



**DEVELOPMENT DEPARTMENT REPORT
MAY 2016**

CODE ENFORCEMENT REPORT

Report attached.

HISTORIC DOWNTOWN ADVISORY COMMISSION

No meeting held.

PLANNING AND ZONING COMMISSION

May 11, 2016 – Minutes attached.

PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Transform Construction LLC, Joshua Weir
Location: 176 W. Olentangy Street
Existing Zoning: (DB) Downtown Business District
Request: To review a Preliminary Development Plan proposal to construct two mixed-use commercial buildings.

- *Reviewed and approved with conditions.*

AMENDMENT TO A FINAL DEVELOPMENT PLAN REVIEW

Applicant: Brian Reynolds for Germain Collision Center
Location: 354 W. Olentangy Street
Existing Zoning: (PI) Planned Industrial District
Request: To review the exterior changes; including painting, new awnings and windows; to an existing building.

- *Reviewed and approved with conditions.*

CERTIFICATE OF APPROPRIATENESS

Applicant: Architectural Alliance for Gerber Collision
Location: 390 West Olentangy Street
Existing Zoning: (DB) Downtown Business District
Request: To review a proposal to construct two mixed-use commercial buildings.

- *Reviewed and approved with conditions.*

BOARD OF ZONING APPEALS

May 23, 2016 – Minutes attached.

APPLICATION FOR VARIANCE

Applicant: Carol Stillman
Location: 233 E. Olentangy Street
Existing 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.

- *Reviewed and approved with conditions.*

April 2016 City Council Zoning Report

Zoning Violations

Address	Name/Business	Date of Letter	Date to Be In Compl	Primary Violation	Action Corrected	Date Checked	Notes
489 Village Park Dr	LDH 2000 FAMILY LIMITED	5.19.2016	5.29.16	557.01 yes	557.01 yes	5.31.16	Tall grass
716 Middlebury Way	Vikas Talekar	5.19.2016	-	1135.02 in progress	1135.02 in progress	5.31.16	Construction without permit - in contact with resident
Cruz Candy Store	-	5.25.16	-	1151 yes	1151 yes	5.25.16	temporary signs - In person warning
144 Meadow Ridge Ct	Paul and Jennifer Werling	5.26.16	6.2.16	1145.06 in progress	1145.06 in progress	5.25.16	trailer parking in residential district



City of Powell, Ohio

Planning & Zoning Commission

Donald Emerick, Chairman

Richard Fusch, Vice Chairman

Shawn Boysko

Ed Cooper

Trent Hartranft

Joe Jester

Bill Little

Chris Meyers, AIA, Architectural Advisor

MEETING MINUTES

May 11, 2016

A meeting of the Powell Planning & Zoning Commission was called to order by Chairman Don Emerick on Wednesday, May 11, 2016 at 7:00 p.m. Commissioners present included Shawn Boysko, Ed Cooper, Richard Fusch, Joe Jester and Bill Little. Commissioner Hartranft was absent. Also present were Rocky Kambo, GIS/Planner; Chris Meyers, Architectural Advisor; Leilani Napier, Planning & Zoning Clerk and interested parties.

STAFF ITEMS

Rocky Kambo, GIS/Planner, advised the Commission the City changed their internet provider over the weekend which may have caused some glitches with the City's FTP site; specifically accessing current proposals. The FTP site is working fine now. The Code Update Committee has met and is moving along. Chairman Emerick and Commissioner Little are on the Committee. The Keep Powell Moving initiative is looking at the traffic related issues in the downtown core and coming up with engineering and design solutions.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Chairman Emerick opened the public comment session. Hearing none, he closed the public comment session.

APPROVAL OF MINUTES

MOTION: Commissioner Little moved to approve the minutes of April 27, 2016. Commissioner Cooper seconded the motion. By unanimous consent the minutes were approved.

PRELIMINARY DEVELOPMENT PLAN REVIEW

Applicant: Transform Construction LLC, Joshua Weir
Location: 176 W. Olentangy Street
Zoning: (DB) Downtown Business District
Request: To review a Preliminary Development Plan proposal to construct two mixed-use commercial buildings.

Todd Foley, Pod Design, 100 Northwoods Blvd., said he was present on behalf of Transform Construction. Tom Coffey, Architect; Jason Stevens, Civil Engineer and Sean Been, Transform Construction are also present. A Sketch Plan for this project was presented at a previous P&Z meeting. There haven't been many changes in regards to building placement or building intent. A 4,000 square foot restaurant with an approximately 1,500 square foot outdoor patio and a 4,800 square foot general retail building are being proposed. The retail building could incorporate 1 to 4 tenants. Specific users aren't known at this time. There will be 2 front doors for the general retail building; one off of Traditions Way and one on the west side of the building from the parking lot. The primary entry to the restaurant will be on the north side of the building. There are 40 parking spaces proposed. The design of the buildings will comply with and reflect the images of the downtown core and the Village feel. There is a walkway or interior courtyard space in between the 2 buildings, providing a place for people to gather or wait to get into the restaurant. In the Sketch Plan meeting, Mr. Foley said they were tasked with the interconnectivity of their project and the Armita project to the east and the existing Village Pointe Center to the west. Specific agreements haven't been established as yet but communications between all representatives are taking place. The Armita group is the easy group to work with. The drive aisle locations and curb cuts onto Traditions Way have been coordinated so they line up. They are still working on locating a pedestrian crosswalk to be in conjunction with Armita's sidewalk network so there is a designated spot, back into the site, where pedestrians can safely move back and forth. The details should be locked in very soon. The connection to the west is a little trickier. They have had initial conversations with the land owner and they are trying to set up follow-up meetings so designs to make the connection can be discussed. The parking lot grade to the west is a little higher so the process will be more

involved. There will be road slope issues to deal with and parking spaces will be impacted. The applicant is committed to finding a solution and bringing the solution forward. Agreements and legal documents to work out shared parking and access easements need to be worked out. The applicant is comfortable a solution will be worked out. Mr. Foley said the other item mentioned at the Sketch Plan meeting was the sewer connection. The City Engineer completed a review of the current sewer line and how the new proposal interfaces with the sewer line. Currently, there is a linear connection straight across the property. They received a formal approval from the City Engineer today on the sanitary alignment proposed. The detail will be presented in the Final Development Plan. They will review this approval with the City Engineer.

Tom Coffey, Architect, 365 Shale Ridge Court, said building A is the proposed restaurant located in the front of the property. The buildings will have a board and batten, Hardi-plank and an 18" stone water table which goes around the building. The same stone will be used on the fireplace on building A. The fireplace faces Olentangy Street and will be inside and outside. A logo will be placed on the fireplace and will be the building's iconic symbol. Building B will mimic building A.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

Project Background

The applicant and consultants did a good job providing background on this project. Mr. Kambo said he would like to provide a little history.

- The site was always to be developed all together.
- The site was always intended to be developed as commercial.
- The proposed use is completely in-line with the original intent.

Staff Comments

This proposal and the related Staff Report are almost exactly the same as the Armita Plaza proposal. Both developments, Armita Plaza and Traditions Commercial, are in the same area, will be the same type of use and are almost 1 to 1 comparable. The City of Powell has 2 big, broad areas; the downtown historic core and the big box store area, with a transition area in between. The Armita Plaza and the Traditions Commercial developments are both doing a great job of being a blend in between the 2 areas. This proposal does a good job of blending in with the existing buildings to the west. Everyone involved is doing a wonderful job of communicating amongst each other to make sure there will be good synergy in terms of uses and transportation.

