

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

Tuesday, August 8, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, August 8, 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 6:31 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-23-017 – 997 N. Oxford Drive

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for seven Variances in order to allow for the installation of a combined free-standing ground sign and electronic message center sign that will exceed the maximum allowable number of signs, size of sign area, and height of sign, as well as the function and color of the electronic message center sign. Area map, existing conditions, property summary, zoning history and proposal were reviewed. Departmental and Agency comments were noted.

Matthew Lynn, Kessler Sign Company, 2669 National Road, Zanesville, Ohio, was placed under oath.

Mr. Lynn noted the sign's height increase is due to the proposed location.

A discussion was had regarding TrueCore's current sign sharing space with the Auto Zone's sign.

Mr. Howe noted the proposed sign location would be confusing especially for westbound traffic as there is no entrance at the proposed sign location.

A discussion was had regarding having a conversation with AutoZone regarding updating current signage.

Jason Hall, TrueCore, 188 Park Ridge Lane, Newark, Ohio, was placed under oath.

Mr. Hall noted receiving comments from the community indicating they were not aware of TrueCore's current location and a larger sign on Broad Street will help with location along with advertising and marketing. It was also noted the current sign is hard to see due to trees and vegetation.

A discussion was had regarding the current sign at the entrance of TrueCore.

Mr. Howe asked if AutoZone has been approached regarding changing the existing sign.

Mr. Hall noted not having approached Auto Zone.

Mr. Howe indicated not being comfortable with the multiple variance requests and believes the proposed sign's location is not conducive to the property; updating the sign in front of TrueCore would make sense. It was also suggested to speak with AutoZone regarding signage and concerns about trees and vegetation.

Mr. Jimison also noted his concern of seven variances and believes some of the issues could be mitigated by talking with Auto Zone.

A discussion was had regarding tabling the Application.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve variances (1295.09(b)(2)(D), 1295.09(b)(4)(C), 1295.09(b)(2)(C), 1295.10(b)(7)(A)(3), 1295.10(b)(7)(B)(4), 1295.10(b)(7)(B)(5) and 1295.10(b)(7)(B)(6)) from the Pataskala Code for Variance application VA-23-017 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 submit a site plan showing the location of the sign and the distance from any water and/or sanitary lines.

Seconded by Mr. Jimison. Mr. Coleman, Mr. Dandurand, Mr. Cooper, Mr. Howe and Mr. Jimison voted no. The motion failed.

Next on the Agenda, Variance Application VA-23-018 – 1799 Keela Drive

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for a Variance from Section 1221.07(e)(1) to allow for the construction of a deck that will encroach within a recorded easement. Area Map, property summary, zoning history and proposal were reviewed. Departmental and Agency comments were noted.

Pampha Khanal, 1799 Keel Drive, Pataskala, was placed under oath.

Ms. Khanal had no comments.

A discussion was had regarding the construction of the deck.

Mr. Howe noted that it is the homeowner's responsibility to correct if any issues arise due to the deck being installed in the easement. It was also noted the property owner being unaware of the easement when

purchasing the property.

Finding of Facts were reviewed.

Mr. Coleman made a motion to approve a variance from Section 1221.07(e)(1) of the Pataskala Code for Variance Application VA-23-018 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 ensure that the drainage pattern is not negatively affected by the construction of the deck.

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

Next on the Agenda, Findings of Fact.

Variance Application VA-23-017:

<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-23-017. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was

approved.

Variance Application VA-23-018:

- | <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-23-018. Seconded by Mr. Jimison. Mr. Coleman, Mr. Dandurand, Mr. Cooper, Mr. Howe and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Approval the Absence of Lon Coleman from the July 11, 2023 Meeting.

Mr. Howe made a motion to approve the Absence of Lon Coleman from the July 11, 2023 meeting. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper, Mr. Jimison, Mr. Dandurand and Mr. Coleman voted yes. The motion was approved.

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

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

The meeting was adjourned at 7:24 p.m. on Tuesday, August 8, 2023.

Chairperson

Date