

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

Tuesday, June 11, 2024

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, June 11, 2024.

Present were:

Richard Cooper

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: Richard Cooper, Alan Howe and Robert Jimison. Lon Coleman and Douglas Dandurand were not present.

Variance Application VA-23-028 – Remain Tabled

Conditional Use Application CU-24-002 – Remain Tabled

First on the Agenda, Variance Application VA-24-003 - Remove from Table

Mr. Howe made a motion to remove Variance Application VA-24-003 from the table. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-003 - 12477 Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting approval of three Variances from the Pataskala Code in order to allow for an Electronic Message Center sign that will exceed the maximum allowable sign area, changeable copy sign area, and for a changeable copy sign to not be fully framed. Area map, property summary, proposed signs, site plan, existing conditions and Applicant's narrative were reviewed. Staff comments were noted.

Charles Robbins, 12477 Broad Street, Pataskala, was placed under oath.

Mr. Robbins stated they are wanting to utilize the existing signposts and will obey the requirements.

No other comments were presented.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve the three Variances from the Pataskala Code for Variance Application VA-24-003, 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. Cooper, Mr. Howe and Mr. Jimison voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-005 – 6097 Mink Street SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1221.05(D)(4) of the Pataskala Code to allow for the construction of an accessory building on a lot without an existing primary structure, and a Variance from Section 1221.05(E)(2) to allow for a reduced side yard setback from 10-feet to 7.5-feet. Area map, property summary, site plan and existing conditions were reviewed. Staff comments were noted.

Margaret Biroshak, 6097 Mink Street SW, was placed under oath.

Ms. Biroshak indicated needing the accessory building for cars and property maintenance equipment.

A discussion was had regarding combining the lots.

Gary Lowry, 282 Cavalcade Lane, Pataskala, was placed under oath.

Mr. Lowry noted speaking with the property owners regarding combing the lots or doing a variance.

No further comments were presented.

Mr. Jimison made a motion to approve a Variance from Section 1221.05(D)(4) and from Section 1221.05(E)(2) for Variance Application VA-24-005 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. Cooper. Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-006 – 5364 Headleys Mill Road SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of three Variances: To allow for an Accessory Structure to be within the front yard, a reduced front yard setback for a structure, and to allow for an Accessory Structure to exceed the maximum permitted height. Area map, property summary, site plan, existing conditions and Applicant's Narrative were reviewed. Staff comments were noted.

John Hicks, 5364 Headleys Mill Road, Pataskala, was placed under oath.

Mr. Hicks noted wanting to build the accessory building to have an apartment for his parents and for his car collection.

A discussion was had regarding the existing accessory buildings.

No further comments were presented.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve the three variance requests for Variance Application VA-24-006 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 Board of Zoning Appeals shall also approve a Variance from Section 1221.05(A) of the Pataskala Code to allow for an increase in the number of accessory structures on a single lot from two (2) to four (4).

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

Next on the Agenda, Variance Application VA-24-007 – 348 Wyncroft Court

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1121.13 of the Pataskala Code to allow for a reduced driveway side yard setback from three (3) feet to zero (0) feet. Area map, property summary, site plan, existing conditions and Applicant's Narrative were reviewed. Staff comments were noted.

Bruce Atkinson, 348 Wyncroft Court, Pataskala, Ohio was placed under oath.

Mr. Atkinson noted the side yard and existing conditions.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve the three variance requests for Variance Application VA-24-006 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.

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

Next on the Agenda, Variance Application VA-24-008 – 140 Heron Avenue – Withdrawn

Next on the Agenda, Conditional Use Application CU-24-004 - 77 Cypress Street SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's requesting for approval of a Conditional Use pursuant to Section 1215.08 of the Pataskala Code to establish the use of "All Other Converted Paper Product Manufacturing" (NAICS: 322299) on the property. Area map, property summary, site plan, existing conditions were reviewed. Staff, departmental and agency comments were noted.

Frank Tavares, 223 Worcester Providence Turnpike, Sutton, Massachusetts, was placed under oath.

