



ORDINANCE 2024-21

**AN ORDINANCE APPROVING AN AMENDMENT TO AN APPROVED FINAL DEVELOPMENT PLAN TO ALLOW PAVER PATIOS IN CARRIAGE FARMS TO ENCROACH INTO THE REAR YARD SETBACK. THE DEVELOPMENT IS LOCATED ON THE EAST SIDE OF LIBERTY ROAD, NORTH OF CARRIAGE ROAD, ZONED PR-PLANNED RESIDENCE DISTRICT. THE APPLICANT IS 3 PILLAR HOMES.**

**WHEREAS,** at the June 12, 2024 meeting, the Planning and Zoning Commission of the City of Powell recommended approval of this proposal to City Council with one condition, to allow to allow for extended patio space beyond the rear setback line for a previously approved residential development; and

**WHEREAS,** the Amendment to the Final Development Plan has been submitted to Council by the Planning and Zoning Commission pursuant to the provisions of Section 1143 of the Codified Ordinances of Powell; and

**WHEREAS,** City Council has determined that the implementation and approval of the Amended Final Development Plan is in the best interest of the residents of the City of Powell.

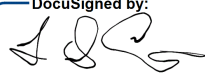
**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO, AS FOLLOWS:**

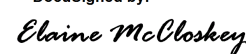
Section 1: That the Amended Final Development Plan incorporated herein as Exhibit "A" are accepted and approved by the Council of the City of Powell as submitted.

Section 2: That the submission of the Amended Final Development Plan constitutes a formal request for an amendment addition to the zoning of the property, and upon final approval by Council becomes the zoning of the subject property, in accordance with the Powell Zoning Code.


Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 4: That this Ordinance shall take effect on the earliest period allowed by law.

DocuSigned by:  
  
E28E5B3E50974DB...  
Tom Counts  
Mayor  
6/20/2024  
Date

DocuSigned by:  
  
FF311841E49A409...  
Elaine McCloskey  
City Clerk  
6/20/2024  
Date

**EFFECTIVE DATE: July 18, 2024**

This legislation has been posted in accordance with the City Charter on this date 6/20/2024.  
  
Elaine McCloskey  
City Clerk  
FF311841E49A409...

Revised 02/23/2024



# PLANNING AND ZONING COMMISSION (P&Z) AMENDMENT TO APPROVED DEVELOPMENT PLAN APPLICATION

ALL ITEMS ON THIS APPLICATION MUST BE COMPLETED.

**Application Fee: \$550.00**  
**Per Fee Schedule**

**Applicant:** 3 PILLAR HOMES

**Address/City/State/Zip:** 50 S LIBERTY POWELL, OH 43065

**Email Address:** RTOWLE@ZENIOS.COM

**Phone No:** 614-940-4878 **Cell Phone No:** SAME **Fax No:** —

**Property Owner:** ZENIOS MICHAEL ZENIOS

**Address/City/State/Zip:** 50 S. LIBERTY POWELL, OH 43035

**Email Address:** ZENIOS@ZENIOS.COM

**Phone No:** \_\_\_\_\_ **Cell Phone No:** \_\_\_\_\_ **Fax No:** \_\_\_\_\_

**Architect/Designer for Applicant:** G2 PLANNING & DESIGN

**Address/City/State/Zip:** 720 EAST BROAD STREET COLUMBUS, OH 43215

**Email Address:** GSMITH@G2PLANNING.COM

**Phone No:** 614-583-9230 **Cell Phone No:** 614-390-6149 **Fax No:** \_\_\_\_\_

**Property Address:** CORNER OF LIBERTY ROAD & CARRIAGE RD

**Lot Number/Subdivision:** CARRIAGE FARMS **Existing Use:** \_\_\_\_\_ **Proposed Use:** \_\_\_\_\_

**Reason for Administrative Review (attach necessary documents):**

**Checklist:**

- Legal description of the property
  - Vicinity Map
  - Written Text explaining nature of amendment being requested.
  - Amended Final Development Plan drawing(s) (site plan, elevation drawings, etc.) needed to show proposed amendment.
  - Provide any other information that may useful to the Planning and Zoning Commission or City Staff in the space below or attach additional pages.
  - Paper copy of all drawings, text, any other items, and application
  - 1 digital copy (CD, USB, Email) of the complete application packet.
  - Attach the required fee - \$550.00
  - 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)**

**APPROVAL SHALL EXPIRE AND MAY BE REVOKED IF CONSTRUCTION DOES NOT BEGIN  
WITHIN TWO (2) YEARS FROM THE DATE OF ISSUANCE OF APPROVAL.**

I agree to grant the City Staff, the Commission, Board or Council considering this application access to the property that is the subject of this application for the purposes of reviewing this application and posting public notice for this application.

