



City of Powell
Board of Zoning Appeals

APPLICATION FOR VARIANCE

Applicant: M/I Homes of Central Ohio, LLC

Location: 4715 Hunters Bend

Zoning: (PR) Planned Residence District

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%.

A public hearing was held before the City of Powell Board of Zoning Appeals on June 14, pursuant to Codified Ordinance 1127.05(a) concerning the variance application of M/I Homes of Central Ohio, LLC ("the Applicant") to increase the driveway slope at 4715 Hunters Bend ("the Property") from 8% to 9.9%.

Chairman Temby and Members Duncan, Hiles and Short 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.

Corey Christopher, representing the Applicant, testified in support of the variance request.

No one testified in opposition of the request.

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 sets 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 May 20, 2018, the Applicant, M/I Homes of Central Ohio, LLC, submitted an application for a variance concerning the Property, 4715 Hunters Bend in the City of Powell.
 3. The Property is within the PR-Planned Residence District.
 4. The Applicant requested a variance for the slope of the driveway from 8% to 9.9%.

II. CONCLUSIONS OF LAW

5. Applying the criteria of section 1127.06 of the Codified Ordinances to the application of M/I Homes of Central Ohio, LLC, the Board hereby finds and determines the following:
 - (1) **Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property;**
 Much work will have to be done by the builder to lower the garage floor to meet driveway slope requirements.
 - (2) **Whether the variance is substantial;**
 The Variance is not substantial given the work that would be required to lower the garage floor.
 - (3) **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;**
 The proposed slope will be very hard to see as a Variance once everything is built in the neighborhood.

(4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

There is no adverse effects on the area.

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

The property owner/builder knew the requirements, however surveying mistakes created the problem.

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and

The amount of work required to meet slope requirements is very unfeasible as a cost rather than vary the slope. Also, the buyer of the home has no objection.

(7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The spirit of the zoning code and this requirement is not overly burdened.

6. The Board conducted its hearing in an open meeting.
7. All who testified were duly sworn in.
8. These proceedings were conducted in accordance with Chapter 1127 of the Powell Codified Ordinances, including all provisions for notice.
9. The application meets each of the standards set for granting variance.

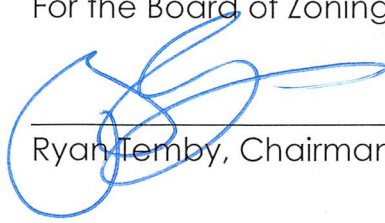
III. DECISION

Upon consideration of the testimony and exhibits admitted, by a vote of 4-0, the Board of Zoning Appeals agrees that the variance is not substantial given the amount of work, cost which would be incurred and the inconvenience to the home owner, and therefore the Board GRANTS the Applicant's requested variance increasing the Property's driveway slope from 8% to 9.9%.

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 24 day of August, 2018.

For the Board of Zoning Appeals:



Ryan Temby, Chairman

Approved as to Form per C.O. 1127.13:



Eugene L. Hollins
Law Director