

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

Tuesday, September 12, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, September 12, 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-23-019 – 69 First Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for two Variances. The first, from Section 1221.05(D)(1) to allow for an Accessory Building to be located within a front yard, as there is a public right-of-way to the south of the parcel, and Second, from Section 1221.05(A) to allow for an increase in the allowable number of Accessory Buildings on a single lot from two to three. Area map, property summary, existing conditions along with proposal were noted. There were no Departmental or Agency comments.

Timothy Stires, 69 Frist Street, Pataskala, was placed under oath.

Mr. Stires indicated having a large family and needing more storage space.

Mr. Jimison asked Mr. Stires if he was aware of the zoning requirements.

Mr. Stires indicated he was aware and knew there was a process.

No further questions were presented.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve variances from Section 1231.05(C)(4) and Section 1221.05(A) of the

Pataskala Code for Variance Application VA-23-019 with the following condition:

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

Next on the Agenda, Variance Application VA-23-020 – 200 West Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1249.05(A) to allow for a 4 11/32" increase in allowable building height. Area map, property summary, existing conditions along with proposal were noted. There were no Departmental or Agency comments.

David Baylis, PVL Investments, LLC, 9450 Manchester Road, St. Louis, Missouri, was placed under oath.

A discussion was had regarding the Planning and Zoning Commission's approval. Mr. Baylis also stated they hoping to start the project in the spring.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a variance from Section 1249.05(A) of the Pataskala Code for variance application VA-23-020 with the following condition:

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

Next on the Agenda, Variance Application VA-23-021 – 4108 Hazelton-Etna Road

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance of 190-feet, from Section 1225.05(B), to allow for a lot split that will create a lot with less than the required width of 250-feet at the right-of-way. Area map, property summary, plat survey, proposal, and current conditions were reviewed. There were no Departmental or Agency comments.

Mr. Howe stated he owns property adjacent to the subject property, and that the variance has no effect on him personally, economically or financially and would like to continue, if the Board approves, as opposed to recusing himself.

No objections were heard.

Scott England, 45 Misty Meadows Drive, Health, Ohio, was placed under oath.

Mr. England stated he is the surveyor working with the property owners regarding the lot split. Mr. England also noted the property owners will be maintaining the integrity of the farmland and there are no immediate plans at this time for the property other than estate planning.

A discussion was had regarding the existing buildings being used for agricultural purposes, and to include Section 1211.07(D)(1) as a condition if approved.

Findings of Facts were reviewed.

Mr. Coleman made a motion to approve a variance from Section 1225.05(B) and 1221.05(D)(1) of the Pataskala Code for variance application VA-23-021 with the following condition:

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

Next on the Agenda, Variance Application VA-23-022 – 253 Monarch Drive

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of two Variances. The first, from Section 1297.02(B)(2) to allow for reduced setbacks for a private swimming pool, and the second, also from Section 1297.02(B)(2) to allow for reduced setbacks for pump and filter installations. Area map, property summary and proposal were reviewed. The Applicant had also submitted signatures from neighbors stating their support for the Variance. Departmental and Agency comments were noted.

Morgan Kemp, 253 Monarch Drive, Pataskala, was placed under oath.

Mr. Kemp gave a brief overview of the swimming pool's construction and location and being unaware of the zoning restriction.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve two variances from Section 1297.02(B)(2) for Variance Application VA-23-022 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. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-23-019:

- | <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) *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 Fact for Variance Application VA-23-019. Seconded by Mr. Jimison. Mr. Howe, Mr. Dandurand, Mr. Cooper, Mr. Jimison and Mr. Coleman voted yes. The motion was approved.

Variance Application VA-23-020:

- | <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) *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-23-020. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Variance Application VA-23-021:

- | <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-23-021. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Cooper, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Variance Application VA-23-022

- | <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</i> |

- 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 Fact for Variance Application VA-23-022. Seconded by Mr. Jimison. Mr. Cooper, Mr. Coleman, Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the August 8, 2023 Meeting.

Mr. Howe made a motion to approve the Minutes of the August 8, 2023 meeting. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper, Mr. Jimison, Mr. Dandurand 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. Howe, Mr. Cooper, Mr. Jimison, Mr. Dandurand and Mr. Coleman voted yes. The motion was approved.

The meeting was adjourned at 7:20 p.m. on Tuesday, September 12, 2023.

Chairperson

Date