



AGENDA
POWELL BOARD OF ZONING APPEALS
47 HALL STREET, POWELL, OH 43065
COUNCIL CHAMBERS
THURSDAY, MAY 1, 2025
6:30 PM

I. CALL TO ORDER/ROLL CALL

II. APPROVAL OF MEETING MINUTES *02.06.2025 Meeting Minutes*

02062025 BZA Meeting Minutes

[02.06.25 BZA Minutes DRAFT.pdf](#)

III. HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

IV. NEW CASES

VARIANCE (Case 2025-09V)

This is a request for review and approval of a variance to Code Section 1147.06(b)(2) to reduce the required easement setback for swimming pools from twelve (12) feet to seven (7) feet from the eastern AEP easement. The site is located at 1150 Amaranthus Drive in the Woods of Powell subdivision and is zoned PR, Planned Residence District. The applicant is Aaron Zofkie, represented by Luxury Pools and Living.

[1. 2025-09V_Amaranthus Pool_Staff Report.pdf](#)

[2. 2025-09V_Amaranthus Pool_Submission.pdf](#)

[3. 2025-09V_Amaranthus Pool_Variance Statement.pdf](#)

V. OTHER BUSINESS

VI. ADJOURNMENT



**BOARD OF ZONING APPEALS
COMMISSION MEETING MINUTES
FEBRUARY 6, 2025**

I. CALL TO ORDER/ROLL CALL

Jim Hrivnak called the February 6, 2025. Board of Zoning Appeals meeting to order at 6:30pm. Board members present included Jim Hrivnak, Randy Duncan, Donald DePalma, Ryan Bickner, and Jonathan Freeman. Staff members present included Claudia Husak, Planning Manager/Zoning Administrator, Logan Stang, Planning Director, and Kara Prem, Administrative Assistant.

II. SWEARING IN NEW AND REAPPOINTED MEMBERS

Administrative Assistant Kara Prem swore in new Board of Zoning Appeals Commission members Ryan Brickner, Randy Duncan, and Jonathan Freeman.

III. ELECTION OF VICE CHAIR AND CHAIR

MOTION: Don DePalma moved to elect Jim Hrivnak as the 2025 Commission Chair. Jonathan Freeman seconded.

VOTE: Y-5 N-0 AB-0

MOTION: Jim Hrivnak moved to elect Randy Duncan as the 2025 Commission Vice-Chair. Ryan Brickner seconded.

VOTE: Y-5 N-0 AB-0

IV. APPROVAL OF MINUTES

MOTION: Donald DePalma moved to approve the minutes from the November 2, 2023 Board of Zoning Appeals Commission meeting. Randy Duncan seconded. Motion passed by consent vote.

V. HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

VI. STAFF ITEMS

Logan Stang introduced himself to the Commission members and outlined his plans for the Planning and Zoning Department for 2025.

a. ADOPTION OF RULES AND REGULATIONS (2025-02ADM)

Claudia Husak presented the updated Rules and Regulations for the Board of Zoning Appeals Commission, and received feedback from Commission members.

Ryan Brickner recommended amending the first line of section B to add the word “individually” between the words “members” and “nominated” to clarify that Council does not nominate all members at the same time.

MOTION: Ryan Bricker moved to approve the updated Rules and Regulations for the Board of Zoning Appeals Commission (case 2025-02ADM) as amended. Donald DePalma seconded. Motion passed.

VOTE: Y-5 N-0 AB-0

VII. ADJOURNMENT

MOTION: Donald DePalma moved to adjourn. Randy Duncan seconded. Motion passed. The Board of Zoning Appeals Commission February 6, 2025 meeting adjourned at 7:08 p.m.

