

City of Circleville Board of Zoning Appeals
127 South Court Street
Circleville, OH 4313

Advertising Department
Circleville Herald
401 East Main Street
Circleville, OH 43113

Please publish the following legal notice in the July 30, 2020 edition.

LEGAL NOTICE

The Board of Zoning Appeals of the City of Circleville will hold a Public Hearing Monday, August 10, 2020, 7:00 pm in Council Chambers, 127 S. Court Street, 2nd Floor. The hearings are open to the public. The public may participate in the hearings **via Zoom Video Conference**. For instructions on how to access the virtual meeting and submit testimony, please contact Pat Hughey, Clerk at: pat.hughey@ci.circleville.oh.us or 740-474-8219.

The Board of Zoning Appeals will hear the following cases:

1. Case No. 2020-BZA-05 (Conditional Use) – An application from Efrain Torres, 6792 Fallon Lane, Canal Winchester, Ohio 43110, for a Conditional Use Permit under Section 23.03 C of the Zoning Ordinance for partial use of the sidewalk in front of property owned by P1 Realty, LLC, at 129 W. Main St. as an outdoor dining area in an area zoned (DB) Downtown Business District.
2. Case No. 2020-BZA-06 (Non-Conforming Use) – An application from Jeri Smith of 116 W. Mill St. for change, extension, or expansion or substitution of a non-conforming use to replace an existing eight-foot privacy fence that contains six-foot panels and two feet of lattice with an eight-foot fence in an area zoned (R-4) Historic Neighborhood Single Family Residential District. Section 33.05.03 of the Zoning Ordinance limits a fence to up to 72 inches in height in an area of the lot behind the building setback line.

The applications and supporting materials are available for public inspection at the Circleville Service Department, 104 East Franklin St., Circleville, OH, Monday through Friday, 7:30 am– 4:00 pm, except for holidays. **Please call 740-477-8253 prior to your arrival.** Per state health orders and the directive of Mayor Don McIlroy, persons requesting to inspect the materials are asked to wear masks and observe the 6 feet distancing from other individuals.

Pat Hughey
Clerk, Board of Zoning Appeals

Please send proof of publication and billing to Pat Hughey, 104 E. Franklin St., Circleville, OH 43113



RECEIVED JUL 6 8 2020

NON CONFORMING USE # 1

ZP # 9124

CITY OF CIRCLEVILLE APPLICATION FOR CHANGE, EXTENSION, OR EXPANSION OF
NON CONFORMING USE

APPLICANT'S NAME: Jeri Smith

APPLICANT'S ADDRESS: 116 W. Mill St Circleville OH 43113

PROPERTY OWNER'S NAME: Jeri Smith PHONE #: 740 248-9819

PROPERTY ADDRESS: 116 W. Mill St Circleville OH 43113

ZONING DISTRICT: R4 PROPOSED USE OF PROPERTY: Residence

THE PROPERTY OWNER/APPLICANT MUST SUPPLY A LEGAL DESCRIPTION OF THE PROPERTY, AS RECORDED IN THE PICKAWAY COUNTY RECORDER'S OFFICE. LEGAL DESCRIPTION ATTACHED: YES ☒ NO ☐

A SCALE PLOT MUST BE PROVIDED. PLOT PLAN ATTACHED: YES ☒ NO ☐

CURRENT NON CONFORMING USE: over 6 feet - 6 foot panels 2 feet lattice

PROPOSED NON CONFORMING USE OR PLAN OF EXTENSION OR EXPANSION: replacing existing 8ft Privacy fence

THE NAMES AND MAILING ADDRESSES OF ALL PROPERTY OWNERS WITHIN 100 FEET, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPERTY, AS APPEARING ON THE PICKAWAY COUNTY AUDITOR'S CURRENT TAX LIST, IN THE PICKAWAY COUNTY COURTHOUSE, MUST BE PROVIDED.

