

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

Tuesday, October 11, 2022

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, October 11, 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, Variance Application VA-22-024 – 36 East Avenue.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting to allow for an accessory building to exceed the maximum square footage permitted for property located at 36 East Avenue. The Applicant received an approved Variance in March of 2021 for the same Variance request; however, the Variance expired as no permits were obtained within the one-year period. Area Map was reviewed. Property Summary was given. It was stated the Applicant will connect the current detached garage to the primary structure, making it part of the primary structure, and the proposed accessory building will be constructed. Existing conditions and site plans were reviewed. Planning and Zoning Staff comments were reviewed. There were no other Departmental and Agency comments.

A discussion was had regarding the current detached garage being attached to the primary structure before the new accessory building can be constructed.

Jesse Maynard, 36 East Avenue, Pataskala, was placed under oath.

Mr. Maynard stated being unable to construct the accessory building within the one-year period from the 2021 approved Variance.

Finding 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-22-024 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. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-025 - 7899 Columbia Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for an accessory building to be located in front of the principal structure for property located at 7899 Columbia Road SW. Area Map was reviewed. Property Summary was given. It was noted the accessory building is a salvaged log cabin. Site plan, proposed structure and existing conditions were reviewed. The Applicant's Narrative noted they would be using the accessory building as a guest home, or parents' future home. Departmental and Agency comments were noted.

Andrew Walther, 7899 Columbia Road SW, Pataskala, was placed under oath.

Mr. Walther stated he has spoken with neighbors, and they have no issues with the accessory building.

A discussion was had regarding accessory building regulations.

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-22-025, 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. Jimison, Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-22-026 – 306 Isaac Tharp Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval of two Variances, one from Section 1297.02(B)(2) of the Pataskala Code to allow for the pump & filter installation for a pool to be located closer than 20-feet to a property line, and from Section 1221.07(b)(1)(iii) to allow for reduced side yard setback for a patio. Area map, property summary, site plan and existing conditions were reviewed. There were Departmental and Agency comments.

Marc Skory, 306 Isaac Tharp Street, Pataskala, was placed under oath.

Mr. Skory noted only two locations available for the pump location and being unaware of the pump setback regulations.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1297.02(B)(2) and a Variance from Section

1221.07(b)(iii) of the Pataskala Code, for Variance Application VA-22-026, 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. Jimison. Mr. Howe, Mr. Cooper, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Conditional Use CU-22-007, 200 West Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval to allow for the construction of an Assisted-Living Facility with additional "independent living villas" and associated site improvements. Area Map and property summary were reviewed. Site plans and conditional use requests were reviewed. Planning and Zoning Department comments were noted. Mr. Kuntzman further noted the property is currently split zoned and would need to be rezoned, or the plans revised so that no part of the project will extend into the R-10 Zoning District. If the Conditional Use is approved, a Transportation Corridor Overlay District Application will go before the Planning and Zoning Commission, along with consideration of parking, landscaping, lighting and other aspects of the project. Departmental and Agency comments were noted.

A discussion was had regarding the Utility Director's comments of sewer capacity.

Dave Baylis, 9450 Manchester Road, St. Louis, Missouri, was placed under oath.

Mr. Baylis gave a brief background of PVL Investments, LLC, developers of assisted and independent senior living. Mr. Baylis presented a PowerPoint presentation, showing current independent villas and communities. Mr. Baylis noted having no issues with Staff Comments; however, the proposed building is 4-and-a-quarter inches higher than allowed by Code and that will be addressed at a later date. Mr. Baylis stated they are only focused on assisted living, memory care and independent living for this project.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-22-007 with the following conditions:

1. The Applicant shall submit a Transportation Corridor Overlay District Application within six (6) months of the date of approval.
2. The Applicant shall address all comments from Planning and Zoning Staff, Public Service Director, City Engineer, Pataskala Utilities Director, and the West Licking Joint Fire District.

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

Next on the Agenda, Findings of Fact.**Variance Application VA-22-024**

<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-22-024. Seconded by Mr. Cooper. Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-22-025

<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-22-025. Seconded by Mr. Cooper. Mr. Jimison, Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Use Variance Application VA-22-026

- | <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 Use Variance Application VA-22-026. Seconded by Mr. Cooper. Mr. Cooper, Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-22-007

Yes **No**

- ✓ 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 Use Conditional Use CU-22-007. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the August 9, 2022 Regular Meeting.

Mr. Howe made a motion to approve the Minutes of the August 9, 2022 regular meeting. Seconded by Mr. Cooper. Mr. Howe, Mr. Cooper, Mr. Dandurand 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. Dandurand. Mr. Jimison, Mr. Cooper, Mr. Dandurand and Mr. Howe voted yes. The meeting was adjourned at 7:36 p.m.

Chairperson

Date

