



City of Powell
Board of Zoning Appeals

APPLICATION FOR VARIANCE

Applicant: Carol Stillman

Location: 233 East Olentangy Street

Zoning: (R) Residential District

Request: Approval of a variance to the required rear yard setback, from 80 feet to 30 feet, to accommodate the construction of a single-family home

A public hearing was held before the City of Powell Board of Zoning Appeals starting on April 25, 2016, and continuing on May 23, 2016, pursuant to Codified Ordinance 1127.13 concerning the variance application of Carol Stillman ("the Applicant") to reduce the rear-yard setback at 233 East Olentangy Street ("the Property") from 80 feet to 30 feet. Originally, the Applicant's request included a reduction in the side-yard setback, but the Applicant withdrew that request prior to the proceedings on May 23, 2016.

Chairman Temby and Members Hiles and Wiencek were present, constituting a quorum of the Board. Chairman Temby swore in all present who intended to testify.

Director of Development David Betz presented the staff report on the request, which recommended approval of the requested variance. Assistant City Engineer John Moorehead also testified in support of the staff recommendation to approve the variance request.

The Applicant and Todd Faris, land planner and landscape architect representing the Applicant, testified in support of the variance request. .

Testifying in opposition to the request were: Jon Sudler, 87 Glenlivet Place; Michael and Nicolette Hyland, 40 Bartholomew Boulevard; Dean and Charlene Appleman, 90 Glenlivet Place; Rod Flannery, 52 Bartholomew Boulevard; George and Lee Ann Conti, 94 Glenlivet Place; and Monica Reineki, 28 Bartholomew Boulevard.

Upon consideration of the oral testimony together with documents and exhibits marked and admitted, the Board makes the following findings and decisions:

I. FINDINGS OF FACT

1. Section 1127.06 of the Codified Ordinances of the City of Powell set forth the following standards for variance requests:
 - a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property in question [without the variance];
 - b. Whether the variance is substantial;
 - c. Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
 - d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 - e. Whether the property owner purchased the property with knowledge of the zoning restriction;
 - f. Whether the property owner's predicament feasibly can be obviated through some method other than a variance;
 - g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
2. On March 28, 2016, the Applicant, Carol Stillman, submitted an application for a variance concerning the Property, 2333 East Olentangy Street in the City of Powell.
3. The Property is a wooded lot with rugged terrain.
4. The Property is within the R-Residential District.
5. The Applicant requested a variance of the 80' rear-yard setback to a 30' rear-yard setback.
6. The Applicant proposes to build a single-family residence upon the Property.
7. The Property is affected by a riparian area due to a stream located on the property, which is a tributary of the Olentangy River.
8. Constructing the single-family residence at the highest point of the Property would maintain the drainage pattern on the site and minimizes grading necessary to accommodate the single-family residence.
9. Constructing the single-family residence at the highest point of the Property would place it at rear-yard setback of 30 feet.

10. Constructing the single-family residence at the 80' rear-yard setback presents a hardship and practical difficulties because it would require substantial grading; redirect surface drainage; and complicate the maintenance of the driveway accessing the Property.
11. The Property is adjacent to a planned subdivision.
12. The rear-yard setbacks in the adjacent planned subdivision are 30 feet.
13. Construction and use of a single-family residence is a permitted use on the Property.
14. The variance to the rear-yard setback from 80 feet to 30 feet is necessary to maximize the beneficial use of the Property while being sensitive to the environment and sustainability of the Property.
15. The variance to the rear-yard setback is not substantial, in that it is comparable to the rear-yard setback on nearby properties.
16. The variance would not adversely affect neighborhood character or create an adverse impact on adjoining properties.
17. The variance would not adversely affect the delivery of governmental services.
18. The variance is consistent with the spirit and intent of the zoning requirement in the circumstances of this Property. The wooded nature of the Property preserves a measure of buffering between the contemplated single-family home construction and neighboring properties.
19. The Board conducted its hearing in an open meeting.
20. All who testified were duly sworn in.
21. These proceedings were conducted in accordance with Chapter 1127 of the Powell Codified Ordinances, including all provisions for notice.
22. The application meets each of the standards set for granting variance, and the variance granted is the minimum variance that will make possible a reasonable use of the land.

II. DECISION

Upon consideration of the testimony and exhibits admitted, by a vote of 3-0, the Board of Zoning Appeals agrees that there is substantial, practical difficulty in building a home on the property in a manner consistent with proper engineering and building procedures while also preserving the natural features of the Property, and therefore the Board GRANTS the Applicant's requested variance reducing the Property's rear-yard setback

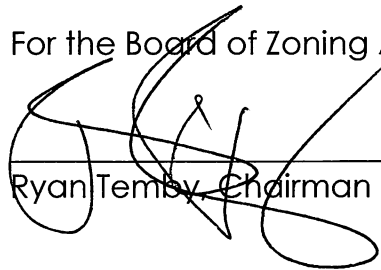
from 80 feet to 30 feet to accommodate construction of a single-family home, subject to the following conditions:

1. That the Applicant shall work with City Staff to maximize the impact or buffering of the replacement trees and landscaping to benefit the adjacent neighbors, and
2. That any auxiliary or accessory structures shall not be located any closer than 10 feet off the property line.

The City and/or the Applicant are authorized to take any further action consistent with this decision. The Board's decision is appealable as provided by law.

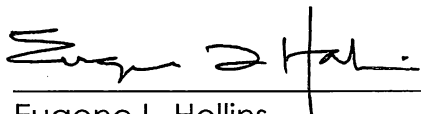
Dated this 29 day of June, 2018.

For the Board of Zoning Appeals:



Ryan Temby, Chairman

Approved as to Form per C.O. 1127.13:



Eugene L. Hollins
Law Director