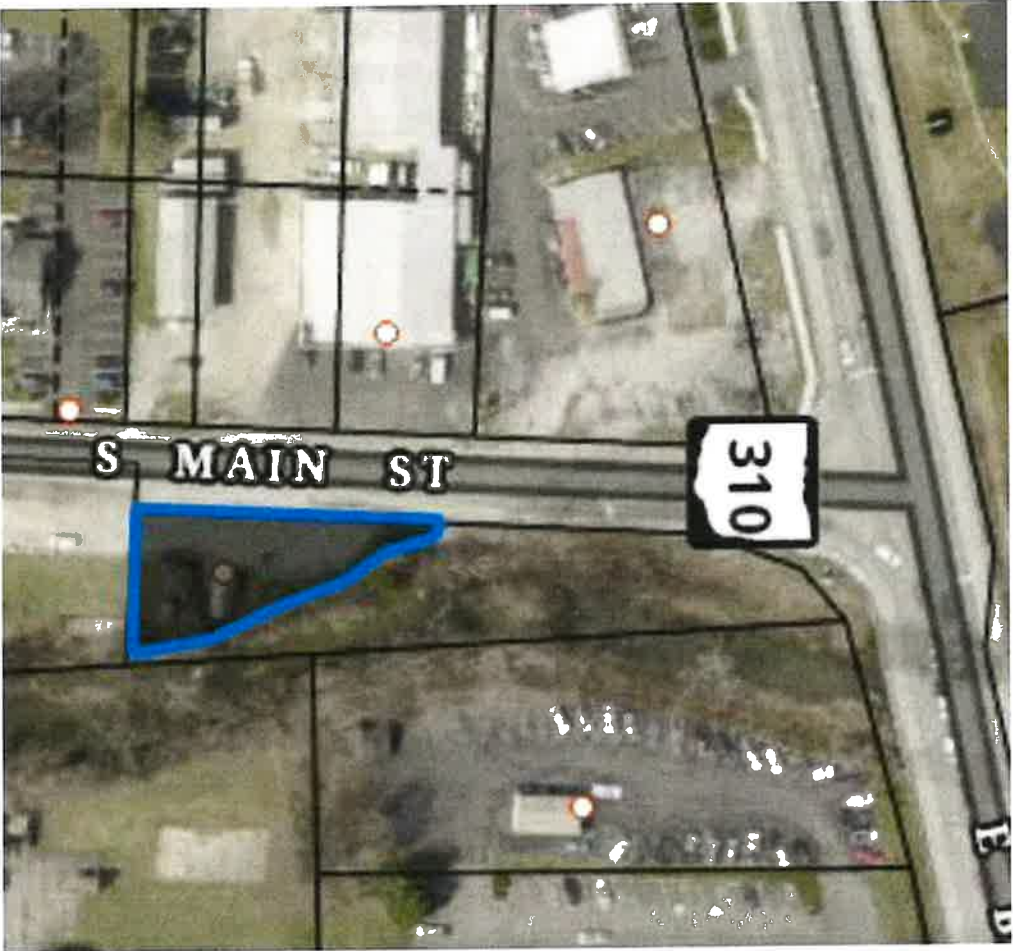
Variance
The Dairy Hut Storage Shed

Request- The request of a variance Section Code _____. Given the unique shape and location of the property there is only 0.18 acres that are useable on the lot as remaining space is trees and creek. We are requesting a variance in regards to the 12x35' shed that will not allow for a 5' right away from the property line on the south side. The approval of this variance would allow for much needed additional storage.

Describe Project- Two existing sheds are on the property that need replaced. If variance is approved, the two existing sheds will be removed and one new 12x35' storage shed will be placed on the property. The request is to place the new storage shed to the property line on the south side. The storage shed will be constructed as a moveable structure.

Narrative:

- a) The property in question will yield return if the variance is accepted. It will allow for approximately 420 square feet of storage space in one location. Without the variance, we would only be allowed 360 square feet. This storage shed will store our dry goods, paper products, chest freezer and other miscellaneous items.
- b) There are unique physical circumstances of the property as there is only 0.18 acres of useable land on the lot. The remaining space is trees and creek. The variance is necessary to enable the reasonable use of the property to allow for us additional storage space which is needed.
- c) The variance requested is not substantial. We are asking for a variance to omit the 5' right away from the south property line, which will yield The Dairy Hut a larger storage facility.
- d) The character of the neighborhood would be altered in a good way as the aesthetics of the area will be enhanced.
- e) If the variance is granted, it will not permanently impair the appropriate use or development of the adjacent property.
- f) If the variance is granted, it will not be detrimental to public welfare.
- g) If the variance is granted, it will not adversely affect the delivery of governmental services.
- h) As the property owner, we were aware of how unique the property was and that we would need to work alongside the city of Pataskala and Licking County with any needs/requests.
- i) The predicament cannot be obviated through some other method as there is no other location on the property, due to the available space to be used, for the location of the shed.
- j) If granted, the variance will represent the least modification possible of the requirement at issue.
- k) The spirit and intent behind the zoning requirement would be observed and substantial by granting this variance as we, at The Dairy Hut want to make additions to the location to continue to service the customers of Pataskala and surrounding areas.



0.18 Acres

