



City of Powell
Board of Zoning Appeals

CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC – Chip Vance

Location: Home Road and Steitz Road

Zoning: (FR-1) Liberty Township Farm Residence District

Request: Approval of a Conditional Use Permit to allow for a sportsmen's club

A public hearing was held before the City of Powell Board of Zoning Appeals commencing on June 14, 2018, and continuing on July 9, 2018, pursuant to Codified Ordinance 1129.03, concerning the Conditional Use Permit application of HorsePower Farms LLC, Chip Vance ("the Applicant") to allow for a sportsmen's club at the corner of Home Road and Steitz Road ("the Property").

Chairman Temby and Members Duncan, Hiles, Short 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 Conditional Use Permit.

The Applicant and Todd Faris, land planner and landscape architect representing the Applicant, testified in support of the variance request. Also testifying in support of the request were: Larry Coolidge, 78 W. Olentangy Street; Joel Kallman, 1501 Dickerson.

Testifying in opposition to the request were: Surendra Vegnesna, 2606 Triple Crown Xing; Vince Contini, 2474 Friesian Lane; and Jon Petz, 4320 Home Road.

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 1129.03 of the Codified Ordinances of the City of Powell set forth the following standards for variance requests:

1129.03 - GENERAL STANDARDS FOR ALL CONDITIONAL USES.

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:

(a) Is in fact a conditional use as listed in the Schedule of District Regulations in this Zoning Ordinance for the zoning district in which the site is located;

(b) Will be in accord with the general objectives, or with any specific objective, of the comprehensive plan and the Zoning Ordinance;

(c) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;

(d) Will not be hazardous or disturbing to existing or future neighboring uses;

(e) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;

(f) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

(g) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

(h) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and

2. (i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance. On May 31, 2018, the Applicant, Chip Vance, submitted an application for a Conditional

Use Permit concerning the Property, located at the corner of Home Road and Steitz Road in the City of Powell.

3. Applying the criteria of section 1129.03 of the Codified Ordinances to the application of Chip Vance, the Board hereby finds and determines the following:

- i. Is in fact a conditional use as listed in the Schedule of District Regulations in this Zoning Ordinance for the zoning district in which the site is located;

1. Yes it is. There are many types of clubs available for people to gather with common interests. Hunting clubs, fishing clubs, softball and other sports clubs, horse riding clubs, all exist out there and some have become quite sophisticated. In this case, the common thread is vehicles. Classic cars, motor homes, etc. all have clubs that exist. The applicant is creating a club and a place for club members to have their vehicles, store their vehicles, maintain their vehicles and gather as a group, all under an umbrella of members buying into the club by purchase of their condominium.

- ii. Will be in accord with the general objectives, or with any specific objective, of the comprehensive plan and the Zoning Ordinance;

1. There are several references within the Comprehensive Plan where the preservation or re-ruralization of the area as it develops it important. The Future Land Use Plan cannot anticipate all uses for all properties, however the zoning code establishes that within an FR-1 District, a sportsmen's club is compatible with other allowed uses within an FR-1 District under certain conditions. Staff's opinion is that this proposal does just that. This is a much better proposal than having a chicken farm or other active animal farm use, which could happen without much if any City review.

- iii. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that

such use will not change the essential character of the same area;

1. It appears that all FR-1 development standards are met in terms of setbacks and screening of adjacent residential areas. The building designs harken to barn type design and the layout is similar to other rural farmstead type layouts...notwithstanding the power lines.
- iv. Will not be hazardous or disturbing to existing or future neighboring uses;
1. The developer's restrictions he is placing upon how this area will be managed will not create anything dangerous or hazardous, any more or less than any farming operation.
- v. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services;
1. The only active access point is on Home Road, at a point designated by the County Engineer's office as approvable. This is a very low intense use as it relates to traffic.
- vi. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
1. This will not create any additional public costs, and will be a positive from the standpoint of taxes and services.
- vii. Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

1. The possibility exists if unmanaged, however with a full time manager present and ability of inter-community self-policing, this is unlikely.
- viii. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
 1. Again, this is a very low intense traffic generator and should provide very little impact to safety along Home Road.
- ix. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
 1. There is no historic or scenic quality. In fact, the development will add to the scenic quality of the area if designed appropriately.
4. The Board conducted its hearing in an open meeting.
5. All who testified were duly sworn in.
6. These proceedings were conducted in accordance with Chapter 1127 of the Powell Codified Ordinances, including all provisions for notice.

II. DECISION

Upon consideration of the testimony and exhibits admitted, and by a vote of 3-0, the Board of Zoning Appeals hereby finds and determines that the application meets the standards for granting a conditional use permit as set forth above. Therefore, the Board GRANTS the Applicant's requested conditional use permit to allow a sportsmen's club, subject to the following conditions:

1. That approval shall be granted for the completion of Phase 1 only and that all future Phases shall come back before the Board of Zoning Appeals; and
2. That the applicant shall come back before the Board of Zoning Appeals at a future date for review and approval of building designs and details; and

3. That the applicant shall submit building designs with no doors on the front of the storage building(s) facing Home Road; and
4. That the applicant shall submit for and receive approval of all utility plans, site engineering and grading/storm water control plans by the City Engineer; and
5. That all project plans shall be AEP compliant; and
6. That the applicant shall come back before the Board of Zoning Appeals at a future date for review and approval of the condominium association bylaws. The bylaws shall specifically address the hours of quiet time, how the reserve will be established and managed and when the association will be in full control; and
7. That the applicant shall ensure all landscaping plans continue the landscaping design along Home Road which is currently present in the Reserve at Scioto Glen and Scioto Reserve; and
8. That the emergency access/exit at Friesian Lane shall be a gated, secured entrance used by emergency personnel only; and
9. That the applicant shall come back before the Board of Zoning Appeals for review and approval of all signage.

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.

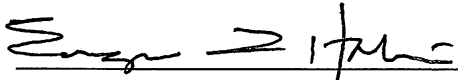
Dated this 27 day of August, 2018.

For the Board of Zoning Appeals:



Ryan Temby, Chairman

Approved as to Form per C.O. 1127.13:



Eugene L. Hollins
Law Director