

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

Tuesday, August 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, August 13, 2024.

Present were:

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

Robert Jimison, Vice Chairman

City of Pataskala Planning and Zoning Department Staff:

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, Douglas Dandurand, Alan Howe and Robert Jimison. Lon Coleman was not present.

Variance Application VA-23-028 – Remain Tabled

Conditional Use Application CU-24-002 – Remain Tabled

First on the Agenda, Variance Application VA-24-010 – 8100 Hazelton Etna Road

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant’s request for approval of a Variance from Section 1225.05(B) of the Pataskala Code to allow for a lot split that would create a lot that is 5.029-acres less than the minimum lot size of 10-acres in the AG zoning district. Area map, property summary, proposal, lot split survey and Applicant’s narrative were reviewed. Staff comments were noted. There were no comments from applicable Departments or Agencies.

Karen Goswick, 121 Long Hollow Drive, Etna, was placed under oath.

Ms. Goswick had no questions or comments.

There were no other questions or comments.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve a Variance from Section 1225.05(B) for Variance Application VA-24-010 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. Dandurand. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-011 - 6450 Columbia Road SW

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of three Variances to allow for the construction of an accessory building that will exceed the maximum square footage allowable on the lot, and for reduced front-yard setbacks on the north and west side of the property. Area map, property summary, site plan noting the removal of two existing sheds, and the proposed 420 square foot accessory building were reviewed. Staff comments were noted. There were no comments from applicable Departments or Agencies.

Christopher Wiley, 6450 Columbia Road, Pataskala, was placed under oath.

Mr. Wiley noted the removal of the current sheds and needing a larger accessory building for storage. Mr. Wiley also noted he was not aware of the zoning regulations regarding accessory buildings when he purchased the property.

There were no other questions or comments.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve three Variance for Variance Application VA-24-011 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. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use Application CU-24-005 – 89 E Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, to allow for the establishment of a Karate Studio (NAICS 611620) within a separate business unit for property located at 89 E Broad Street, Parcel ID No. 064-307812-00.000. Area map, property summary, Applicant's proposal and narrative were reviewed. Staff comments were also noted. There were no comments from applicable Departments or Agencies.

A discussion was had regarding parking.

Yadu Kuikel, 2184 Belltree Drive, Reynoldsburg, was placed under oath.

Mr. Kuikel stated he has a location at 6591 E Main Street, Reynoldsburg, and wants to open a second location.

There were no other questions or comments.

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-24-005 with the following condition:

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.

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

Next on the Agenda, Conditional Use Application CU-24-006 – 18 S Belmar Drive

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Conditional Use from Section 1215.08 of the Pataskala Code to allow for the establishment of a Massage Therapy Clinic (NAICS – 621399) for property located at 18 S Belmar Drive, Reynoldsburg, Parcel ID No. 063-145992-00.000. The property has been rezoned to General Business and the previous use as residential may not be reestablished. Area map, property summary, Applicant's proposal and narrative were reviewed. Staff comments were also noted. Departmental and Agency comments were reviewed.

A discussion was had regarding the property currently being used as residential. Parking was also discussed.

Marcia Drummond, 1061 Matterhorn Drive, Reynoldsburg, and Mark Schuster, 8855 E Broad Street, were placed under oath.

Ms. Drummond noted previously having a location in a salon loft, however, she is needing more space. Ms. Drummond also stated she is currently living at 18 S Belmar Drive.

Mr. Howe asked if she were aware that once it is turned into a business, she can no longer use it as a residence.

Ms. Drummond answered in the affirmative.

There were no other questions or comments.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve a Conditional Use, pursuant to Section 1215.08 of the Pataskala Code, for application CU-24-006 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 obtain all necessary permits and inspections from the City of Pataskala and The Licking County Building Code Department within one (1) year of the date of approval.
3. The Applicant shall address all comments from Planning and Zoning Staff, SWLCWSD, and the West Licking Joint Fire District.

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

Next on the Agenda, Findings of Fact**Variance Application VA-24-010**

<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. Cooper made a motion to approve Findings of Facts for Variance Application VA-24-010. Seconded by Mr. Jimison. Mr. Cooper, Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-24-011

<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</i>

- 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-24-011. Seconded by Mr. Jimison. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Conditional Use CU-24-005

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 of the
√		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, odor,
√		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 Fact for Conditional Use Application CU-24-005. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Conditional Use CU-24-006

<u>Yes</u>	<u>No</u>	
√		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 Fact for Conditional Use CU-24-006. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Howe, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

Approval of Minutes from the July 9, 2024 Regular Meeting

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

Next on the Agenda, Other Business

A discussion was had regarding Variance Application VA-23-028, TrueCore Credit Union. It was noted the application might be brought before the Board at the September hearing.

Mr. Jimison made a motion to adjourn the meeting to September 10, 2024. Seconded by Mr. Howe. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

The meeting was adjourned at 7:25 p.m. on Tuesday, August 13, 2024.

Chairperson

Date