This proposal is an allowable use. The proposal meets all of the intents, uses and dimensions the Zoning Code asks for, except for parking. When Staff completed their parking analysis, Staff determined the minimum parking spaces allowed is 46. The applicant is proposing 40. Mr. Kambo said he would like to point out there is a lot of parking to the west and there will be a lot of parking to the east, once developed. The City gives a 50% reduction of parking in the downtown core because the City doesn't want people driving, they want people walking. As a result, Staff doesn't think the proposed 40 parking spaces is a problem. This proposal is going to provide residents with more services and create a great destination for residents and visitors. The four corners area gives the City of Powell its sense of place and character. This project, and the Armita Plaza project, will be pulling the sense and character of the four corners area westward over the tracks. The City is fortunate to have this project and the Armita Plaza project moving forward at the same time.

The Armita Plaza project requires the applicant to complete some road improvements. The Traditions Commercial development had its road improvements done when the rest of the site was developed; the road improvements have already taken place. Staff wants all of the sites to share parking. Traffic circulation couldn't be any better since the proposed buildings were moved to the front of the site. The applicant is doing a great job of creating outdoor spaces. The applicant would like to start this project in September 2016, with completion by March 2017. The Staff Report mentions the sanitary line and the applicant has indicated the City Engineer has approved all plans. Staff would like copies of the letters from the City Engineer's office.

Staff Recommendation

Staff recommends Preliminary Development Plan approval with the following conditions:

1. Allow divergence from 46 to 40 parking spaces.
2. Provide more details about the dimensions of the buildings on the elevations, especially the height.
3. Provided additional details about size, colors, lighting fixtures and signs for the Final Development Plan.
4. Work with the neighbors to the east and west to share parking and create shared access drives.
5. Work with the City Engineer to solidify a solution for the sanitary line through the site. Letters from the City Engineer should be provided with the Final Development Plan.

Chris Meyers, Architectural Advisor, said he had some questions first. The property owner to the west has a history of being very sensitive about parking and people parking in the lot when they don't go to a business served by the lot. Has there been conversations regarding parking control or parking connectivity? Mr. Foley asked Mr. Meyers if he was asking about their office. Mr. Kambo asked if he could answer the question. Mr. Kambo said the property to the west is now owned by Dean Adamantidies and Staff met with Mr. Adamantidies. Mr. Adamantidies is very open to having a connection between the 2 properties. Everyone involved has started having conversations with each other. Mr. Meyers said the point he wants to make is, if there is an opportunity to create an east/west connector, to control the in & out activity coming onto West Olentangy Street, the connection should be made. The same message applies to the property to the east. We need to make sure all 3 of these similar businesses are being established in such a way that they aren't isolated into 3 separate islands because there is a 4 foot strip of grass in between. The applicants need to think beyond their particular site. The north edge of the property could have denser landscaping rather than just the 3 trees shown in the peninsula spaces in the parking lot. More landscaping would also be a nice gesture for the condo owners. Mr. Meyers said he is concerned about the placement of the north building in regards to its footprint and its size. Currently, there appears to be a sliver of a landscape bed between the drive and the north wall of building B. Mr. Foley said it is 5 feet. Mr. Meyers said there is also a 10 foot space between the 2 buildings. Having a passage between the buildings is fine but there are some roof profiles which over hang in this 10 foot space. Inspectors get sensitive about ratings on over hangs into spaces. Mr. Meyers asked the applicant to consider the walking path someone might have from the west trying to get to the east side of the buildings. There isn't much of a path for people to take or a clear route. The 5 feet might be considered as a sidewalk and not plantings. Maybe a couple feet could be stolen out of the building. The space seems awfully congested up against the road. The exact same things are being said to the Armita applicant. Dialog needs to be created between the applicants so there is compatible quality. There is a little bit of grading on the south end of the site. What elevation is planned for the outside terrace relative to the sidewalk? Mr. Foley said the highest separation is 3 feet. They haven't completed a detailed grading analysis yet. They are anticipating some type of retaining element on the patio, probably integrated into the pavement itself. Mr. Meyers asked if the patio will have a fence around it due to the serving of drinks. Mr. Foley said yes. Mr. Meyers said some type of pedestrian-walkable access needs to be created from the terrace to the north sidewalk on Olentangy Street. Currently, there is a sidewalk with landscaping, with a guardrail and people will have to walk all the way around. If there is any way to make the area walkable, it should be. Pockets of landscape variations should be considered. All of the same landscape component doesn't have to be used. You might miss an opportunity to create some better variations. Mr. Meyers said he would like to know the building heights. Mr. Coffey said he should have mentioned this; the heights will be less than 30 feet. Mr. Meyers asked about the spring line for the roof. Mr. Coffey said it is all 1 story with an attic area. Mr. Meyers said it would be nice to consider filling some of the store front with the same stone above the 18" stone baseline. It would create some relief in the length of the façade. The clear windows up above should look into space rather than into trusses and light fixtures. Mr. Meyers encouraged the applicant to think about more up-lighting in the landscaping, low level pedestrian walk lights or accent lighting onto the facades of the buildings. To incorporate a lighting concept which accentuates the landscape design and the architectural features of the buildings will create a nice streetscape.

Chairman Emerick opened this item to public comment. Hearing none, he closed the public comment session.

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Fusch said he likes the project and he appreciates Mr. Meyers' comments. He asked if detailed landscape, lighting and sign plans along with revised architectural drawings will be provided in the Final Development Plan. Mr. Foley said yes. Commissioner Fusch asked how parking is going to be put in to the west of Traditions Drive when the drawing looks like there isn't enough room. Mr. Foley said the drawings are deceiving. The trees shown are over the property line. They weren't planted adjacent to the pond where they should have been planted. The trees will have to be re-located closer to the pond. Moving or removing the trees would allow the parking along the north and allow the drive to be functional. Commissioner Fusch asked if an easement will be required. Mr. Kambo said the easement already exists. Commissioner Fusch said he is asking because tenants might argue over who has access to what. Mr. Kambo said the cross easements already exist.

Commissioner Little thanked the applicant for proposing a really good development for the City of Powell. He views this project as the front door to Powell coming from the west, a transition into the downtown area. He appreciates the attention to detail. Commissioner Little asked if the sidewalks in this area are adequate. The sidewalks are 3 feet wide. Commissioner Little said he sees joggers in the morning and they have to jockey past each other to get by. The City should look at the sidewalks and see if they are wide enough. Mr. Kambo said he will mention it to the "Keep Powell Moving" Committee. Commissioner Little said if all 4 properties were to work together and complement each other, as opposed to competing with each other, the 4 properties could be turned into a destination. A destination which has a lot of foot traffic or a place where a person could park once

and get to everything on foot. Making the properties a place people go and spend a lot of time will increase the revenue for everyone involved. Shared parking agreements and connections have been urged. Opening up the connections so the traffic light at Murphy Parkway could be used will help alleviate Olentangy Street traffic. The Commission should promote the completion of Case Street to the north to allow for better traffic flow. Being able to get to this destination without going onto Olentangy Street would be ideal. Commissioner Little asked if the condo association for the Traditions condos has provided any input. Mr. Kambo said postcards have been sent and they are aware. Commissioner Little said he wanted to make sure they weren't surprised with the development. The Commission needs to keep a good eye on the landscaping plan near the condos. Commissioner Little asked if both developments' Final Development Plans could be heard at the same meeting. Mr. Kambo said he didn't see a problem with doing this. Mr. Coffey said they are hoping to come before P&Z with their Final Development Plan on July 13th.

Commissioner Boysko agreed with all of the comments mentioned. The property to the west looks like it has setbacks less than 20 feet. Mr. Foley said when this project was originally proposed, an additional right-of-way had to be provided. You see this reflected in the Armita plan. Their plans show an additional 10 feet of right-of-way, which pushes their setback back. Mr. Kambo said the idea of pushing Armita forward was being considered. Commissioner Boysko asked if the 20 foot setback continues to the edge of Traditions property; it doesn't step forward towards the right-of-way. Mr. Foley said there is 20 feet all of the way across. Commissioner Boysko asked if trucks will be making deliveries and if they will have access room. Was a truck turn study done? Mr. Foley said not in detail yet but one will be done and provided in the Final Development Plan. Commissioner Boysko said the dumpster location looks tight in regards to access. The site looks very tight for truck access and if there is going to be connection to the west, the site looks tight for navigating through the parking lot. Mr. Kambo said discussions so far have been that there will be no truck traffic between the 2 sites, only cars. Mr. Foley said it is a challenge they will deal with. They will be looking at a variety of options. Commissioner Boysko asked if something will be done to identify the road which leads to the condo development as a residential development so cut-thru traffic doesn't happen. Mr. Foley said they can plant on the island to visually create a feel the traffic shouldn't continue on into the condo development. Commissioner Boysko said something more than just a sign needs to be done, a better indicator that a residential development is back there which shouldn't be a cut-thru. Commissioner Boysko said there is an opportunity to use a variation of colors on the architecture. He agreed with Mr. Meyers' comments about taking the stone up higher on the front of the building.

