

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

**Tuesday, December 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, December 10, 2024.

Present were:

Lon Coleman

Richard Cooper

Douglas Dandurand

Rob Jimison

City of Pataskala Planning and Zoning Department Staff:

Scott Fulton, Zoning Director

Jack Kuntzman, Senior Planner

Lisa Paxton, Zoning Clerk

Mr. Jimison opened the hearing at 6:29 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Lon Coleman, Richard Cooper, Douglas Dandurand and Rob Jimison. Alan Howe was not present.

***First on the Agenda, Conditional Use CU-24-002 – Remain Tabled***

***Next on the Agenda, Variance Application VA-24-012 (REMOVE FROM TABLE)***

A discussion was had regarding removing the application from the table.

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

***Next on the Agenda, Variance Application VA-24-012 - 14652 E Broad Street, Parcel ID Nos. 063-144954-00.000 and 063-141504-01.004***

Richard Main, Esq., 23 E. Church Street, Newark, was placed under oath.

Mr. Main noted the Transportation Corridor Overlay District will require screening, as well as the proposed fence will play a role in the screening, and what trees will be changed, added or left in place to meet the TCOD requirements. Mr. Main indicated if this application is approved, the Applicant will move forward with specific plans that include stormwater and screening.

Mr. Jimison noted understanding stormwater is not for this Board to consider, but would have liked to know what trees are being removed.

Mr. Dandurand noted his concern regarding not having a plan on what trees will be impacted.

Mr. Main noted the neighboring properties, a church and a vacant lot, and is confident that the impact to neighboring properties would be limited by the change in the setback.

Mr. Jimison, again, noted concerns with not having a plan regarding what trees will stay or be removed.

Mr. Main stated the Applicant will be required to have L4 screening as part of the TCOD process, regardless of what trees are left, and asks the Board to move forward with a vote.

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request of an approval of a Variance 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. Area map and parcel summaries were noted. The Applicant is proposing to develop the site for boat and RV storage. The Applicant received an approval for Conditional Use Application CU-24-001 on March 12, 2024 with conditions. Applicant's proposal, site plan and narrative were reviewed. Existing conditions were also reviewed. Planning and Zoning Staff review along with Agency and Departmental comments were noted.

Findings of Fact were reviewed.

Mr. Dandurand made a motion to approve Variance Application VA-24-012 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. Coleman. Mr. Dandurand, Mr. Jimison, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-24-020 – 350 Shawnee Loop South***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's request for approval of a Variance from Section 1221.07(b)(1)(i) to allow for a patio to encroach within the front yard setback. Area map and parcel summary were noted. Existing conditions were reviewed. Applicant's proposal, site plan and narrative were also reviewed. There were no comments from other Departments or Agencies.

There was no comment from the Board or the Applicant.

Findings of Fact were reviewed.

Mr. Cooper made a motion to approve a variance from Section 1221.07(b)(1)(i) for Variance Application VA-24-020 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. Coleman. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-24-021 - 3945 Headleys Mill Road SW, Parcel ID Nos. 063-140922-00.000 & 063-140922-00.006***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicants' request for approval of a Use Variance, pursuant to Section 1211.07(B) of the Pataskala Code, to allow for the establishment of a wellness center on two properties. Area map and parcel summary were noted. Existing conditions were reviewed. Applicants' proposal, site plan, renovations and narrative were noted. There were no comments received from other Departments or Agencies. A letter received from a neighbor supporting the request was noted.

A discussion was had regarding the limits of a use variance.

Dwayne and Pamela Siekman, 3937 Headleys Mill Road, Pataskala, were placed under oath.

Ms. Siekman noted sharing a drive with the neighbor that expressed their support. Ms. Siekman stated they plan to purchase the property at 3945 Headleys Mill Road. Ms. Siekman indicated they would adhere to the specific use that is being requested, and clarified there would be no new construction and the "yoga dome" is part of the current three seasons room that is being retrofitted. Ms. Siekman further noted the tea garden would consist of planted herbs and flowers for harvesting, and a parking area would be located near the horse barn.

Mr. Siekman noted walking paths would be installed, no activities would take place in the evening, everything is appointment and membership based, and stated the wellness farm would not be disruptive to neighboring properties.

Mr. Coleman asked if they had any experience with this type of business.

Ms. Siekman stated this is their personal lifestyle, and they have retail experience, hiring employees, and a business consultant will help further write a practitioner manual and philosophy of care that they are building that treats the whole body.

A discussion was had regarding the location of the parking area.

Jeffrey and Jody Hedley, 3698 Alward Road, Pataskala, were placed under oath.

Mr. Hedley stated purchasing his property for the seclusion and noted concerns regarding having a commercial business next to his property, safety concerns, people walking onto their property along with concerns for property values.

John and Stephanie Dugan, 10813 Hollow Road, Pataskala, were placed under oath.

Mr. Dugan stated moving from Reynoldsburg to a tranquil neighborhood and having concerns with lighting, security and safety.

Ms. Dugan inquired as to rezoning.

Mr. Jimison stated the property is not being rezoned; the application is for a use variance only.

Ms. Dugan inquired as to enforcement.

Mr. Fulton stated the Planning and Zoning Department would enforce the use variance.

Mr. Jimison reiterated the use variance is only for this specific request.

Alice Markley, 3776 Headley Mill Road, Pataskala, was placed under oath.

Ms. Markley noted concerns regarding increased traffic, safety and security, parking lot lighting, effect to wildlife, property values, and setting a precedent.

Lisa Rajaie, 137 Green Hollow Road, Pataskala, was placed under oath.

Ms. Rajaie noted her concern with a business in the neighborhood.

