

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

Tuesday, May 9, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, May 9, 2023.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

Lon Coleman

Richard Cooper

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, Alan Howe and Rob Jimison. Douglas Dandurand was not present.

First on the Agenda, Variance Application VA-23-010 – 132 Sims Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for two variances, the first a from Section 1221.05(D)(1) of the Pataskala Code to allow for the construction of an accessory building on a lot that does not have a principal structure, and the second from Section 1221.05(E)(1) to allow for the accessory building to have a 0-foot side yard setback. Area map, property summary, proposal, site plan and Applicant's narrative statement were reviewed. Planning and Zoning Staff Comments were noted. There were no other Departmental or Agency comments.

William Zeigler, 123 Sims Road, Pataskala, was placed under oath.

Mr. Zeigler noted purchasing the property not being aware of the zoning requirements.

Findings of Fact were reviewed.

Mr. Jimison made a motion to approve Variance Application VA-23-010 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. Cooper. Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-23-002 – 325 W. Broad Street.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of an approval of a Conditional Use to allow for the site to be used for Child Care Services pursuant to Sections 1249.04(17) and 1235.04(3) of the Pataskala Code. Area map, property summary, proposal, site plan and Applicant's narrative statement were noted. Planning and Zoning Staff Comments were reviewed. Departmental and Agency comments were noted.

Dana Moore, 325 W. Broad Street, Pataskala, was placed under oath.

Ms. Moore indicated the entrance would be at Linda Avenue and exit to Broad Street. Ms. Moore stated the YMCA is willing to work with the City regarding the requirements.

A discussion was had regarding landscaping, parking spaces, drop off locations and traffic.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve Conditional Use Application CU-23-002 with the following conditions:

1. The Applicant shall address all comments from the Planning and Zoning Department, Public Service Department, and Pataskala Utilities.
2. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.

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

Next on the Agenda, Conditional Use Application CU-23-003 – 5275 Mink Street SW.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for an approval of a Conditional Use to allow for a Type B Home Occupation, a nail salon, to be located within an Accessory Building on the property, pursuant to Section 1225.04(6) of the Pataskala Code. Area map, property summary, proposal, site plan and Applicant's narrative statement were reviewed. Planning and Zoning Staff Comments were noted. There were no other Departmental or Agency comments.

A discussion was had regarding building code and fire department regulations.

Kayla Smith, 5275 Mink Street SW, Pataskala, was placed under oath.

Mr. Coleman inquired as to the limit of 12 customers a day.

Ms. Smith stated she's never had more than eight clients in a day.

Findings of Fact were reviewed.

Mr. Howe made a motion to approve Conditional Use Application CU-23-003 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.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-23-010:

- | <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 the Findings of Facts for Variance Application VA-23-010. Seconded by Mr. Jimison. Mr. Howe, Mr. Coleman, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

Conditional Use Application CU-23-002

- | <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 the Findings of Facts for Conditional Use CU-23-002. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Conditional Use Application CU-23-003

- | <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 the Findings of Facts for Conditional Use CU-23-002. Seconded by Mr. Jimison. Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the April 11, 2023 Meeting.

Mr. Howe made a motion to approve the Minutes of the April 11, 2023 meeting. Seconded by Mr. Cooper. Mr. Howe, Mr. Cooper, Mr. Jimison and Mr. Coleman 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. Howe, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.

The meeting was adjourned at 7:17 p.m. on Tuesday, May 9, 2023.

Chairperson

Date