Jim Hrivnak, Chair, Date

Kara Prem, Administrative Assistant, Date

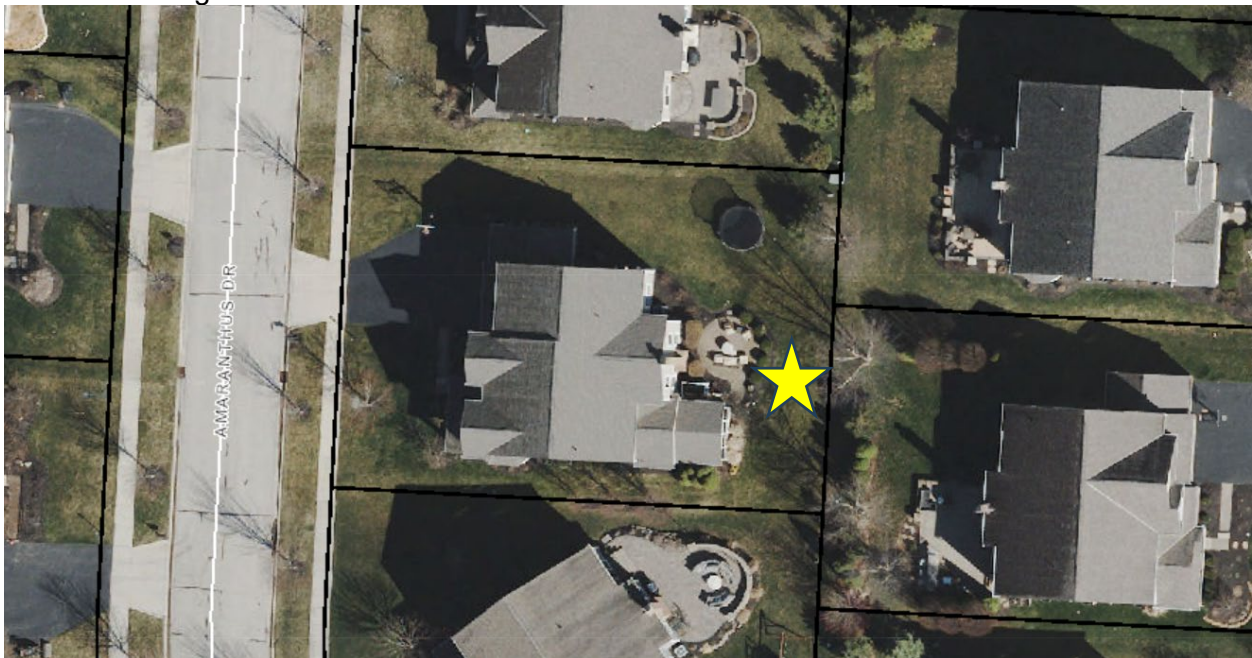
BOARD OF ZONING APPEALS

Village Green Municipal Building, Council Chambers
 47 Hall Street
 Thursday, May 1, 2025
 6:30 P.M.

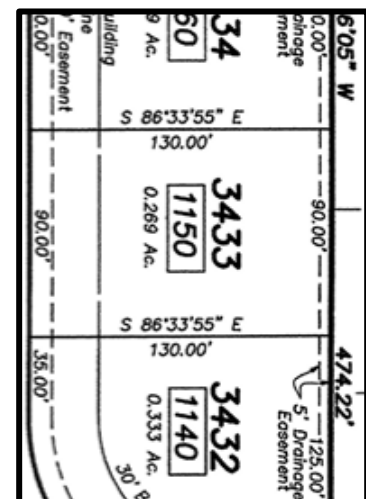
VARIANCE (Case 2025-09V) – 1150 Amaranthus Drive

This is a request for review and approval of a variance to Code Section 1147.06(b)(2) to reduce the required easement setback for swimming pools from twelve (12) feet to seven (7) feet from the eastern AEP easement. The site is located at 1150 Amaranthus Drive in the Woods of Powell subdivision and is zoned PR, Planned Residence District. The applicant is Aaron Zofkie, represented by Luxury Pools and Living.

Aerial Site Image:


Property Overview

This property, Lot 3433, is located in Phase 2, Part 2 of the Woods of Powell subdivision. The 0.269-acre lot is located on the east side of Amaranthus Drive, south of the intersection with Balsamine Drive. The lot is rectangular in shape, with 90 feet of lot frontage and a depth of 130 feet. There are a 5-foot drainage easement and a 10-foot-wide AEP easement in the rear of the lot. The property includes a two-story home with a patio and deck, and there are approximately 3 feet of fall between the front of the property to the rear.



