



City of Powell  
Board of Zoning Appeals

CONDITIONAL USE PERMIT

Applicant: HorsePower Farms LLC – Chip Vance

Location: 4301 Home Road

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

Request: Review and approve the architectural and site details as required by the approved Conditional Use Permit.

A public hearing was held before the City of Powell Board of Zoning Appeals starting on June 14, 2018, and continuing on July 9, 2018 and then on December 6, 2018, pursuant to Codified Ordinance 1129.03 concerning the Conditional Use Permit application of HorsePower Farms LLC, Chip Vance ("the Applicant") to approve the architectural and site details for HorsePower Farms LLC located at 4301 Home Road ("the Property").

Members Duncan, Hiles, Short and Wiencek were present, constituting a quorum of the Board. Board Member Hiles swore in all present who intended to testify.

Assistant Director of Development Rocky Kambo presented the staff report on the request, which recommended approval of the architectural and site details.

The Applicant testified in support of the request. Also testifying in support of the request was: Joe Doodan, 7514 Steitz Road.

No one testified in opposition to 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 1129.03 of the Codified Ordinances of the City of Powell sets forth the following standards for requests for conditional use approval:

- (a) [whether the use proposed] 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) [whether the use proposed] will be in accord with the general objectives, or with any specific objective, of the comprehensive plan and the Zoning Ordinance;
- (c) [whether the use proposed] 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) [whether the use proposed] will not be hazardous or disturbing to existing or future neighboring uses;
- (e) [whether the use proposed] 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) [whether the use proposed] 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) [whether the use proposed] 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) [whether the use proposed] 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

- (i) [whether the use proposed] will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- 2. 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. On July 9, 2018, the Board of Zoning Appeals approved a conditional use permit for Horsepower Farms subject to conditions including, in relevant part:
  - a. That the applicant come back before the Board for review and approval of building designs and details;
  - b. That the applicant come back before the Board for review and approval of the condominium association bylaws, which shall specifically address hours of quiet time, provisions for how the reserve area will be established and managed, and when the association would assume full control;
- 4. On December 6, 2018, the applicant appeared before the Board to present additional architectural and site plans in compliance with the above-referenced conditions of the conditional use permit;
- 5. The Board reviewed the comments of its architectural advisor, and finds that final architectural details can be settled through discussion between the applicant and City staff rather than another appearance before the Board;
- 6. The applicant submitted proposed condominium association bylaws, which Staff reviewed and determined they included the provisions specified in the conditions of the conditional use authorization;
- 7. The Board conducted its hearing in an open meeting.
- 8. All who testified were duly sworn in.
- 9. These proceedings were conducted in accordance with Chapter 1127 of the Powell Codified Ordinances, including all provisions for notice.
- 10. The application meets each of the standards set for granting conditional use, and has completed the conditions of returning to the Board for approval of architectural and site details and approval of condominium bylaws, subject to the conditions set forth in the decision below.

## II. DECISION

Upon consideration of the testimony and exhibits admitted, by a vote of 4-0, the Board of Zoning Appeals approves 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 conditions:

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.


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 11 day of July, 2019.

For the Board of Zoning Appeals:

  
Robert Hiles, Board Member

Approved as to Form per C.O. 1129.08:

  
Eugene L. Hollins  
Law Director