LIST OF ADJACENT PROPERTY OWNERS (WITHIN 100 FEET) ATTACHED: YES ☒ NO ☐

DATE: 7-6-2020 APPLICANT'S SIGNATURE: Jeri Smith

DO NOT WRITE BELOW THIS LINE

APPLICATION RECEIVED BY: B. Shat DATE: 7/6/20

FEE PAID \$ 50.00 CASH: ☒ CHECK #:

ACTION BY ZONING COMMISSION: ON THE DAY OF , 20

THE PLANNING AND ZONING COMMISSION (APPROVED) ☐ (DENIED) ☐ THE REQUEST FOR CHANGE, EXPANSION OR EXTENSION OF AN EXISTING NON CONFORMING USE WITH THE FOLLOWING CONDITIONS:

FOR THE FOLLOWING REASONS:

IF THE ZONING COMMISSION APPROVES THE ABOVE REQUEST FOR A CHANGE, EXPANSION OR EXTENSION OF A NON CONFORMING USE, THE ZONING INSPECTOR IS NOW AUTHORIZED TO ISSUE ANY NECESSARY PERMITS: THE FOLLOWING PERMITS WILL BE NECESSARY: ZONING PERMIT ☐ VARIANCE ☐ OTHER ☐ (EXPLAIN OTHER)
NONE ☐

IF ADDITIONAL PERMITS ARE UNNECESSARY, THIS WILL SERVE AS ZONING APPROVAL FOR BUILDING PERMITS TO BE ISSUED.

DATE: ZONING COMMISSION:

25

NC

CITY OF CIRCLEVILLE ZONING PERMITZONING PERMIT # 9124 VARIANCE # _____ OTHER # 1APPLICANT'S OR AGENT FOR APPLICANT'S NAME: Jeri Smith PHONE #: 740 248-9819APPLICANT'S/AGENT'S ADDRESS: 116 W. Mill St Circleville, OH 43113APPLICANT'S E-MAIL ADDRESS: Jeri.smith43113@gmail.comPROPERTY OWNER'S NAME: Jeri Smith PHONE # 740 248-9819PROPERTY ADDRESS: 116 W. Mill St Circleville OH 43113SUBDIVISION: _____ LOT #: _____ TAX PARCEL #: _____
(TAX PARCEL INFORMATION MUST BE PROVIDED AND CAN BE OBTAINED FROM YOUR PROPERTY TAX BILL OR BY CALLING THE PICKAWAY COUNTY AUDITOR'S OFFICE AT 474-4765 OR AT THEIR WEB SITE [HTTP://PICKAWAY.VIEWAUDITOR.COM](http://pickaway.viewauditor.com))PRESENTLY ZONED: R4 PRESENT USE: _____ PROPOSED USE: _____CONTRACTOR'S NAME: _____ LICENSE NUMBER: _____
(IF DOING THE WORK YOURSELF, INDICATE SO. IF CONTRACTING, CONTRACTOR MUST BE LICENSED WITH THE PICKAWAY COUNTY BUILDING DEPARTMENT - CONTACT THE BUILDING DEPARTMENT AT 477-8282 FOR FURTHER INFORMATION.)**BUILDING AND LOT DATA: A SCALED PLOT PLAN MUST BE PROVIDED**

BUILDING SIZE: _____ HEIGHT: _____ LOT SIZE: _____ CORNER LOT: YES _____ NO _____ LIVING AREA: _____ SQ. FT.

NUMBER OF DWELLING UNITS: _____

CHECK ONE: NEW _____ ADDITION _____ OTHER _____

TYPE OF CONSTRUCTION: Privacy fence 8' APPROXIMATE COST OF CONSTRUCTION: \$ _____
(HOME, GARAGE, SHED, ROOM ADD., ETC.)**YARD SETBACK DEPTHS**

FRONT YARD: _____ FT. REAR YARD: _____ FT. SIDE YARDS: LEFT _____ FT. RIGHT _____ FT.

THE PROPERTY OWNER/AGENT/APPLICANT MUST SUPPLY A LEGAL DESCRIPTION OF THE PROPERTY, AS RECORDED IN THE PICKAWAY COUNTY RECORDER'S OFFICE. LEGAL DESCRIPTION ATTACHED: YES _____ NO _____

PLEASE READ AND VERIFY BY SIGNATURE

THE FOLLOWING ITEMS ARE THE APPLICANT/AGENT/PROPERTY OWNER'S RESPONSIBILITY.