Mr. Tavarres noted the location is suitable for their operation and it will not generate sewage discharge. The system that is used is a closed loop system that recycles water. Mr. Tavarres gave an overview of the equipment that will be used, including a blender that grinds boxes in hot water to make a paste and then it goes through a molding process and is dried by a natural gas dryer, removing most of the moisture out of the paper. It was noted the product is food grade and no added chemicals are used.

Bill Albert, 1302 Bristol Drive, Pataskala, was placed under oath.

Mr. Albert noted concerns regarding ground water, noise and trash.

A discussion was had regarding zoning ordinances.

Mr. Tavarres stated there is no discharge, the paper comes in bails and is stored inside, and the noise is minimal.

Sarah Duncan, 243 Wesley Drive, Pataskala, was placed under oath.

Ms. Duncan noted concerns regarding noise, exhaust from the ventilation, groundwater, sewer lines and that the property is currently not being maintained along with concerns with the proximity of the building to her home.

Mr. Tavarres noted the dryer is natural gas burn off, no gas is released, no emissions, and the exhaust is steam.

Tim Carr, 320 Bristol Drive SW, Pataskala, was placed under oath.

Mr. Carr inquired as the decimal level.

Mr. Tavarres noted their operation in Massachusetts is near homes, and the inside level is between 50 and 60 decibels, and they have had no noise issues. It was further noted the equipment will run 24/7 with typically two shifts.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for application CU-24-004 with the following conditions:

1. The Applicant shall carry out the Conditional Use within six months from the date of approval pursuant to Section 1215.09 of the Pataskala Code.
2. The Applicant shall address all comments from the West Licking Joint Fire District and the Southwest Licking Water & Sewer District.

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

Next on the Agenda, Findings of Fact

VA-24-003

Yes No

√

a) *Whether the property in question will yield a reasonable return or if there can be a*

- beneficial use of the property;*
- √ 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. Howe made a motion to approved Findings of Facts for Variance Application VA-24-003. Seconded by Mr. Jimison. Mr. Howe, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

VA-24-005

- | <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. Howe made a motion to approve Findings of Facts for Variance Application VA-24-005. Seconded by Mr. Jimison. Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

VA-24-006

- | <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 Facts for Variance Application VA-24-006. Seconded by Mr. Jimison. Mr. Cooper, Mr. Howe and Mr. Jimison voted yes. The motion was approved.

VA-24-007

- | <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. Howe made a motion to approve Findings of Facts for Variance Application VA-24-007. Seconded by Mr. Jimison. Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. The motion was approved.

Conditional Use CU-24-004

Yes No

- √ 1. Is in fact a conditional use as established under the provisions of Title Three of the Planning and Zoning Code for the specific zoning district of the parcel(s) listed on the application.
- √ 2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the City comprehensive plan and/or this Code.
- √ 3. Will be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- √ 4. Will not be hazardous or disturbing to existing or future neighboring uses.
- √ 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment
- √ 6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

- ✓ 7. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare, including but limited to excessive production of traffic, noise, smoke, fumes, glare,
- ✓ 8. Will have vehicular approaches to the property which shall be so designed as to not create an interference with traffic on surrounding public thoroughfares.
- ✓ 9. Will not result in destruction, loss or damage of a natural, scenic, or historic feature of major importance.

Mr. Howe made a motion to approve Findings of Facts for Conditional Use CU-24-004. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of Lon Coleman from the May 14, 2024 Regular Meeting.

Mr. Howe made a motion to excuse the absence of Lon Coleman from the May 14, 2024 regular meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

Next on the Agenda, Excuse of Absence of Richard Cooper from the May 14, 2024 Regular Meeting

Mr. Howe made a motion to excuse the absence of Richard Cooper from the May 14, 2024 regular meeting. Seconded by Mr. Jimison. Mr. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Approval of Minutes from the May 14, 2024 Regular Meeting

Mr. Howe made a motion to approve the Minutes of the May 14, 2024 Regular Meeting. Seconded by Mr. Cooper. Mr. Howe, Mr. Cooper and Mr. Jimison 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. Cooper, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

The meeting was adjourned at 7:56 p.m. on Tuesday, June 11, 2024.

Chairperson

Date