Commissioner Jester said the development is great. Mr. Meyers' recommendations on lighting could make the property exciting. Commissioner Jester asked if there is water build up during heavy rains. He drove to the property today and it looks like rain water builds up. Mr. Foley said he would have to review the engineering drawings. There might be a catch basin in the area under the trees. Commissioner Jester said he would like to hear more about this area. Mr. Foley said the area could be an overflow area for the storm system. Commissioner Jester asked if there will be sign plans at the next presentation. Mr. Foley said they haven't nailed down the design but they have the opportunity to put in a tasteful monument sign. They know they need to put together an intense sign plan for the next meeting.

Commissioner Cooper said all of his questions have been answered. He looks forward to the Final Development Plan.

Commissioner Boysko said he wanted to emphasize the outdoor patio could be a great place to see and be seen. He is a little concerned about the lack of connection to the street or sidewalk. He understands the grade difference at the corner and maybe this is a place to integrate the monument sign or stairs up to the patio. This is the corner everyone will see as they travel up Olentangy Street.

Chairman Emerick thanked the applicant for the hard work they have put into their plan.

MOTION: Commissioner Little moved to approve the Preliminary Development Plan for the property located at 176 W. Olentangy Street as represented by Transform Construction LLC, Joshua Weir, to construct two mixed-use commercial buildings, subject to the following conditions:

1. That the divergence from 46 to 40 parking spaces shall be allowed with a shared parking agreement established and understood; and
2. That the applicant shall provide more details about the dimensions of the buildings on the elevations and items which are typically reviewed in a Final Development Plan; and
3. That the applicant shall provide additional details about size, colors, lighting fixtures and signs in the Final Development Plan; and
4. That the applicant shall work with the neighbors to the east and west to share parking and create shared access drives; and

5. That the applicant shall work with the City Engineer to solidify all storm water solutions and a solution for the sanitary line, which currently goes through the site, a solution shall be provided prior to final approval is granted; and
 6. That the applicant shall work with the neighbors to the east to develop complimentary landscaping and lighting plans. Landscaping to the north shall be appropriate for residential transition; and
 7. That the applicant shall provide a detailed signage plan at the Final Development Plan.
- Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

AMENDMENT TO A FINAL DEVELOPMENT PLAN

Applicant: Brian Reynolds for Germain Collision Center
Location: 354 W. Olentangy Street
Zoning: (DB) Downtown Business District
Request: To amend an approved Final Development Plan in order to allow additions to an existing building.

John Oney, Architectural Alliance, 165 N. 5th St., Columbus, said he is here in place of Brian Reynolds. This request is the 4th phase of their project. They started with Auto Assets. The 2nd phase was the demolition of the buildings to the west and the 3rd phase was renovation of the building where customers will be directed. Landscaping needs to be completed but the rest of phase 3 is complete. Phase 4 is the building in the rear to the east, which is the existing body shop. There will be 2 small additions to the body shop; an 1,800 square foot addition and a 2,400 square foot addition; completed in 2 phases. The building will be the detail area, the parts area and metal shop. The additions will match the existing buildings. There is a masonry water table which is a scored block. They will paint this area dark grey. There is a metal panel above the block which will be painted the white color seen elsewhere.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

Project Background

This request is the next phase for the redevelopment of the Germain site. The conversion of a portion of what was the Auto Assets building to a Customer Service/Detail Center is just about finished. The applicant is now ready to move forward with small additions to the building which is the body shop area, making the building more operationally efficient.

Proposal Overview

Germain Real Estate is seeking approval to improve the existing Collision Center building. Two small additions will be added to the building, both matching the existing construction type and materials. This includes a split-face and scored face masonry base with metal siding above. The new additions and existing building will be painted on the exterior to coordinate with the soon to be completed adjacent Detail Center building. The split-face masonry will be painted a light grey color while the scored face and metal siding will be painted white to match the Detail Center siding.

Ordinance Review

In accordance with the requirements of Codified Ordinance 1143.11(r), all plats, once a Final Development Plan for a Planned District has been approved by Council, all subsequent substantial changes to that plan shall only be permitted by resubmission as a new substitute plan and repatriation of the procedures established in these sections. "Substantial change" for the purposes of this section shall mean any modification of an approved Planned District Development Plan, as determined by the Zoning Administrator that results in:

1. Any increase in the number, or change in the type and/or mix of residences, and/or non-residential building area or land use;
2. Decrease in the approved minimum lot size, number of parking spaces to be provided, and/or trash storage areas;
3. Change in the approved location of land uses, land use subareas or sub-elements, streets, public or private parklands and other public facilities, and/or natural environmental preserves or scenic easements by more than thirty (30) feet;
4. Reduction in area of public and/or private parklands or other public facilities and/or natural environmental preserves or scenic easements;

5. Alteration of the basic geometry and/or operational characteristics of any element of the approved street pattern, parking facilities, service access, trash storage facilities, and/or system of pedestrian and/or equestrian paths that results in a change in operating characteristics or character;
6. Any circumstance below the minimum requirements established in this Zoning Ordinance or as required in the approval of a conditionally permitted use in a planned district.

Comprehensive Plan Consistency

The small additions being planned here provide for better service to our community by this business. This proposal is clearly consistent with the Comprehensive Plan.

Staff Comments

The two new additions are toward the front or south side of the building and the filling in of the northwest side of the existing building. The build-out is to occur in two phases with the south part first and then when completed, the north part. This will allow the continued operation of the body shop in an orderly manner. Once the additions are complete, the whole operation of the body shop will become more efficient.

Although lot coverage by building will increase, the site still meets Code. The applicant has been actively working with our Engineering Department on improvements to storm water control at this location.

Staff Recommendation

Staff recommends approval of the Amendment to the approved Final Development Plan for Germain Collision Center with the following conditions:

1. That the suggestions provided by the Architectural Advisor be followed.
2. That the applicant continue to work with the City Engineer with regard to any storm water improvements.

Chris Meyers, Architectural Advisor, said the request is a continuation of what is already on the site. There isn't much to comment on in regards to the architecture. The floor plan looks like the addition being added in the southeast corner is a staff break room. Mr. Oney said this is correct. Mr. Meyers asked if any thought was given to someone standing outside to smoke a cigarette. There is no real terrace or patio space to allow an employee to stand outside. Village Pointe Drive is very active. Thought should be given to moving out the landscaping so a spot to step outside is provided. Mr. Oney said this was a good comment. They don't have a door out of the room right now and he wouldn't encourage putting in a door. Mr. Meyers said he was referring to the door which is further north; the egress door. Mr. Oney said he doesn't want to speak for the owner, Rick Germain, but he might object to anyone smoking out there.

Chairman Emerick opened this item to public comment. Hearing none, he closed the public comment session.

Chairman Emerick opened the floor for comments and questions from the Commission.

Commissioner Cooper agreed with Mr. Meyers' comments regarding the potential outdoor break area. He had no questions.

Commissioner Jester had no questions or comments.

Commissioner Boysko asked if the existing building has been around for a while. Mr. Oney said yes. Commissioner Boysko said if you put additions on a 10 or 15 year old building, there are going to be visible differences. He recommended painting the existing building so the old and new areas match. Mr. Oney said they could consider this. Their intention is to make everything look the same. Mr. Oney said this is a fair comment. Mr. Meyers suggested a good power wash.

