

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

Tuesday, March 14, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, March 14, 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
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: Richard Cooper, Douglas Dandurand, Alan Howe, Rob Jimison and Lon Coleman.

First on the Agenda, Variance Application VA-23-001 – 163 Meadow Way.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1291.02(A)(4) to allow for a gravel driveway within a platted subdivision. Area map, property summary, site plan and existing conditions were noted. Neighboring comments noting no objection to the project were included. Planning and Zoning Staff Comments, along with Departmental and Agency comments were noted.

Patrick Allen, 163 Meadow Way, Pataskala, was placed under oath.

Mr. Allen indicated the request for a gravel driveway was due to the existing utilities running underneath the driveway, and a utility easement at the mid-point of the lot.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1291.04(A)(4) of the Pataskala Code for Variance Application VA-23-001 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.

Seconded by Mr. Cooper. Mr. Jimison, Mr. Howe, Mr. Coleman, Mr. Dandurand and Mr. Cooper voted yes. The

motion was approved.

Next on the Agenda, Variance Application VA-23-002 – 2010 Pine Hills Drive.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1221.07(e)(1) of the Pataskala Code to allow for a residential patio to encroach two feet within a recorded easement. Area map, summary of property and site plan were reviewed. It was stated a patio application was submitted in 2021 and Staff had reached out to the Applicant regarding the placement of the patio encroached the easement and they would need to amend the application by moving the patio out of the easement, or apply for a variance. In 2023 the Zoning Inspector observed the patio had been installed without a permit and a violation was sent to the property owner. Planning and Zoning Staff Comments, along with Department and Agency comments were noted.

Adam Craycraft, Columbus Hardscapes, LLC., 4655 Blacklick Eastern Road, Baltimore, Ohio, was placed under oath.

A discussion was had regarding the easement. The property owner acknowledged being aware of the conditions regarding utility access.

Findings of fact were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1221.07(e)(1) of the Pataskala Code for variance application VA-23-002 with the following conditions:

1. Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.
2. The Property Owner shall understand that if any public agency or utility which has the right to access said easement need to in the future to repair, replace, maintain, etc. the infrastructure that may be within the easement; the patio or a portion thereof may be demolished in order to access said infrastructure, and the public agency or utility would not be liable to replace it.
3. The Property Owner shall be responsible for any and all damages as a result of encroaching within the easement.

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

Next on the Agenda, Variance Application VA-23-003 – 3750 Alward Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for an approval of a Variance from Section 1221.05(C)(2) of the Pataskala Code to allow for an increase in height of eight feet over the maximum of 25-feet for an Accessory Building on a lot greater than two acres. Area map, property summary and site plan were reviewed. Planning and Zoning Staff Comments were noted. There were no Departmental or Agency comments.

Ryan Nichol, 3750 Alward Road, Pataskala, was placed under oath.

Mr. Nichol noted the reasoning for the height and also noted a slope on his property where the accessory structure will be built. Mr. Nichol stated being unaware of the zoning requirements prior to purchasing the property, also noting his neighbor having no issue with the construction of the accessory building.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1221.05(C)(2) of the Pataskala Code for variance application VA-23-003 with the following conditions:

1. The Applicant shall obtain all necessary permits from the City of Pataskala and the Licking County Building Code Department within one (1) year of the date of approval.

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

Next on the Agenda, Variance Application VA-23-004 – Parcel Id Nos. 255-067746-00.000 and 255-069072-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1117.10 of the Pataskala Code to allow for four intersections within the Forest Ridge residential subdivision to not meet the requirement that streets shall remain in the angle of an intersection for at least 100-feet beyond the point of intersection. Area map, property summary and site plan were reviewed.

Mr. Kuntzman listed the four intersections that do not meet street requirement: Ruby Road and Fannin Drive; Ruby Road and Waterlily Way; Ruby Road and Deagle Drive; Creekside Drive and Redbud Ridge Road. Planning and Zoning Staff Comments, along with Public Service Department and City Engineer comments were reviewed.

A discussion was had regarding stop signs and dead-end streets.

Mr. Kuntzman gave an overview of the subdivision process.

Mr. Jimison asked if any of the streets would connect with other streets.

Mr. Fulton stated they would not connect to other adjacent properties.

Joel West, M/I Homes, 4131 Worth Avenue, Columbus, Ohio, was placed under oath.

Mr. West gave a brief history of the site. Mr. West noted there were certain items in the preliminary plan that would need deviations, and that is primarily due to the natural features of the property.

