



City of Powell, Ohio

Board of Zoning Appeals
Ryan Temby, Chairman

Randy Duncan Robert Hiles Gregory Short Dan Wiencek

MEETING MINUTES December 6, 2018

A meeting of the Board of Zoning Appeals was called to order by Board Member Bob Hiles on Thursday, December 6, 2018 at 7:00 p.m. Members present included Randy Duncan, Gregory Short and Dan Wiencek. Chairman Ryan Temby was absent. Also present were Rocky Kambo, Assistant Director of Development; Leilani Napier, Deputy Clerk; and interested parties.

APPROVAL OF MINUTES

MOTION: Board Member Hiles moved to adopt the minutes from August 24, 2018. Board Member Short seconded the motion. By unanimous consent the minutes were approved.

APPLICATION FOR VARIANCE

Applicant: Gabriel & Emily Norris
Location: 4696 Hunters Bend
Zoning: (PR) Planned Residence District
Request: Approval of a variance in order to build a fence 12 feet past the 30 foot build line.

Board Member Hiles asked all people who would be speaking to stand and be sworn in.

Gabriel Norris, 4696 Hunters Bend, thanked the Board and Staff for taking the time to review his request.

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

Board Member Wiencek asked if there is a governing Home Owner's Association (HOA) and if yes, has the HOA approved the fence. Mr. Norris said there is an HOA and our initial fence was approved in August of 2017 before the property was built on. Mr. Kambo said the Building Department does require an HOA letter of approval as part of the applicant submittal. Board Member Hiles asked if this was a part of the permitting process. Mr. Kambo said yes. Board Member Wiencek asked if Mr. Norris intends to have landscaping on the street side of the fence. Mr. Norris said they have discussed having landscaping. They would want to be within the HOA and City rules. If both parties allow landscaping, they would like to explore landscaping, but have no plans at this time. Board Member Wiencek said anything which could soften the fence line would be appropriate. Is the Board allowed to make this a requirement of approval or make a strong suggestion? Mr. Norris said they would love to place vegetation along the street side of the fence as long as the HOA and the City approves. Mr. Kambo said it would be fine to add a condition to the approval.

MOTION: The Board of Zoning Appeals agrees the variance is not substantial given the inconvenience to the home owner; therefore Board Member Wiencek moved to approve the Application for Variance for the property located at 4696 Hunters Bend as represented by Gabriel & Emily Norris, to allow a fence to be built 12 feet past the 30 foot build line, subject to the following condition(s):

1. That the applicant shall obtain approval from City Staff and the Home Owner's Association for installation of landscaping along the street side of the fence.

Board Member Short seconded the motion.

VOTE: Y 4 N 0

(Temby absent)

CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC
Location: 4301 Home Road
Zoning: (FR-1) Liberty Township Farm Residence District
Request: To review and approve the architectural and site details of HorsePower Farms as required by the Board as part of the approved Conditional Use Permit.

Board Member Hiles asked all people who would be speaking to stand and be sworn in.

Howard "Chip" Vance, 275 Oakham Court, Powell, thanked the Board for taking the time to review his request. By-laws, condominium documents and proposed signage have been submitted. They received approval from AEP the day after the last meeting. AEP approved the site layout. We have made a couple tweaks to the project since then. As they worked on the engineering of the site, proper drainage on the lot became a big challenge. If the mounding they originally planned for was put in, water would run off the property onto our neighbor's property. It would cause a flood problem for our neighbors. Water flows naturally onto this property. The water retention system they are putting on this property will actually help the drainage of all surrounding properties. Our initial drawings showed a stub road into Friesian Lane on the west side of the property. Neighbors were resistant to this stub road because they thought it would cause them to be able to see buildings. There is a nice, natural barrier on this side of the property. We are going to retain all of the natural barrier and not tear any down for the stub road. We are not going to attach Friesian Lane to this property. By eliminating this stub road we are further shielding ourselves from our neighbors. Board Member Short asked if the stub road was required for emergency vehicles. Mr. Vance said there are other ways for emergency vehicles to get into the neighborhood now. They don't need the access from our property. Board Member Wiencek asked if the Fire Department is no longer requiring this access. Mr. Vance said they are not. Mr. Vance said they have changed the size of their units. The initial size of units was 20' by 40'. They are going to make them 24' by 40' now. The footprint of the project isn't changed. It changes the number of units in the buildings. We have already had a lot of interest in these units.

Board Member Short asked where the mounding was supposed to be put in. Mr. Vance said they were supposed to put mounding along the whole perimeter of their property. The mounds would make water run towards the neighbors. The property is very wet. We need to get the water off this property but not onto our neighbors. We have a lot of foliage planned but we can't put mounding in.