Proposal Overview

The applicant is proposing an approximately 16-foot by 32-foot in-ground swimming pool in the rear yard, east of the home, with surrounding pool decking. The pool deck will be integrated with the existing three-season room and replace a patio. The pool deck is seven (7) feet wide surrounding the pool on the north, east and west sides. While the pool could potentially be moved closer to the home, the proposed design provides for a symmetrical layout in the rear yard. There is also vegetation close to the home which would have to be removed if the pool was located closer to the rear of the home.

Zoning Code Section [1147.06](#) regulates the location of swimming pools in residential districts and states “The pool may be located anywhere on the premises except in required front yards, provided that it **shall not be located closer than 12 feet to any property line or easement.**” The applicant is seeking a setback variance from the AEP easement:

- 1) To reduce the required easement setback to the east from 12 feet to 7 feet.

Ordinance Review

In accordance with the requirements of Codified Ordinance [1127.05\(a\)](#), the Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions of the land and/or buildings that are unique to the property in question, and not self-created, a literal enforcement of the provisions of this Zoning Ordinance would result in deprivation of all beneficial use of the land.

The applicant is requesting a variance to the following code section:

- 1147.06: (b)(2) *Private Swimming Pools*: The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 12 feet to any property line or easement.

Staff Comments

The submission by the applicant provided the following information in response to Codified Ordinance [1127.06 – Application Standards for Variances](#):

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property

Applicant statement: Yes. The variance will allow the pool to exist in a location that protects the easement and adds the most value to the home and the neighborhood.

Standard Met: This proposal will yield a beneficial return for the property. Single-family lots with improvements including decks, patios, and swimming pools are typical for this subdivision. The easement will be unaffected by the proposal.

- (2) Whether the variance is substantial

Applicant statement: The easement is not affected; in fact, the pool is located 7 feet from the easement.

Standard Met: The proposal is not substantial. The proposed inground pool would still meet the 12-foot setback to the lot lines and the drainage easement as required by Code section 1147.06(b)(2). In addition, Staff is reviewing this Code section as to intent and reasonableness as part of the overall Code update.

- (3) 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

Applicant statement: The variance will not affect the character or functionality of the neighborhood or adjoining properties. Other lots in the neighborhood also have in-ground pools and the HOA has provided a letter of support as part of the building permit.

Standard Met: The proposed patio/decking and in ground pool would not adversely affect the adjoining properties. Furthermore, there will not be any new structures within the easement.

- (4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)

Applicant statement: No, there are no obstructions to the delivery governmental services.

Standard Met: Delivery of governmental services will not be adversely affected. The pool is not encroaching the easement.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction

Applicant statement: Not answered.

Standard Not Met: Although the owners did not address this factor, the requirements are available to the applicant and contractors. However, the easement will not be affected by this variance.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance

Applicant statement: After thoroughly evaluating the rear yard technicalities, a variance would be necessary to have the pool located 10 feet from the home.

Standard Met: As mentioned above, the proposed location is the most appropriate given the lot configuration and the location of the existing home and landscaping.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance

Applicant statement: This variance will allow this property to have a pool in the best possible location for all interested parties.

Standard Met: The spirit and intent of the zoning requirement would be observed and substantial justice done by granting the variance. The proposal will meet all other building and zoning code requirements.

Staff Recommendation

Staff recommends the Board approve a variance to Code Section 1147.06(b)(2):

- 1) To reduce the required easement setback to the east from 12 feet to 7 feet.



DEVELOPMENT DEPARTMENT

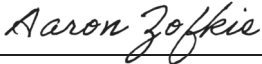
47 Hall Street | Powell, OH 43065 | 614.885.5380 | cityofpowell.us

Planning Department Application

The following form is used for all Planning and Zoning Commission, Board of Zoning Appeals, and Historic Downtown Advisory Committee applications. All items on this application must be completed, please provide all required documents and the applicable fee per the [City's fee schedule](#).

