

SITE DATA

PARCEL ACREAGE	#2.92 AC
WEST PORTION ACREAGE	#0.68 AC
EAST PORTION ACREAGE	#1.21 AC
TOTAL ACREAGE (MINUS ROW)	#1.89 AC
TOTAL UNITS	30
SURFACE PARKING	49
GARAGE SPACES	5
TOTAL PARKING	54 (#1.8 SP/UNI)

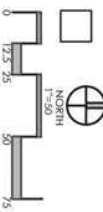
DEVELOPMENT PLAN



SUNBURY AND MCCUTCHEON

PREPARED FOR HAYDEN MEYERS
DATE: 10.30.24

H. J. G... 12-16-24



Faris Planning & Design
LAND PLANNING AND ARCHITECTURE
4825 Chestnut Road
P.O. Box 1184
Hillside, OH 44122
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BUILDING ELEVATIONS

SUNBURY AND MCUTCHEON

PREPARED FOR HAYDEN MEYERS

DATE: 12/06/24

A. J. Galt 12-16-24
Paris Planning & Design

LAND PLANNING LANDSCAPE ARCHITECTURE
 4875 Glenview Hill Road, Suite 100
 Raleigh, NC 27612
 P: (919) 487-7134
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**STAFF REPORT
CITY COUNCIL
ZONING MEETING
CITY OF COLUMBUS, OHIO**

APPLICATION: CV24-113
Location: 3622 SUNBURY RD. (43026), being 1.2± acres located at the southeast corner of Sunbury Road and McCutcheon Road, (010-104686; North East Area Commission).
Requested Zoning: AR-1, Apartment Residential District (H-35).
Proposed Use: Multi-unit residential development.
Applicant(s): HAMM Holdings, LLC c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 120; New Albany, OH 43054.
Property Owner(s): Faisal Ilyas; 5095 Acox Road; Dublin, OH 43016.
Planner: Phil Ashear; 614-645-1719; PJAshear@Columbus.gov

BACKGROUND:

- The 1.2± acre site consists of part of one undeveloped parcel in the L-C-2, Limited Commercial District. The applicant requests the AR-1, Apartment Residential District to allow for multi-unit residential development with a maximum density of 36.1 dwelling unit per acre.
- To the north of the site is a religious facility in the I, Institutional District. To the south and east are single-unit dwellings in the R-1, Residential District and undeveloped land in the L-I, Limited Institutional District. To the west is undeveloped land in the R-1, Residential District.
- The site is within the planning boundaries of the *Northeast Area Plan (2007)*, which recommends “Neighborhood Commercial” land uses at this location.
- The site is located within the boundaries of the Northeast Area Commission, whose recommendation is for approval.
- Staff recognizes that there are practical difficulties with the reduction in building setback included in the request.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested AR-1, Apartment Residential District will allow a multi-unit residential development with a maximum density of 36.1 dwelling unit per acre. Although the proposed use is inconsistent with the *Northeast Area Plan (2007)* land use recommendation of “Neighborhood Commercial,” staff note the site’s location at an intersection of neighborhood corridors where residential, institutional, and parkland/open space are the prevailing uses. Staff find multi-unit residential uses to be generally compatible with other uses in the area and that the request will not add an incompatible use to the area.

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A.** Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B.** Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

Yes No

2. Whether the variance is substantial.

Yes No

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Yes No

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

Yes No

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Yes No

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

Yes No

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

Yes No

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

Signature of Applicant

David Hooge

Date

STATEMENT IN SUPPORT

Application No.: CV24- 113
Location: **3622 SUNBURY ROAD. (43206), located southeast of the intersection of Sunbury Road and McCutcheon Road (010-104686; Northeast Area Commission).**
Existing Zoning: **C4, Commercial**
Proposed Zoning: **AR-1**
Proposal: **To develop the site with multi-unit residential development.**
Applicant(s): **HAMM Holdings, LLC**
6012 Placid Place
Lewis Center, Ohio 43035
Attorney/Agent: **David Hodge, Esq., Underhill and Hodge, LLC**
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
Property Owner(s): **Faisal Ilyas**
5095 Acox Road
Dublin, Ohio 43016
Date of Text: **September 19, 2024**

The Applicant submits this statement in support of its companion council variance application.

This +/- 1.2-acre site is located southeast of the intersection of Sunbury Road and McCutcheon Road. It was rezoned in from R-1 to L-C-2 in 1994 to permit development of medical office. The has remained vacant and undeveloped since.