1. ASSURE THAT NO STRUCTURE IS BUILT ON ANY PUBLIC EASEMENT OR RIGHT OF WAY.
2. LOCATE AND VERIFY PROPERTY LINES TO ASSURE THAT THE PLOT PLAN SUBMITTED WITH THIS APPLICATION ACCURATELY REFLECTS THE SETBACK DIMENSIONS FROM THOSE PROPERTY LINES. WHERE COMPLETE AND ACCURATE INFORMATION IS NOT READILY AVAILABLE FROM EXISTING RECORDS, THE ZONING INSPECTOR MAY REQUIRE THE APPLICANT TO FURNISH A SURVEY OF THE LOT. SURVEY MUST BE COMPLETED BY A REGISTERED SURVEYOR. ALL NEW CONSTRUCTION WILL REQUIRE A SURVEY.
3. VERIFICATION THAT THE DEED AND/OR PLAT DOES NOT CONTAIN ANY RESTRICTIONS AGAINST SUCH CONSTRUCTION ACTIVITY.

BY SIGNATURE, I HEREBY ATTEST TO THE TRUTH AND EXACTNESS OF ALL INFORMATION PROVIDED ABOVE:

DATE: 7-6-2020 SIGNATURE OF APPLICANT/AGENT/OWNER: Jeri Smith**DO NOT WRITE BELOW THIS LINE**FEE COLLECTED: \$25 Cash DATE: 7/6/20 BY: B ShortFLOOD PLAIN: YES _____ NO ☒ HISTORIC DISTRICT: YES _____ NO ☒SUBDIVISION GRADING PLAN TO BE USED: YES _____ NO ☒

IF APPROVED, THIS PERMIT IS CONDITIONED UPON OBTAINING ALL OTHER REQUIRED PERMITS AND IS VALID FOR A PERIOD OF ONE-YEAR ONLY. THIS PERMIT WILL BE REVOKED IF CONSTRUCTION IS NOT COMPLETED WITHIN A ONE-YEAR PERIOD.

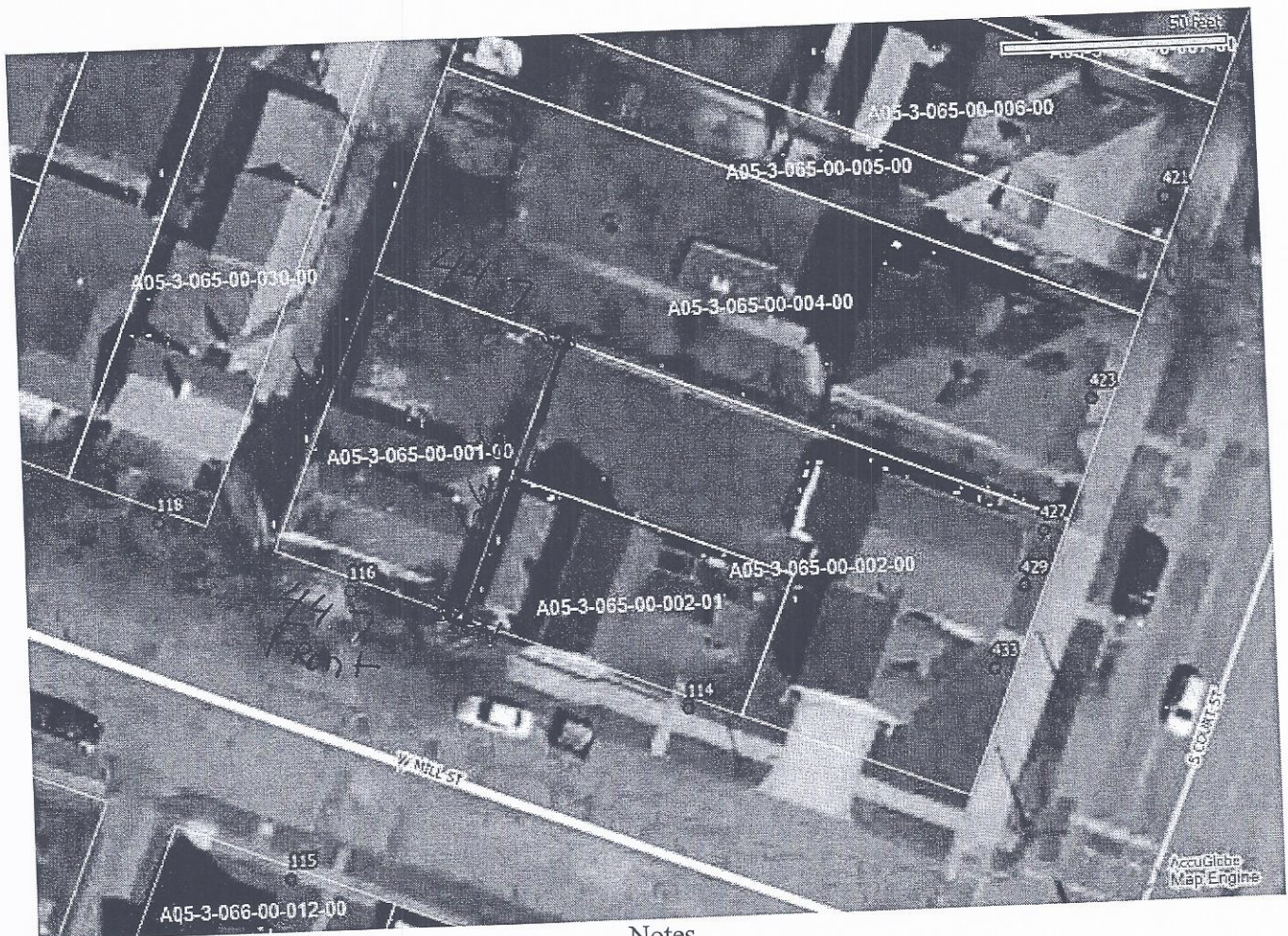
ON 7-6-20, THIS PERMIT WAS APPROVED REJECTED ☒COMMENTS: Section 33.05.03 Fence height not to exceed 72"
(6') behind building setback line.

