

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

Tuesday, December 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, December 12, 2023.

Present were:

Lon Coleman

Richard Cooper

Douglas Dandurand

Robert Jimison, Vice Chairman

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Planning and Zoning Director

Jack Kuntzman, City Planner

Lisa Paxton, Zoning Clerk

Mr. Jimison 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 and Rob Jimison. Alan Howe was not present.

First on the Agenda, Variance Application VA-23-026 – 246 Stonemast Loop

Mr. Kutzman gave an overview of the Staff Report, noting the Applicant's request for an approval of two Variances from Section 1297.02(B)(2) of the Pataskala Code to allow for a private swimming pool to encroach 13'-4" into a recorded easement, and to reduce the required setback of 10-feet from easements on the east side of the property. Area map, property summary and Applicant's proposed plans were reviewed. Brooksedge Section 3 Plat notates the drainage easement is for maintaining stormwater drainage, and no structures or obstructions to the flow of stormwater runoff are permitted within the drainage easement unless approved by the City Engineer. Departmental and Agency comments were reviewed.

A discussion was had regarding the existing easement and drainage flow.

Jared Morrison, 246 Stonemast Loop, was placed under oath.

Mr. Jimison inquired as to any homeowner association restrictions.

Mr. Morrison stated the HOA is awaiting the City's approval. Mr. Morrison also stated he was unaware of the easement restrictions when purchasing the property.

Findings of Fact were reviewed.

Mr. Coleman made a motion to approve two variances from Section 1297.02(B)(2) of the Pataskala Code for Variance Application VA-23-026 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 minimum five (5) foot separation from the existing stormwater line.

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

Next on the Agenda, Variance Application VA-23-027 – 101 South Vine Street.

Mr. Kutzman gave an overview of the Staff Report, noting the Applicant's request for an approval of two Variances from Section 1295.09(b)(1)(D) of the Pataskala Code to allow for a public cultural institution to have more than one sign, and to allow said sign to exceed the maximum size of 24-square feet, and Section 1295.10(b) to allow an externally illuminated sign within a residential zoning district. It was noted that the library is currently under construction with new improvements. Area map, property summary and Applicant's proposed plans were reviewed. There were no other Departmental or Agency comments.

A discussion was had regarding the location of the new sign.

Stephen Butsko, 112 West Cumberland Street, Hebron, was placed under oath.

Mr. Butsko stated the sign will be externally illuminated, with the lights on the ground, shining up onto the building, It was also noted the current ground sign will remain.

A discussion was had regarding the proposed wall sign.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve the three Variances from the Pataskala Code for variance application VA-23-027 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.

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

Next on the Agenda, Variance Application VA-23-028 – 997 N. Oxford Drive (Request to Table).

Mr. Dandurand made a motion to table Variance Application VA-23-028. Seconded by Mr. Jimison. Mr. Cooper, Mr. Coleman, Mr. Dandurand and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Findings of Fact.

Variance Application VA-23-026:

- | <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) *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;*
- ✓ 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. Jimison made a motion to Approve Findings of Fact for Variance Application VA-23-026. Seconded by Mr. Cooper. Mr. Jimison, Mr. Coleman, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-23-027:

- | <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</i> |

- 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. Jimison made a motion to approve Findings of Fact for Variance Application VA-23-027. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Approval of Minutes from the November 14, 2023 Meeting.

Mr. Jimison made a motion to approve the Minutes of the November 14, 2023 meeting. Seconded by Mr. Dandurand. Mr. Cooper, Mr. Coleman, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Next on the Agenda, Extension Request for Conditional Use Application CU-23-004 - Lot 13, Beeson's Subdivision, North End Drive, Parcel ID NO. 064-311172-00.000 and Extension Request for Conditional Use Application CU-23-005 - Lot 22, Beeson's Subdivision, North End Drive, Parcel ID No. 064-311172-00.000.

Mr. Kuntzman gave a brief summary of the Conditional Uses that were approved on June 13, 2023, and will expire on December 13, 2023. The Applicant is requesting an extension of the approved Conditional Uses due to an injury that has prohibited him from progressing on the project. Mr. Kuntzman stated, per Section 1215.09 of the Pataskala Code, applicants may request one additional six-month conditional use extension.

Mr. Cooper made a motion to approve an extension request, pursuant to Section 1215.09 of the Pataskala Code, for Conditional Use Application CU-23-004. Seconded by Mr. Dandurand. Mr. Coleman, Mr. Cooper, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Mr. Dandurand made a motion to approve an extension request, pursuant to Section 1215.09 of the Pataskala Code, for Conditional Use Application CU-23-005. Seconded by Mr. Coleman. Mr. Jimison, Mr. Coleman, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

No other business was presented.

Mr. Jimison made a motion to adjourn the meeting. Seconded by Mr. Cooper. Mr. Cooper, Mr. Jimison, Mr. Dandurand and Mr. Coleman voted yes. The motion was approved.

The meeting was adjourned at 7:08 p.m. on Tuesday, December 12, 2023.

Chairperson

Date