The adjacent property to the north across McCutcheon Road is zoned I, Institutional and is developed with a church. The adjacent properties to the east, and south are zoned R1, Residential and developed with single family residential uses. The adjacent property to the west across Sunbury Road is zoned R, Rural. It is undeveloped land owned by the City of Columbus and also is crossed by Alum Creek.

This site is within the boundaries of the Northeast Area Commission and the Northeast Area Plan (2007). The Plan recommends a variety of uses for properties within this neighborhood including commercial, institutional, residential, and parks. The Plan specifically recommends neighborhood commercial uses for this site.

The Applicant proposes development of the site with an apartment house providing 30 dwelling units. The Applicant is committed to the submitted site plan and elevations. To develop the property as proposed, the Applicant respectfully requests the following variances:

1. Section 3333.18 – Building lines. The Applicant requests a variance to reduce the minimum building lines from Sunbury Road and McCutcheon Road from 50 feet to 25 feet and to allow above ground hot boxes/water vaults within the building setback area.

2. Section 3312.21 – Parking lot landscaping and screening. The Applicant requests a variance to allow the parking lot to be screened by a fence rather than landscaping.

City Council may permit a variation in the yard, height or parking requirements of any district only in conjunction with a rezoning and only where there are unusual and practical difficulties in the carrying out of the zoning district providing such variance will not seriously affect any adjoining property or the general welfare.

The Applicant has a practical difficulty in carrying out the underlying development standards with respect to the building line. Sunbury Road and McCutcheon Road are both designated 100 – Suburban Community Connectors by the Columbus Multimodal Thoroughfare Plan. As a result, this Applicant will be required to dedicate part of the site to the Columbus right-of-way. Also, the Columbus Zoning Code development standards require a 50 foot building line set back from the post-dedication right-of-way. These factors contribute to significantly reducing the developable area of the site.

In order to provide a development with sufficient parking areas and yards which provide a substantial buffer to adjacent single-family residences, the Applicant is requesting a variance to reduce the building lines along Sunbury Road and McCutcheon Road. Pushing the building closer to the roads will make more space for those parking and yard areas.

The request to reduce the building line to 25 feet is not a substantial deviation from the underlying development standards and will not cause adjacent properties undue detriment. The property is currently zoned L-C2 and this district only requires a 25 foot setback Sunbury Road and McCutcheon Road. This required setback becomes 50 feet by rezoning the site from commercial to residential. However, the Applicant's request to reduce the building line to 25 feet only legitimizes the existing requirements on the site today. For that reason, the request is within the established character of the neighborhood.

The request to reduce the building line is also made, in part, out of consideration to the adjacent single-family residential neighbors. Reducing the building line allows the development to shift away from the east and south property lines and provide 10 foot yards (as opposed to the code minimum of 5 foot yards).

The Applicant also requests a variance to allow a fence to serve as perimeter screening rather than a landscape buffer. The Applicant believes that a fence will screen headlights and block sound better than a landscape buffer which only requires 75% opacity. The Applicant also believes that a fence will provide more security and privacy for the adjacent single-family residential neighbors. Again, the Applicant asserts that this is a minor deviation from the code and is actually to the benefit of the neighbors.

