



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: Gurgun Muharrem  
 Address/City/State/Zip: 4706 SIBEL Ct Powell - OH.  
 Email Address: gurgunm@gmail.com  
 Phone No: --- Cell Phone No: (614) 204-7333 Fax No: ---  
 Property Owner: Amanda KISH  
 Address/City/State/Zip: 1991 Woodland Hall Dr. Delaware - OH 43015  
 Email Address: ---  
 Phone No: --- Cell Phone No: (614) 843-2337 Fax No: ---  
 Attorney for Appellant: Gregory Bakies - Maurer, Newlove & Bakies LLC  
 Address/City/State/Zip: 224 E. Wooster St Bowling Green OH 43402  
 City / State / Zip: ---  
 Email Address: bakies@decor.net  
 Phone No: --- Cell Phone No: (419) 872-9922 Fax No: ---  
 Property Address: 476 Welwyn Dr. Powell, OH  
 Lot Number/Subdivision: LOT 4 Zoning District/Use: Residential

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 be 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)

Gurgun Muharrem(Buyer)  
4706 Sibel Ct  
Powell, Ohio 43065  
614-204-7333  
RE: 476 Welwyn Dr. Lot 4 Powell, Ohio 43065

I am in contract to purchase the above referenced property. This site is 2.184 Acres, heavily brushed and mature treed. Site terrain elevation varies as high as 898 ft elevation down to 862 ft at Tyler Run creek edges, roughly 38 ft fall. Attempting to constructing a house on this lot 4 envelope given the existing 60 ft rear setback is prohibiting this task due to:

- a) encroaching into SCPZ (stream corridor protection zone) making it impossible to protect the "Zone" from ground disturbance
- b) Very high dollar costs to construct and secure a house (footers) against a deep slope, stability against sliding toward the creek.

- Therefore I am requesting a reduction of 60 ft setback to 15ft.

This 15 ft setback reduction will allow the proposed house to be constructed approximately 35 ft away from SCPZ limits consequently allowing the house to move higher grounds from 868 ft elevations (average) to 878 ft elevation- (please refer to 15ft setback plan).

Granting this requested variance is substantial because Lot 4 becomes a "buildable lot", character of neighborhood will not be adversely affected at all.

Existing 25 ft setback to North backing to existing houses fronting Bluff Ridge Ct. (Lot 1122- and Lot 1123. 289 and 307 Bluff Ridge Ct. respectively) remains same, no change from 25 ft setback.

The property to East is 3.332 Acres located off of Shady Glen Place is vacant at the moment. Potential and ONLY buildable envelope for this lot is East of Tyler Run. See site Plan. Environmental issues are not favoring to cross Tyler Run to west, it is cost prohibitive anyway. The distance from a potential building envelope of 3.332 Acres to subject house (Lot 4) is approximately 500 ft and is very heavily/densely treed. Therefore this variance will not adversely affect (Ernest L. Puckett Shady Glen Pl. 3.332 Acre present owner) property.

Sewer and water services to this property is along the North property line in an existing 25 ft easement and future services not affected. My assumption is that present owner of the subject property was not cognitive of foundation cost issues and other cost like driveway asphalt paving requirement (Sec. 1137.17).

I do not see any other way of not disturbing steep slopes closer to SCPZ and be able to achieve best erosion control practices and reduce astronomical costs.

- One other variance that I am requesting is to limit code sec. 1137.17 only to existing common area and not approx. 700 ft of long and long driveway to natural gravel. Please refer to varies pictures. Existing common area is already have been capped (laid) with stone pavers (bricked) of approx. 2,240 (70ft x 32 ft), my intention is to construct approximately 8 ft wide gravel driveway and low profile side ditches, necessary cross culverts to convey the storm run-off to comply with the existing. Attempting to asphalt- pave this long stretch of driveway is cost prohibited and environmentally not a "fit".

Please be mindful this lot is NOT an ordinary subdivision lot with a 25ft long driveway, mine is out of sight, protects pristine look and will reduce storm run off to minimum.

I thank you for your time and consideration to alleviate this HARDSHIP.