Commissioner Little and Fusch had no questions or comments.

Chairman Emerick had nothing further to add.

MOTION: Commissioner Little moved to approve an Amendment to a Final Development Plan for the property located at 354 W. Olentangy Street as represented by Brian Reynolds for Germain Collision Center, to allow additions to an existing building, subject to the following conditions:

1. That the comments and suggestions from the City Architectural Advisor and the members of the Planning & Zoning Commission shall be taken into consideration and applied as appropriate; and
2. That the applicant shall continue to work with the City Engineer in regards to storm water improvements; and
3. That the applicant shall work with City Staff to ensure appropriate color matching in the areas being added.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

CERTIFICATE OF APPROPRIATENESS

Applicant: Architectural Alliance for Gerber Collision
Location: 390 West Olentangy Street
Zoning: (PI) Planned Industrial District
Request: To review the exterior changes, including painting, new awnings and windows, to an existing building.

John Oney, Architectural Alliance, 165 N. 5th St., Columbus, said he has Matt Fulton with Gerber Collision present to answer questions. Gerber Collision is a very large and successful collision and glass business. They have been in Powell and would like to upgrade their image. Gerber leases the buildings; they don't own the buildings. Gerber feels the upgrade is a good community investment and it makes sense to improve the buildings even though they don't own the buildings. There are 2 buildings and the strategy is to move customer touch points to the front building. The front building is across the street from the Germain facility. The customers are currently going to the back building. The front building has approximately 1,000 square feet which will be upgraded substantially; investing \$150,000 in upgrades. ADA restrooms, windows and awnings will be added. The colors are a light grey color tone, accented with a blue in the awnings. Signage will be above the entryway.

Mr. Kambo reviewed the Staff Report (Exhibit 1).

Project Background

Gerber Collision is looking to make some much needed enhancements at their site, which includes the painting of the building and the following changes to each elevation:

- South elevation – Larger office windows, changing the door, new awnings above the windows and door, and a new wall sign.
- East Elevation – Additional office windows, new awnings above the windows and a change to the type of overhead door.
- North Elevation – A new overhead garage door is proposed.
- West Elevation – Two new exhaust vents are proposed.

Proposal Overview

The submittal includes a painting scheme to include a grey exterior siding, a light grey trim including the small man doors and dark blue awnings, horizontal accent band and garage doors.

Ordinance Review

In accordance with the requirements of Codified Ordinance 1143.30, the Planning and Zoning Commission is the Architectural Review Board for reviewing extensive changes to buildings outside of the Historic District which do not create added square footage or provides a greater intensity of use. We also recommend the Commission utilize the Pedestrian Scale Design Guidelines as a reference for this proposal.

The Code mentions:

The Board shall endeavor to assure that the exterior appearance and environment of such buildings, structures and spaces will:

- (1) Enhance the attractiveness and desirability of the district in keeping with its purpose and intent.
- (2) Encourage the orderly and harmonious development of the district in keeping with the character of the district.
- (3) Improve residential amenities in any adjoining residential neighborhood.
- (4) Enhance and protect the public and private investment and the value of all lands and improvements within the district and adjoining districts.

Comprehensive Plan Consistency

The proposal to upgrade the exterior of an industrial zoned premises is consistent with the Comprehensive Plan.

Staff Comments

This proposal will very much upgrade the existing building and provide a bold new look to this business. It is unclear as to where the blue band is to be painted and its size. Also, there is a brick water table on the south elevation and it is unclear as to whether this gets painted.

The applicant also has another building on the site, the northwest building. Although no changes to this building are proposed, we wonder if the building should be painted in a similar fashion so as to provide the business a continuity of color.

Staff also recommends the Commission receive input from the Architectural Advisor on this proposal.

Staff Recommendation

Staff recommends approval of a Certificate of Appropriateness for Gerber Collision with the following conditions:

1. That the applicant paint the brick water table.
2. That the applicant consider a similar painting scheme to their other building, potentially in the future.
3. That the comments from the Architectural Advisor be implemented.

Mr. Oney said in regards to painting their other building, the site has 4 buildings. Gerber Collision owns 2 of the buildings. Discussions could take place regarding painting the other building. This proposal is for the front building and this proposal has maxed their budget. At this point, he would like to keep the money on the front building where customers are going to be. Gerber doesn't own the buildings so there comes a point when Gerber has to think about the money they are putting into the buildings. Painting the other building could be left open for discussions.

Matt Fulton, Gerber Collision, 2280 West Henderson Rd., said he is the contract consultant for Gerber Collision. He represents Gerber on their branding and imaging efforts across the country and provides project management consultation services. The original budget handed to him to manage are half of what is actually being spent. His client is at the delta point where expenses are getting pretty high. His client had not intended to change the second building but he will take the comment back. The front building is less than 1,000 square feet and his client is putting a significant amount of money into a building they don't own.

Chris Meyers, Architectural Advisor, said the request was a tenant improvement and being smart with the money is important. He asked if there was a plan to change the roof shingles. Mr. Oney said no. Mr. Meyers asked if there was any consideration given to the color selection relative to the color of the shingles which will stay. He is concerned with the grey and blue not working so well with the rusty, red roof. The roof looks like it is in fine shape so it probably doesn't need to be replaced however, long term roof replacement plans should consider colors which match the grey and blue. Mr. Oney agreed. Mr. Meyers said the grey and blue are probably branded colors for Gerber Collision. Mr. Oney said they are. Mr. Meyers said he understands painting the masonry water table the same color. He encouraged thinking about a few hundred dollars' worth of landscaping. The size and scale of the front door makes the awning in the drawing look real low. The bottom of the awning looks like it is below 6 feet. The awning needs to be raised up. Mr. Oney agreed. Mr. Meyers asked if the signage is an applied graphic or will it be back lit. Mr. Fulton said the signage will be back lit. Mr. Meyers said it is a challenge when adding an awning onto this type of building because the wall panel is a corrugated surface and when the awning is installed there will be gaps. The gaps tend to have bird nests built in them and hold water. Mr. Oney agreed. Mr. Meyers said a backboard detail where the awning is going to go should be considered. Mr. Oney said they know they need to flash this area.

Chairman Emerick opened this item to public comment. Hearing none, he closed the public comment session.

Chairman Emerick opened the floor for comments and questions from the Commission.

All Commissioners were in agreement and had no questions or comments.

MOTION: Commissioner Little moved to approve a Certificate of Appropriateness for the property located at 390 West Olentangy Street as represented by Architectural Alliance for Gerber Collision, to make exterior changes including painting, new awnings and windows, to an existing building, subject to the following conditions:

1. That the applicant shall consider a similar painting scheme for the other building when deemed appropriate; and
2. That the comments and suggestions from the City Architectural Advisor shall be considered and implemented as appropriate.

Commissioner Fusch seconded the motion.

VOTE: Y 6 N 0

OTHER COMMISSION BUSINESS

None

ADJOURNMENT

MOTION: Chairman Emerick moved at 8:40 p.m. to adjourn the meeting. The Commission seconded the motion. By unanimous consent, the meeting was adjourned.

DATE MINUTES APPROVED:

Donald Emerick
Chairman

Date

Leilani Napier
Planning & Zoning Clerk

Date

DRAFT



City of Powell, Ohio
Board of Zoning Appeals
Ryan Temby, Chairman
Robert Hiles Shaun Simpson Dan Wiencek

**MEETING MINUTES
MAY 23, 2016**

A meeting of the Board of Zoning Appeals was called to order by Chairman Ryan Temby on Monday, May 23, 2016 at 7:00 p.m. Members present included Robert Hiles and Dan Wiencek. Shaun Simpson was absent. Also present were David Betz, Director of Development; John Moorehead, Assistant Engineer, Leilani Napier, Planning & Zoning Clerk; and interested parties.

