

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

Tuesday, November 12, 2024

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, Pataskala City Hall, 621 West Broad Street, Pataskala, Ohio on Tuesday, November 12, 2024.

Present were:

Richard Cooper

Douglas Dandurand

Alan Howe, Chairman

Rob Jimison

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Zoning Director

Jack Kuntzman, Senior 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, Rob Jimison and Alan Howe. Lon Coleman was not present.

First on the Agenda, Conditional Use CU-24-002 - Remove from Table

Mr. Howe made a motion to remove Conditional Use Application CU-24-002 from the table. 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 CU-24-002 – NE Corner of E Broad Street & John Reese Parkway

Mr. Kuntzman gave an overview of the Staff Report, noting the Application has not changed since the previous hearing; however, the Applicant has requested to take the application off of the table. Existing conditions were noted, along with a summary of the proposal, site plan and elevations. Staff Reports, Departmental and Agency comments were noted along with public comments.

Jerry Royce, 3951 Hammersmith Lane, Loveland, Ohio, and David Parker, 1706 Pheasant Hills Drive, Loveland, Ohio were placed under oath.

Mr. Royce noted the previous hearing and the Board's recommendation for a traffic impact study. Mr. Royce stated after listening to neighbors' concerns along with speaking with Staff and the Public Service Department, a traffic study would most likely recommend a traffic light and they are willing to commit to a traffic light.

Tim Powell, 249 John Reese Parkway, Pataskala, was placed under oath.

Mr. Powell noted concerns with the intersection of John Reese Parkway and Broad Street, including the number of school busses that must cross the intersection daily, along with concerns with traffic through the subdivision and the safety of the neighborhood.

Mr. Howe noted at the previous hearing residents indicated they would like a traffic light at the intersection.

Mr. Jimison noted the Applicant will need to go before the Planning and Zoning Commission with a Transportation Corridor Overlay District Application regarding a traffic impact study; however, tonight's hearing is only the Conditional Use for a business with a drive-through to be located at this location.

A discussion was had regarding tabling the application.

Mr. Howe made a motion to table Conditional Use Application CU-24-002. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-24-012 – Will remain tabled

Next on the Agenda, Variance Application VA-23-017 – 14652 E Broad Street – Remove from table

Mr. Howe made a motion to remove Variance Application VA-23-017 from the table. Seconded by Mr. Jimison. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Variance Application VA-23-017 – 14652 E Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval of a Variance from Section 1291.02(A)(4) to allow for asphalt millings as a paving surface. It was noted a Conditional Use was approved on March 12, 2024 to allow for boat and RV storage. Area map and site plans were noted. Existing conditions were reviewed along with the review of proposed tree removal along the northern property line. Mr. Kuntzman further noted Staff would like more information regarding stormwater, additional safeguards to prevent automotive fluids from being discharged into the creek, and any State or local permits that may be required. Departmental and Agency comments were reviewed.

Richard Main, 23 East Church Street, Newark, Ohio and Tyler Nighland, 74 West Avenue, Pataskala, Ohio, were placed under oath.

Mr. Main noted because of the second stream in the northern part of the property, they will no longer seek setbacks for the northern property line; however, the setback request will be heard at another hearing and this request is only for the asphalt millings.

There were no further comments.

Findings of Facts were reviewed.

Mr. Cooper made a motion to approve Variance Application VA-24-017 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.

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

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

Mr. Howe made a motion to remove Variance Application VA-24-013 from the table. Seconded by Mr. Jimson. Mr. Howe, Mr. Dandurand, Mr. Cooper and Mr. Jimison 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 of approval of a variance from Section 1249.05(H) of the Pataskala Code to allow for a structure that will not meet the minimum building width requirements of the General Business zoning district. Area map and site plan were reviewed. Setbacks, access, parking and loading, landscaping and screening were noted. Elevations were also reviewed. There were no other Departmental or Agency comments.

Dale Tolson, Vice President of Tolson Enterprises, 7150 W. Central Avenue, Toledo, Ohio was placed under oath.