Signature of Applicant:  Date: 4-25-2024  
*Agent For 3 Pinned Homes*

Office Use
Received

Office Use
Type/Date: _____
Base Fee: <u>\$550.00</u>
Prepared by: _____
Reviewed by: _____
PAYOR: _____
RECIEPT # _____

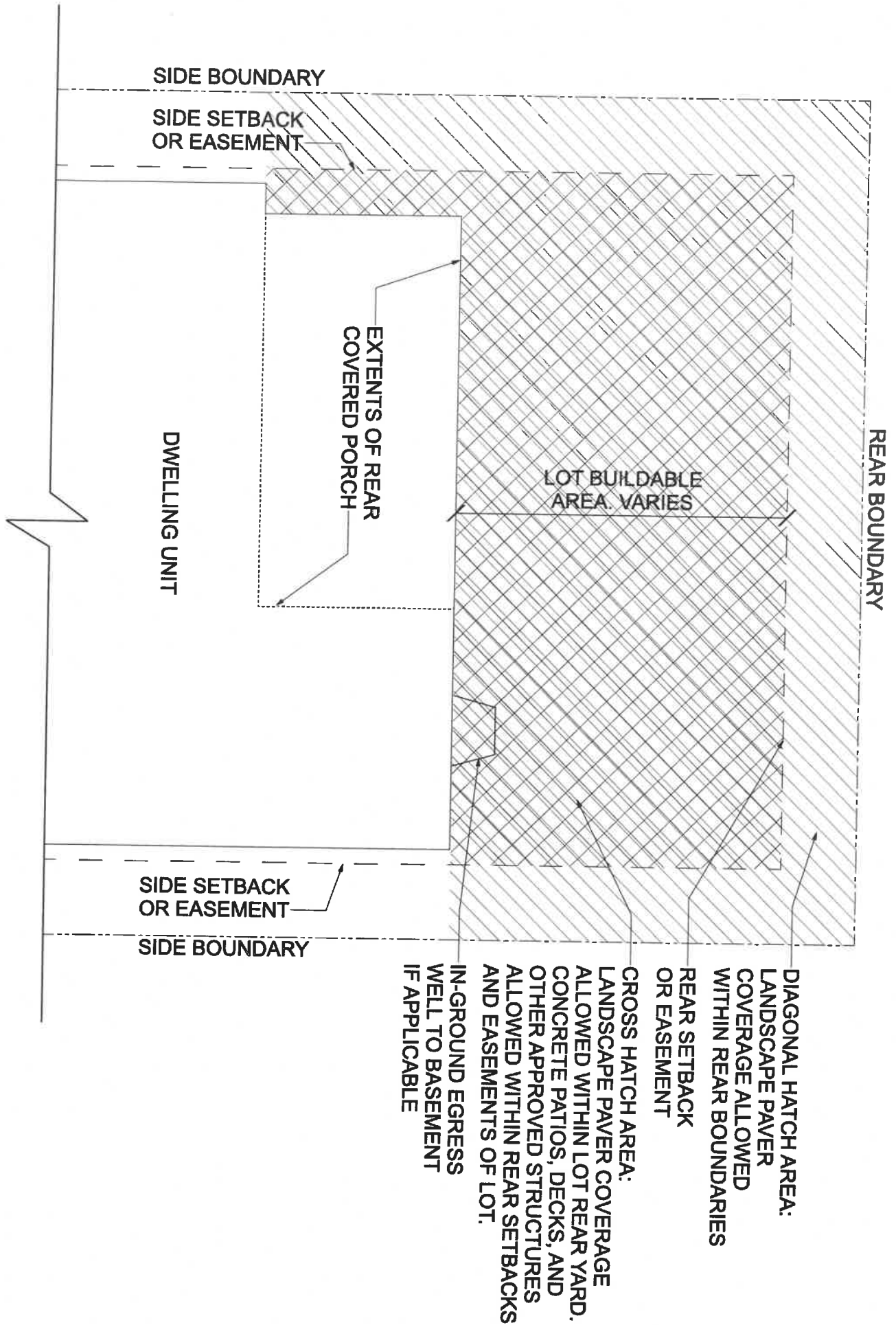
City of Powell · 47 Hall Street · Powell, Ohio 43065 · (614) 885-5380 · (614) 885-5339 fax· [www.cityofpowell.us](http://www.cityofpowell.us)

