

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

Tuesday, October 8, 2024

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio, on Tuesday, October 8, 2024.

Present were:

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Zoning Director

Jack Kuntzman, Senior Planner

Lisa Paxton, Zoning Clerk

Antonio Anzalone, Assistant City Engineer

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 and Alan Howe. Douglas Dandurand and Rob Jimison were not present.

First on the Agenda, Variance Application VA-23-028 – Remove from Table

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

Next on the Agenda, Variance Application VA-23-028 – TrueCore Federal Credit Union

Mr. Kuntzman noted the Applicant applied for similar variances in 2023, which were denied by the Board on August 8, 2023. The Applicant revised and resubmitted as this application, VA-23-028, which has been heard and tabled at the December and January hearings and has been tabled since. The Applicant was informed the application was going to be brought before the Board, and no revisions has been submitted.

Matthew Lynn, on behalf of Kesser Sign Company, 2669 National Road, Zanesville, was placed under oath.

Mr. Lynn requested the application be withdrawn.

Variance Application VA-23-028 was withdrawn for consideration.

Next of the Agenda, New Business

Mr. Howe noted there is a request to table Variance Application VA-24-017, which is scheduled at the end of today's agenda, and made a motion to move Variance Application VA-24-017 next on the Agenda. Seconded by Mr. Coleman. Mr. Cooper, Mr. Coleman, Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-017, 14652 East Broad Street

Mr. Kuntzman noted Variance Application VA-24-017 has been requested to be tabled and Variance Application VA-23-012 will remain tabled.

Tyler Nighland, 74 East Avenue, Pataskala, was placed under oath.

Mr. Nighland noted separating the original variance requests into two separate applications and will proceed with both applications at next month's hearing.

Mr. Howe made a motion to table Variance Application VA-24-017. Seconded by Mr. Cooper. Mr. Coleman, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-014, 204 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) to the Pataskala Code to allow for the use of a low-pressure sanitary sewer system rather than a gravity sewer system as required under the Development Text for the Scenic View Estates Planned Development District. Area map and property summary were noted. Mr. Kuntzman stated during the Construction Plan review process, a change was proposed by the Developer to the City Utility Department to use a low-pressure sanitary, change was reviewed and approved by City's Utility Department and Ohio EPA without knowledge of the requirements of the Development Text.

Brian Cutler, 204 Leezy Drive, Pataskala, was placed under oath.

Mr. Cutler stated when purchasing the property, the developer indicated it was a gravity fed system and anticipated no issues and when the construction application was submitted is when it was noted it was to be low-pressure sanitary sewer.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve Variance Application VA-24-014 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. Coleman. Mr. Cooper, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-015, 6320 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(B)(1) of the Pataskala Code to allow for the expansion of an accessory building that would exceed the maximum permitted size on a lot less than two acres. Area map, property summary, and Applicant's proposal were reviewed. Site plan and rendering were also reviewed. There were no Department or Agency comments.

Mr. Robert Baldwin, 6320 Mink Street SW, Pataskala, was placed under oath.

Mr. Baldwin stated he will be enclosing the existing carport for storage, and it would occupy less space than the existing carport.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve Variance Application VA-24-015 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. Coleman. Mr. Howe, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-016

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a variance from Section 1285.07 of the Pataskala Code to allow for the expansion of a damaged nonconforming building. Area map, property summary and applicant's proposal and narrative statement were reviewed. There were no Department or Agency comments.

Paul Robey, 446 Merrit Road SW, Pataskala, was placed under oath.

Mr. Robey indicated the insurance company would not pay to repair the damage caused by the storm and replacing the exiting home with a new modular home.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve Variance Application VA-24-016 with the following condition:

1. The 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 obtain a Nonconforming Certificate after the construction of the new residential dwelling.

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

First on the Agenda, Variance Application VA-24-012 – 14652 E. Broad Street – Remained Table

Next on the Agenda, Findings of Fact

VA-24-014

<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 approved Findings of Facts for Variance Application VA-24-014. Seconded by Mr. Coleman. Mr. Cooper, Mr. Howe and Mr. Coleman voted yes. The motion was approved.

VA-24-015

- | <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 approved Findings of Facts for Variance Application VA-24-015. Seconded by Mr. Coleman voted yes. Mr. Howe, Mr. Coleman and Mr. Cooper voted yes. The motion was approved.

VA-24-016

<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 approved Findings of Facts for Variance Application VA-24-016. Seconded by Mr. Coleman voted yes. Mr. Coleman, Mr. Howe and Mr. Cooper voted yes. The motion was approved.

Excuse of Absence of Lon Coleman from the September 10, 2024 Regular Meeting

Mr. Howe made a motion to approve the absence of Lon Coleman from the September 10, 2024 Regular Meeting. Seconded by Mr. Cooper. Mr. Howe, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.

Approval of Minutes from the September 10, 2024 Regular Meeting

Mr. Howe made a motion to approve the Minutes of the September 10, 2024 Regular Meeting. Seconded by Mr. Coleman. Mr. Cooper. Mr. Howe and Mr. Coleman voted yes. The motion was approved.

Next on the Agenda, Other Business

It was noted Mr. Coleman and Mr. Cooper's Board of Zoning Appeals term expire December 31, 2024.

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

The meeting was adjourned at 7:11 p.m. on Tuesday, October 8, 2024.

Chairperson

Date