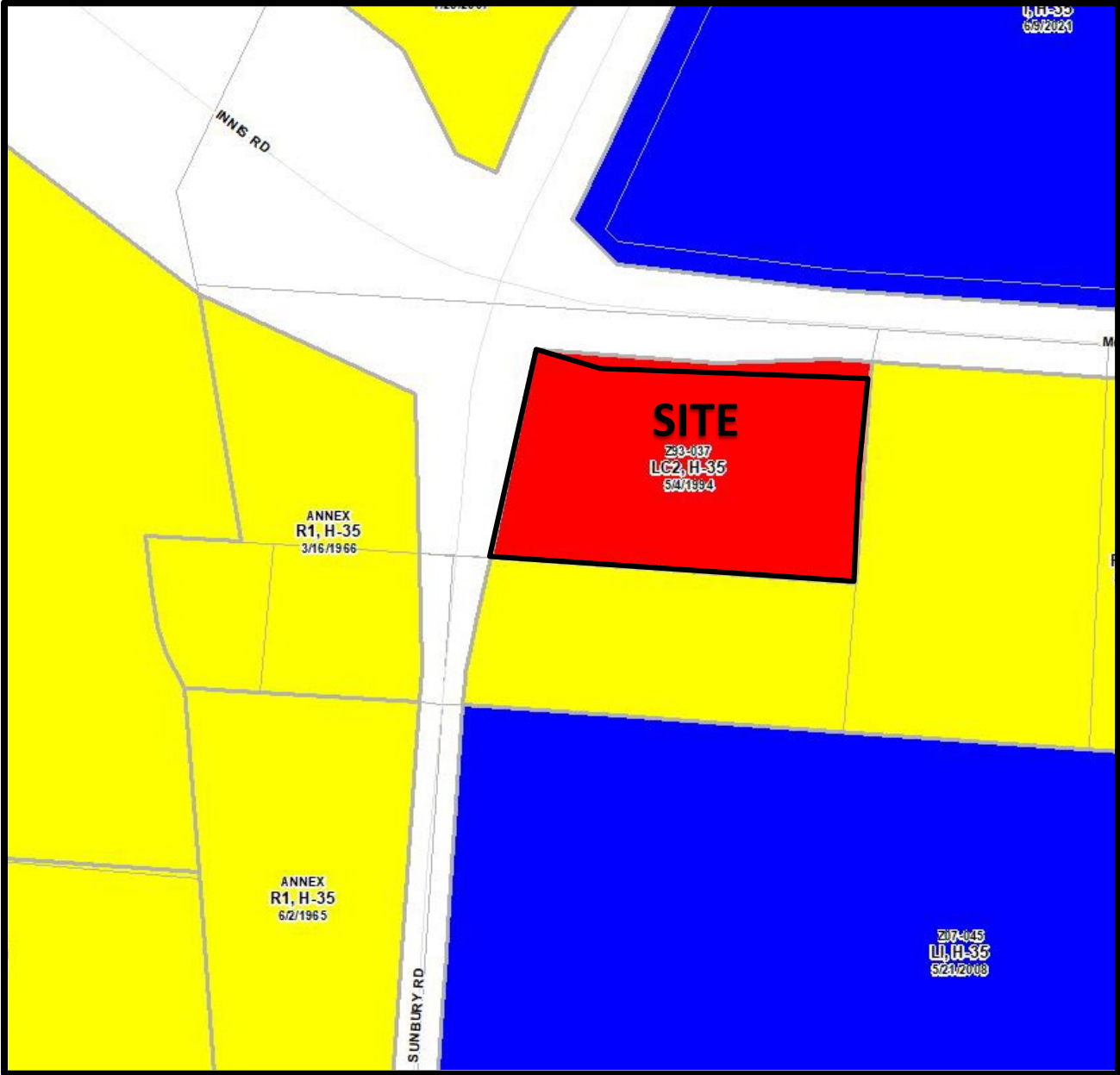
The requested variances will not adversely affect the delivery of governmental services.

The Applicant respectfully requests that City Council weigh these factors in its consideration, determine that they are within the spirit and intent behind the zoning code, and grant the requested variances.

