

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

Tuesday, January 10, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, January 10, 2023.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

Lon Coleman

Richard Cooper

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.

Roll call was made. Present were: Richard Cooper, Douglas Dandurand, Alan Howe, Rob Jimison and Lon Coleman.

First on the Agenda, Variance Application VA-22-030 – 3600 Etna Parkway.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1295.09(b)(2)(C) to allow for a freestanding ground sign to be located within the public right-of-way. Area map, site plan and existing conditions were reviewed. It was noted the variance is due to the sign location being within the AEP transmission easement, and AEP not allowing the installation; the Applicant proposes to place the sign outside the easement and within the public right-of-way. Location map and sign rendering were reviewed. Staff comments along with Departmental and Agency comments were noted.

Todd Ward, Red Rock Development, 1201 Main Street, Columbia, South Carolina.

Mr. Ward stated being unaware of the easement at the time they submitted the sign application and believes this is a unique situation regarding the rights-of-way.

A discussion was had regarding the sanitary sewer capacity.

Mr. Ward noted being in constant contact with Southwest Licking Water and Sewer District.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1295.05(b)(2)(C) of the Pataskala Code for variance application VA-22-030 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 understands that by placing private property within the public right-of-way whether approved, permitted, or otherwise; such action is at their own risk and that the City and/or other entity with the right to access said right-of-way, reserves all rights to City-owned right-of-way, and if future endeavors necessitate removal, it will be removed and not replaced.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-22-030

<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-22-029. Seconded by Mr. Jimison. Mr. Cooper, Mr. Dandurand, Mr. Jimison, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the December 13, 2022 Regular Meeting.

Mr. Howe made a motion to approve the Minutes of the December 13, 2022 regular meeting. Seconded by Mr. Cooper. Mr. Jimison, Mr. Howe, Mr. Coleman, Mr. Dandurand 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. Jimison. Mr. Cooper, Mr. Coleman, Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The meeting was adjourned at 6:52 p.m.

Chairperson

Date