

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

Tuesday, September 10, 2024

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, September 10, 2024.

Present were:

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

Robert Jimison, Vice Chairman

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, 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, 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-24-012 – 14652 E. Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of three Variances from the Pataskala Code. First, from Section 1249.05(C)(3)(b) to reduce the required rear yard setback when abutting a residential zoning district from 25-feet to 10-feet. Second, from Section 1249.05(C)(2)(b) to reduce the required side yard setback when abutting a residential zoning district from 25-feet to 10-feet, and from Section 1291.02(A)(4) to allow for gravel as a paving surface. Area map and property summary were reviewed. It was noted the Applicant received an approval for Conditional Use CU-24-001 on March 12, 2024 with five conditions. Applicant's proposal, site plan and narrative were also reviewed. Planning and Zoning Staff review along with Agency and Departmental comments were noted.

Tyler Nighland, 74 East Avenue SW, Pataskala, and Richard Main, Esq., 23 E Church Street, Newark, were placed under oath.

Mr. Main noted the surface type they will use will affect the stormwater drainage determination and wanted to have the decision on the surface variance before finalizing plans for stormwater. Mr. Main also noted the heavily screened trees, along with required fencing.

A discussion was had regarding the tree survey, removal of trees, fencing and landscaping.

Mr. Nighland indicated he does not know the number of trees that would be removed.

Mr. Dandurand stated having the parking lot overlaid on the traffic study would give them a better idea regarding the setbacks.

A further discussion was had regarding screening.

Sandra Elswick, 279 Woodbridge Place, Reynoldsburg, was placed under oath.

Ms. Elswick submitted pictures of her property, and noted concerns including screening, flooding and lighting from the parking area that would shine onto her property. Ms. Elswick also stated she would be open to meeting with the Applicant regarding her concerns.

Doug Parker, 440 Ballman Road, Reynoldsburg, was placed under oath.

Mr. Parker noted concerns regarding noise and hours of operation.

Heather Moore, 297 Woodbridge Place, Reynoldsburg, was placed under oath.

Ms. Moore noted concerns regarding flooding, screening and noise.

Mr. Main stated he understands the neighbors' concerns; however, noted the subject property is zoned for business use.

Mr. Howe noted his concerns, including what trees will be removed and would like information regarding the stormwater retention.

A further discussion was had regarding a tree removal plan.

Ms. Moore asked if the Board's decisions are appealable.

Mr. Fulton indicated in the affirmative.

A discussion was had regarding tabling the application.

Mr. Jimison made a motion to table Variance Application VA-24-012. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Conditional Use CU-24-008 - 364 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 a restaurant with a drive-through, Scooter's Coffee, on a 0.32-acre portion of Hazelwood Plaza. Area map, property summary, proposal, including access, parking, loading, landscaping and signage were reviewed. Planning and Zoning Staff review along with

Agency and Departmental comments were noted.

Tammy and Shawn Leonard, 2640 Carroll-Southern Road, Carroll, Ohio, was placed under oath.

Ms. Leonard noted the business is drive through only. The Applicant also noted they are working with their engineers to address concerns the Planning and Zoning Commission had regarding the TCOD application.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve Conditional Use Application CU-24-008 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. Applicant shall address all comments from Planning and Zoning Staff and the City Engineer.

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

Next on the Agenda, Variance Application VA-24-013 – 364 E Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of two Variances. First, from Section 1249.05(H) to allow a structure that will not meet the bulk requirements in the GB zoning district. Second, to allow for a second sign to on the rear of the building to exceed the number and size allowable. Area map, proposal and signage were noted. Planning and Zoning Staff review along with Agency and Departmental comments were noted.

Tammy and Shawn Leonard, 2640 Carroll-Southern Road, Carroll, Ohio, were previously placed under oath.

Ms. Leonard noted the building is the standard layout for the franchise, and the design is to be as efficient as possible for the drive through. The Applicant believes deviating from the layout to meet code would detrimentally affect the flow of operations.

Mr. Howe inquired as to the request for the size of the freestanding sign on Broad Street, along with the wall signs.

Ms. Leonard noted the signs are standard for Scooter's Coffee.

A discussion was had regarding signage and what it permitted per code.

The Board noted concerns regarding the size of the wall signs, monument size, directional signs and the rear of the building sign that wasn't included in the application.

A discussion was had regarding tabling the application.

Mr. Jimison made a motion to table Variance Application VA-24-013. Seconded by Mr. Cooper. Mr. Cooper,

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

Next on the Agenda, Findings of Fact

Conditional Use CU-24-008

<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-24-008. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Excuse of Absence of Lon Coleman from the August 13, 2024 Regular Meeting

Mr. Howe made a motion to approve the absence of Lon Coleman from the August 13, 2024 Regular Meeting. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Approval of Minutes from the August 13, 2024 Regular Meeting

Mr. Howe made a motion to approve the Minutes of the August 13, 2024 Regular Meeting. Seconded by Mr. Jimison. Mr. Howe, Mr. Dandurand, Mr. Cooper and Mr. Jimison voted yes. 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 will be brought back before the Board at the October hearing.

Mr. Howe made a motion to adjourn the meeting to October 8, 2024. Seconded by Mr. Dandurand. Mr. Cooper, Mr. Dandurand, Mr. Jimison and Mr. Howe voted yes. The motion was approved.

The meeting was adjourned at 7:52 p.m. on Tuesday, September 10, 2024.

Chairperson

Date