Sincerely  
Gurgun Muharrem



From: Wesley.Sluga@epa.ohio.gov  
Subject: RE: 476 Welwyn Dr Lot 4  
Date: June 15, 2021 at 11:04 AM  
To: gurgunm@gmail.com  
Cc: mike.joseph@epa.ohio.gov

## O EPA - RE: OLENTANGY WATERSHED OVERLAY

Hello Gurgun,

As promised, I wanted to follow up with you regarding our discussion this morning about 476 Welwyn Drive Lot 4. You described that the lot has previously been graded and that the anticipated disturbance of your project is less than 1 acre (approximately 0.5 acres to be specific). Additionally, the proposed site plan indicates that the disturbance and construction will take place outside of the stream corridor protection zone and the 100-year floodway. Therefore, the development is not required to obtain permit coverage and will not impact the Olentangy riparian setback zones.

While not required to obtain permit coverage, the Ohio EPA does recommend implementing some standard stormwater best management practices for individual lots such as perimeter sediment barriers like silt fence or compost filter socks, inlet protection if applicable, and rapid stabilization of the lawn area to help prevent erosion.

If you have any questions, please do not hesitate to reach out.

Thank you,

Wesley Sluga, EIT  
Pronouns: he/him/his  
Ohio EPA  
Division of Surface Water  
Stormwater Technical Assistance  
50 W. Town Street, Ste 700  
Columbus, OH 43215  
Wesley.Sluga@epa.ohio.gov  
(614) 644-2141

-----Original Message-----

From: Joseph, Mike <mike.joseph@epa.ohio.gov>  
Sent: Tuesday, June 15, 2021 9:48 AM  
To: Sluga, Wesley <Wesley.Sluga@epa.ohio.gov>  
Subject: FW: 476 Welwyn Dr Lot 4

-----Original Message-----

From: Gurgun Muharrem <gurgunm@gmail.com>  
Sent: Tuesday, June 15, 2021 8:43 AM  
To: Joseph, Mike <mike.joseph@epa.ohio.gov>  
Cc: Gurgun Muharrem <gurgunm@gmail.com>; Mark Schroeder <mschroeder@hockaden.com>; ERDEM MUHARREM <emuharrem21@gmail.com>  
Subject: Re: 476 Welwyn Dr Lot 4

Mike, my first mail has the plat and topo. Also showing 175ft Columbus SCPZ (stream corridor protection zone) where Poweil had adopted.

My concern is Olentangy Watershed overlay. I could not get much help to make sure that this lot 4 is clearing the overlay. Any input would greatly be appreciated.

Gurgun

Sent from my iPhone - I disclaim any brevity

On Jun 15, 2021, at 8:33 AM, Gurgun Muharrem <gurgunm@gmail.com> wrote:

<image1.jpeg>

Sent from my iPhone - I disclaim any brevity <image0.png>

CAUTION: This is an external email and may not be safe. If the email looks suspicious, please do not click links or open attachments and forward the email to csc@ohio.gov <mailto:csc@ohio.gov> or click the Phish Alert Button if available.



# SCIOTO LAND SURVEYING SERVICE

Surveyors

173 North Sandusky Street  
Delaware, Ohio 43015

Phone: 740-369-7577  
FAX: 740-362-7577

Karen S. Coffman, P.S. 7845  
Istvan Gajary, P.S. 8183  
Retired, Frank Celio, P.S. 6612

Description of 2.184 acres (Tract 4)  
for Scott C. and Heidi J. Garverick

July 9, 2014

Situated in the City of Powell, County of Delaware, State of Ohio, being part of Farm Lot 25, Quarter-Township 4, Township 3, Range 19 in the United States Military Lands, being 0.010 acres of the original 6.327 acre tract conveyed to Scott C. and Heidi J. Garverick in Official Records Volume 96, Page 1818, and being 2.174 acres of the original 5.001 acre tract conveyed to Scott C. Garverick in Official Records Volume 59, Page 1399, and being more particularly described as follows:

