

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

Tuesday, April 12, 2022

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, April 12, 2022.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

Douglas Dandurand

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

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 and Douglas Dandurand. William Cook and Richard Cooper were not present.

First on the Agenda, Variance Application VA-22-008, 61 East Avenue.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for an approval of two variances, one from Section 1231.05(C)(1) to reduce the required front yard setback for a principal structure and one from Section 1231.05(C)(2) to reduce the required side yard setback for a principal structure. Area map and site plan were reviewed. Planning and Zoning Staff comments were noted.

No questions were presented.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve two Variances; one from Section 1231.05(C)(1) and one from Section 1231.05(C)(2) for variance application VA-22-008 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. Dandurand. Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-009, 66 East Broad Street.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for an approval of a Variance from Section 1295.09(b)(2)(B) to allow for more than one wall sign per business unit. The property is located at the corner of East Broad Street and Hazelton-Etna Road. The property was previously used as an automotive oil

change business and the proposed use will be a financial services office. Area map, site plan and proposed signage were reviewed. Planning and Zoning Staff comments were noted.

Internal illumination was discussed.

Bob Kessler, 2669 Old National Road, Zanesville, Ohio, was placed under oath.

Mr. Kessler noted signage will be low intense and LED internal letters.

A discussion was had regarding sign location and hours the sign will be illuminated.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve a Variance from Section 1295.09(b)(2)(B) for variance application VA-22-009 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.

Mr. Jimison seconded the motion. Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-011, 66 East Broad Street.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for an approval of Variances from Sections 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), 1295.10(b)(7)(B)(5) and 1295.10(b)(7)(B)(6) for a freestanding ground sign with an Electronic Message center. Area map, site plan and proposed signage were reviewed. Planning and Zoning Staff comments were noted.

Mr. Kessler noted the electronic message center would be used for advertisements for the community and community events.

A discussion was had regarding the electronic message center being located at a busy intersection, distracting drivers, along with the frequency of the sign's messages being changed. Tabling the application was also discussed.

Luke Baus, 2892 Silver Street, Granville, Ohio, was placed under oath.

Mr. Baus noted concerns with the electronic message center's timing and placing conditions on the approval.

A discussion was had regarding placing conditions on the variance.

Mr. Howe made a motion to table Variance Application VA-22-011 to the May 10, 2022 Board of Zoning Appeals hearing. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-013, 66 East Broad Street.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for an approval of a Variance

from Section 1283.07(B) to allow for reduced perimeter screening. Area map, site plan and proposed landscaping were reviewed. Planning and Zoning Staff comments were noted.

A discussion was had regarding current landscaping.

Brad Eddy, PO Box 554, Johnstown, Ohio was placed under oath.

Mr. Eddy noted areas that would be landscaped, including the trees that will be removed.

A discussion was had regarding water runoff.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Variance from Section 1283.07(B) for variance application VA-22-013 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. Dandurand. Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-22-008

- | <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) *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-22-008. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Variance Application VA-22-009

- | <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-22-009. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-22-013

- | <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) *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 Facts for Variance Application VA-22-013. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the March 8, 2022 Regular Meeting.

Mr. Howe made a motion to approve the Minutes of the March 8, 2022 regular meeting. Seconded by Mr. Dandurand. Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of William Cook from the March 8, 2022 Regular Meeting.

Mr. Howe made a motion to approve the absence of William Cook from the March 8, 2022 regular meeting. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

No other business was given.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Dandurand. Mr. Howe, Mr. Jimison, and Mr. Dandurand voted yes. The meeting was adjourned at 7:33 p.m.

Minutes of the April 12, 2022 regular meeting were approved on

_____, 2022.

Chairperson