APPLICATION DETAILS													
Address: 1150 Amaranthus Dr, Powell, OH 43065													
Subdivision / Neighborhood: Woods of Powell													
Existing Zoning: Planned Residence District	Proposed Zoning (if applicable):												
Existing Use: residential	Proposed Use (if applicable):												
Application Type (select all that apply): <table><tbody><tr><td>☐ Sketch Plan</td><td>☐ Certificate of Appropriateness</td></tr><tr><td>☐ Preliminary Development Plan</td><td>☐ Conditional Use</td></tr><tr><td>☐ Final Development Plan</td><td>☐ Informal Review</td></tr><tr><td>☐ Amended Final Development Plan</td><td>☐ Subdivision without Plat</td></tr><tr><td>☐ Administrative Review</td><td>☒ Variance</td></tr><tr><td>☐ Zoning Map Amendment</td><td>☐ Zoning Appeal</td></tr></tbody></table>		☐ Sketch Plan	☐ Certificate of Appropriateness	☐ Preliminary Development Plan	☐ Conditional Use	☐ Final Development Plan	☐ Informal Review	☐ Amended Final Development Plan	☐ Subdivision without Plat	☐ Administrative Review	☒ Variance	☐ Zoning Map Amendment	☐ Zoning Appeal
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☐ Administrative Review	☒ Variance												
☐ Zoning Map Amendment	☐ Zoning Appeal												
Summary of the proposed development, project, or request (attach all required documents): Request is to allow an in ground swimming pool to be 7' from the easement instead of the required 12'.													

CONTACT INFORMATION	
Applicant	
Name: Aaron Zofkie	
Address: 1150 Amaranthus Dr Powell, OH 43065	
Email: aazofkie@gmail.com	Phone: 614-315-4664
Property Owner	
Name: Aaron Zofkie	
Address: 1150 Amaranthus Dr Powell, OH 43065	
Email: aazofkie@gmail.com	Phone: 614-315-4664
Design Professional	
Name: Luxury Pools & Living	
Address: 1605 Shawnee Ave Columbus, OH 43211	
Email: Julie@LPLOhio.com	Phone: 614-890-7665

ACKNOWLEDGEMENT	
<i>I agree to grant the City Staff, Commission, Board or Council considering this application access to the property listed for the purposes of reviewing this request and to post public notice if and when this application is on an agenda for a public hearing.</i>	
Applicant Signature: 	Date: 3/13/25
A FINAL DEVELOPMENT PLAN APPROVAL SHALL EXPIRE AND MAY BE REVOKED IF CONSTRUCTION DOES NOT BEGIN WITHIN TWO (2) YEARS FROM THE DATE OF ISSUANCE OF THE APPROVAL.	

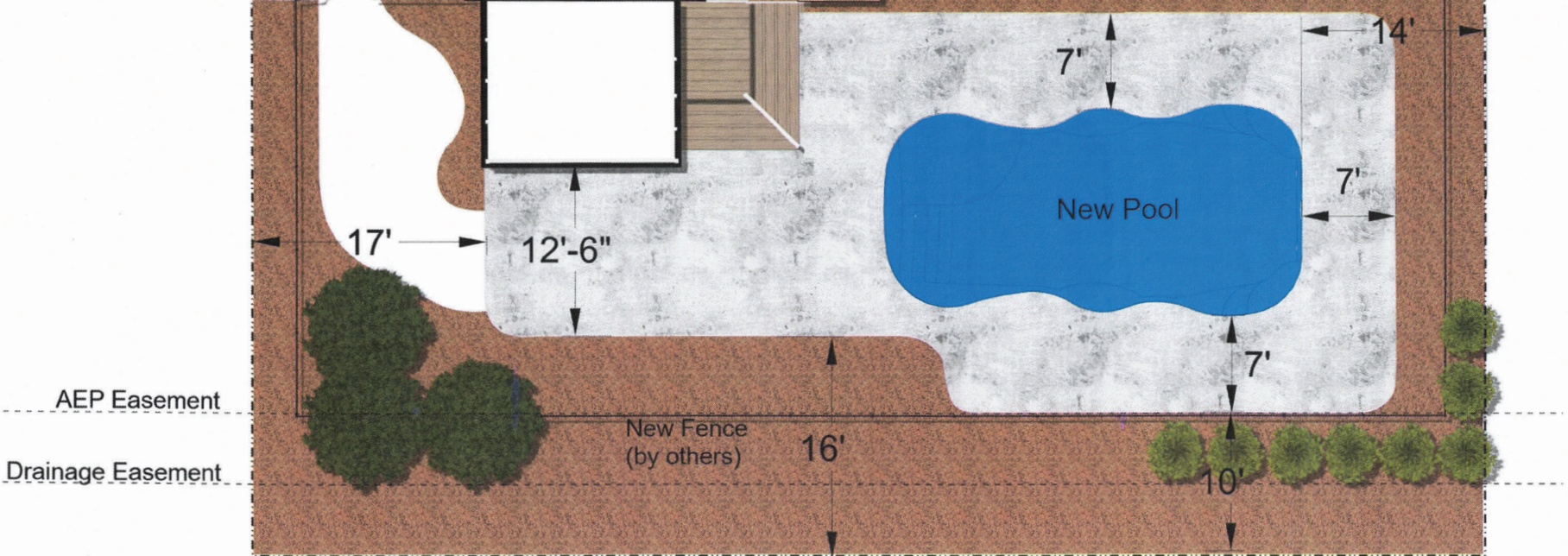
FOR OFFICE USE ONLY	
Date Submitted: 03/14/2025	Total Fee: \$400
Payor: Aaron Zofkie	Receipt #: 008900

