

ON JUNE 25<sup>th</sup>, 2002, I WAS ONE OF SEVERAL WHO RECEIVED A LETTER FROM THE CITY OF POWELL INFORMING ME THAT I WAS IN VIOLATION OF SECTION 1147.14 OF THE PLANNING AND ZONING CODE. AS I AM SURE YOU ARE AWARE, THIS SECTION OF THE CODE PERTAINS TO RECREATIONAL STRUCTURES AND THEIR REQUIRED SET-BACKS.

I'DE LIKE TO TAKE A FEW MINUTS TO MAKE REFERENCE TO SECTION 1125 OF THE POWELL PLANNING AND ZONING CODE. CHAPTER 1125 CROSS REFERENCES OHIO RC 713.15. IF I MAY, I WOULD LIKE TO QUOTE IN PART RELATIVE LANGUAGE FROM THAT SECTION. ~~DEVELOPMENT~~ (QUOTE FROM ORC 713.15)

I SERIOUSLY DOUBT THAT A SWING SET OR A TRAMPOLINE IMMEDIATELY AND DIRECTLY IMPERILS PUBLIC HEALTH OR SAFETY.

CHAPTER 1125 OF THE POWELL PLANNING AND ZONING CODE IS CONSISTENT WITH OHIO REVISED CODE SECTION 713.15. SECTION 1125.05 GIVES THE ZONING ADMINISTRATOR, UPON HIS OWN INITIATIVE, OR AT THE REQUEST OF THE OWNER, <sup>THE AUTHORITY TO ISSUE</sup> A CERTIFICATE VALID FOR NON-CONFORMING USE. ADDITIONALLY, SECTION 1125.10 RE-INFORCES THE VALIDITY OF NON-CONFORMING STRUCTURES SUBJECT TO CERTAIN CONDITIONS. SECTION 1147.14 OF THE POWELL PLANNING AND ZONING CODE, PARAGRAPH F, WHICH ESTABLISHES THE EFFECTIVE DATE OF 11-6-01, AS IT

EXHIBIT

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Applies TO PRE-EXISTING STRUCTURES IS IN CONTRADICTION AND IN-CONSISTENT WITH OHIO RC 713.15 AND Powell City Code Chapter 1125, SECTION ~~1147.14~~ <sup>1147.14</sup> PARAGRAPH F DOES NOT LAWFULLY ALLOW FOR THE CONTINUED USE OF PRE-EXISTING STRUCTURES (OTHERWISE KNOWN AS NON-CONFORMITIES).

SECTION 1127.05 OF THE POWELL CODE ALLOWS FOR CERTAIN VARIANCES FROM THE CODE AS MAY BE <sup>NECESSARY</sup> ~~NECESSARY~~, SECTION 1147.14 HAS NO SUCH PROVISION FOR VARIANCES. FOR EXAMPLE, WOULD IT BE REASONABLE TO EXPECT AND DEMAND A PROPERTY OWNER TO MOVE HIS OR HER SWINGSET WHEN THEIR PROPERTY MIGHT ADJOIN A R/W LINE, PERHAPS THEIR PROPERTY BACKS UP TO ~~WOODS~~ <sup>A WOODED AREA</sup>, OR THEIR PROPERTY MAY ADJUT A NON-INCORPORATED SECTION OF POWELL. WHAT ABOUT NEIGHBORS WHO SHARE THE COST OF A BABY-POOL OR SWINGSET AND DECIDE TO PUT SAID RECREATIONAL EQUIPMENT AT OR ON A MUTUAL PROPERTY LINE FOR CONVIENCE? / SECTION 1145.34 FENCES AND WALLS, SUB-SECTION E, PARAGRAPH \*2 PROVIDES FOR A VARIANCE OF PRE-EXISTING NON-CONFORMING FENCES WITH WRITTEN CONSENT OF ADJOINING PROPERTY OWNERS. SECTION 1147.14 HAS NO SUCH PROVISION. ADDITIONALLY, SECTION 1145.35, SUB-SECTION J, "VARIANCES" ALLOW FOR A VARIANCE W/O A PUBLIC HEARING, WHEN THE HEALTH, SAFETY AND WELFARE WOULD BE BEST SERVED BY THE EXEMPTION. THIS SECTION WOULD BE CONSISTENT AND APPLICABLE WITH 1145.34.

IN SUMMARY Gentlemen, I would ask  
 Council to Re-vist Section 1147.14 OF the  
 PLANNING AND ZONING Code. I would ask  
 Council TO ADMEND Section 1147.14, PARAGRAPH  
 F, TO BRING IT INTO COMPLIANCE WITH OHIO  
 RC 713.15 AND POWELL CHAPTER 1125 NON-CONFORMITIES.  
 Council should also consider the LANGUAGE of  
 Section 1145.34, Sub-Section E, paragraph \*2  
 when MODIFYING this ORDINANCE.

AND <sup>YOUR</sup> TIME THANK YOU FOR YOUR PATIENCE  
 THIS EVENING.