

CV09-032



STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code
Section 3307.10 Variances by City Council

- A. Permit a variance 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 or unusual hardships 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

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.

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 requested as detailed below:

See Attachment

Signature of Applicant Robert A. Meyer Date 11/23/09

**STATEMENT OF HARDSHIP
AND SPECIFICATIONS OF VARIANCES REQUESTED
5005 Central College Road**

In conjunction with the companion request to rezone a 15.9 acre parcel at 5005 Central College Road from Neighborhood General to Neighborhood Edge, the Applicant, Dominion Homes, Inc., is requesting a variance (actually variances from two provisions of the Zoning Code) from Columbus City Council with respect to certain development standards that would otherwise be applicable under the Neighborhood Edge requirements in Chapter 3320 of the Columbus Zoning Code. The variances do not address the use of the property, as the detached single family use permitted by the Neighborhood Edge District will be implemented on the property. Instead, the variances address development standards otherwise applicable in the Neighborhood Edge District. The Applicant respectfully submits, as set forth below, that practical difficulties are presented and the requested variance will not adversely affect other properties or the Community as a whole.

The Applicant is one of a handful of developers that has developed homes within the Neighborhood Edge District of the City's Traditional Neighborhood Development Ordinance since its adoption in 2001. Its experience based on sales data and customer input over time establishes that the garage configuration variance is necessary to meet market preferences; stated differently, the market has not responded well to home designs that strictly comport with the Neighborhood Edge development standards as to garage details. As to the tree spacing variance, the tree spacing as requested is necessary to avoid a monotonous and unattractive streetscape. As a result, the Applicant submits that the requested variances are modest in scope, are consistent with prior, similar approaches approved by the City, and are necessary to alleviate practical difficulties encountered in the development of this single family neo-traditional neighborhood. In all respects other than as approved in the requested variances, the requirements of the Columbus Zoning Code applicable in the Neighborhood Edge District will be met.

The variances sought are substantially consistent with provisions of a neo-traditional Planned Unit Development zoning approved by City Council in the northwest area of the City (Ordinance No. 1890-2006; Z06-045; Subarea 2A) and variances approved by the Columbus Board of Zoning Adjustment in other Neighborhood Edge districts (e.g., BZA Order Nos. 04310-00085 and 04310-00087). Specifically,

the Applicant requests:

1. a variance from Section 3320.19(B)(19) and (20), Private Buildings:

To eliminate the requirement for garages to be recessed 2 feet from the front façade of the main building to allow garages to project a maximum of 8 feet forward of the building façade on a maximum of 40 percent of the units built within the site.

