

**MINUTES
BOARD OF ZONING APPEALS
MONDAY, DECEMBER 3, 2001**

Ed Cooper called a regular meeting of the Board of Zoning Appeals to order at 6:22 p.m. Brian Murphy was also present. Roger Johnson was absent. Also present were David Betz, Director of Development, Shawn Leininger, Development Planner, the applicant and other interested parties.

APPROVAL OF MINUTES

The minutes of September 24, 2001 were approved as printed.

APPLICATION FOR VARIANCE

Application: Scott Hedrick
Address: 262 Hopewell Drive
Zoning: PR, Planned Residence District
Request: Approval of a fence variance with no public hearing, to allow a fence up to six (6) feet in height. Chairman Cooper swore in Scott Hedrick and Planning and Zoning Staff to speak on this issue.

Scott Hedrick, 262 Hopewell Drive, explained his dog is capable of jumping the 4 feet fence due to the location of pine trees and mounding in that area of the property. This 2 feet extension has made it impossible for his dog to escape. Mr. Hedrick also stated that he had obtained the signatures of all the property owners on the list that Staff provided for him. He added the fence will be painted in the spring to match the existing fence.

David Betz, Director of Development, gave the Staff Report on this issue. He reviewed the plot plan and details of the fence location and design. Mr. Betz explained the variance process for fences, which is different than the typical variance process. He added that the applicant had met the petition requirements provided in the fence code and the approval of this variance by the Board is a formality.

Ed Cooper questioned whether the need to extend the height of this fence was a hardship as defined in the Planning and Zoning Code. Mr. Betz explained the rules of typical variance do not apply for fences. He commented that the fence code was enacted relatively recently and many fences in the older subdivisions do not conform to the current code. As a result, the residents at the time requested a simplified procedure to obtain variances for the fence code. He stated this procedure involves the property owner obtaining the signatures of all property owners within 250 feet of the subject property, which are the people who would typically be notified of a variance hearing.

Ed Cooper asked if the Board had any further comment. Brian Murphy stated that he had seen the fence extension and has no problems with it provided it is painted to match.

MOTION: Brian Murphy moved to approve the variance for 262 Hopewell Drive to allow to allow a fence up to six (6) feet in height (1145.34(j)). Chairman Cooper seconded the motion. Yes: Murphy, Cooper. No: (none).

APPLICATION FOR VARIANCE

Applicant: P & D Builders, LTD
Address: 260 Olentangy River Road
Zoning: PR, Planned Residence District, OR, Olentangy River Overlay District
Request: Approval of a variance to Sections 1143.29(b)(3-5) of the Powell Zoning Code to allow 1.) construction of a new home within 120 feet of the Olentangy River bank, 2.) construction of a driveway within 250 feet of another driveway, and 3.) allow clearing of natural vegetation within 40 feet of State Route 315.

Chairman Cooper swore in Tom Cooper, James Kelley, Mary Fried, John Fried, Dan Dillon, George Parker, and Planning and Zoning Staff to speak on this issue.

George Parker, architect, presented the proposed site plan and explained the need for variances one and two in relation to the Olentangy River, State Route 315, and the 100 year floodplain. Dan Dillon discussed variance number 3 and the need for a borrow pit to raise the elevation of the house. He stated that no fill may be brought in from off-site as this is a 100 year floodplain so fill dirt must be used from a location on-site. He added that there

are no trees in the location of the borrow pit. Mr. Dillon commented that there may not be a need to excavate within 40 feet of 315, however they would like the variance should the need arise.

David Betz presented the Staff Report and discussed the constraints placed on this lot by the Planning and Zoning Code render the lot unbuildable.

Chairman Ed Cooper opened the hearing to public comment.

Tom Cooper, 9084 Olentangy River Road, questioned whether the variance would allow the applicant to cut down trees in the future after the fact of this construction. David Betz stated that it would not as the area is protected by the Olentangy River Overlay District and the variance will be conditioned to prohibit the remove of trees within 40 feet of 315. He added that construction fence will be erected around the tree preservation areas. Mr. Betz also stated that by moving the driveway to the north and within 250 feet of the northern driveway no trees will be disturbed.

John Fried, 9011 Olentangy River Road, questioned whether there will be an opening in the pit leading to either the river or the ditch along 315. David Betz stated that engineering is still required and will likely have an outlet somewhere. He added that Staff does not want stagnant water in the pond.

Mr. Fried also questioned the address of the property. Mr. Betz stated that the County originally numbered the lots along 315 and no number was assigned at that location. He added that the City is based on coordinate system, which is different than that of the County. Mr. Betz indicated that the applicant could request the City Engineer to change the address of the property.

Chairman Cooper asked if there were any other comments or questions from the public. Hearing none he closed the hearing to public comment.

Brian Murphy asked if there was sufficient visibility at the proposed driveway location. David Betz stated that the City Engineer has reviewed the driveway location and found it to have good visibility.

Chairman Cooper asked if there were any additional questions or comments. There were none.

MOTION: Chairman Cooper moved to approve the following variances for 260 Olentangy River Road (1143.29(b)(3-5)):

1. **Construction of a new home within 120 feet of the Olentangy River bank,**
2. **Construction of a driveway within 250 feet of another driveway, and**
3. **Allow clearing of natural vegetation within 40 feet of State Route 315 with the following conditions:**
 - a. **No trees be removed in relation to the variance #3.**
 - b. **Construction fencing be placed around all tree preservation areas.**

Brian Murphy seconded the motion. Yes: Cooper, Murphy. No: (none).

APPLICATION FOR VARIANCE

Applicant: Powell Realty
Address: 74 East Olentangy Street
Zoning: OPC, Old Powell Commercial District, HD, Historic District Overlay
Request: Approval of a variance to section 1149.05 (c) (2), allowing a portion of the parking lot within the front yard setback.

Chairman Cooper swore in Burt Crimmel and Jim Fallieras, and Planning and Zoning Staff to speak on this issue.

Jim Fallieras discussed the variance to allow the parking lot to encroach on the required front yard by 11 feet for the addition of two parking spaces. Mr. Fallieras stated they are providing for extensive landscaping and a 3 feet picket fence along Olentangy Street to screen the parking area. He added that they do have the support of the Historic District Commission for this variance.

Burt Crimmel stated they have also screened the parking area from the property to the east with landscaping, mounding, and a picket fence.

Chairman Cooper addressed the Historic District Commission recommendation as it is stated in the Staff Report.

Chairman Cooper opened the hearing to public comment. Hearing none he closed the hearing to public comment.

Chairman Cooper asked if there were any further questions or comments. There were none.

MOTION: Chairman Cooper moved to approve the variance for 74 East Olentangy Street to allow a portion of the parking lot within the front yard setback (1149.05(c)(2)), with the following conditions:

- 1. The fencing and landscaping be installed as submitted.**

Brian Murphy seconded the motion. Yes: Murphy, Cooper. No: (none).

OTHER BOARD BUSINESS

David Betz stated that there are a number of openings on various Boards and Commissions if anyone is interested.

ADJOURNMENT

The Board adjourned at 6:55 p.m.

Ed Cooper, Chairman

Date