CARRIAGE FARMS – Amended Text for Final Development Plan

4-25-2024

“Any allowable structures including landings, decks, or concrete patios shall be permitted within any rear yard, but shall not encroach into any established setback or easement”

“Landscape beds, plantings, paver patios, and fencing shall be permitted within any rear yard property boundary and may encroach into a rear or side setback and/or easement”



SIDE BOUNDARY

SIDE SETBACK OR EASEMENT

DWELLING UNIT

EXTENTS OF REAR COVERED PORCH

LOT BUILDABLE AREA, VARIES

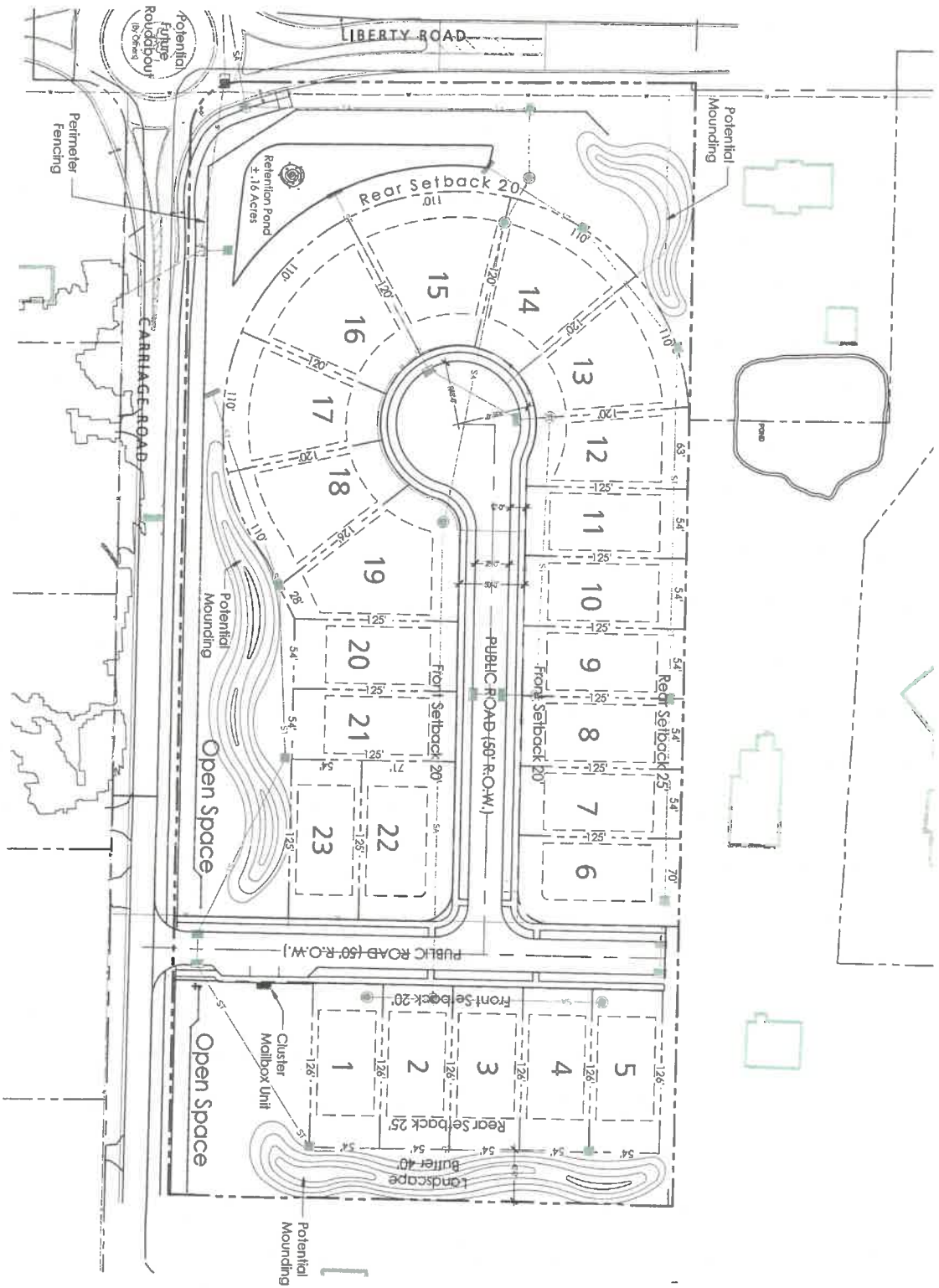
REAR BOUNDARY

SIDE SETBACK OR EASEMENT

SIDE BOUNDARY

DIAGONAL HATCH AREA:  
LANDSCAPE PAVER  
COVERAGE ALLOWED  
WITHIN REAR BOUNDARIES  
REAR SETBACK  
OR EASEMENT

CROSS HATCH AREA:  
LANDSCAPE PAVER COVERAGE  
ALLOWED WITHIN LOT REAR YARD,  
CONCRETE PATIOS, DECKS, AND  
OTHER APPROVED STRUCTURES  
ALLOWED WITHIN REAR SETBACKS  
AND EASEMENTS OF LOT,  
IN-GROUND EGRESS  
WELL TO BASEMENT  
IF APPLICABLE



# Carriage Farms - Final Development Plan



## Location Map: NTS



### Site Data:

Current Zoning:	Liberty FR1
Proposed Zoning:	Planned Residential
Total Site Area:	47.7 Acres
Total Lots:	23
Total Density:	± 2.9 du/acre

### Lot Information:

Typical Lot Width:	54'
Typical Lot Depth:	120' - 125'
Smallest Lot Area:	6,750 S.F.
Largest Lot Area:	10,325 S.F.
Front Setback:	20' Min.
Rear Yard Setback:	20'-25' (see plan)
Side Yard Setback:	5' Min.

### Lot Coverage:

Maximum Allowed by Code:	50%
As proposed:	50% or less

### Open Space:

Shared Open Space:	2.55 Acres
