

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

Tuesday, February 8, 2022

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, February 8, 2022.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

William Cook

Richard Cooper

Douglas Dandurand

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.

Rollcall was made. Present were: Alan Howe, Rob Jimison, William Cook, Richard Cooper and Douglas Dandurand.

First on the Agenda, remove from the table Variance Application VA-21-031, 340 Wyncroft Court.

Mr. Howe made a motion to remove VA-21-031 from the table. Seconded by Mr. Jimison. Mr. Howe, Mr. Cook, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

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

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a driveway, that has already been constructed, that is less than the required three feet from a side property line. Area Map was reviewed. Pictures of the driveway were reviewed. Planning and Zoning Department review was noted. Zoning Inspector comments were also noted.

Bryan Schmitz, 340 Wyncroft Court, Pataskala, was placed under oath.

Mr. Schmitz indicated he did not realize a permit was required.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve VA-21-031, with the following condition:

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 Mr. Cooper. Mr. Cook, Mr. Jimison, Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-001, 12418 Cable Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the construction of an accessory building that will exceed the maximum permitted height of 25-feet by 6-feet. Area map was reviewed. Rendering of the project was reviewed. Pictures of existing conditions were reviewed. Planning and Zoning Department review was noted. Licking County Health Department comments were noted.

Andrew Kolp, 12418 Cable Road, Pataskala, was placed under oath.

Mr. Kolp noted the silo will not be removed and the septic and well are not close to the structure.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-21-001, 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 remove the existing structure labeled "metal bldg." within the Application Within one (1) year of the completion of the new structural addition.

Seconded by Mr. Cook. Mr. Jimison, Mr. Howe, Mr. Cook, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-002, 2011 Pine Hills Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the construction of an in-ground swimming pool that will not meet the required setback from an easement. Area map was reviewed. Rendering of the project was noted. Pictures of existing conditions were reviewed. Planning and Zoning Department review was noted. Public Service Director and City Engineer comments were reviewed. Public Comments were also noted.

A discussion of the pump's location was had.

Nichole Humphrey, 2011 Pine Hills Drive, Pataskala, was placed under oath.

Ms. Humphrey noted when purchasing the property, the property's project manager indicated the lot was available for a swimming pool. Ms. Humphrey also noted other swimming pools in the neighborhood.

Shannon Magaña, Omni Pools and Scapes, 4445 Weaver Court, Hilliard, was placed under oath.

Ms. Magaña gave an overview of the project, noting pump location and concrete seating area along with noting the dirt will be hauled away.

Rick Harkless, 2009 Pine Hills Drive, was placed under oath.

Mr. Harkless stated his concerns were addressed and has no issues.

Karl Paugh, 2013 Pine Hills Drive, Pataskala, was placed under oath.

Mr. Paugh noted concerns with the drainage easement and dirt concerns.

A discussion was had regarding the easement and elevations.

Ms. Magaña noted elevations and disturbance of dirt past the 5' from easement will not be impacted. It was also noted they will not be building on or in the easement.

Mr. Paugh again noted his concerns with drainage.

A further discussion was had regarding drainage, permits, along with Public Service Director and City Engineer reviewing applications.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Variance Application VA-22-002, 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 Mr. Cooper. Mr. Howe, Mr. Cook, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-003, 42 S. Main Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for an accessory building to be constructed that will not meet the required side yard setback. Area map was reviewed. Site plan was reviewed. Planning and Zoning Department review was noted. There were no further comments.

Caitlyn Heimerl, 42 S. Mian Street, Pataskala, was placed under oath.

Mr. Emswiler's comments dated February 2, 2022 were noted.

Findings of Fact were noted.

Mr. Cooper made a motion to approve Variance Application VA-22-003 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 Mr. Jimison. Mr. Howe, Mr. Dandurand, Mr. Cook, Mr. Cooper and Mr. Jimison voted yes. The

motion was approved.

Next on the Agenda, Conditional Use Application CU-22-002, 42 S. Main Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval to allow for a restaurant with a drive-through. Area map was reviewed. Site plan was reviewed. Existing Conditions were reviewed. Planning and Zoning Department review was noted. There were no further comments.

Parking was discussed.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve Conditional Application CU-22-002 with the following condition:

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.

Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper, Mr. Jimison, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-22-001, 4471 Summit Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to establish a private kennel as an accessory use. Area map was reviewed. It was noted the Applicant has already established the use and dogs are being housed in the pole barn. An outdoor area has been created for daily activities. The kennel is for training police, military, search and rescue and service dogs. Existing Conditions were reviewed. Planning and Zoning Department review was noted. Zoning inspector and Licking County Health Department comments were noted. Public comments were also reviewed.

Laszlo Pek Mrazovac, 4471 Summit Road SW, Pataskala, was placed under oath.

Mr. Mrazovac indicated began this business location in September 2021. Mr. Mrazovac noted the noise coming from the dogs are when they are outside.

Randy Young, 4369 Summit Road, Pataskala, was placed under oath.

A discussion was had regarding a typo on the Parcel ID Number from the Auditor's website.

Mr. Young noted concerns with noise from the dogs.

Luke Robertson, 13831 Cable Road, Pataskala, was placed under oath.

Mr. Robertson noted noise concerns. Also noted concerns with possible dogs running loose.

Kelsey Robertson, 13831 Cable Road, Pataskala, was placed under oath.