APPROVAL OF MINUTES

MOTION: Robert Hiles moved to adopt the minutes from April 25, 2016. Dan Wiencek seconded the motion. By unanimous consent the minutes were approved.

APPLICATION FOR VARIANCE

Applicant: Carol Stillman
Location: 233 E. 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,

Chairman Temby advised the audience they were still sworn in if they attended the April 25th BZA meeting and were sworn in then. Chairman Temby swore in all others who would be speaking. Meeting procedures were reviewed; anyone wishing to speak will stand at the podium and speak into the microphone, the microphone will not be removed from the mic stand on the podium, Staff will review the Staff Report first, the applicant will speak second, statements from other interested parties would be taken, rebuttal will be allowed from the applicant if necessary and then the Board will render its decision.

Mr. Betz reviewed the Staff Report (Exhibit 1).

The applicant has revised the request. The applicant is no longer requesting a side yard setback. The side yard will stay at 25 feet. The request is only to reduce the rear yard setback from 80 feet to 30 feet. No other variance is being asked for, including driveway slope. The applicant is able to achieve driveway slope of 8%, which is allowed under Code.

The applicant has submitted additional information for the Board's consideration. The applicant will go through a presentation which will show 3 different options of rear yard setbacks. The applicant is asking for a 30 foot reduction. The reason is due to the substantial practical difficulty to build a house on this site because of the terrain, the number of trees to be removed and the Riparian setback. The Riparian setback is a new item. The Ohio Environmental Protection Agency has standards for setbacks to Riparian areas such as the stream on this property. The stream is a tributary to the Olentangy River. The presentation will show home placement and the effects each setback has on the location of the home to each adjoining neighbor, the number of trees which would have to be removed at each location and will explain the effects of the home placement and the amount of cut and fill required for both the home and driveway. There are more trees preserved and less slope disturbance with the home placed at the 30 foot rear yard setback rather than at 80 feet or 50 feet. This request is a classic example of a property having a practical difficulty in building and trying to preserve the natural terrain and trees (i.e. – building it correctly) rather than strictly by the setback requirements.

John Moorehead, Assistant Engineer, from the City's Engineering Department is present and has reviewed the proposal in regards to driveway slope, terrain and best engineering practices. Staff

checked with the Liberty Township Fire Department and up to a 10% driveway slope is allowable, however the applicant isn't asking for 10%.

Staff reviewed this request from a substantial practical difficulty on developing the property for a house which is allowed on the property. Staff finds the best location to place the house is on the highest point of the property with a longer driveway, creating an 8% or less slope. Staff recommends approval of the variance application as Staff finds there is substantial practical difficulty for building a home on the property in a manner consistent with proper engineering and building procedures, and preserving the natural features existing on the property.

John Moorehead, Assistant City Engineer, said this proposal is supported by Staff in part because of a hardship for the constructability of a home. Ms. Stillman has worked with the Engineer's office on the construction of the bridge. The steepness of the terrain, the wooded nature of the lot, the proximity to the creek all weighed into the City's decision to allow placing the bridge where it was placed. The Engineering office supports this request for 4 reasons:

1. The Riparian Corridor – a critical zone around a waterway, critical to habitat and to the safety of any structure adjacent to the waterway. The Ohio EPA has a dictated setback distance for any stream which flows to the upper Olentangy watershed. In this case, there is an 80 foot setback from the top bank of Bartholomew Run.
2. Management of surface drainage – the steep terrain lends itself to erosion if improperly controlled. If you concentrate the run-off, direct the run-off towards steep slopes, there may be excessive erosion on the property. The requested setback helps minimize this.
3. Earthwork and grading – achieving the 8% slope may require substantial amount of cut to the top of the slope depending on where the building is placed. The 30 foot rear yard setback does allow for the minimal amount of grading.
4. Driveway safety and maintenance – the driveway on this property is nearly 200 feet long. Minimizing the slope as much as possible is best on this driveway.

The engineering drawing showing the 80 foot setback has the finish grade of the house at 897.70 to achieve an 8% driveway slope. The top of the knoll is approximately at 901.0. There is between 2-1/2 and 3 feet of cut across the upper area to achieve the 8% driveway slope. Keeping the 80 foot setback causes the grading which surrounds the house pad to encroach into the Riparian setback a slight amount and there would be a greater amount of tree loss. The 80 foot setback grading would place the house almost at the top of the roughly 63% slope. With this, water would have to be directed from the south side of the property which wants to drain around the house. At least on one side of the house there will be a small swale section discharging down the slope. For surface water management reasons, the Engineering Department wouldn't want to see this. The driveway would collect run-off. The applicant would have to find a way to manage the surface water as it travels down the driveway.

The 30 foot setback allows the house to be located at the high point of the property. This allows everything to be well away from the Riparian setback and the slope around the house will be at 4% or 5%, leading away from the house out to surrounding areas. The drainage pattern on the site is maintained. The wooded land has a chance to diffuse water out and lessen erosion. Placing the house at the highest point on the site gives the driveway a 7.1% slope. The Engineering Department strongly supports the 30 foot setback from a constructability standpoint.

Mr. Betz said the Riparian setback does allow for crossings of streams in a manner which is consistent with FEMA flood hazard regulations. The bridge was installed higher than the flood elevation.

Mr. Wiencek asked why the grading to the north of the house is needed. Mr. Moorehead said Code requires a 5% slope for 10 feet outside of the house to achieve positive drainage from the foundation. The drawing shows the limits of grading or clearing needed for access around the house for construction vehicles and digging the foundation. There may not be a direct grading impact to these areas. With an 80 foot setback, on the north side, you would have to cut down a portion of the slope in order to get the positive fall to the north. Mr. Wiencek asked if Mr. Moorehead really feels site access is really driving the width. Mr. Wiencek said he isn't sure grading needs to happen north of the garage if no building is going to happen there. Mr. Betz said a sidewalk will go from the garage to the front door. There will be a need for some level area. Mr. Wiencek asked Ms. Stillman if the drawings have the house in the proper location. Ms. Stillman said yes.