Less Stormwater Basin:	.16 Acres
Total Open Space:	2.39 Acres

**NOTE:**  
THE PLAN SHOWS CONCEPTUAL LAYOUT AND IS PROVIDED TO ILLUSTRATE THE GENERAL LAYOUT AND QUALITY OF THE PROJECT. FINAL LAYOUT AND LANDSCAPING ARE SUBJECT TO OWNER'S REVIEW AND FINAL ENGINEERING.

## EXHIBIT C



Doc ID: 013798250003 Type: OFF  
Kind: DEED  
Recorded: 02/02/2021 at 04:14:04 PM  
Fee Amt: \$42.00 Page 1 of 3  
Workflow# 0000242920-0001  
Delaware County, OH  
Melissa Jordan County Recorder  
File# 2021-00005613

BK 1822 PG 1020-1022

MANOS & MARTIN - BOX

Delaware County  
The Grantor Has Complied With  
Section 319.202 Of The R.C. \$125.00  
DATE 2/02/21 Transfer Tax Paid  
~~TRANSFERRED OR TRANSFER NOT NECESSARY~~  
Delaware County Auditor By TGS

# General Warranty Deed

Ohio Revised Code § 5302.17

*Manos, Martin Box*

**KNOW ALL MEN BY THESE PRESENTS THAT Michelle Smith and Jeff Starkey, wife and husband, the Grantors, claiming title by or through instrument recorded in Official Record 700, page 1315, Delaware County Recorder's Office, for valuable consideration thereunto given and received to their full satisfaction of 3 Pillar Carriage Farms, LLC, an Ohio limited liability company, the Grantee, whose tax mailing address is P. O. Box 278, Lewis Center, Ohio 43035-0278, do:**

**GIVE, GRANT, BARGAIN, SELL AND CONVEY** unto said Grantee the following described premises, situated in the Township of Liberty, County of Delaware, and State of Ohio:

More fully described on Exhibit A attached hereto and incorporated herein by reference.

