



## STAFF REPORT

### BOARD OF ZONING APPEALS

Village Green Municipal Building, Council Chambers  
47 Hall Street  
Thursday, June 14, 2018  
7:00 P.M.

#### 1. VARIANCE

Applicant: M/I Homes of Central Ohio, LLC  
Location: 4715 Hunters Bend  
Zoning: Planned Residence District (PR)  
Request: Approval of a variance to section 1145.28(a)(1) in order to increase the slope of a driveway from 8% to 9.9%.

Aerial Site Image: <https://goo.gl/maps/KSAdUjDWUL42>

#### Project Background

M/I homes in the construction of this home improperly built the home too high which resulted in the drive way slope being unable to be built at 8%. The builder and the City tried multiple solutions to fix the slope but all were not feasible. As a result, the variance application was proposed as the last solution.

#### Proposal Overview

To allow the slope of the driveway vary from the code requirement of 8% to 9.9%

#### Ordinance Review

In accordance with the requirements of codified ordinance 1127.05(a), the Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions of the land and/or buildings that are unique to the property in question, and not self-created, a literal enforcement of the provisions of this Zoning Ordinance would result in deprivation of all beneficial use of the land.

#### Staff Comments

Staff would label the proposal as a minor variance and the easiest way to overcome the mistake of building the home too high. Staff and the applicant proposed sloping the drive way with two slops but thought that this would be unsightly and inappropriate. The second option was to tear out the garage floor and redo the floor height. In Staff's opinion this is far too evasive and has potential to cause other problems. In Staff's opinion, providing the variance is the fastest and least obtrusive way to solve this problem.

#### Staff Recommendation

Staff recommends approval of the variance.

## 2. CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC  
Location: Home Road and Steitz Road  
Zoning: Liberty Township Farm Residence District  
Request: Approval of a Conditional Use Permit to allow for a sportsman's club.

Aerial Site Image: <https://goo.gl/maps/Kp9JdjJRSSo>

### Project Background

The applicant recently purchased the property and has the intention of creating a car club with storage condominiums with a club house.

### Project Overview

The proposed conditional use is for the construction of a Sportsman's Club. This development will be built in phases. The Sportsman's club shall consist of one Clubhouse building and several separate buildings, each subdivided into condominium units. These condominium units will be offered for sale.

### Ordinance Review

In accordance with the requirements of codified ordinance 1129.03, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed conditional use and shall approve the application for a Conditional Use Permit only when it has determined that there has been adequate evidence presented to show that such use at the proposed location.

The applicant provided answers to the questions within code and Staff agrees with most of their responses. However, Staff would like to make clear that the City's Comprehensive Plan suggests this area be residential in the land use plan but the policies in the plan state that commercial spaces should be along major thoroughfares such as this. Furthermore, a variety of uses within the city is preferable and unique use such as this adds to the service mix offered to residents in Powell and will add to the tax base.

### Staff Comments

Staff is pleased with the proposal for a number of reasons. For one, this is a very difficult site to plan as it is bisected by high-voltage power lines and is irregularly shaped. There are limited options for this site and a unique development such as this will provide Powell residents with a new service unlike many around. Second, as stated in the traffic study, the proposal would generate limited traffic to and from the site. This coupled with the access to Home Road allowed by the County Engineer will aid in this proposal having a limited negative impact on the roadways in the area. Third, staff is happy to hear that the condominium regulations will limit sounds and light coming from the site. Being good neighbors is important. Staff would however like to see more detail about the lighting selection to ensure there is no light pollution coming from the site. Fourth, the Comprehensive Plan talks about highlighting Powell's rural roots and highlighting this along major thoroughfare. This proposal does just that. The farm aesthetic on a major roadway in Powell will add to the character of the community. Lastly, unique uses like this help to draw attention to Powell as a premier community which offers services not found anywhere else around Central Ohio, which leads to further economic development opportunities – spin off businesses and promotion the region as the place to locate your business and home.

### Staff Recommendation

Staff recommends approval of the conditional use permit. The Board can place conditions on any approval that you feel are necessary for the proposal to meet the standards for approval of a conditional use permit.