

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

Tuesday, November 14, 2023

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, November 14, 2023.

Present were:

Alan Howe, Chairman

Lon Coleman

Richard Cooper

Douglas Dandurand

Robert Jimison

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: Alan Howe, Lon Coleman, Richard Cooper, Douglas Dandurand and Rob Jimison.

First on the Agenda, Variance Application VA-23-024 – 140 Heron Avenue

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1297.02(B)(2) of the Pataskala Code to allow for reduced setbacks for a private swimming pool pump & filter installation. Area map, property summary and Applicant's proposed plans were reviewed. It was noted Staff has reviewed the proposed site plan and determined that it meets other aspects of the Pataskala Code. There were no Departmental or Agency comments.

Jessica & Harlan Jackson, 140 Heron Avenue, Pataskala, were placed under oath.

Mr. Howe asked if the Applicants were aware of the zoning requirements when purchasing the home.

Ms. Jackson stated she was not aware of the zoning requirements.

No further questions were presented.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve the variances from Section 1297.02(B)(2) of the Pataskala Code for Variance Application VA-23-024 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. Dandurand, Mr. Coleman, Mr. Jimison, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-23-025 – 12964 Cleveland Road

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request to allow for a lot split that will create two lots with less than the minimum required lot width of 200-feet, and less than the minimum required lot size of two acres. Area map, property summary, existing conditions and Applicant's proposal were reviewed. Staff comments were noted including the reduction of side- and front-yard setbacks. Mr. Kuntzman further stated, if approved, the Applicant will need to submit a Minor Subdivision Application with a survey showing proposed split of lots, along with locations and dimensions from property lines for existing structures, along with new legal descriptions of parcels. Southwest Licking Community Water and Sewer District comments were noted. There were no further Departmental or Agency comments.

Alan Tharp, 311 Shelter Cove, Pataskala, was placed under oath.

Mr. Howe asked the Applicant if he were aware of the zoning requirements when purchasing the property.

Mr. Tharp stated he was not aware of the zoning requirements.

No further questions were presented.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve two variances from Section 1229.05(B) of the Pataskala Code for variance application VA-23-025 with the following conditions:

1. Applicant shall obtain all necessary permits from the City of Pataskala within one (1) year of the date of approval.
2. The Board of Zoning Appeals hereby approves:
 - A. Variance from Section 1229.05(C)(1) to reduce the front yard setback for existing structure on the remainder lot.
 - B. Variance from Section 1229.05(C)(2) to reduce the side yard setback for the existing structure on the new lot.
 - C. Variance from Section 1229.05(C)(3) to reduce the rear yard setback for the existing structure on the new lot.
 - D. Variance from Section 1221.05(B)(1) to allow for the existing accessory building to exceed the maximum allowable size permitted on the remainder lot.
3. Water and Sanitary services shall be separate for each residence if not already separate.

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

Next on the Agenda, Findings of Fact.**|Variance Application VA-23-024:**

- | <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-23-024. Seconded by Mr. Coleman. Mr. Howe, Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

Variance Application VA-23-025:

- | <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-23-025. Seconded by Mr. Coleman. Mr. Coleman, Mr. Howe, Mr. Cooper, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Excuse the Absence of Robert Jimison from the October 10, 2023 meeting.

Mr. Howe made a motion to approve the absence of Mr. Jimison from the October 10, 2023 meeting. Seconded by Mr. Dandurand. Mr. Cooper, Mr. Coleman, Mr. Dandurand and Mr. Howe voted yes. Mr. Jimison abstained. The motion was approved.

Next on the Agenda, Approval of Minutes from the October 10, 2023 Meeting.

Mr. Howe made a motion to approve the Minutes of the October 10, 2023 meeting. Seconded by Mr. Coleman. Mr. Jimison, Mr. Howe, Mr. Cooper, 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. Cooper. Mr. Howe, Mr. Coleman, Mr. Dandurand, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

The meeting was adjourned at 6:59 p.m. on Tuesday, November 14, 2023.

Chairperson

Date