IF APPROVED, THIS IS TO CERTIFY THAT THE STRUCTURE AND/OR USE NAME AND DESCRIBED IN THE ABOVE APPLICATION COMPLIES WITH THE LATEST ZONING ORDINANCE OF THE CITY OF CIRCLEVILLE.

ZONING INSPECTOR: [Signature]

[Print](#) | [Back](#)

Pickaway County GIS



Notes

Jeri Smith Lot - 44.7x66.6



6ft privacy fence
2.5 ft wide

← 44 ft →

Replace existing 8ft privacy fence
for 41.5 feet

2.5 foot tall

Retaining wall

← 66ft →

House

Replace 2 Post
a wood gate

ALLEY

→ 44 ft ←

EXHIBIT "A" LEGAL DESCRIPTION

Situated in the City of Circleville, County of Pickaway, the State of Ohio being more particularly bounded and described as follows;

Being Part Lot 662 per the revised numbering of lots for the City of Circleville, being carried in two parcels by the Pickaway County Auditor's Office, of which 1,826 Sq. Ft. being parcel number A05-3-065-00-002-00 as recorded in the Official Record 535, Page 2541 and 4,075.68 Sq. Ft. being parcel number A05-3-065-00-003-00 as described in Official Record 535, Page 2539.

Beginning at a pk nail set at the Southeast corner of said 1,826 Sq. Ft. tract being at the point of intersection of the West line of Court Street with the North line of Mill Street;

Thence with said North line N 71°07'00"W 54.35 feet to an iron pin found at the Southwest corner of said 1,826 Sq. Ft. tract and at the Southeast corner of a 2,249 Sq. Ft. tract (reference Official Record 293, Page 214);

Thence leaving said North line and going with the line between said tracts N19°04'08" E 33.32 feet to an iron in set at the Northeast corner of said 2,249 Sq. Ft. tract and the Northwest corner of said 1,826 Sq. Ft. tract also being in the South line of said 4,075.68 Sq. Ft. tract;

Thence with said South line and with the North line of said 2,249 Sq. Ft. tract N 71°07'00"W 66.41 feet to a pk nail set in a deck at the Northwest corner of said 2,249 Sq. Ft. at the Southwest corner of said 4,075.68 Sq. Ft. tract and in the East line of another Part Lot 662 tract (reference Deed Book 96, Page 466);

Thence with said East line and with the West line of said 4,075.68 Sq. Ft. tract N19°04'08"E 33.32 feet to an iron pin set at the Northwest corner of said 4,075.68 tract and in the South line of a Part Lot 663 tract (reference Official Record 603, Page 1885);

Thence with said South line S71°07'00"E 120.76 feet to a pk nail set at the Southeast corner of said Part Lot 663 tract and at the Northeast corner of said 4,075.68 Sq. Ft. tract also being in the West line of Court Street;

Thence with said West line, the East line of said 4,075.68 Sq. Ft. tract and with the East line of said 1,826 Sq. Ft. tract S 19°04'08" W 66.63 feet to the Point of Beginning;
Containing 5,834 Sq. Ft., more or less.