**COMMENCING** at a MAG nail set at the intersection of the centerline of Welwyn Drive and the south line of Liberty Hills Section No. 1, recorded in Plat Book 22, Page 79, also being the south line of Farm Lot 26;

thence along the said south line of Welwyn Drive, and along the south line of Lot 1111 in said Liberty Hills Section No. 1 **South 81° 57' 32" East 40.00 feet** to an Iron bar set, being the **TRUE POINT OF BEGINNING** of the following described tract;

thence continuing along the said south line of Liberty Hills Section No. 1, also being the south line of Farm Lot 26 **South 81° 57' 32" East 761.60 feet** to an Iron bar set, being the northwest corner of a 5.423 acre tract conveyed to Mildred L. Loar, Trustee in Official Records Volume 14, Page 42, also being the corporation line of the City of Powell;

thence along the west line of the said 5.423 acre tract, also being the corporation line of the City of Powell **South 06° 20' 24" West 310.99 feet** to a 3/4" Iron pipe found, being the northeast corner of a 19.125 acre tract conveyed to Donald P. & Jody H. Penrod, Trustees in Official Records Volume 1123, Page 829;

thence along the north line of the said 19.125 acre tract, also being the corporation line of the City of Powell **North 54° 48' 56" West 354.30 feet** to a 3/4" Iron pipe found (B&B);

thence continuing along the north line of the said 19.125 acre tract, also being the corporation line of the City of Powell **South 82° 05' 01" West 82.74 feet** to an Iron bar set;

thence **North 08° 02' 28" East 141.96 feet** to an Iron bar set;

thence **North 81° 57' 32" West 376.00 feet** to an Iron bar set;

thence **North 08° 02' 28" East 30.00 feet** to the **TRUE POINT OF BEGINNING**;

**containing 2.184 acres, more or less;**

subject to all easements, restrictions, and rights-of-way, if any, of record;

Surveyed by Karen S. Coffman, Surveyor, Registration No. 7845 on July 9, 2014. Basis of bearings is the south line of Liberty Hills Section No. 1, recorded in Plat Book 22, Page 79 (S 81° 57' 32" E). All Iron bars set are 5/8" in diameter and are set with a plastic cap marked "SLSS PS 7845".

Karen S. Coffman, Surveyor  
Registration No. 7845



DESCRIPTION FOR CLOSING ONLY  
RPC Approval Required  
Municipal Approval Required  
Delaware County Engineer  
7-11-14

FOR THE CITY OF POWELL  
Chris Eastman  
Delaware County



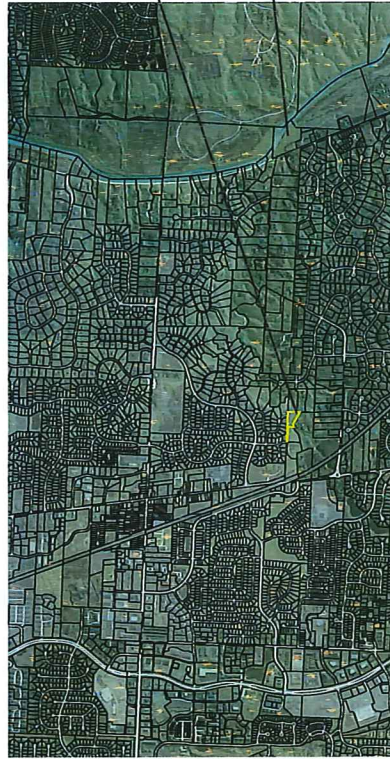
OWNER: AMANDA KISH, BUYER: GURGUN MUHARREM

VARIANCE REQUEST:

