

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

Tuesday, June 14, 2022

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 14, 2022.

Present were:

Alan Howe, Chairman
Rob Jimison, Vice Chairman
Richard Cooper

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

First on the Agenda, Variance Application VA-22-018, 2725 Summit Road SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for the location of an accessory building to be in front of a principal structure. Area map was reviewed. It was noted, the property has no frontage on a public right-of-way and access to the property is via a 30' easement. The accessory building is existing non-compliant. Site plan was reviewed. The Board previously approved the same variance in 2018; however, the Applicant was unable to proceed, and the variance expired. Applicant's Narrative was noted. Staff comments were reviewed. There were no other Departmental or Agency comments.

Krisztina Breidenbach, 13268 Durham Circle, Pickerington, was placed under oath.

Ms. Breidenbach stated being unable to proceed with the 2018 variance due to unforeseen issues.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1221.05(D)(1) of the Pataskala Code for variance application VA-22-018, 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. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-019, 122 Mill Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to approve three Variances in order to reduce the required setbacks on the north and west sides of the proposed home, and to reduce the required basement size. Area map was reviewed. Proposal along with site plan were reviewed. Applicant's Narrative was noted. Existing Conditions were reviewed. Staff and Utility Department comments were noted.

Randy Gibson, 582 Blakeley Place, Newark, Ohio was placed under oath.

Mr. Gibson had no comments.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve three Variances; two from Section 1237.05(C)(1), and one from 1237.05(G) of the Pataskala Code for Variance Application VA-22-019 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. Jimison, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-020, 13751 Cable Road SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for an increase in the permitted height of an Accessory Building on a lot that is less than two acres in size. Area map was reviewed. Proposal along with site plan were reviewed. Applicant's Narrative was noted. Existing Conditions were reviewed. Staff Comments along with the Licking County Health Department comments were noted.

Kelsie Nickolas, 13751 Cable Road, Pataskala, was placed under oath.

Ms. Nickolas has no questions or comments.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve a Variance from Section 1221.05(C)(1) of the Pataskala Code for Variance Application VA-22-020 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. Jimison and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-22-018

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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 Facts for Variance Application VA-22-018. Seconded by Mr. Cooper. Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

Variance Application VA-22-019

- | <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</i> |

- 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-22-019. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, and Mr. Cooper voted yes. The motion was approved.

Variance Application VA-22-020

- | <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-22-020. Seconded by Mr. Cooper. Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of the May 10, 2022 regular meeting minutes.

Mr. Howe made a motion to approve the regular meeting minutes from the May 10, 2022 regular meeting minutes. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

No other business was given.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Cooper. Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The meeting was adjourned at 7:08 p.m.

Minutes of the June 14, 2022 regular meeting were approved on _____, 2022.

Chairperson