Carol Stillman, 54 Traditions Way, said her presentation summarizes responses to comments made at the April 25th meeting and updates the information. It wasn't mentioned as part of the variance but she is requesting a gravel driveway. There was a concern among the neighbors, who don't necessarily live adjacent to her property but live in the surrounding areas, about setting precedence for future developments. Looking at the zoning map of the area, the precedent has already been established. The majority of Powell is already planned residential and not residential, such as her property. Her property was a part of Powell proper, historically. A lot of the area was brought into Powell by annexing. When her property was annexed in 1988, her property was annexed in as planned residential. If building occurs on planned residential property, the setbacks are smaller. There are a lot of options for what can be built on property zoned residential. Regardless of where her house is located, there are far worse things which could be built on her property. The single-family home option is the best option in regards to impact on the surrounding neighborhood. Concerns were also expressed about home values being affected by her request and building her home. Ms. Stillman said she called the Auditor's office and asked for specific information on how her surrounding neighbors' property values would be affected. The person she spoke to in the Auditor's office assured her there would be absolutely no impact at all in regards to where her house is located, as long as her house is no different than the overall character of the surrounding neighborhood. Her property is surrounded by planned residential so the character of the neighborhood is not going to be different from what she is proposing. Ms. Stillman said she also talked to a realtor who has been working in central Ohio for over 20 years. She ran her scenario by the realtor and ask what the impact would be on home values. The realtor said what they see impact the value of a home is the overall value of the neighborhood. If a house sells for a certain amount of money, the sale price will affect the value of a home. Optimizing what is best for the overall neighborhood is what is best for each individual house. Ms. Stillman said the radius of her driveway is specified by Powell Code. Some of the options she had previously looked at, like curving back and forth to maximize distance without having to move the house back further, are no longer options. There were discussions on why a City might approve a variance. Ms. Stillman said to the best of her knowledge, there was never any purposeful zoning done of her property to say the property should be residential versus planned residential. The zoning is a default the property came with. The guidelines for a variance do apply to her property. She is applying for a variance due to practical hardship. Practical hardship has nothing to do with her finances and she would appreciate it if her finances weren't discussed. Ms. Stillman said she is trying to stay out of the Riparian buffer setback. The terrain, minimizing erosion and tree clearing are all reasons she is requesting the setback. Mature trees is something everyone seems to feel fondly about. Everyone appreciates mature trees and to the extent possible, she would like to minimize cutting down mature trees. Ms. Stillman said she tried to map out where the trees are and the different sizes of the trees. There are a lot of trees in the front of her lot, in the area which starts sloping down towards the stream. There are approximately 35 trees in the area adjacent where the front of her house would be if she were not to have a variance approved. She would have to cut those trees down. There are a lot of nice trees there and it would hurt the grading and promote erosion. There are wild cherry and maple trees. Some of these trees are very close to her neighbors' houses and she would think they would appreciate the presence of those trees. It is in the best interest of the community to minimize the amount of trees cut down. Ms. Stillman said her presentation shows where her house would sit in proximity to her neighbors' houses for each of the 3 setbacks; no variance, 50 foot and 30 foot. Some houses are impacted more than others. The variance actually evens the distance out more. A previous owner had a house plan sketched out and their plan dramatically affected the flood plain and would cause 14" of flood plain rise. They applied for a conditional approval from FEMA. Their plan showed a house right on the edge of the Riparian region which required tons of tree removal, tons of flood plain fill and tons of impact to the flood plain. The plan included a theater building which sat at the 50 foot offset line because it wasn't subject to the 80 foot offset line. The idea that nothing will be in view of their homes if this variance isn't approved is overly optimistic. You never know what will happen on vacant property. Mr. Wiencek asked which house, house 2, 3, 4 or 5, in Ms. Stillman's presentation will be impacted the most if the variance is approved. Mr. Betz said houses 2 and 3 in the presentation. Ms. Stillman said her house would be moving closer to houses 2 and 3 and both of these houses have very big back yards. There are a large number of trees in between. Mr. Wiencek asked if houses 2 and 3 would be the only houses Ms. Stillman's house would move closer to. Ms. Stillman said yes, houses 2 and 3 are the only houses her house would move closer to. Ms. Stillman said the allowable distance between houses, side by side, can be 16 to 20 feet in this neighborhood, depending on whether the houses are garage to garage or non-garage side to non-garage side. In the back, the houses are supposed to be 60 feet apart but some of the houses aren't 30 feet off the property line. She doesn't know if those houses obtained variances or how this happened. There seems to be a precedent already set for making a variation to what the setbacks should be. None of the houses have a border around them more than 65 feet.

Every single house adjacent to hers already has a house within 65 feet. The 30 foot setback minimizes the overall environmental impact, doesn't impact the overall neighborhood character and more equally distributes the proximity to the surrounding homes.

Chairman Temby asked if the application shows a request for a gravel driveway. Ms. Stillman said she did not have the request for a gravel driveway in her request as it was submitted. She asked if she needed to amend her request. Chairman Temby asked Mr. Betz to check and see if it is necessary to ask for a gravel driveway. Mr. Betz said homes with gravel driveways must provide dust control on an as needed basis and pavement is required immediately off of the road so gravel doesn't spread out onto the road. Mr. Moorehead said Mr. Betz is correct. The area right off of Route 750, the approach apron, would need to be paved with asphalt within the right-of-way, which represents the first 20 to 25 feet of the driveway. The Delaware County Engineers office does have a specification for a gravel drive for residential use; Powell doesn't. Chairman Temby said the request is strictly for the rear yard setback reduction to 30 feet and nothing else. Mr. Betz said in his opinion, in Powell's district, it is a residential driveway and dust control will need to be provided on an as needed basis.

Chairman Temby opened this item to public comment.

Jon Sudler, 87 Glenlivet Place, said he is house #3 on Ms. Stillman's presentation. His main concern is he gets a lot of water on the back of his lot. Anytime there is a heavy rain they slush around in the water. He is concerned a 30 foot setback will cause even more water to build up on his lot and cause ponding, ruining his yard. The issue needs to be addressed. Mr. Sudler questioned whether Ms. Stillman has an unnecessary hardship. He said he doesn't understand why the house has to face to the east. Why can't the house face to the north? If the house is spun around, would a 50 or 80 foot setback be enough. This is Ms. Stillman's preferred method of construction not necessarily an unnecessary hardship. Mr. Hiles asked what the fall is with the existing elevation. Mr. Moorehead said the exiting slope is about 6% from the high point to the rear lot. The water does flow this way. If there is a drainage concern, the City Engineering Department would gladly look at the area. In the proposed site plan, we would seek to direct drainage away from any drainage concern areas. Mr. Hiles asked if the 5.8% slope is from the finished elevation of 900. Mr. Moorehead said this is to illustrate the existing grades around the house pad location. The other drawing shows a 12 – 10% existing grade. The drawings are showing the grades themselves become steeper as it moves north. Mr. Wiencek said when a larger development is approved, the development is not allowed to increase the amount of water flow onto the adjacent properties. Restrictions are typically put in so the amount at any given time is slowed down. How is this dealt with when reviewing an individual property? Mr. Betz said the City would review a grading plan when the house comes in for construction. There would be a way to direct drainage away from problem areas or adjacent properties. The lot is wooded enough that the water coming off should dissipate fine. The applicant's engineer who designs the house would work through these types of issues. Mr. Wiencek asked if the City will deal with any potential for overflow onto neighboring properties through the normal approval process. Mr. Betz said yes. Mr. Moorehead said correct, every residential lot has a grading plan component which indicates where drainage is being directed. The Engineering Department does review these plans, which would be prepared by the applicant's engineer. Mr. Sudler said at the 30 foot setback there is a group of very large, mature trees. These trees will absorb a lot of water. If these trees are cut down and the corner of the house is put here, he will definitely have a lot of water run onto his property. There seems to be a lot of area at the 50 foot setback where a house could be put and not disturb the 30 foot point. He thinks there are other options available or a compromise which can be found.

Dean Appleman, 90 Glenlivet Place, said he is house #2 on Ms. Stillman's presentation. He is concerned that this request is for such a huge variance; a 50 foot variance. Historically, has the Board granted variances this large? Chairman Temby said yes. Mr. Appleman asked if it is common to grant such a large variance. Chairman Temby said it happens as required. Mr. Appleman said granting this large variance is contrary to public interest, to have someone in his back yard. Chairman Temby asked Mr. Appleman if he realized, in his particular instance, this request benefits him. Mr. Appleman said 85 feet. This is a 50 foot difference. Why can't Ms. Stillman move the garage to the other side of the house like it was suggested at the last meeting? Does Ms. Stillman have a house plan?