Ms. Siekman stated they would work with Staff regarding parking and the use of existing lighting. Ms. Siekman stated that safety and property values are paramount.

Mr. Siekman noted safety as being of the utmost importance and reiterated the business would be appointment and membership based, and stated the walking paths will be on their property.

Mr. Coleman inquired as to the types of treatment that would be offered.

Ms. Siekman noted holistic, spa-like treatments.

Mr. Coleman noted safety has been brought up and if they would be treating mental health, addiction, etc.

Ms. Siekman indicated they would not.

A discussion was had regarding the shared access driveway.

Mr. Jimison inquired as to the scope of growth and the neighbors' concerns with a business expanding at this location.

Ms. Siekman stated it would not expand and keep the aesthetics as it is to preserve the area.

Mr. Coleman noted concerns with a lack of communication with neighboring properties.

A discussion was had regarding communicating with neighbors.

Findings of Fact were reviewed.

Mr. Coleman made a motion to approve a Use Variance, pursuant to Section 1211.07(B), for Variance Application VA-24-021 with the following conditions:

1. The Applicant shall address all comments from Planning and Zoning Staff.
2. 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. Cooper, Mr. Coleman, Mr. Jimison and Mr. Dandurand voted no. The motion failed.

***Next on the Agenda, Variance Application VA-24-022***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant is requesting approval of three (3) Variances from the Pataskala Code for a private swimming pool. First, from Section 1297.02(B)(2) to allow for the pool deck to encroach 2'-6" within the required setback. Second, from Section 1297.02(B)(4) to allow for a pool fence less than the minimum five (5) feet required. Lastly, from Section 1297.02(B)(2) to allow for the pump & filter installation to be less than the required 20 feet from a property line. Area map and parcel summary were noted. Existing conditions were reviewed. Applicant's proposal, site plan, renovations and narrative were also reviewed. There were no further Departmental or Agency comments.

Matt Langle, 7749 Blacks Road, Pataskala, and Dan and Heather Kerber, 711 Woodington Drive, Pataskala, were placed under oath

A discussion was had regarding fencing in a drainage easement.

Mr. Langle noted international pool and spa codes permit automatic covers in lieu of a minimum 48" barrier and this pool will have a cover and a fence. Mr. Langle also noted pumps being placed 20' from property lines as being antiquated.

Findings of Fact were reviewed.

Mr. Coleman made a motion to approve the three variance requests for Variance Application VA-24-022 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. Cooper. Mr. Coleman, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

***Next on the Agenda, Variance Application VA-24-023***

Mr. Kuntzman gave an overview of the Staff Report, noting the Applicant's requesting for approval of a Variance from Section 1221.05(D)(4) to allow for the construction of an accessory building on a lot without a principal structure. Area map and parcel summary were noted. Applicant's proposal, site plan and narrative were reviewed. Existing conditions were also reviewed. There were no further Departmental or Agency comments.

Roger Henry, Sr., and Delphine Henry, 510 Dover Pond Drive, Blacklick, were placed under oath.

Mr. Henry stated he needed the accessory building for storage as they are planning to build a home on the parcel.

Findings of Fact were reviewed.

Mr. Cooper made a move to approve a variance from Section 1221.05(D)(4) for Variance Application VA-24-023 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. Coleman. Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

**Next on the Agenda, Findings of Fact**

**Variance Application VA-24-012**

<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. Jimison made a motion to approve the Findings of Fact for Variance Application VA-24-012. Seconded by Mr. Cooper. Mr. Dandurand, Mr. Coleman, Mr. Cooper and Mr. Jimison voted yes. The motion was approved.

**Variance Application VA-24-020**

<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) *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. Jimison made a motion to approve the Findings of Fact for Variance Application VA-24-020. Seconded by Mr. Coleman. Mr. Coleman, Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. The motion was approved.

#### **Variance Application VA-24-021**

- | <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) *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.*
- √ a) *The applicant/owner created the alleged hardship;*
- √ b) *The Board finds that the application is primarily made for the purposes of convenience or profit;*
- √ c) *A substantial ground offered in support of an application for a Use Variance is the existence of other non-conforming use of neighboring lands, structures, or buildings in the same zoning district or other zoning districts.*

Mr. Jimison made a motion to approve the Findings of Fact for Variance Application VA-24-021. Seconded by Mr. Coleman. Mr. Cooper, Mr. Coleman, Mr. Jimison and Mr. Dandurand voted yes. The motion was approved.

#### **Variance Application VA-24-022**

- | <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. Jimison made a motion to approve the Findings of Fact for Variance Application VA-24-022. Seconded by Mr. Coleman. Mr. Jimison, Mr. Dandurand, Mr. Cooper and Mr. Coleman voted yes. The motion was approved.



**Variance Application VA-24-023**

<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. Jimison made a motion to approve the Findings of Fact for Variance Application VA-24-023. Seconded by Mr. Coleman. Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

***Excuse of Absence of Lon Coleman from the November 12, 2024 Regular Meeting***

Mr. Jimison made a motion to approve the absence of Lon Coleman from the November 12, 2024 regular meeting. Seconded by Mr. Cooper. Mr. Jimison, Mr. Cooper and Mr. Dandurand voted yes. Mr. Coleman abstained. The motion was approved.

***Approval of Minutes from the November 12, 2024 Regular Meeting***

Mr. Jimison made a motion to approve the minutes from the November 12, 2024 meeting. Seconded by Mr. Dandurand. Mr. Dandurand, Mr. Cooper, Mr. Coleman and Mr. Jimison voted yes. The motion was approved.

No other business was given.

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

The meeting was adjourned at 8:32 p.m. on Tuesday, December 10, 2024.

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Chairperson

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Date