Street Address: 8061 Liberty Road, Powell, Ohio 43065  
Parcel No.: 319-133-01-009-000

**TO HAVE AND TO HOLD** the above premises, with the appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever.

**AND THE SAID Grantors, for themselves and their heirs and assigns, hereby covenant with the said Grantee, its successors and assigns, that said Grantors are the true and lawful owners of said premises, and are well seized of the same in fee simple, and have good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record, and further, that said Grantors will warrant and defend the same against all claims whatsoever except as provided herein.**

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the 1 day of February, 2021.

  
Michelle Smith

  
Jeff Starkey

STATE OF OHIO            )  
  ) SS:  
DELAWARE COUNTY        )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Michelle Smith and Jeff Starkey, the Grantors in the foregoing Deed, and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 1 day of February, 2021. This is an acknowledgment clause. No oath or affirmation was administered to the signer.



TERESA J. HUFFMAN  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
08-12-2022

  
NOTARY PUBLIC

**This Instrument Prepared By:**  
  
Manos, Martin & Pergram Co., LPA  
50 North Sandusky Street  
Delaware, OH 43015-1926  
740-363-1313



**EXHIBIT A**

Situated in the State of Ohio, County of Delaware, Township of Liberty, located in part of Lot 544 (Reserve "A" remainder) in the Westchester Subdivision Corrected (P.B. 8, pg. 83-86), conveyed to Sarah J. Scuri in Deed Book 476, Page 091, and all of a 1.085 acre tract conveyed to Sarah J. Scuri in Deed book 564, Page 457, and being more particularly described as follows:

Beginning for reference at a railroad spike found in the centerline of Liberty Road (C.R. 9) marking the Northwest corner of said Westchester Subdivision and the Southwest corner of a 1.0 acre tract conveyed to Thomas Arndt in Deed Book 307, Page 185;

Thence South 86° 13' 05" East 25.00 feet, to an iron pin found in the East line of Liberty Road marking the Northwest corner of said Lot 544 and the Northwest corner of said 1.085 acre tract, also being in the North line of said Westchester Subdivision and the South line of said 1.0 acre tract and marking the Principal Place of Beginning of the herein described tract;

Thence continuing South 86° 13' 05" East 196.47 feet, in the North line of said Westchester Subdivision and the North line of said 1.085 acre tract and the South line of said 1.0 acre tract to an iron pin found marking the Northwest corner of a 6.000 acre tract conveyed to Ronald D. and Tamara K. Rath in Deed Book 591, Page 437;

Thence South 03° 48' 12" West 389.35 feet, across said Lot 544 and the West line of said 6.000 acre tract to an iron pin found in the North line of Carriage Road, marking the Southwest corner of said 6.000 acre tract;

Thence North 86° 11' 48" West 151.57 feet, in the South line of said original Lot 544 and the North of said Carriage Road to an iron pin found at a point of curvature;

Thence along the arc of a curve to the right (delta = 89° 11' 48", radius = 40.00 feet, arc length = 62.67 feet) which has a chord bearing of North 41° 35' 54" West and a chord distance of 56.17 feet, to an iron pin found in the West line of said Lot 544 and in the East line of Liberty Road;

Thence North 03° 00' 00" East 349.86 feet, in the West line of Lot 544, the West line of said 1.085 acre tract and the East line of Liberty Road to the Principal Place of Beginning, containing 1.724 acres more or less. Subject to all easements, restrictions, and rights-of-way of record.

Basis of bearings from Plat Book 8, Pages 83-86, based on the centerline of Carriage Road being North 86° 11' 48" West. A survey of the above described premises was done by Robert T. Patridge Jr. in October, 1999.

All iron pins set are capped PATRIDGE SURVEYING.

All Deed references and Plat Book are on file at the Delaware County Recorder's Office, Delaware, Ohio.

Subject to all legal highways, easements, and restrictions of record.

