

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

Tuesday, April 11, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, April 11, 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: Lon Coleman, Richard Cooper, Douglas Dandurand, Alan Howe and Rob Jimison.

First on the Agenda, Variance Application VA-23-007 – 12857 Havens Corners Road

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1291.02(A)(4) of the Pataskala Code to allow for a gravel driveway expansion within a platted subdivision. Area map, property summary, proposal, site plan and narrative were noted. Planning and Zoning Staff Comments were reviewed. There were no other Departmental or Agency comments.

Gary Lowry, Lowry Custom Buildings, was placed under oath.

Mr. Lowry indicated being the contractor and gave an overview of the proposed project.

A discussion was had regarding driveway requirements for subdivisions.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1291.04(A)(4) of the Pataskala Code for Variance Application VA-23-007 with the following condition:

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

Variance Application VA-23-008 has been withdrawn.

Next on the Agenda, Variance Application VA-23-009 – 210 Cedar Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1259.09(b)(9) of the Pataskala Code to allow for a monument sign to exceed the maximum allowable area of 32-square feet by 2.66-square feet. Area map, property summary, site plan, proposal and narrative were noted. Pataskala Utilities comments regarding the easement were reviewed. There were no other Departmental or Agency comments.

Tami Whaley, representing Pataskala Manufactured Home Park, 210 Cedar Street, Lot 33, Pataskala, was placed under oath.

Ms. Whaley indicated in the affirmative of being aware the sign may be removed if utilities need access to the easement.

Aaron Crater, 186 Cedar Street, Pataskala, was placed under oath.

Mr. Crater noted his concerns, including the sign not conforming with neighborhood, poor construction, and indicated he had measured the sign and it is larger than what the Applicant is requesting.

Mr. Howe stated the sign has not been permitted yet; therefore, it is not legal. However, assuming the Variance is approved, a sign permit will be required, and the Zoning Inspector will measure to determine if the sign complies with the approved permit.

A discussion was had regarding the requirement for signs along public and private streets.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve a variance from Section 1259.09(b)(9) of the Pataskala Code for Variance Application VA-23-009 with the following condition:

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

Next on the Agenda, Findings of Fact.

Variance Application VA-23-007

- | <u>Yes</u> | <u>No</u> | |
|------------|-----------|---|
| ✓ | | 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-23-007. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Variance Application VA-23-009

- | <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</i> |

- ✓ 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-23-009. Seconded by Mr. Jimison. Mr. Coleman, Mr. Cooper, Mr. Jimison, Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the March 13, 2023 Meeting.

Mr. Howe made a motion to approve the Minutes of the March 13, 2023 meeting. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison, Mr. Cooper, Mr. Coleman and Mr. Dandurand voted yes. The motion was approved.

No other business was presented.

Mr. Howe made a motion to adjourn the meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

The meeting was adjourned at 7:06 p.m. on Tuesday, April 11, 2023.

Chairperson

Date