Rod Flannery, 52 Bartholomew Blvd., said he wasn't sworn in last time. He didn't receive notification of the last hearing. Chairman Temby swore Mr. Flannery in. Mr. Flannery asked if the request was for one house or is it for two. Chairman Temby said at the current time the Board is addressing a variance request reduction; 80 feet to 30 feet. Mr. Flannery asked if there is a possibility of a second house being

built on the property. Chairman Temby said at this moment the Board is only considering a request for a setback reduction from 80 feet to 30 feet. Future plans and predictions aren't a part of this request. Mr. Flannery said he has an issue, for his neighbors, with the enjoyable use for their own property. When he bought his house he knew how close his neighbors would be. When the 2 houses to the north of him, at 28 and 40 Bartholomew Blvd. bought their houses, there was open field in the back. When the applicant bought her property, she knew there were constraints to the property. Everyone keeps talking about the existing bridge. The bridge didn't exist until a few months ago. The bridge could have been re-directed. Just by looking at the site plan, he can tell the house can be shifted around or re-oriented so the back of the house faces south and the front faces north, bring the garage around to the left side of the house and there would still be the necessary run and grading. Everything could be accomplished which is required as the property currently exists, without a variance. As long as only one house would be built on this property, it would be pretty easy to re-position the house. His other concern is, if a second house is built, another variance would be requested, which would move the setback on the south closer to properties. As a neighbor who does have site view of the property he thinks it is unfair to the existing property owners to suddenly have a house which is closer than what the current residential rating allows for. Mr. Flannery said he also has concerns about the runoff of water. There is already a wet corner with the existing grading. He said he also has concerns with a gravel driveway. It is going to be hard to make sure the water runoff is controlled if they are going to use the driveway as a means of directing water when the driveway is gravel. It will be real difficult with gravel. He has had a gravel driveway and he knows how they wash. Gravel driveways can be a challenge over time with runoff, especially with the runoff they get into Bartholomew Run. There are going to be challenges with erosion unless retaining walls are a part of the site plan. Reducing the current 80 foot setback to 30 feet will impact the enjoyable use of his neighbors' property. This isn't fair to them. One of the families has lived in their home for over 20 years. Regardless of what the previous owner of this property was dreaming up, his neighbors' enjoyable use of their property is at stake.

Lee Ann Conti, 94 Glenlivet Place, said her property line is not along Ms. Stillman's property line. They are within site view. She is concerned about the water issue also. They get a lot of water in their back yard along the fence. The Applemans do too. The trees have provided a natural buffer for both sight and sound to Powell Road. There has been a noticeable difference in the noise level already with the trees already cut down. She is all for cutting down the least amount of trees as possible.

Mr. Wiencek asked if there is still a rule which says an equivalent amount of tree inches has to be planted for every tree 6" or greater which is removed. Mr. Betz said this is true and Ms. Stillman has been working on a plan for replanting trees. Mr. Wiencek advised the residents present the City does require that for every tree 6" or greater in diameter taken down, the same inch diameter has to be replanted elsewhere. There is ample opportunity to replace trees. Mr. Betz said this would not cover dead ash trees which were removed.

Mr. Flannery returned to the podium and asked if there are good records of the trees which have already been removed from the site. Mr. Betz said there are some records. There are still a lot of stumps to count. The majority of the trees which were taken out were dead ash trees. Ms. Stillman will have records.

Nicolette Hyland, 40 Bartholomew Blvd., said she has pictures of the trees before Ms. Stillman started cutting down trees. The pictures show the trees have green leaves. Most of the trees cut down appear to be in the 80 to 50 foot setback area. Now Ms. Stillman will need to cut down all of the trees from this point to the 30 foot point. Mrs. Hyland said she was under the impression Ms. Stillman needed to submit landscaping and house plans before cutting down trees. Mrs. Hyland said she has concerns about the water. Her house is #4 on Ms. Stillman's presentation. She is concerned of even more water running onto her property since Ms. Stillman's house will be higher up than theirs. They currently get a little pond and there is no house. There is a steady stream which develops in between her property and her neighbor's. Mrs. Hyland asked if the Engineering Department will come out and check things while the house is being built or does the Engineering Department just go off of what is already on file. Mr. Moorehead said they do both. They will review the file which is submitted to ensure proper drainage and once construction is under way they will go and check the survey of the grading during construction to make sure it matches what was submitted for the file. Mrs. Hyland asked how long ago the files were submitted. Mr. Moorehead asked if Mrs. Hyland was discussing the subject property. Mrs. Hyland said in general. Are the files 30 years old or are they current? Over time natural erosion occurs. Mr. Moorhead said for properties within the Bartholomew sub-division the City has lot files for individual lots and for the sub-division showing drainage patterns. Without checking, he doesn't know what

exactly the City has on file but the policy now is to review both the sub-division plan, the lot plan itself and then require surveys of the constructed situation of the lot and sub-division plan. Mrs. Hyland asked if this happens before building starts. Mr. Moorehead said after the building is constructed. Mrs. Hyland said potentially, runoff could become a problem after the house is built. Problems could be foreseen if checked ahead of time. Mr. Moorehead said the City checks after the building is constructed to see if a situation occurs. The final inspection occurs when sod is down and the home has been finished. The City checks to see if everything matches the City's files. Mrs. Hyland said if Ms. Stillman is so concerned about limiting the amount of trees which are cut down, why were so many trees cut down in areas to the north and not in the area Ms. Stillman wants to build her house. In regards to the process for an application and the standards for variances, Mrs. Hyland said she read in order to be considered for a variance, there are certain things Ms. Stillman needed to submit, including the proposed use of all parts of the lots and structures including access ways, walks, off street parking, loading spaces and landscaping; not to mention the actual building. Mrs. Hyland said she doesn't know if all of these things have been submitted. Mr. Hiles said the items aren't submitted to the Board. Items are submitted when a person applies for an application for the variance. Mrs. Hyland asked if that isn't what we are doing right now. Mr. Hiles said an applicant answers certain questions when an application is filled out. Mrs. Hyland asked if Ms. Stillman has provided everything she was supposed to. Chairman Temby asked Mr. Betz if Ms. Stillman's application has met all of the requirements. Mrs. Hyland said if Ms. Stillman hasn't provided everything, why are we even here. Mr. Wiencek asked if he was standing on Ms. Stillman's property looking at the back yards, is Mrs. Hyland's property the second one on the left? Mrs. Hyland said yes. Mrs. Hyland said the rules also mention whether the variance is substantial or not. She feels going from 80 feet to 30 feet is substantial. It is a 60% decrease. Setbacks are in place so neighbors don't build on top of each other. Over 50% is substantial. Mrs. Hyland said anything over 25% is substantial. Ms. Stillman's presentation showed she spoke with an appraiser. They recently had their house re-appraised and we specifically asked whether our property value would be affected by Ms. Stillman's house and they were told it would decrease their property value. Ms. Stillman's presentation shows that the person she spoke to was from Michigan so there may be differences in opinions. The applications and standards rules mentions knowledge of the zoning restrictions. Ms. Stillman did have knowledge of the restrictions prior to buying the property. Ms. Stillman went around to all of the people's houses and we all warned her of the problems previous owners ran into. She probably was able to pay a reduced price for the property because of the problems. Ms. Stillman knew of the problems going into buying this land. Now Ms. Stillman is trying to build on the highest portion of the property. There are other areas where she could build and not ask for reduced setbacks.

Chairman Temby asked Mr. Betz if he was satisfied all appropriate information was provided. Mr. Betz said yes. The only item not submitted is the landscaping plan. At this point in time, if the Board would like to see a landscaping plan we can have it submitted.

Mrs. Hyland asked if the 30 foot setback is approved, can Ms. Stillman's patio, deck or a swing set encroach even closer to their property. Mr. Betz said there are other requirements for accessory uses. A shed or recreational structure can be within the rear or side yard setback. According to Code, recreational structures can be up to 5 feet from the property line. Chairman Temby said Ms. Stillman could put up a shed within 5 feet of the property line regardless of whether the setback variance is approved or not. Mr. Betz said exactly. Planned residence districts usually have sub-division regulations within it which are deed restrictions which need to be followed. This property has none to follow.

Monica Reineki, 28 Bartholomew Blvd., said the last time the City actually looked at the grade of this property and Bartholomew Run was probably in the past. Everyone knows of the erosion process which has occurred over time; a huge amount of erosion which has taken place. She asked why this can't be looked at and the problem assessed prior to the home being constructed so they don't have to deal with flooded basements. There is a river between the Hyland's home and her home when there is a hard rain. The water takes all of their mulch out and moves the mulch down to the road. Mrs. Reineki said they waded through the water behind her home. If Ms. Stillman's house is built and they have to go to the City and complain about the problems after the fact, the problems will already occur. Why can't the problems be assessed and averted now? The City should take the time, heed the tax payers concerns, go out now and see what actually happens on this property during a rain, prior to allowing a higher grade to go in. Mr. Moorehead said the City does this. Mrs. Reineki said she has never seen the City out at her home during a heavy rain. Mr. Moorehead asked Mrs. Reineki if she lived immediately adjacent to Bartholomew Run. Mrs. Reineki said yes. Mr. Moorehead said he personally stood atop the culvert last summer during the heaviest rain fall to see what Bartholomew Run was doing. At the time he wasn't aware there was a drainage issue between the lots. He asked

the home owners to file a request, either via the City's website or with a phone call to the City's Public Service or Engineering Department. The City does provide a service to look at these types of issues. Once the City is made aware and has knowledge of the situation, they can look at applications as they are submitted and determine whether the proposal would have a negative impact.