1. REDUCTION OF REAR SETBACK
2. GRAVEL DRIVEWAY

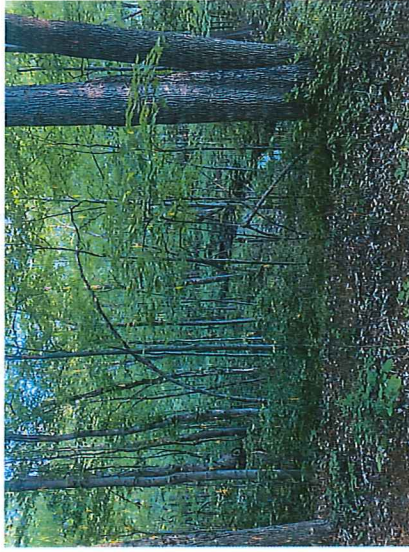
OVERVIEW: I AM IN CONTRACT TO PURCHASE THE PROPERTY AT 476 WELWYN DRIVE, LOT 4. THIS SITE IS 2.184 ACRES, HEAVILY BRUSHED AND MATURE TREES. SITE TERRAIN ELEVATION VARIES AS HIGH AS 898 FEET ELEVATION DOWN TO 862 FEET AT TYLER RUN CREEK EDGE, ROUGHLY 38 FOOT FALL. ATTEMPTING TO CONSTRUCT A HOUSE ON LOT 4 ENVELOPE GIVEN THE EXISTING 60 FOOT SETBACK IS PROHIBITIVE DUE TO:

- A) ENCROACHING INTO SCPZ (STREAM CORRIDOR PROTECTION ZONE) MAKING IT IMPOSSIBLE TO PROTECT THE "ZONE" FROM GROUND DISTURBANCE
- B) VERY HIGH DOLLAR COSTS TO CONSTRUCT AND SECURE A HOUSE (FOOTERS) AGAINST A DEEP SLOPE, STABILITY AGAINST SLIDING TOWARD CREEK.
- C) NO ADVERSE IMPACT TO NEIGHBORS



LOCATION MAP, area map for Reference

PICTURES OF PROPERTY



476 WELWYN DRIVE, LOT 4,  
POWELL, OH 43065  
OWNER: AMANDA KISH

OWNER SIGNATURE: \_\_\_\_\_

DATE: 6/27/2021

SCALE:

DRAWN BY: M.S/A.M

SHEET NO.

1



305 Lot 4







VIEW LOOKING LOT 4 DRIVEWAY  
(WELL HIDDEN)





**LOOKING UP PROPOSED HOUSE ENVELOPE**



**LOOKING DOWN TO TYLER RUN. (S TO SW)**





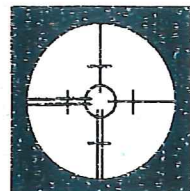
**TYP. GRAVEL DRIVEWAY**





*TYP. GRAVEL DRIVEWAY*





# Scioto Land Surveying Service, Inc.

173 North Sandusky Street  
Delaware, Ohio 43015  
740.369.7577

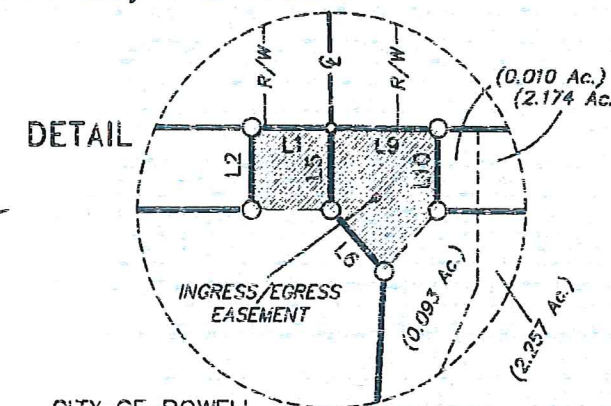
Surveyors

Karen S. Coffman, P.S. 7845  
Istvan Gajary, P.S. 8183  
Retired, Frank Celio, P.S. 6612

## PLAT OF SURVEY FOR SCOTT C. & HEIDI J. GARVERICK

PART OF FARM LOT 25, QUARTER-TOWNSHIP 4, TOWNSHIP 3, RANGE 19, U.S.M.L.  
CITY OF POWELL, DELAWARE COUNTY, OHIO

ORIGINAL 6.327 Ac., O.R.V. 96, PG. 1818, &  
ORIGINAL 5.001 Ac., O.R.V. 59, PG. 1399



CITY OF POWELL  
FARM LOT 26  
FARM LOT 25  
LIBERTY TOWNSHIP

### LEGEND

- 3/4" Iron Pipe Found
- MAG Nail Set
- 5/8" Iron Bar Set with a plastic cap marked "SLSS PS 7845"

### RECORDS USED

Deeds as shown.