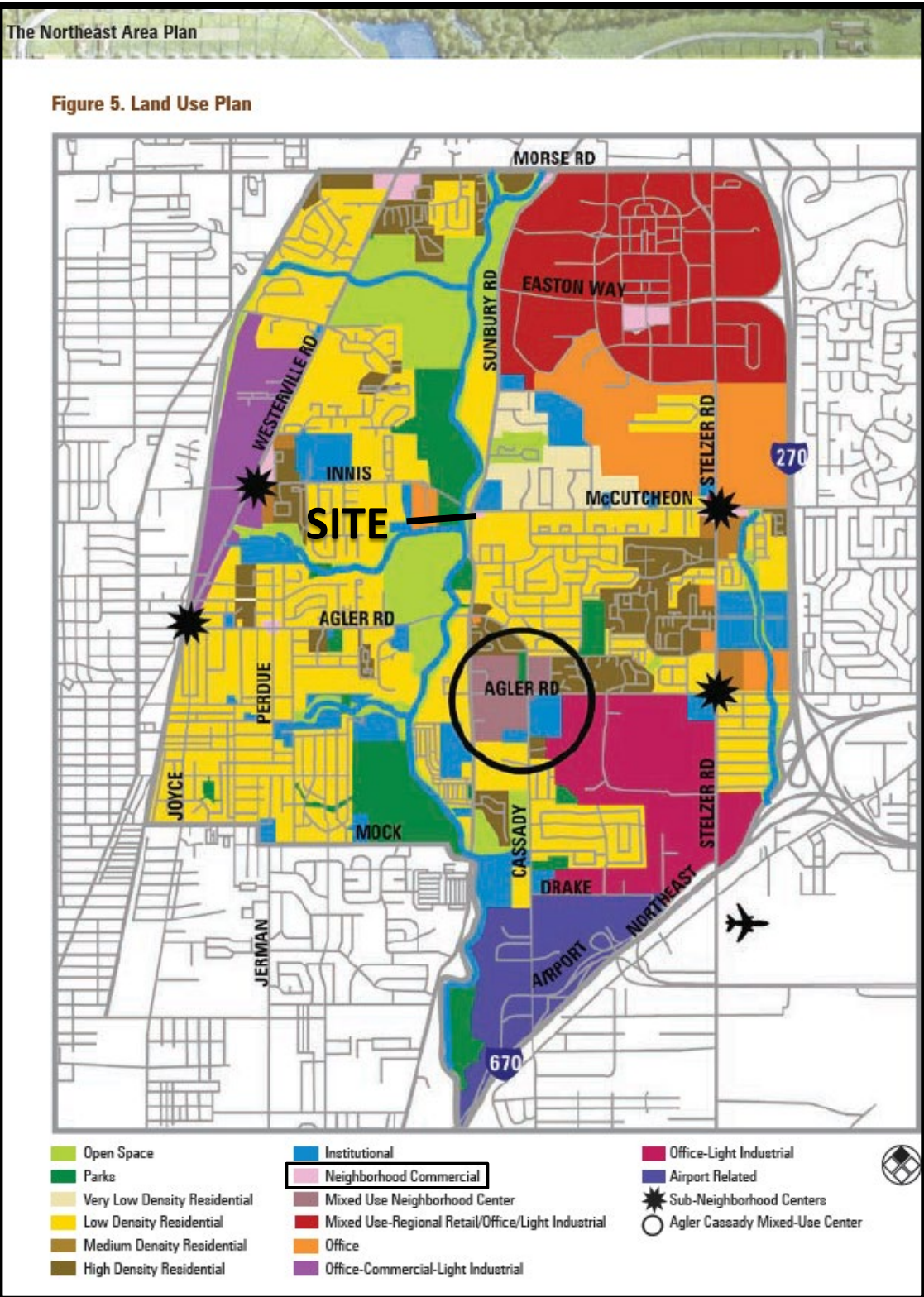
Respectfully submitted,



David Hodge
Attorney for Applicant



Z24-044 & CV24-113
L-C-2 to AR-1
3622 SUNBURY RD
Approximately 1.20 acres



Z24-044 & CV24-113
L-C-2 to AR-1
3622 SUNBURY RD
Approximately 1.20 acres



Z24-044 & CV24-113
L-C-2 to AR-1
3622 SUNBURY RD
Approximately 1.20 acres



Standardized Recommendation Form

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
 Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
 (PLEASE PRINT)

Case Number Z24-044/CV24-113

Address 3622 Sunbury Rd

Group Name Northeast Area Commission

Meeting Date October 10, 2024

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

LIST BASIS FOR RECOMMENDATION:

The Northeast Area Commission (majority) voted to recommend approval of the above rezoning and council variance. The commission met with some discussion and objections from the nearby church community. Their primary concerns appeared to be the related to the increased traffic congestion and safety at this intersection. The commission felt that the pending traffic study will address all concerns and changes to the plan where they are needed and did not warrant a disapproval.

Vote Yes (5) No (1)

Signature of Authorized Representative Commissioner E. Debra Moore

Recommending Group Title Northeast Area Commission

Daytime Phone Number 614-519-2195

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-113

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
deposes and states that they are the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. Faisal Ilyas 5095 Acox Road, #3A Dublin, Ohio 43016 (Zero Employees)	2. HAMM Holdings, LLC 6012 Placid Place Lewis Center, Ohio 43035 (Zero Employees)
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 19th day of September, in the year 2024


SIGNATURE OF NOTARY PUBLIC

Notary Seal Here
My Commission Expires _____



Justin M. Fox
Attorney At Law
Notary Public, State of Ohio
My Commission Does Not Expire
Sec.147.03 R.C.

This Project Disclosure Statement expires six (6) months after date of notarization.