Mr. Tolson noted his support for the Applicants.

There were no further comments.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve Variance Application VA-24-013 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.

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-24-018, 392 Cottage Grove Circle

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of approval of a variance from Section 1121.13 of the Pataskala Code to allow for reduced side yard setbacks for a driveway from three feet to zero feet. Area map and site plan were reviewed. Mr. Kuntzman stated platted subdivisions require driveways to be three feet from a side-yard property line; however, the driveway has already been installed and it goes up to the property line. It was also noted the Applicant is currently in violation of the Pataskala Code for the installation of a driveway without a permit. There were no other Departmental or Agency comments.

Kimberly Jonker, 392 Cottage Grove Circle, Pataskala, Ohio was placed under oath.

Ms. Jonker indicated she met with the contractor who stated he was taking care of everything, including the permits. Ms. Jonker further stated she received a violation notice indicating a driveway application had not been submitted.

There were no further comments.

Findings of Facts were reviewed.

Mr. Jimison made a motion to approve Variance Application VA-24-018 with the following

conditions:

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.

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-24-019, 364 E Broad Street

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for three variances from Section 1295.09(b)(2)(B). First, to allow an increase in the amount of wall signs from one to four. Second, for a wall sign to exceed the maximum sign area of 32 square feet, and lastly, for another wall sign to exceed the maximum sign area of 32 square feet. Area map and site plan were reviewed. Logo signs, monument sign along with elevations were also reviewed. There were no other Departmental or Agency comments.

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

Ms. Leonard noted the importance of the company's branding on the building and for customers to identify the business's location.

A discussion was had regarding the number of signs being requested.

Mr. Howe noted his concerns regarding the number of signs.

Ms. Leonard noted the brand's prototype and want to meet the brand's standards as first-time franchisees.

Mr. Dandurand noted the Applicants have reduced what they originally were requesting.

Mr. Cooper indicated feeling comfortable with the size of the lettering on the east and west sides of the building.

A discussion was had regarding removing the south side's wall signage.

Findings of Facts were reviewed.

Mr. Dandurand made a motion to approve the three variance requests for Variance Application VA-24-019 with the following conditions:

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. There shall only be one (1) ground sign on the subject lot, per Section 1295.09(b)(2)(D), unless a future variance request is approved.
3. The proposed wall sign on the south side of the building shall be removed.

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

Next on the Agenda, Findings of Fact

Variance Application VA-24-017

<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 the Findings of Fact for Variance Application VA-24-017. Seconded by Mr. Jimison. Mr. Howe, Mr. Dandurand, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

Variance Application VA-24-013

<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 the Findings of Fact for Variance Application VA-24-013. Seconded by Mr. Dandurand. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Variance Application VA-24-018

- | <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 the Findings of Fact for Variance Application VA-24-018. Seconded by Mr. Jimison. Mr. Cooper, Mr. Howe, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

Variance Application VA-24-019

<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 the Findings of Fact for Variance Application VA-24-019. Seconded by Mr. Jimison. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Howe voted yes. The motion was approved.

Excuse of Absence of Douglas Dandurand from the October 8, 2024 Regular Meeting

Mr. Howe made a motion to approve the absence of Douglas Dandurand from the October 8, 2024 regular meeting. Seconded by Mr. Cooper. Mr. Howe, Mr. Jimison and Mr. Cooper voted yes. Mr. Dandurand abstained. The motion was approved.

Excuse of Absence of Robert Jimison from the October 8, 2024 Regular Meeting

Mr. Howe made a motion to approve the absence of Robert Jimison from the October 8, 2024 regular meeting. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Cooper and Mr. Howe voted yes. Mr. Jimison abstained. The motion was approved.

Approval of Minutes from the October 8, 2024 Regular Meeting

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

No other business was given.

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

The meeting was adjourned at 7:42 p.m. on Tuesday, November 12, 2024.

Chairperson

Date