Mr. Flannery returned to the podium and said based on this application, we are only considering a single-family house, the variance is needed based on the orientation of the house. If the house is orientated differently, a variance would be a moot point. Why is a variance being considered when this is site preference or position preference rather than the necessity of the property itself?

Mr. Sudler returned to the podium to say he doesn't think the applicant has met the criteria of the application. A crude drawing of a box has been provided. No dimensions have been provided. How many square feet is the house going to be? If a 30 foot setback is approved, Ms. Stillman could build an 8,000 square foot house. We don't know enough details to make a decision. When you buy 2 acres for \$70,000 and don't know why the property is so cheap, you should question why it is so cheap.

Mrs. Reineki returned to the podium to ask how Ms. Stillman's request can meet the required criteria as Mr. Betz said when an actual house plan wasn't provided. There is no substantial evidence of what is going to happen on the property. A house plan is a big priority in order to determine a variance.

Mr. Appleman returned to the podium to ask if the 30 foot variance just included the main house. Can Ms. Stillman build a deck and the deck be closer to the property line? Chairman Temby said a deck can be built within 5 feet of the property line whether a variance is approved or not. Mr. Appleman said there are a lot of residents who came who will be adversely affected by this request. He also has a water problem.

Todd Faris, Faris Planning and Design, said he was present on behalf of Carol Stillman. He is a land planner and a landscape architect. He has walked Ms. Stillman's property several times. Everyone keeps mentioning water and drainage issues. These issues are there whether Ms. Stillman builds a house or not. When the sub-division was built, the detention requirements weren't the same as they are today. Detention requirements today say drainage can't be any worse when Ms. Stillman is done building her house. The house is a very small footprint. He would anticipate roof drains which will take water forward. The variance is for a 30 foot setback. The closer the house gets to the hillside, the hillside has the ability to fail. Once the hillside fails, the house fails and the creek fails. Big walls such as the wall at Route 315 need to be put in when you increase big slopes or remove vegetation. Google Earth let him go back to 1998 on this property. The trees on the hillside are consistent. They have been there and doing their job. Nature has a great way of doing what it is supposed to do. The area Ms. Stillman did clear was primarily ash trees. The house is positioned facing Olentangy Street. The garage was purposely placed on the northeast corner of the house to keep the garage as far away from the neighbors as possible. The front door will face Olentangy Street. It makes sense to build the house on the highest point of the site. The further the house is moved down, the more grading will be needed. The variance is being requested because of Bartholomew Run and trying to keep the house as far away as possible. Houses #2, #3, #4 and #5 on Ms. Stillman's presentation, in particular house #2, #3 and #4, won't be directly looking at Ms. Stillman's house. The houses look to the east or west. House #5 is the most impacted. Ms. Stillman's request shows house #5 being the least impacted if approved. Ms. Stillman is asking to have an equivalent setback, not less, as her neighbors. All other houses built around Ms. Stillman's property have smaller setbacks.

Mr. Wiencek asked Mr. Faris if there are any negative effects of re-orienting Ms. Stillman's house to face another direction. Mr. Faris said if Ms. Stillman turned her house to face east the garage will be closer to the neighbors and she will have a longer run on the driveway, which would help the driveway grade. The issue isn't how the house is rotated. The issue is how close the house gets to the edge. Rotating the house doesn't move the house any further from the slope.

Ms. Stillman said she has replanted 115 trees and they don't count towards the number of trees she needs to replace. She planted these trees because she likes trees. A tree, which was stolen from her property, was one of the larger, nicer trees. If everyone is interested in maintaining trees, let's try and make sure no other trees are removed from her property.

Mr. Hiles said there has been a lot of talk about not having a house plan. He asked Ms. Stillman where she was on having a house plan. Ms. Stillman said she has had an architect work on a house plan. She

is having a hard time finalizing the plans or a grading plan without knowing where a house can be placed. The house plan is as far along as possible without knowing the exact location of the house. The footprint is as good as we can get at this point. Powell has a minimum house requirement of 1,500 square feet. Her house footprint isn't as small as you can get but it is pretty close. A smaller house would impact surrounding home's values. The neighbors won't get much better in terms of their view or tree removal. She has put a lot of thought into the house and very purposefully selected the house plan she did to maximize the south-facing roof for solar, to minimize the overall footprint and to maximize the value of the home and keep everything good for the character of the neighborhood.

Mr. Wiencek asked if decks fall under auxiliary structures. Mr. Betz said a deck is an accessory structure. Mr. Wiencek asked Ms. Stillman if she was willing to have the same restrictions which apply to Bartholomew Run applied to her property. Ms. Stillman said she is not familiar with what those restrictions would be. There are a lot of structures already very close to her property. Mrs. Reineki said Bartholomew Run doesn't allow sheds. Mr. Wiencek asked Mr. Betz what the City Ordinance is for play structures. Mr. Betz said recreational structures are allowed within 5 feet of the property line. Mr. Wiencek asked if the Ordinance would apply to Ms. Stillman's property. Mr. Betz said yes. Ms. Stillman asked if the recreational structures within 5 feet of her property are going to be removed. Mr. Wiencek asked what rule would apply to decks. Mr. Betz said if the deck is attached to the house the main setback for the main structure prevails. If the deck is not attached, it is an accessory structure and the setback is less. If it is a patio, there is no setback requirement for a patio, unless the patio is a recreational structure. Mr. Wiencek asked if Bartholomew Run's restrictions are more restrictive than the City's, other than not allowing sheds. Mr. Betz said he believes decks can go in the rear yard a little bit but he can't remember. Chairman Temby asked Mr. Wiencek if he was aware Ms. Stillman's property isn't in Bartholomew Run. Mr. Wiencek said he was. Ms. Stillman said unless she gets all of the benefits of full re-zoning, to have all of Bartholomew Run's property benefits, she would prefer to not do away with any of her abilities to have sheds.

Mr. Hiles said there has been a question about another house being built on the property. He asked Mr. Betz if there is the potential for another house to be built if this variance is approved. Mr. Betz said there would have to be a lot split, a common access driveway approved and a re-zoning depending on that type of proposal. There would be a totally new and different review process necessary. Ms. Stillman said if she isn't allowed to have sheds, she would like to be fully re-zoned so she can have a second house.

Mr. Betz advised the Board that since there are only three (3) Board members present, all three (3) must cast a positive vote for the request to be approved.

Mr. Wiencek asked if the Board is allowed to add conditions to the approval. Mr. Betz said yes, the Board can approve the request with conditions and safe guards as the Board feels are necessary to promote the public health, safety and welfare; based on the request the applicant has applied for.

MOTION: The Board of Zoning Appeals agrees 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; therefore Board Member Dan Wiencek moved to approve the Application for Variance for the property located at 233 E. Olentangy Street as represented by Carol Stillman, to allow the required rear yard setback to be changed from 80 feet to 30 feet, to accommodate the 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 ten (10) feet off the property line.

Chairman Temby seconded the motion.

VOTE: Y 3 N 0

ADJOURNMENT

MOTION: Chairman Temby moved to adjourn the meeting at 8:38 p.m. By unanimous consent of the Board members the meeting was adjourned.

DATE MINUTES APPROVED:

Ryan Temby
Chairman

Date

Leilani Napier
Planning & Zoning Clerk

Date

DRAFT