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

The City Law Director has not reviewed the condominium association by-laws yet. Staff has reviewed them and it appears as if everything required has been included. Even if the Board approves this request tonight, the City Law Director will review the by-laws. The Architectural Advisor was unable to attend tonight but provided comments (Exhibits 1A and 1B). Staff agrees with the Architectural Advisor's comments. Board Member Wiencek asked Mr. Vance if he has had a chance to review the Architectural Advisor's comments. Mr. Vance said no. Mr. Kambo advised Mr. Vance the comments are on the website. Mr. Kambo advised the Board Mr. Vance has received a preliminary approval from AEP. AEP will likely provide a final approval once the grading plan has been coordinated with the City Engineer and the developer. The City needs to work with AEP to get the grading done correctly, especially with the overhead lines. Staff doesn't anticipate any problems and won't allow any construction until a final approval has been granted by AEP. The site utility and storm water plans are being coordinated between the developer's engineer and the City Engineer. The City's Engineering Department has indicated they are comfortable with the proposed plan. Staff does recommend approval with the conditions listed in the Staff Report.

Board Member Wiencek said the Architectural Advisor's comments aren't unreasonable and he is inclined to agree with the comments. Is it OK for the Board to give Staff the authority to work with Mr. Vance since Mr. Vance hasn't had a chance to review the Architectural Advisor's comments? He wants to give Mr. Vance some wiggle room since Mr. Vance hasn't seen the Architectural Advisor's comments. Mr. Kambo said yes, this is the intent of the first condition listed in the Staff Report. Staff is trying to get to this same place. Mr. Vance said he doesn't see anything which alarms him right now. Board Member Wiencek said the comments are all reasonably minor.

Mr. Vance said while they were working with their construction company a concern on working around AEP easements came up. The way AEP measures may not be the way we measure. We have backed

some of the buildings away from the easements to ensure we have wiggle room. Once a building is built, we can't tear it down. We are trying to avoid all issues so AEP doesn't tell us we have done something wrong. Also, the sign facing Home Road will have a subtle glow. The picture makes it look bright but it will be very subtle.

Board Member Hiles thanked the applicant for working through all of the Board's suggestions. The applicant took all suggestions to heart and has done their due diligence.

Board Member Hiles opened this item to public comment.

Joe Doodan, 7514 Steitz Road, said he is a 30 year resident of the Township. He has lived on Steitz Road over 20 years. He is all in favor of this project. He has looked at the barren field for over 20 years and this is an improvement for the neighborhood. Mr. Vance has done this exactly the right way. He came to all of the neighbors last spring and showed us the plans. I wasn't home and Mr. Vance left a note for me. I joined him at his business. He showed me his plans and he gave me a tour of Auto Assets. I trust Mr. Vance. He is honest and he will make a good neighbor. I'm glad he will be next door.

Hearing no further public comments, Board Member Hiles closed the public comment session.

MOTION: Board Member Wiencek moved to approve the architectural and site details of HorsePower Farms, LLC as required by the approved Conditional Use Permit for the property located at 4301 Home Road, as represented by Chip Vance, subject to the following condition(s):

1. That the applicant shall work with City Staff to incorporate the Architectural Advisor's comments; and
2. That the applicant shall obtain final approval of the architectural and site details from City Staff prior to the issuance of Zoning Certificates; and
3. That the applicant shall obtain final approval from the City Engineer on all utility plans, site engineering and grading/storm water control plans; and
4. That the applicant shall obtain a formal, final letter of approval from AEP; and
5. That the City Law Director shall review and approve the Declaration and By-laws.

Board Member Short seconded the motion.


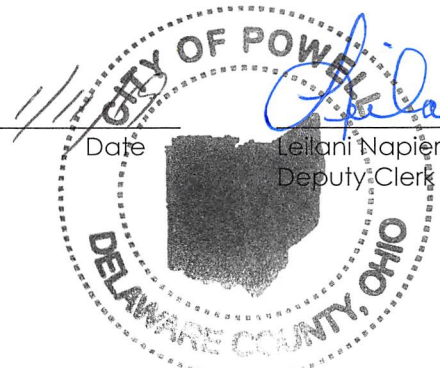
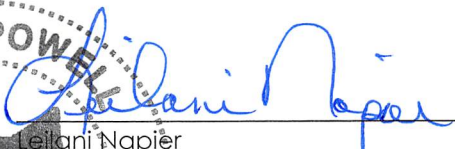
VOTE: Y 4 N 0

(Temby absent)

ADJOURNMENT

MOTION: Board Member Hiles moved to adjourn the meeting at 7:31 p.m. By unanimous consent of the Board members the meeting was adjourned.

DATE MINUTES APPROVED: January 8, 2019

			<u>1/11/19</u>
Robert Hiles Board Member	Date	Leilani Napier Deputy Clerk	Date