

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

Tuesday, November 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, November 8, 2022.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

Richard Cooper

Douglas Dandurand

City of Pataskala Planning and Zoning Department Staff:

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Howe opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Alan Howe, Richard Cooper and Douglas Dandurand. Rob Jimison arrived after roll call.

First on the Agenda, Variance Application VA-22-027 – 391 S Main Street, Parcel No. 064-308940-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting a Variance from Section 1279.03(4) of the Pataskala Code to allow for a 42" fence to be installed in the front yard of the property and within three feet of the public-right-of-way. Area map, site plan and existing conditions were reviewed. Neighboring properties with similar fencing were also reviewed.

Mr. Dandurand inquired as to existing fences.

Mr. Kuntzman stated he believes the existing fences were installed prior to the regulations.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1279.03(A)(4) of the Pataskala Code for Variance Application VA-22-027, 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. Cooper, Mr. Dandurand, Mr. Howe and Mr. Jimison voted yes. The motion was approved.

Nest on the Agenda, Conditional Use Application CU-22-008 – 11185 Broad Street, Parcel No. 063-141552-

00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting an approval of a Conditional Use to allow for property to be used as a motor vehicle garage for the repair and service of vehicles for a car dealership. It was noted the Applicant owns a dealership that is currently undergoing reviews for expansion, and they do not have the space on site to perform general vehicle maintenance. Area map and existing conditions were reviewed. The Applicant's Narrative noted the location would be temporary until their new garage is constructed. Departmental and Agency comments were noted.

Saso Damceski, 145 Trail East, Pataskala, was placed under oath.

Mr. Damceski indicated cars for his dealership are currently at different locations and wants to rent space closer to his dealership. It was also noted Departmental and Agency comments will be addressed.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-22-008 with the following conditions:

1. The Applicant shall address all comments from the SWLCWSD, West Licking Joint Fire District, and Planning and Zoning Staff.
2. 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.
3. All operations shall be conducted within a fully enclosed building and there shall be no open storage of wrecked vehicles, dismantled parts, or parts visible beyond the premises.

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

Next on the Agenda, Findings of Fact.**Variance Application VA-22-027**

Yes **No**

- ✓ 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-22-027. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-22-008

- | <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 Use Conditional Use CU-22-008. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

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

Mr. Howe made a motion to approve the Minutes of the October 11, 2022 regular meeting. Seconded by Mr. Dandurand. Mr. Cooper, Mr. Jimison, Mr. Howe and Mr. Dandurand 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. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The meeting was adjourned at 6:58 p.m.

Chairperson

Date