3'

Pool Equipment

Zofkie Residence
1150 Amaranthus Dr.
Powell, OH 43065

New
(by e



ZOFKIE, AARON - Site Plan

90.0'

16.00'

31.00'

30' B/L

13.00'

- NEW FENCING (BY OTHERS) 48" TALL
- ALL GATES TO BE SIMILAR IN CONSTRUCTION MATERIAL AND DIMENSIONS AS PANELS
- ALL GATES TO SWING AWAY FROM POOL AREA AND BE SELF-CLOSING, SELF LATCHING
- GATE LATCHES TO BE MAGNA-LATCH, OR SIMILAR TYPE, INSTALLED WITH KNOB NO LESS THAN 54" FROM GRADE
- ALL METALLIC FENCING WITHIN 5' OF WATER LINE TO BE BONDED WITH POOL'S BONDING GRID

15.00'

S 86° 33' 55" E
130.0'

130.0'
S 86° 33' 55" E

POOL EQUIPMENT PAD

Existing Underground Powerline over 5' away from Water's Edge

Exist. 3 Season Room and Steps

7'

12' 6"

46'

New Decorative Concrete

New Pool

7'

14'

NEW 20A GFCI

10' AEP Easement

Concrete Apron Edge

7'

18'

5' Drainage Easement

29'

928.6

929.6

CATCH BASIN

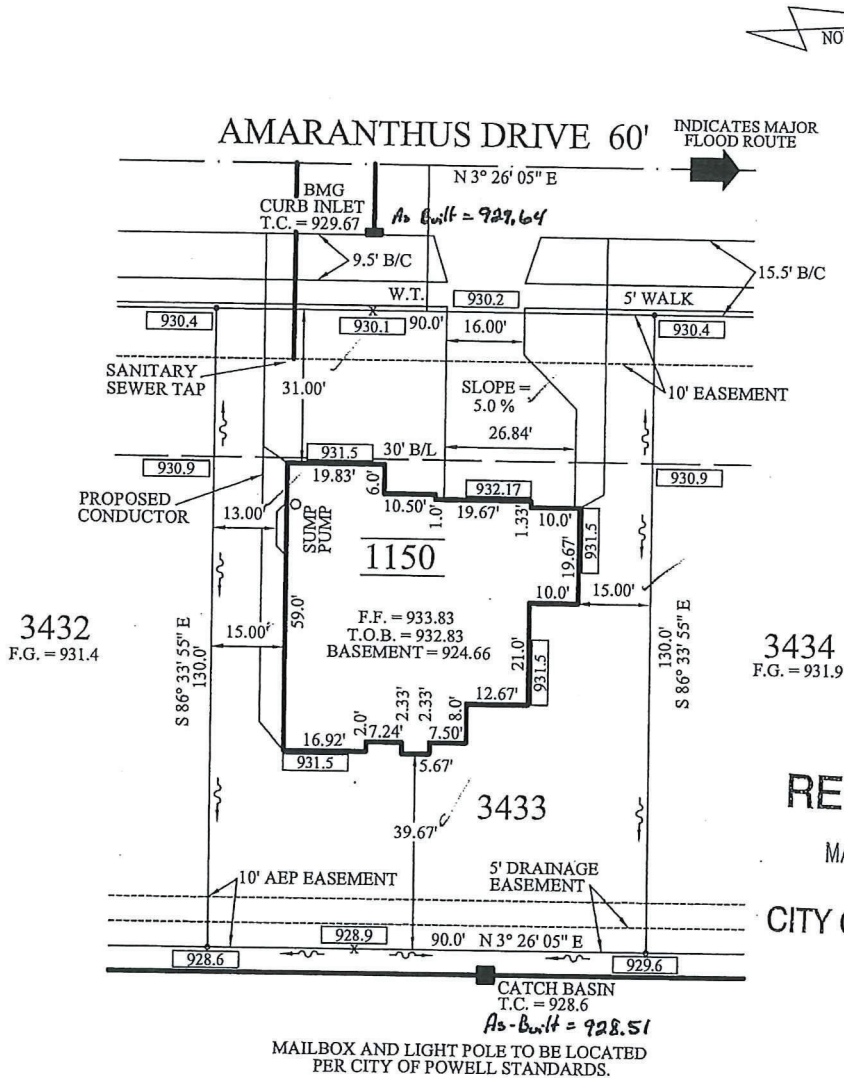
Pomeroy & Associates Ltd.

