

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

Tuesday, June 13, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 13, 2023.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

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: Richard Cooper, Alan Howe and Rob Jimison. Douglas Dandurand and Lon Coleman were not present.

First on the Agenda, Variance Application VA-23-011 - 182 W. Broad Street.

Variance was not required; Application was withdrawn.

Next on the Agenda, Conditional Use Application CU-23-004 – Lot 13, North End Drive, Parcel ID No. 064-311172-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use pursuant to Section 1233.04(7) of the Pataskala Code to allow for a two-family dwelling for property located on Lot 13, North End Drive, Parcel ID No. 064-311172-00.000. Area map was reviewed. Property summary and existing conditions were reviewed. Proposed site plan and elevations were noted, along with Applicant's Narrative Statement. Zoning Staff and Pataskala Utilities Director comments were reviewed.

John Luebbe, 401 Apple Blossom Road SW, Pataskala, was placed under oath.

Mr. Luebbe stated he was aware of the requirement for a Conditional Use before purchasing the property.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Conditional Use pursuant to Section 1233.04(7) of the Pataskala Code for application CU-23-004 with the following conditions:

1. The Applicant shall address all comments from the Planning and Zoning 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.

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

Next on the Agenda, Variance Application VA-23-013 – Lot 13, North End Drive, Parcel ID No. 064-311172-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of two (2) Variances; the first from Section 1223.05(C)(2) for reduced side yard setbacks, and the second from Section 1221.07(b)(1)(iii) to allow for a patio to encroach into the side yard setback. Area map along with existing conditions were reviewed. Proposed site plan and Applicant's Narrative Statement were noted. Departmental and Agency comments were reviewed.

No further comments or questions.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve variances from Section 1233.05(C)(2) and Section 1221.07(b)(1)(iii) of the Pataskala Code for variance application VA-23-013 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. Proper drainage shall be maintained.

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

Next on the Agenda, Conditional Use Application CU-23-005 – Lot 22, North End Drive, Parcel ID No. 064-311172-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Conditional Use pursuant to Section 1233.04(7) of the Pataskala Code to allow for a two-family dwelling for property located on Lot 22, North End Drive, Parcel ID No. 064-311172-00.000. Area map was reviewed. Property summary and existing conditions were reviewed. Proposed site plan and elevations were noted along with Applicant's Narrative Statement. Zoning Staff and Pataskala Utilities Director comments were reviewed.

No further comments or questions.

Findings of Facts were reviewed.

Mr. Cooper made a Motion to approve a Conditional Use pursuant to Section 1233.04(7) of the Pataskala Code for application CU-23-005 with the following conditions:

1. The Applicant shall address all comments from the Planning and Zoning 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. Jimison. Mr. Howe, Mr. Cooper and Mr. Jimison voted yes. The Motion was approved.

Next on the Agenda, Variance Application VA-23-012 – Lot 22, North End Drive, Parcel ID No. 064-311172-00.000.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of four Variances: the first from Section 1223.05(C)(1) for reduced front yard setbacks on the south side, the second from Section 1223.05(C)(2) for reduced side yard setbacks, third; from Section 1221.07(b)(1)(iii) to allow a patio to encroach within the side yard setback, and from Section 1221.07(b)(1)(i) to allow a patio to encroach within the front yard setback. Area map and existing conditions were noted. Proposed site plan and Applicant's Narrative Statement were reviewed. Departmental and Agency comments were also noted.

No further comments or questions.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve variances from Sections 1233.05(C)(1), 1233.05(C)(3), 1221.07(b)(1)(i) and 1221.07(b)(1)(iii) of the Pataskala Code for variance application VA-23-012 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. Proper drainage shall be maintained.

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

Next on the Agenda, Variance Application VA-23-014 – 13653 Havens Corners Road.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1279.03(A)(2) of the Pataskala Code to allow for a fence that exceeds the maximum height of six feet by two feet. Area map was reviewed. Property summary and existing conditions were reviewed. Proposed site plan and Applicant's Narrative Statement were reviewed. Zoning Staff comments were noted.

Johannes Visser, 13653 Havens Corners Road SW, Pataskala, was placed under oath.

Mr. Visser stated the fence would be 100' from the road and that he was not aware of the restrictions.

No further comments or questions.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1279.03(A)(2) of the Pataskala Code for variance application VA-23-014 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.

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

Next on the Agenda, Findings of Fact.**Conditional Use Application CU-23-004**

- | <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 Fact for Conditional Use CU-23-004. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

Variance Application VA-23-013:

- | <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</i> |

- 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 Fact for Variance Application VA-23-013. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Conditional Use Application CU-23-005

- | <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 Fact for Conditional Use Application CU-23-005. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

Variance Application VA-23-012:

- | <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 Fact for Variance Application VA-23-012. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper and Mr. Jimison. The motion was approved.

Variance Application VA-23-014:

- | <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) *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 Fact for Variance Application VA-23-014. Seconded by Mr. Jimison. Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval the Absence of Douglas Dandurand from the May 9, 2023 Meeting.

Mr. Howe made a motion to approve the Absence of Douglas Dandurand from the May 9, 2023 meeting. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the May 9, 2023 Meeting.

Mr. Howe made a motion to approve the Minutes of the May 9, 2023 meeting. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison and Mr. Howe 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. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

The meeting was adjourned at 7:22 p.m. on Tuesday, June 13, 2023.

Chairperson

Date