### BASIS OF BEARINGS

South line of Liberty Hills Section No. 1 per P.B. 22, PG. 79 (S81° 57' 32"E)

Mildred L. Loar, Trustee  
5.423 Ac.  
Part of Lot 1217, Red Mill Ravines  
O.R.V. 14, PG. 42

Donald P. & Jody H. Penrod, Trustees  
19.125 Ac.  
O.R.V. 1123, PG. 1

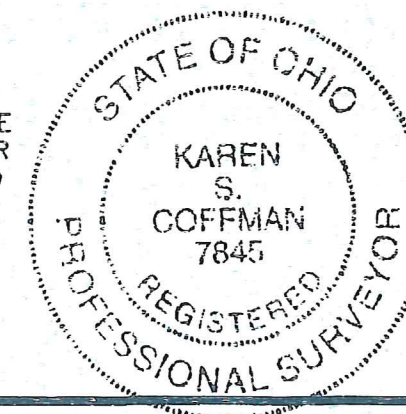
Approved by City of Powell  
Planning & Zoning Commission  
No subdivision plan required.

David M. Betz, Director of Development

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT SAID SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ROAD RIGHT-OF-WAY IS ASSUMED AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY UNLESS OTHERWISE NOTED. EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY, IF ANY, NOT LOCATED UNLESS NOTED.

KAREN S. COFFMAN, SURVEYOR  
Registration No. 7845

JULY 9, 2014  
DATE OF SURVEY



LINE	DIRECTION	DISTANCE
L1	N81° 57' 32"W	30.00'
L2	S08° 02' 28"W	30.00'
L3	N86° 28' 22"W	125.59'
L4	N88° 26' 47"W	100.00'
L5	S08° 02' 28"W	30.00'
L6	S33° 46' 09"E	30.00'
L7	N81° 57' 32"W	78.01'
L8	N86° 28' 22"W	65.00'
L9	S81° 57' 32"E	40.00'
L10	S08° 02' 28"W	30.00'
L11	S08° 02' 28"W	141.96'

Paul D. & Kay B. Sroufe  
6.061 Ac.  
O.R.V. 612, PG. 577

TRACT 1  
3.774 Ac.

TRACT 2  
3.007 Ac.

TRACT 3  
2.350 Ac.

TRACT 4  
2.184 Ac.

(2.433 Ac.)  
ORIGINAL 6.327 Ac.  
(0.574 Ac.)  
ORIGINAL 5.001 Ac.

LIBERTY HILLS SECTION 1  
PLAT BOOK 22, PAGE 79

BLUFF RIDGE COURT

WELWYN DRIVE

TYLERS RUN

Village of Powell  
10.001 Ac.  
O.R.V. 540, PG. 256

DEDICATED  
RIGHT-OF-WAY  
(S. LIBERTY ST.)

RAILROAD RIGHT-OF-WAY  
N 17° 17' 45" W  
367.06'

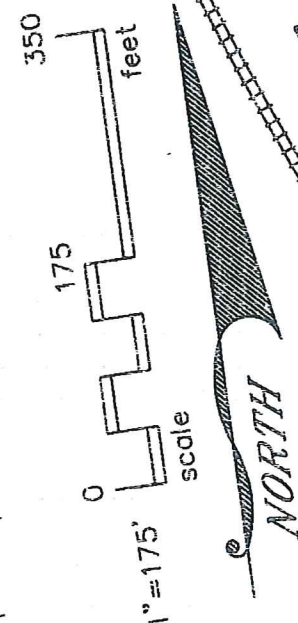


Exhibit "A"