Consulting Engineers & Surveyors
599 Scherers Court • Worthington, Ohio 43085
Phone (614) 885-2498 • Fax (614) 885-2886

C/O #	REVISION DATE & REQUEST
1	
2	
3	
4	
5	

ORDER NO. _____

FOR M/I HOMES OF CENTRAL OHIO, L.L.C. HOUSE STYLE AINSLEY
LOT/SUBDIVISION 3433 WOODS OF POWELL NORTH PH. 2 PT. 2 CITY OF POWELL
SCALE 1" = 30' PC 4 SL 16 DATE 5-5-11 DRN. JG CK. SJH CO. OF DELAWARE
FLOOD ZONE X COMM. PANEL 390626 PAGE 0237K DATE 4-16-09
MINIMUMS R 30'
S 8'



RECEIVED

MAY 24 2011

CITY OF POWELL

B.M. #2, Found E.M.H.T. Traverse I.P. #3; opposite Driveway to Residence 3049, Rutherford Road. Elev.=918.46

LOT CALCULATION INFORMATION IS FOR ESTIMATE PURPOSES ONLY AND SHOULD BE VERIFIED BY THE CONTRACTOR OR BUILDER.

SQUARE FOOTAGE DATA

LOT	11700.0	APPROACH	261.0
HOUSE	2972.0	WALK	370.0
DRIVE	897.0	SOD COV.	8595.0

PLOT PLAN

We hereby certify that the foregoing PLOT PLAN was prepared from information provided by the Client and data obtained from Engineered Subdivision Plan. This Plot Plan is to be used by the Client for the sole purpose of obtaining a building permit. The use of the Plot Plan for any other purpose is strictly prohibited.

Approved As Noted 5-25-2011

By *Steven J. Hoy*



3/13/2025

Variance Request for Property address: 1150 Amaranthus Dr, Powell, OH 43065

To whom it may concern

I would also like to address the below Variance Factors to approving this variance to allow the inground Pool to be 7' from the easement vs 12 feet.

The reason to ask for the variance is to allow for an in-ground pool to be at least 10' from the property. Adding an in-ground pool will undoubtedly increase the value of the property.

The variance I am asking for is only a 5' variance and will still have the pool itself 7' from the easement and 18' from the property line.

The character of the neighborhood would not be affected at all, in fact there are several other properties in the Woods of Powell that have in-ground pools including 2 homes down from my property.

The variance in no way would affect the delivery of government goods.

Adjoining properties also would not be affect whatsoever, as mentioned before there are a number of properties that have in-ground pools including one that is 2 homes down from mine.

There really is no other way to put the in-ground pool in another spot on the property and still keep the pool at the suggested 10' from the home.

I hope these reasons will sufficiently provide enough detail to the zoning committee to approve this variance.

Thank you,

Aaron Zofkie

VARIANCE FACTORS.

(a) Upon application, the Board of Zoning Appeals shall only take action on a request for a variance in cases where there is evidence of practical difficulty present on the property in the official record of the hearing and the factors below have been considered.

(1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property;

(2) Whether the variance is substantial;

(3) 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;

(4) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

(5) Whether the property owner purchased the property with knowledge of the zoning restriction;

(6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and

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