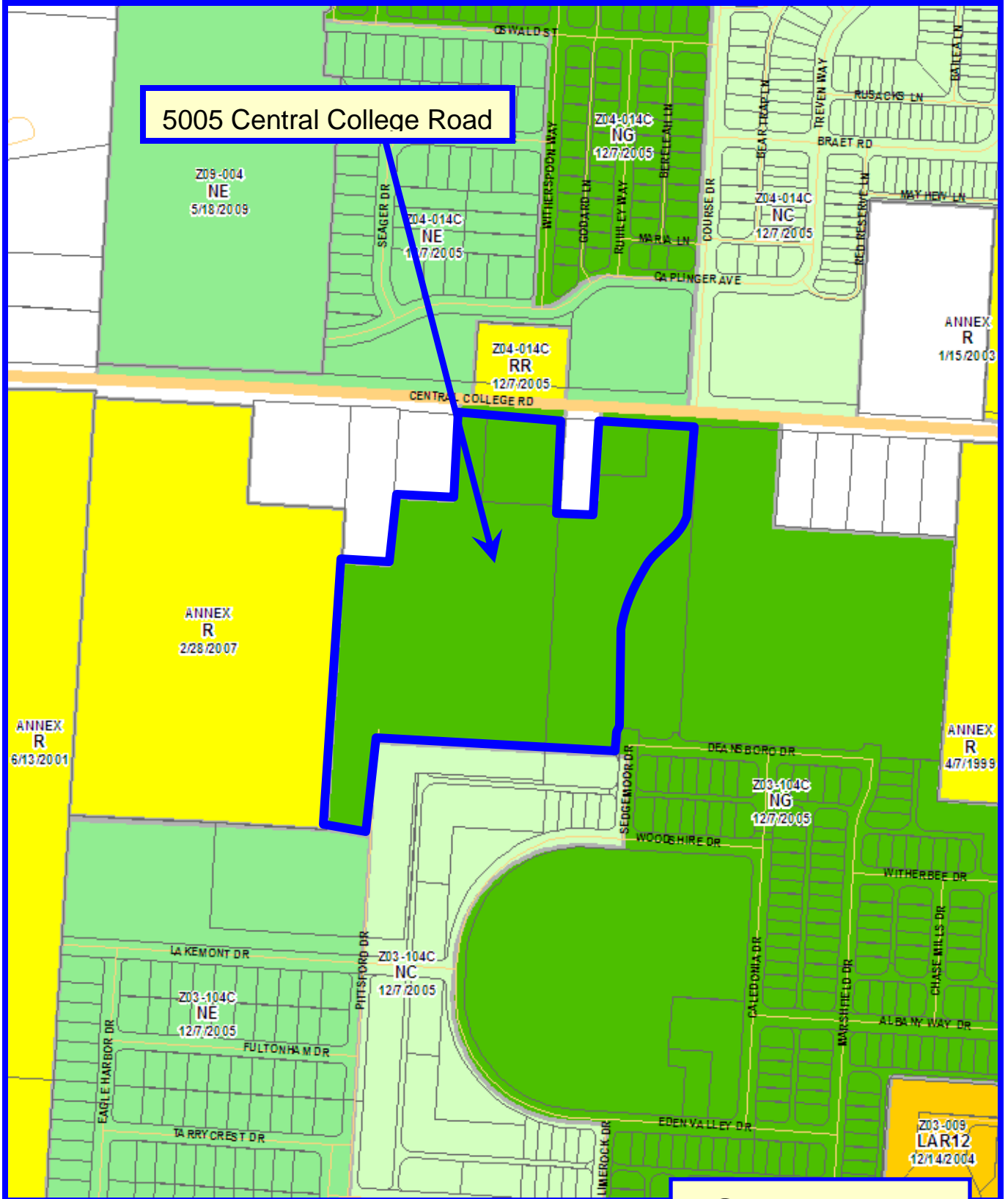
2. a variance from Section 3320.15 of the Columbus Zoning Code, Thoroughfare Standards Table (planting pattern requirements):

To vary requirements of the Thoroughfare Standards Table by increasing the spacing between street trees to include a random pattern with a maximum spacing between trees of 60 feet.