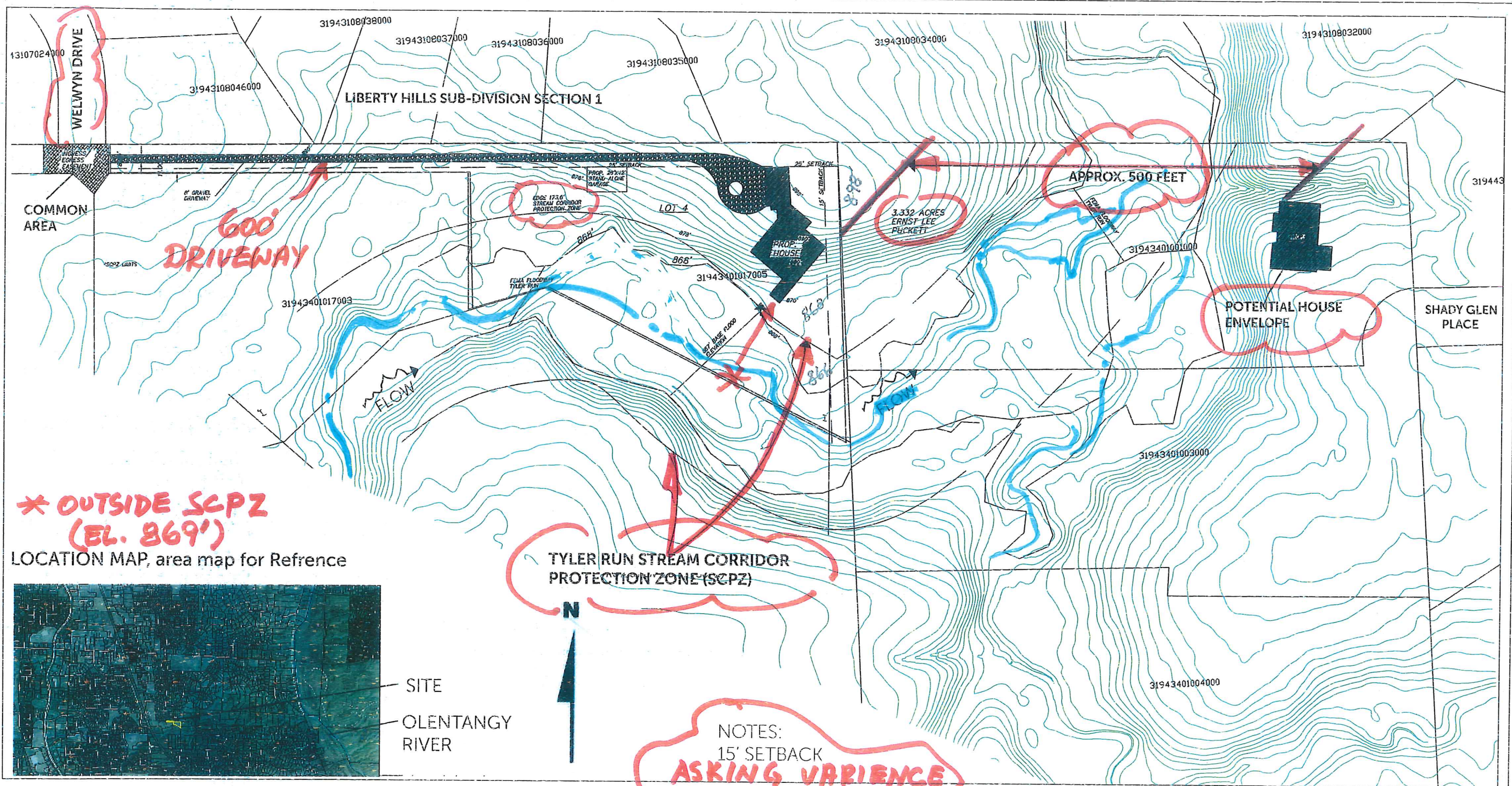
Page 3 of 15

Volume: 1307 Page: 1399 Instrument Number: 2014-00022948 Seq: 3









## SITE PLAN

176 WELWYN DRIVE, LOT 4  
POWELL, OH 43065  
OWNER: AMANDA KISH

DATE:  
6/22/2021

SCALE:  
1" = 100'

DRAWN BY:  
M.S./A.M

APPLICANT: VARIANCE REQUEST FOR  
REDUCTION OF REAR  
SETBACK & GRAVEL  
DRIVEWAY

SHEET NO.

2