Subject to all existing valid rights-of-way and easements of record.

All iron pins shown as set are 5/8 diameter by 30" long rebar with yellow plastic identification cap stamped "M.E. CLARK ASSOC."

Bearing as shown are based on the North line of Mill Street as described in Official Record 535, Page 2541 being N71°07'00"W.

Commonly known as: 429 S. Court Street, Circleville, Ohio 43113



CITY OF CIRCLEVILLE CONDITIONAL USE PERMIT APPLICATION

APPLICANT'S NAME: Efrain Torres PHONE #: 303 546 2055
 APPLICANT'S ADDRESS: 6792 Fallon Ln Canal Winchester 43110
 APPLICANT'S E-MAIL ADDRESS: EfrainTorres92@hotmail.com
 PROPERTY OWNER'S NAME: P1 Realty LLC PHONE #: 740 412 6286
 (If same as Applicant, write same)
 PROPERTY ADDRESS: 129 W MAIN ST CIRCLEVILLE
 SUBDIVISION: 00250003 LOT#: 303 Whole PARCEL#: A0530600001800 (Tax
 Parcel information must be provided and can be obtained from your property tax bill or by calling the County Auditor's office 740-474-4765 OR AT
 THEIR WEB SITE HTTP://PICKAWAY.IVIEWAUDITOR.COM)

PRESENTLY ZONED: Commercial PRESENT USE: same PROPOSED USE: Same

A PLOT PLAN OF THE PROPOSED SITE FOR THE CONDITIONAL USE, SHOWING THE LOT SIZE, THE SIZE AND LOCATION OF ALL BUILDINGS (MEASUREMENT OF FRONT, REAR AND SIDE YARD SETBACKS), PARKING AND LOADING AREAS, TRAFFIC CIRCULATION, UTILITIES AND EASEMENTS, AND SUCH INFORMATION AS THE ZONING COMMISSION MAY REQUIRE, MUST BE SUPPLIED.
 PLOT PLAN SUBMITTED: YES ☒ NO ☐

A LEGAL DESCRIPTION OF THE PROPERTY, AS RECORDED IN THE PICKAWAY COUNTY RECORDER'S OFFICE MUST BE SUPPLIED. LEGAL DESCRIPTION SUBMITTED: YES ☒ NO ☐

THE FOLLOWING STATEMENT REPRESENTS AN ELEVATION OF THE EFFECTS ON ADJOINING PROPERTY, SUCH AS NOISE, GLARE, ODOR, LIGHT, FUMES, VIBRATION, TRAFFIC, ETC.:

THE NAMES AND MAILING ADDRESSES OF ALL PROPERTY OWNERS WITH 100 FEET, CONTIGUOUS TO, AND DIRECTLY ACROSS THE STREET FROM THE PROPERTY, AS APPEARING ON THE PICKAWAY COUNTY AUDITOR'S CURRENT TAX LIST, IN THE PICKAWAY COUNTY COURT HOUSE, MUST BE PROVIDED.

LIST OF ADJACENT PROPERTY OWNERS (WITHIN 100 FEET ATTACHED: YES ☐ NO ☒

I hereby state that the information shown above and on the plot plan and any other information submitted, is accurate.

DATE: 10-26-20 SIGNATURE OF APPLICANT: Efrain Torres

DO NOT WRITE BELOW THIS LINE

FOR OFFICE USE ONLY

APPLICATION RECEIVED BY: BShut DATE: 6/26/2020

FEE PAID \$ 100.00 CASH: _____ CHECK #: 1799

ON _____, THIS PERMIT WAS APPROVED _____ REJECTED _____

SUBJECT TO THE FOLLOWING CONDITIONS/COMMENTS: _____

IF THE CONDITIONAL USE PERMIT IS APPROVED AND SIGNED BY THE SECRETARY OF THE ZONING COMMISSION, THE ADMINISTRATIVE OFFICER IS HEREBY AUTHORIZED TO ISSUE A ZONING PERMIT, BEING IN COMPLIANCE WITH ALL REQUIREMENTS OF THE ZONING CODE.

