

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

**Tuesday, August 9, 2022**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 9, 2022.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

Richard Cooper

Douglas Dandurand

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning 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, Richard Cooper and Douglas Dandurand.

***First on the Agenda, Remove from the table Variance Application VA-22-021.***

Mr. Howe made a motion to remove Variance Application VA-22-021 from the table. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-22-021, 11308 Broad Street SW.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of three (3) Variances. The first, from Section 1295.09(b)(2)(D)(1) to allow for the main wall sign to exceed the maximum permitted square footage; a Variance from Section 1295.09(b)(2)(B) to allow for a second sign, and a Variance from Section 1295.10(b)(1) for the secondary sign to use full-face illumination. It was noted the Application was tabled at the July 12, 2022 hearing. Area map and property summary were noted. Pictures provided by the Applicant regarding nearby business signs were reviewed. Existing conditions were noted. Sign proposals along with the Applicant's Narrative were reviewed. Planning and Zoning Staff Comments were noted. There were no other Departmental or Agency comments.

Caleb Moore, 6060 Westerville Road, Westerville, Ohi, was placed under oath.

Mr. Moore indicated a larger sign would be more practical due to the setback of the store.

A discussion was had regarding the proposed monument sign.

A further discussion was had regarding maximum allowable square footage regarding the main wall sign.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve two (2) Variances from Section 1295.09(b)(2)(B) and one (1) Variance from Section 1295.10(b)(1) of the Pataskala Code for Variance Application VA-22-021 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 main wall sign shall not exceed 75 square feet in area.

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

***Next on the Agenda, Variance Application VA-22-022, 12857 Havens Corners Road.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1221.05(B)(1) of the Pataskala Code to allow for the construction of an Accessory Building that will exceed the maximum square footage permitted within the lot. Area map was reviewed along with summary of the property. Site plan was reviewed. Planning and Zoning Staff Comments were noted. There were no other Departmental or Agency comments.

Mark Snyder, Sr., 94 Pleasant View, Blacklick, Ohio, was placed under oath.

No questions were presented.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Variance from Section 1221.05(B)(1) of the Pataskala Code for Variance Application VA-22-022 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.

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

***Next on the Agenda, Variance Application VA-22-023, 6500 Taylor Road SW.***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Use Variance from Section 1251.03 of the Pataskala Code to allow for a game store and event space located at 6500 Taylor Road SW. Area map was reviewed along with summary and zoning history of the property. Proposal and existing conditions were noted. Planning and Zoning Staff Comments were discussed, including landscaping requirements. Departmental and Agency comments were reviewed.

Michael Walker, 12850 Blamer Road, Johnstown, Ohio, was placed under oath.

Mr. Walker noted the current building's layout is more of an office-type building and not suited for industrial use

and would be better utilized for a game store, event center. It was also noted that a daycare had previously occupied the building and had closed during covid.

Findings of facts were reviewed.

Mr. Dandurand made a motion to approve a Use Variance from Section 1251.03 for Variance Application VA-22-023 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 install L2-type landscaping, or an equivalent, subject to the approval of Planning and Zoning Staff, along the south border of the property.

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

***Next on the Agenda, Findings of Fact.***

***Variance Application VA-22-021***

<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. Cooper made a motion to approve Findings of Facts for Variance Application VA-22-021. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

**Variance Application VA-22-022**

- | <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-22-022. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

**Use Variance Application VA-22-023**

- | <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.*
- ✓ a) *The applicant/owner created the alleged hardship; or*
- ✓ b) *The Board finds that the application is primarily made for purposes of convenience or profit; or 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) *A substantial ground offered in support of an application for use variance is the existence of other non-conforming use of neighboring lands, structures, or buildings, in the same zoning district or in other zoning districts.*

Mr. Howe made a motion to approve Findings of Facts for Use Variance Application VA-22-023. Seconded by Mr. Cooper. Mr. Jimison, Mr. Cooper, Mr. Howe and Mr. Dandurand voted yes. The motion was approved.

***Next on the Agenda, Approval of Minutes from the July 12, 2022 Regular Meeting.***

Mr. Howe made a motion to approve the Minutes of the July 12, 2022 regular meeting. Seconded by Mr. Jimison. Mr. Cooper, Mr. Dandurand, Mr. Howe and Mr. Jimison 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. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The meeting was adjourned at 7:30 p.m.

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Chairperson

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Date