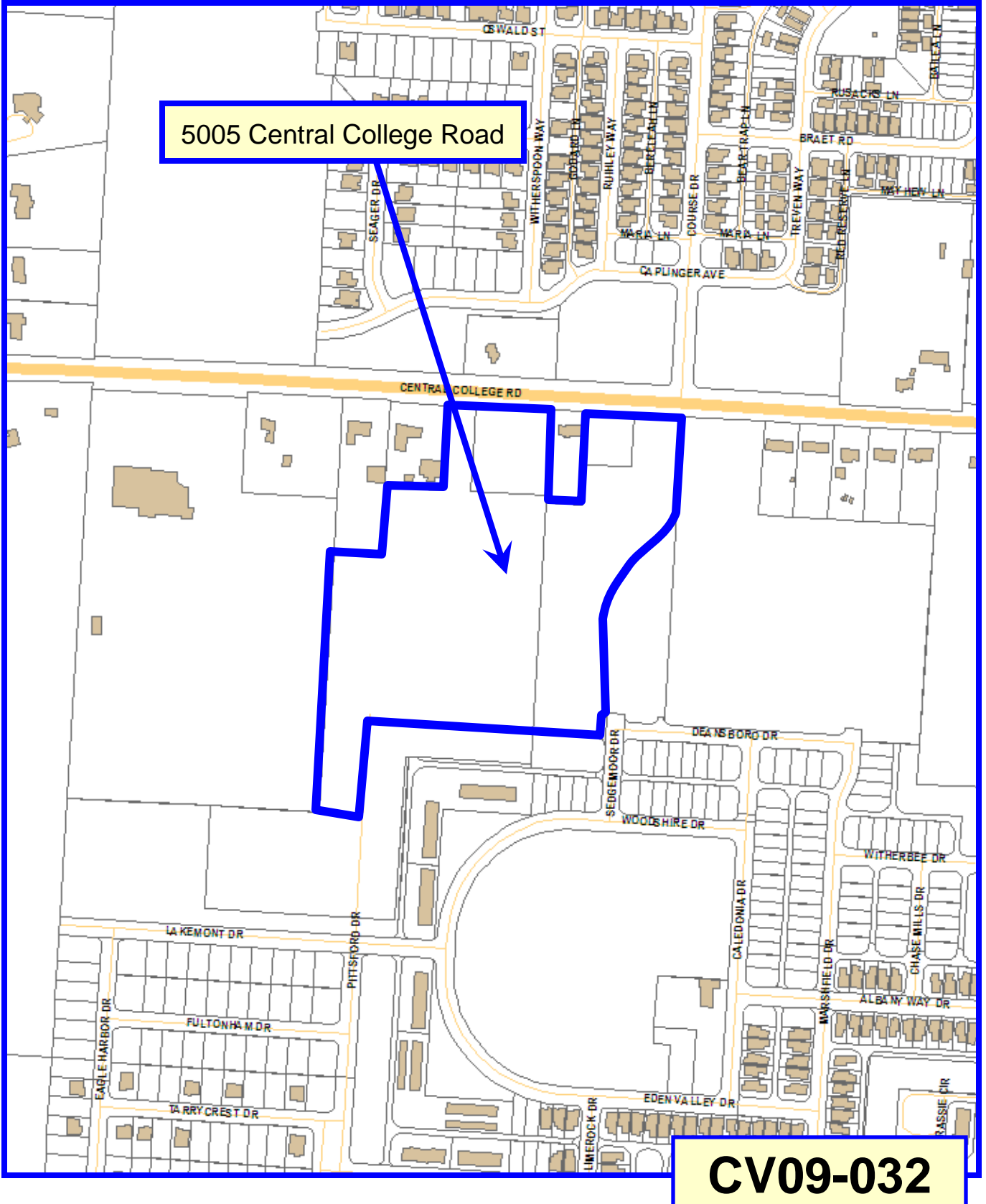
The Developer shall install at least the equivalent of one street tree per forty (40) lineal feet of street frontage, for both sides of the street.

The Applicant is willing, in consideration of the granting of the requested variances, to agree to the following conditions:

- 1.) All homes constructed on the 15.9 acre site shall incorporate either a front architectural element (such as a wall segment) or an architectural accent feature (such as a water table) of natural materials (including brick, stone, stucco stone, cementitious siding).
- 2.) For any lot with a forward-sitting garage, there will not be a resultant reduction in the required front or rear setbacks.
- 3.) Each home with a garage-forward design shall have a minimum 100 square foot open porch with railing. Additionally, the same material used on the garage façade will be used on the return to the house's façade wall.
- 4.) No more than 40 percent of the homes constructed on the 15.9 acre site shall have a forward-sitting garage, and no homes with forward-sitting garages shall be located either on a corner lot or next to another home with a forward-sitting garage.
- 5.) The overall number of street trees shall be equivalent to one street tree per 40 lineal feet of street frontage. The overall number of trees planted on the site shall not be less than the number of street trees that would be planted if the variance were not granted (i.e., street trees at 30 feet on center), with additional trees above the number planted as street trees being planted within common open spaces.



CV09-032



ROCKY FORK - BLACKLICK ACCORD
IMPLEMENTATION PANEL

RECORD OF PROCEEDINGS

January 21, 2010

7:00 PM
New Albany Village Hall
99 West Main Street, New Albany

I. Call to Order

Meeting opened at 7:00 pm at New Albany Village Hall with the following members present: Doug Burnip, Don Ballard, Derek Benseler, Ron Lachey, Andrew Show and Ray Silverstein. Doug Burnip chaired the meeting. Staff member present was Devayani Puranik.