SECRETARY OF ZONING COMMISSION: _____

DATE: _____

(Revised 11/2015)

CITY OF CIRCLEVILLE ZONING PERMIT ZONING PERMIT # _____ VARIANCE # _____ OTHER # _____

APPLICANT'S OR AGENT FOR APPLICANT'S NAME: Efrain Torres PHONE #: 330 546 2055

APPLICANT'S/AGENT'S ADDRESS: 6792 Fallon LN Canal Winchester 43110

PROPERTY OWNER'S NAME: P1 Realty LLC PHONE #: 740 412 6286

PROPERTY ADDRESS: 129 W. main st Circleville

SUBDIVISION: 60250003 LOT#: 303 whole TAX PARCEL #: A0530600001800

(TAX PARCEL INFORMATION MUST BE PROVIDED AND CAN BE OBTAINED FROM YOUR PROPERTY TAX BILL OR BY CALLING THE PICKAWAY COUNTY AUDITOR'S OFFICE AT 474-4765 OR AT THEIR WEB SITE [HTTP://PICKAWAY.VIEWAUDITOR.COM](http://PICKAWAY.VIEWAUDITOR.COM))

PRESENTLY ZONED: Commercial PRESENT USE: Commercial PROPOSED USE: Commercial

CONTRACTOR'S NAME: Self LICENSE NUMBER: _____

(IF DOING THE WORK YOURSELF, INDICATE SO. IF CONTRACTING, CONTRACTOR MUST BE LICENSED WITH THE PICKAWAY COUNTY BUILDING DEPARTMENT - CONTACT THE BUILDING DEPARTMENT AT 477-8282 FOR FURTHER INFORMATION.)

BUILDING AND LOT DATA: A SCALED PLOT PLAN MUST BE PROVIDED

BUILDING SIZE: _____ HEIGHT: _____ LOT SIZE: _____ CORNER LOT: YES _____ NO _____ LIVING AREA: _____ SQ. FT.

NUMBER OF DWELLING UNITS: _____ CHECK ONE: NEW _____ ADDITION X OTHER _____

TYPE OF CONSTRUCTION: Partial use of sidewalk APPROXIMATE COST OF CONSTRUCTION: \$ 500.00
(HOME, GARAGE, SHED, ROOM ADD., ETC.) For additional out door seating (Dining)

YARD SETBACK DEPTHS

FRONT YARD: _____ FT. REAR YARD: _____ FT. SIDE YARDS: LEFT _____ FT. RIGHT _____ FT.

THE PROPERTY OWNER/AGENT/APPLICANT MUST SUPPLY A LEGAL DESCRIPTION OF THE PROPERTY, AS RECORDED IN THE PICKAWAY COUNTY RECORDER'S OFFICE. LEGAL DESCRIPTION ATTACHED: YES _____ NO _____

PLEASE READ AND VERIFY BY SIGNATURE

THE FOLLOWING ITEMS ARE THE APPLICANT/AGENT/PROPERTY OWNER'S RESPONSIBILITY.

1. ASSURE THAT NO STRUCTURE IS BUILT ON ANY PUBLIC EASEMENT OR RIGHT OF WAY.
2. LOCATE AND VERIFY PROPERTY LINES TO ASSURE THAT THE PLOT PLAN SUBMITTED WITH THIS APPLICATION ACCURATELY REFLECTS THE SETBACK DIMENSIONS FROM THOSE PROPERTY LINES. WHERE COMPLETE AND ACCURATE INFORMATION IS NOT READILY AVAILABLE FROM EXISTING RECORDS, THE ZONING INSPECTOR MAY REQUIRE THE APPLICANT TO FURNISH A SURVEY OF THE LOT. SURVEY MUST BE COMPLETED BY A REGISTERED SURVEYOR. ALL NEW CONSTRUCTION WILL REQUIRE A SURVEY.
3. VERIFICATION THAT THE DEED AND/OR PLAT DOES NOT CONTAIN ANY RESTRICTIONS AGAINST SUCH CONSTRUCTION ACTIVITY.

