



BOARD OF ZONING APPEALS (BZA) APPLICATION FOR VARIANCE

ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED.

Application Fee: \$400.00*
Per Fee Ordinance 2019-49

*Does not include transcript cost.

Appellant: Justin Del Col (Shearer Landscaping)
Address/City/State/Zip: 3362 Marcliff Drive Lewis Center, Ohio 43035
Email Address: justin@shearerlandscaping
Phone No: _____ **Cell Phone No:** 7408157179 **Fax No:** _____

Property Owner: Ian and Kirstin Bieber
Address/City/State/Zip: 2446 Friesian Lane Powell, Ohio 43065
Email Address: ian.bieber@gmail.com
Phone No: _____ **Cell Phone No:** 4849192949 **Fax No:** _____

Attorney for Appellant: Chris Heckert
Address/City/State/Zip: 823 E Long St #200 Columbus, Ohio 43203
City / State / Zip: _____
Email Address: chris@heckertlaw.com
Phone No: 6147052457 **Cell Phone No:** _____ **Fax No:** _____

Property Address: 2446 Friesian Lane Powell, Ohio 43065
Lot Number/Subdivision: _____ **Zoning District/Use:** _____

Checklist:

- ☐ Legal description of the property.
- ☐ Vicinity Map and site/plot plan as required.
- ☐ Description of the existing and proposed use. Please be very detailed regarding the proposed use.
- ☐ A narrative statement and supporting documentation establishing and substantiating that the variance conforms to each of the following standards as stated in Section 1127.06(e) of the Codified Ordinances of Powell.
- ☐ Provide any other information that may useful to the Planning and Zoning Commission or City Staff in the space below or attach additional pages.
- ☐ **5 copies** of all drawings, text, any other items, and application, as well as any other drawings or written material that will help the Administration and the Board understand the nature of the proposal.
- ☐ **1 digital copy** (CD, USB, Email) of the complete application packet.
- ☐ Attach the required fee - \$400.00.*
- ☐ Post a public notice sign at least (10) days prior to a public hearing or public meeting, pursuant to ordinance 1107.035

Public notice sign details found [here](#)

(See Over)

I agree to grant the City of Powell Staff and the Board of Zoning Appeals members considering this application access to the property subject of this application for the purposes of reviewing this application and posting public notice for this application.

Signature of Appellant: _____ Date: _____

Office Use
Received

Office Use
Type/Date: _____
Base Fee: _____ \$400.00
Prepared by: _____
Reviewed by: _____
PAYOR: _____
RECIEPT # _____

City of Powell · 47 Hall Street · Powell, Ohio 43065 · (614) 885-5380 · (614) 885-5339 fax · www.cityofpowell.us

Ian and Kirstin
2446 Friesian Lane
Powell, Ohio 43065
484-919-2949

Description of current and proposed use of the space. The current use of the space is a deck landing and sod. The clients are hoping to extend their living space, especially during these tough times during a pandemic. They are hoping to create an outdoor patio space and covered area to enjoy warmer weather without getting destroyed by heat from full day sun. The covered area will be screened porch to allow them to enjoy rainy days as well as have a space to avoid heat during the summer. The lower patio space already conforms to the variance as it isn't over 30" in height.

Description or nature of the variance requested, including the specific provisions of the Zoning Ordinance upon which the variance is requested. We are requesting a rear yard setback variance to allow a structure over 30" within 30' of the rear property line. Currently the zoning dictates any structure over 30" must be 30' away from rear property line.

Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property. The variance in question will yield a large return, not only for the homeowner but for the neighborhood. Without this variance the clients won't be able to have a shade structure to enjoy their back yard. Without a shade structure the back patio space will be in direct heat/sunlight constantly throughout the day.

Whether the variance is substantial. In our opinion the variance isn't substantial as the rear patio space would be unusable as the space would be too hot to enjoy on summer days.

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 character of the neighborhood and neighboring houses won't be impacted at all. I previously provided information to the zoning department of houses in the neighborhood that have illegally violated this variance.

2489 Friesian Lane

2449 Friesian Lane

2409 Friesian Lane

2488 Friesian Lane

2398 Triple Crown Crossing

All of these properties have structures over 30" and are within that 30' setback required by the zoning office. As a result the Biever's structure wouldn't have any adverse impact on the neighborhood. These plans were also already approved by the HOA in regards to enhancement to the neighborhood and the property values.

Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage). There are zero adverse affects on the delivery of any governmental services. The structure falls outside of any no build zones and easements.

Whether the property owner purchased the property with knowledge of the zoning restriction. The property owner was unaware of the actual zoning easement. They believed the only easements were the drainage easement and the side property easement. The structure is outside of both of these easement locations.

Whether the property owner's predicament feasibly can be obviated through some method other than a variance. There are know other alternatives to providing a shade structure in the rear of the property. The setback is only a few feet away from the house and without the variance the rear patio space won't function or work for the property owner's needs

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. Granting this easement would provide a substantial justice to the homeowner's. They are legally following the guidelines set by the zoning department in filing for this easement. As I mentioned before there are other projects in the neighborhood who didn't follow these guidelines but have these types of structures. If you are looking to provide my client substantial justice it would be prejudicial to not approve the variance, give that there are other residences in the neighborhood with the same or similar structures, that are not permitted. We are trying to go through the proper channels and abide by all zoning guidelines.

S 8' Lot Coverage 20.0%

Mailbox and lightpost to be located per City of Powell standards.

* Note: For Q_L Swale Information,
See Cross Section "B" In Engineers
Street, Storm & Water Plans.

3552
F.G. = 931.40

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Approval Of The C