Findings of Fact were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1117.10 of the Pataskala Code for Variance Application VA-23-004 with no conditions. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-23-005 – Parcel Id Nos. 255-067746-00.000 and 255-069072-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1117.10 of the Pataskala Code to allow for reduced intersection separation at Fannin Drive, Waterlily Way, and Ruby Road within the Forest Ridge Subdivision. Area map, property summary and site plan were reviewed. Planning and Zoning Staff Comments, along with Public Service Department and City Engineer comments were reviewed.

Mr. Dandurand noted concern regarding needing stop signs for the roads coming onto Ruby Road.

A discussion was had regarding stop signs.

Mr. Howe noted the variance request is only for the reduced intersection separation.

Findings of Fact were reviewed.

Mr. Coleman also wanted to note that he has the same concerns regarding possibly needing speed bumps or stop signs.

Mr. Dandurand made a motion to approve a variance from Section 1117.10 of the Pataskala Code for Variance Application VA-23-005 with no conditions. Seconded by Mr. Coleman. Mr. Howe, Mr. Coleman, Mr. Jimison, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-23-006 – Parcel Id Nos. 255-067746-00.000 and 255-069072-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1117.07 of the Pataskala Code to allow for three locations within the Forest Ridge Subdivision to have less than the minimum of 100-feet between reverse curves. Area map, property summary and site plan were reviewed. Planning and Zoning Staff Comments, along with Public Service Department and City Engineer comments were reviewed.

No questions were presented.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1117.07 of the Pataskala Code for Variance Application VA-23-006 with no conditions. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Coleman, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-23-001 – 239 Sims Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use to allow for a Type B Home Occupation (Dog Boarding and Training) within an existing Accessory Building. Area map, property summary and site plan were reviewed. Planning and Zoning Staff Comments, along with Public Service Department and City Engineer comments were reviewed. There were two neighbor comments what were received and reviewed.

Kasey Sims, 239 Sims Road, Pataskala, was placed under oath.

Ms. Sims noted the business has not opened yet; however, she has started social media trying to build up support for their business.

A discussion was had regarding how many clients are permitted per day.

Ms. Sims noted they are only boarding dogs and not daycare.

A discussion was had regarding the concerns of a neighbor.

Findings of Fact were reviewed.

Jimison made a motion to approve a Conditional Use pursuant to Section 1215.08 of the Pataskala Code for application CU-23-001 with the following conditions:

1. The Applicant shall obtain all necessary permits and inspections from the City of Pataskala, Licking County Building Code Department, and West Licking Joint Fire District within six (6) months of the date of approval.
2. The Applicant shall adhere to the requirements of Chapter 1267 of the Pataskala Code for the duration of business operations.
3. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general 1215.05(A)(7).

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

Next on the Agenda, Findings of Fact.

Variance Application VA-23-001

<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</i>

substantial justice done by granting the variance.

Mr. Howe made a motion to approve Findings of Facts for Variance Application VA-23-001. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Variance Application VA-23-002

- | <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-23-002. Seconded by Mr. Jimison. Mr. Cooper, Mr. Dandurand, Mr. Jimison, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Variance Application VA-23-003

- | <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) *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-23-003. Seconded by Mr. Jimison. Mr. Coleman, Mr. Cooper, Mr. Jimison. Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

Variance Application VA-23-004

- | <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</i> |

- ✓ 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-23-004. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Coleman, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-23-005

- | <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-23-005. Seconded by Mr. Jimison. Mr. Howe, Mr. Coleman, Mr. Jimison, Mr. Dandurand and Mr. Cooper voted yes. The motion was approved.

Variance Application VA-23-006

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|--|
| ✓ | | a) <i>Whether the property in question will yield a reasonable return or if there can be a</i> |

- 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-23-006. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-23-001

- | <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 Conditional Use CU-23-001. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison, Mr. Howe and Mr. Coleman voted yes. Mr. Dandurand abstained. The motion was approved.

Next on the Agenda, Approval of Minutes from the January 10, 2023 Organizational Meeting.

Mr. Howe made a motion to approve the Minutes of the January 10, 2023 organizational meeting. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the January 10, 2023 Regular Meeting.

Mr. Howe made a motion to approve the Minutes of the January 10, 2023 regular meeting. Seconded by Mr. Dandurand. Mr. Coleman, Mr. Dandurand, 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. Jimison. Mr. Howe, Mr. Coleman, Mr. Jimison, Mr. Dandurand and Mr. Cooper voted yes. The meeting was adjourned at 8:01 p.m.

Chairperson

Date