

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

Tuesday, July 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, July 11, 2023.

Present were:

Alan Howe, Chairman

Rob Jimison, Vice Chairman

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 and Rob Jimison. Lon Coleman was not present.

First on the Agenda, Variance Application VA-23-015 – 3935 Mink Street SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of a 25-foot Variance, from Section 1229.05(B), to allow for a lot split that would create a two-acre lot and four-acre lot with less than the minimum required lot width of 200-feet for property, for property located at 3935 Mink Street SW. Property summary, existing conditions and proposal were reviewed. It was noted a survey had not been prepared to show the final configuration of the lots; however, the intent of the 25-feet is to allow some flexibility in finalizing the lot split. The Applicant's narrative indicated they plan to build a home on the four-acre lot in the future.

No further comments were presented.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1229.05(B) of the Pataskala Code for variance application VA-23-015 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. Jimison. Mr. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-23-016 – 238 Vine Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1279.03(A)(1) to allow for a fence exceeding four feet in height within the front building setback, and a Variance from Section 1279.03(A)(4) to allow for a fence within three feet of a public right-of-way. Area map, property summary and existing conditions along with proposed placement of fence were reviewed. Departmental and Agency comments were noted.

Rob Bruno, Ace Deck and Fence, 400 South Bend, Lancaster, Ohio, was placed under oath.

A discussion was had regarding the right-of-way and fence location.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve variances from Section 1279.03(A)(1) and 1279.03(A)(4) of the Pataskala Code for Variance Application VA-23-016 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 Applicant shall maintain a three (3) foot setback from the south property line for the fence.

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

Next on the Agenda, Findings of Fact.**Variance Application VA-23-015:**

<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</i>

- 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-23-015. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-23-016:

- | <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-23-016. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe, Mr. Dandurand and Mr. Cooper yes. The motion was approved.

Next on the Agenda, Approval the Absence of Douglas Dandurand from the June 13, 2023 Meeting.

Mr. Howe made a motion to approve the Absence of Douglas Dandurand from the June 13, 2023 meeting. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison, Mr. Dandurand and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval the Absence of Lon Coleman from the June 13, 2023 Meeting.

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

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

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

The meeting was adjourned at 6:57 p.m. on Tuesday, July 11, 2023.

Chairperson

Date