DESCRIPTION APPROVED  
FOR TRANSFER  
Chris Bauserman  
Delaware County Engineer

Doc ID: 013798240003 Type: OFF  
Kind: DEED  
Recorded: 02/02/2021 at 04:11:54 PM  
Fee Amt: \$42.00 Page 1 of 3  
Workflow# 0000242916-0001  
Delaware County, OH  
Melissa Jordan County Recorder  
File# 2021-00005612

BK 1822 PG 1017-1019

MANOS & MARTIN - BOX

Delaware County  
The Grantor Has Complied With  
Section 319.202 Of The R.C.  
DATE 2-2-2021 Transfer Tax Paid \$3000.00  
~~TRANSFERRED OR TRANSFER NOT NECESSARY~~  
Delaware County Auditor By JA

# General Warranty Deed

Ohio Revised Code § 5302.17

*Manos, Martin Box*

**KNOW ALL MEN BY THESE PRESENTS THAT Ronald D. Rath and Tamara K. Rath, husband and wife, the Grantors, claiming title by or through instrument recorded in Deed Book 591, page 437, Delaware County Recorder's Office, for valuable consideration thereunto given and received to their full satisfaction of 3 Pillar Carriage Farms, LLC, an Ohio limited liability company, the Grantee, whose tax mailing address is P. O. Box 278, Lewis Center, Ohio 43035-0278, do:**

**GIVE, GRANT, BARGAIN, SELL AND CONVEY** unto said Grantee the following described premises, situated in the Township of Liberty, County of Delaware, and State of Ohio:

More fully described on Exhibit A attached hereto and incorporated herein by reference.

Street Address: 2630 Carriage Road, Powell, Ohio 43065  
Parcel No.: 319-133-01-010-000

**TO HAVE AND TO HOLD** the above premises, with the appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever.

**AND THE SAID** Grantors, for themselves and their heirs and assigns, hereby covenant with the said Grantee, its successors and assigns, that said Grantors are the true and lawful owners of said premises, and are well seized of the same in fee simple, and have good right and full power to bargain, sell and convey the same in the manner aforesaid, and that the same are free and clear from all encumbrances, except for the following and subject to all of which this conveyance is made: legal highways; zoning ordinances; real estate taxes and assessments which are now or may hereafter become a lien on said premises; covenants, conditions, restrictions and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record, and further, that said Grantors will warrant and defend the same against all claims whatsoever except as provided herein.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the 1 day of February, 2021.

Ronald D. Rath  
Ronald D. Rath

Tamara K. Rath  
Tamara K. Rath

STATE OF OHIO            )  
  ) SS:  
DELAWARE COUNTY        )

BEFORE ME, a Notary Public in and for said County and State, personally appeared the above-named Ronald D. Rath and Tamara K. Rath, the Grantors in the foregoing Deed, and acknowledged that they did sign this instrument and the same is their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 1 day of February, 2021. This is an acknowledgment clause. No oath or affirmation was administered to the signer.



TERESA J. HUFFMAN  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
08-12-2022

Teresa J. Huffman  
NOTARY PUBLIC

**This Instrument Prepared By:**

Manos, Martin & Pergram Co., LPA  
50 North Sandusky Street  
Delaware, OH 43015-1926  
740-363-1313

**EXHIBIT A**

Situated in the State of Ohio, County of Delaware, Township of Liberty, and being part of Lot 544, also known as Reserve "A" of Westchester Subdivision as the same is recorded in Plat Book 8, page 83 in the Delaware County Recorder's Office and being more particularly described as follows:


Beginning for reference at a RR spike in the centerline of Liberty Road (County Road 9) at the northwest corner of Westchester Subdivision; thence South 86° 13' 05" East along the north line of Westchester Subdivision a distance of 221.47 feet to a 3/4 inch iron pipe set and being the true place of beginning;

Thence from the true place of beginning South 86° 13' 05" East along the north line of Lot 544 of Westchester Subdivision, being the southerly boundaries of Thomas Arndt (D.V. 307 P. 185) and Arndt Subdivision (P.B. 15 P. 54) a distance of 671.06 feet to an iron pipe found;

Thence South 03° 48' 12" West along the east line of Lot 544, the west line of Lot 545, a distance of 389.60 feet to an iron pipe found on the north line of Carriage Road (50 foot wide);

Thence North 86° 11' 48" West along the north line of Carriage Road a distance of 671.06 feet to a 3/4 inch iron pipe set;

Thence North 03° 48' 12" East across Lot 544 a distance of 389.35 feet to the place of beginning - containing 6.000 acres, more or less.

2/2/21  
  
DESCRIPTION APPROVED  
FOR TRANSFER  
Chris Bauserman  
Delaware County Engineer