BY SIGNATURE, I HEREBY ATTEST TO THE TRUTH AND EXACTNESS OF ALL INFORMATION PROVIDED ABOVE:

DATE: 06-26-20 SIGNATURE OF APPLICANT/AGENT/OWNER: Efrain Torres

DO NOT WRITE BELOW THIS LINE

===== Conditional Use Permit =====
FEE COLLECTED: \$100 CK#174 DATE: 6/26/20 BY: BSH

FLOOD PLAIN: YES _____ NO ✓ HISTORIC DISTRICT: YES _____ NO ✓

SUBDIVISION GRADING PLAN TO BE USED: YES _____ NO ✓

IF APPROVED, THIS PERMIT IS CONDITIONED UPON OBTAINING ALL OTHER REQUIRED PERMITS AND IS VALID FOR A PERIOD OF ONE-YEAR ONLY. THIS PERMIT WILL BE REVOKED IF CONSTRUCTION IS NOT COMPLETED WITHIN A ONE-YEAR PERIOD.

ON _____, THIS PERMIT WAS APPROVED _____ REJECTED _____

COMMENTS: _____

IF APPROVED, THIS IS TO CERTIFY THAT THE STRUCTURE AND/OR USE NAME AND DESCRIBED IN THE ABOVE APPLICATION COMPLIES WITH THE LATEST ZONING ORDINANCE OF THE CITY OF CIRCLEVILLE.

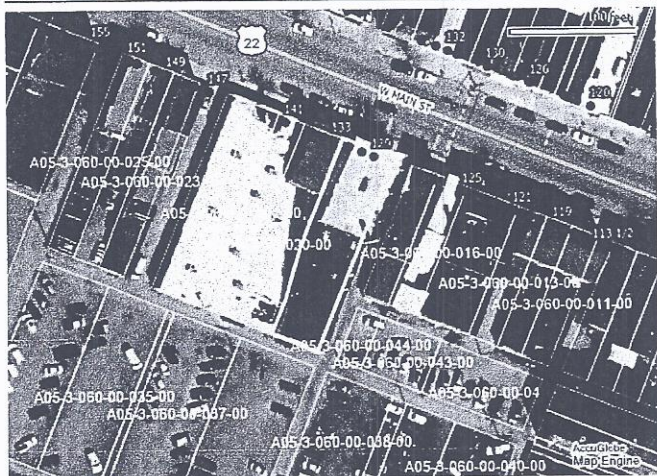
ZONING INSPECTOR: _____

Pickaway County, Ohio - Property Record Card

Parcel: A0530600001800 Card: 1

Owner P1 REALTY, LLC
Address 129 W MAIN ST
Land Use (422) C - DISCOUNT STORES & JR. DEPT STORES
Class COMMERCIAL
Legal Description LT-303 WHOLE

MAP



SKETCH

A sketch is unavailable for this parcel.

COMMERCIAL

Improvement Name ASIAN BUFFET
Description
Year Built 1900
Number of Units
Identical Units 1
Building Number 1
Card 1

COMMERCIAL FEATURES

LAND

Code	Frontage	Depth	Acreage	SqFt	Value
1	0	0	N/A	7095	\$63,860.0

VALUATION

	Appraised	Assessed
Land Value	\$63,860.00	\$22,350.00
Building Value	\$83,270.00	\$29,140.00
Total Value	\$147,130.00	\$51,490.00
CAUV Value	\$0.00	
Taxable Value	\$51,490.00	

PERMITS

IMPROVEMENTS

SALES

Date	Buyer	Seller	Price	Validity
12/19/2016	P1 REALTY, LLC	CRIST BROTHERS LLC	\$77,500.00	0 VALID
12/19/2016	P1 REALTY, LLC	CRIST BROTHERS LLC	\$77,500.00	0 VALID
8/11/2011	CRIST BROTHERS LLC	CRIST J FREDERICK ETAL	\$0.00	4 RELATED
7/13/2011	CRIST J FREDERICK ETAL	CRIST DENNIS F TRUSTEE	\$0.00	4 RELATED
7/13/2011	CRIST DENNIS F TRUSTEE	CRIST WILLIAM F TR	\$0.00	4 RELATED