Ms. Robertson indicated her concerns were also the same as her husband's and had concerns with the property owner not appearing to speak to the neighbors about their concerns.

Gary Biederman, 4449 Summit Road, Pataskala, was placed under oath.

Mr. Biederman also noted concerns with noise from the dogs.

Mason Entingh, 13811 Cable Road, Pataskala, was placed under oath.

Mr. Entingh stated he viewed the Applicant's business online, noting the types of dogs and what they are being trained for; neighborhood safety was a concern.

Mr. Mrzaovac noted highly trained dogs are more secure around people than the neighbor dog that chased him.

Mr. Howe stated appreciating well-trained dogs; however, always being supervised and a dog getting free could be very disconcerting. Although, there has been no indication of these dogs running loose. Mr. Howe stated noise seems to be the biggest issue.

Mr. Mrzaovac noted letting the dogs out to exercise and training is off-site in Whitehall.

Findings of Facts were reviewed.

Mr. Howe made a motion to approve Conditional Use Application CU-22-001 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.

Seconded by Mr. Jimison. Mr. Howe, Mr. Cook, Mr. Jimison, Mr. Dandurand and Mr. Cooper voted no. The motion was denied.

Next on the Agenda, Conditional Use Application CU-22-003, 14450 E Broad Street, Reynoldsburg.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to establish a Pest Control Business to be located on site. Area Map was reviewed. Site plan was noted. Planning and Zoning Department comments were noted.

Jerica Zuckerman, 6368 Summit Road, Pataskala, was placed under oath.

Ms. Zuckerman stated business 4 ½ years ago and wanted to stay in the City of Pataskala. Ms. Zuckerman noted responsible pest control applicators, anything stored in the building is minimal, but will be in full compliance. Everything will be well maintained and mostly administrative offices and an area for meetings.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve Conditional Use Application CU-22-003 with the following condition:

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.

Seconded by Mr. Dandurand. Mr. Cooper, Mr. Dandurand, Mr. Jimison, Mr. Cook and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.**Variance Application VA-21-031**

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | 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) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>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,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-21-031. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Cook voted yes. The motion was approved.

Variance Application VA-22-001

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | 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) *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 Facts for Variance Application VA-22-001. Seconded by Mr. Cooper. Mr. Jimison, Mr. Howe, Mr. Cook, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Variance Application VA-22-002

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | 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) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>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,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-002. Seconded by Mr. Dandurand. Mr. Howe, Mr. Cook, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-22-003

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | 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) <i>Whether the variance, if granted, will be detrimental to the public welfare;</i> |
| ✓ | | g) <i>Whether the variance, if granted, would adversely affect the delivery of government services;</i> |
| ✓ | | h) <i>Whether the property owner purchased the subject property with knowledge of the zoning restriction;</i> |
| ✓ | | i) <i>Whether the property owner's predicament can be obviated through some other method than variance;</i> |
| ✓ | | j) <i>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,</i> |
| ✓ | | k) <i>Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.</i> |

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-22-003. Seconded by Mr. Cook. Mr. Cooper, Mr. Dandurand, Mr. Howe, Mr. Jimison and Mr. Cook voted yes. The motion was approved.

Conditional Use Application CU-22-002

- | <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 Facts for Conditional Use Application CU-22-002. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Howe, Mr. Jimison, Mr. Cook and Mr. Cooper voted yes. The motion was approved.

Conditional Use Application CU-22-001

- | <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 Facts for Conditional Use Application CU-22-001. Seconded by Mr. Cooper. Mr. Howe, Mr. Cook, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Conditional Use Application CU-22-003.

- | <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 Facts for Conditional Use Application CU-22-03. Seconded by Mr. Cook. Mr. Howe, Mr. Jimison, Mr. Cooper, Mr. Dandurand and Mr. Cook voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of William Cook from the January 11, 2022 Regular Meeting.

Mr. Howe made a motion to approve the absence of William Cook from the January 11, 2022 Regular Meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Cooper and Mr. Dandurand voted yes. Mr. Cook abstained. The motion was approved.

Next on the Agenda, Excuse of Absence of William Cook from the January 11, 2022 Organizational Meeting.

Mr. Howe made a motion to approve the absence of William Cook from the January 11, 2022 Organizational Meeting. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Howe, Mr. Cooper and Mr. Jimison voted yes. Mr. Cook abstained. The motion was approved.

Next on the Agenda, Approval of the January 11, 2022 Organizational Meeting Minutes.

Mr. Howe made a motion to approve the January 11, 2022 Organizational Meeting Minutes. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. Mr. Cook abstained. The motion was approved.

Next on the Agenda, Approval of the January 11, 2022 Regular Meeting Minutes.

Mr. Howe made a motion to approve the January 11, 2022 Regular Meeting Minutes. Seconded by Mr. Jimison. Mr. Cooper, Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. Mr. Cook abstained. The motion was approved.

No other business was presented.

Next on the Agenda, Adjournment to Tuesday, March 8, 2022.

Mr. Cook made a motion to adjourn the meeting to March 8, 2022. Seconded by Mr. Howe. Mr. Jimison, Mr. Cooper, Mr. Howe, Mr. Cook and Mr. Dandurand voted yes. The motion was approved.

The hearing was adjourned at 8:59 p.m.

Minutes of the February 8, 2022 regular meeting were approved on

_____, 2022.
