

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

**Tuesday, February 13, 2024**

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, February 13, 2024.

Present were:

Lon Coleman

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

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. 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 Robert Jimison.

***First on the Agenda, Variance Application VA-23-028 – Remain Tabled***

***Next on the Agenda, Variance Application VA-24-001 – 206 Leezy Drive***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1255.03(b) of the Pataskala Code to allow for the construction of a fence that will exceed the maximum area allowable under the Development Text for Scenic View Estates Planned Development District. Area map, property summary and fence proposal were reviewed along with photographs of the property. Staff received a letter from the Developer stating support for the Variance and working on changing the Development Text to allow for an increase in fence area to avoid this type of variance in the future. There were no Departmental or Agency comments.

Joseph Rikk, Jr., 206 Leezy Drive, Pataskala , was placed under oath.

Mr. Rikk stated he was unaware of the fence restrictions and needed the larger fence area for his two large dogs.

There were no other comments.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve Variance Application VA-24-001 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. Cooper. Mr. Jimison, Mr. Howe, Mr. Cooper, Mr. Dandurand and Mr. Coleman voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-24-002 – 5624 Mink Street SW***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1227.05(C)(2) of the Pataskala Code to reduce the side yard setback to 27' for the construction of an addition to the home. Area map, property summary and proposal were reviewed along with site plan and proposed elevations. There were no Departmental or Agency comments.

A discussion was had regarding setbacks.

Todd St. Clair, 5624 Mink Street SW, Pataskala, was placed under oath.

Mr. St. Clair gave a description of the proposed addition along with an added deck.

There were no further comments.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve Variance Application VA-24-002 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. Coleman, Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

***Next on the Agenda, Findings of Fact.***

***Variance Application VA-24-001:***

- | <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) *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-24-001. Seconded by Mr. Jimison. Mr. Howe, Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

#### **Variance Application VA-24-002**

- | <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-24-002. Seconded by Mr. Coleman. Mr. Cooper, Mr. Howe, Mr. Coleman, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

***Next on the Agenda, Excuse of Absence of Richard Cooper from the January 9, 2024 Organizational Meeting.***

Mr. Howe made a motion to approve the absence of Mr. Cooper from the January 9, 2024 Organizational Meeting. Seconded by Mr. Coleman. Mr. Dandurand, Mr. Coleman, Mr. Jimison and Mr. Howe voted yes. Mr. Cooper abstained. The motion was approved.

***Next on the Agenda, Approval of Minutes from the January 9, 2024 Organizational Meeting.***

Mr. Howe made a motion to approve the Minutes of the January 9, 2024 Organizational Meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Howe voted yes. The motion was approved.

***Next on the Agenda, Approval of Minutes from the January 9, 2024 Regular Meeting.***

Mr. Howe made a motion to approve the Minutes of the January 9, 2024 Regular Meeting. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Howe 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. Coleman, Mr. Howe, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

The meeting was adjourned at 7:04 p.m. on Tuesday, February 13, 2024.

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Chairperson

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Date