II. Record of Proceedings

The record of proceedings from the October 25, 2009 meeting was approved unanimously, with a spelling correction of Mr. Benseler's name. Mr. Ballard moved to approve those minutes. Mr. Lachey seconded the motion.

III. Old Business

Mr. Show asked staff about possible time line for developing commercial standards in spring or summer.

IV. Cases/Public Hearings

1. 5005 Central College Rd (Z09-038/ CV09-032)

Review and Action of a Columbus rezoning application to develop 16.9 acres located on the south side of Central College Road and west side Hamilton Road within Village at Albany Crossing subdivision.

Zoning Request: To rezone from Traditional Neighborhood Development (TND) – NG, Neighborhood General District, to TND-NE, Neighborhood Edge District.

Proposed Use: Single-family residential

Applicant: Dominion Homes; c/o Robert A Meyer, Jr, Atty

Staff Report: Columbus planner Devayani Puranik began Power Point presentation explaining location of proposed application. The overall project was described with visuals of existing zoning and requested rezoning within the Village at Albany Crossings subdivision. Ms. Puranik explained two related variances and noted that there are no concerns from staff's point of view regarding compatibility to existing development. The requested rezoning density is within the recommended range of RFBA Neighborhood district and the requested variances are similar to previously approved variances for existing Neighborhood Edge zoning within the same subdivision. There are no specific issues regarding requested rezoning.

Applicant Presentation: Rob Meyer, attorney for the applicant, explained the overall project and noted that there will be two variances associated with the development. The first is to eliminate the requirement for garages to be recessed 2 feet from the front façade of the main building to allow garages to project a maximum of 8 feet forward of the building façade on a maximum of 40 percent of the units built within the site.

The second one to vary requirements of the Thoroughfare Standards Table by increasing the spacing between street trees to include a random pattern with trees a maximum spacing between trees of 60 feet. The Developer shall install at least the equivalent of one street tree per thirty (40) lineal feet of street frontage, for both sides of the street. If staggered, there shall be a maximum horizontal spacing (across street) of thirty (30) feet. The foregoing notwithstanding, the Developer may place trees based on site conditions, and may redistribute the balance as grouped elsewhere within the site.

Mr. Meyer explained that the developer is not intending to cut down the total number of trees but seeks some flexibility depending on site situations and visual quality.

He also explained that the rezoning request is an outcome of current market condition and more demand for traditional single family units within Neighborhood Edge zoning than current Neighborhood General zoning for alley based condominium units.

Mr. Meyer confirmed that new development will create better mix of housing types for the subdivision as well as their potential buyers

Panel Discussion: Panel asked the staff about the difference between TND NG district and NE district. Staff answered that there is a difference between density and type of units- alley based versus traditional single family units. Panel asked staff about previous variances and if they were approved. Staff confirmed that these variances were approved by BZA. Panel members confirmed with staff about the space west of proposed development would be green space.

Mr. Show had a question about comparable pricing for proposed units. Mr. Meyer mentioned that per his belief, the proposed single family units will be higher end than the alley based condominium units while answering the question asked by panel member.

Panel members discussed aesthetic quality of the garage doors as well as usability of proposed porch in case of projecting garages. Mr. Meyer mentioned that per his belief the porch width would be as much as for a usable porch.

Panel members discussed about the land use designation of the properties to the west of this property and compatibility of requested rezoning within the area.

MOTION: To approve the rezoning, and associated variances

MOTION BY: Andrew Show, seconded by Ray Silverstein

RESULT: Approval (6-0)

V. New Business

VI. Adjournment

With there being no further business, the meeting was adjourned at 8:00 pm.



PROJECT DISCLOSURE STATEMENT

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 APPLICATION # CV09-032
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Robert A. Meyer, Jr.
of (COMPLETE ADDRESS) Porter, Wright, Morris & Arthur LLP, 41 South High Street, Columbus, OH 43215
deposes and states that (he/she) is 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 formats

- Name of business or individual
- Business of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

Dominion Homes, Inc. 4900 Tuttle Crossing Blvd. Dublin, OH 43016 40 Employees Contact: Robert A. Meyer, Jr. 614/227-2096	

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT Robert A. Meyer, Jr.
Subscribed to me in my presence and before me this 17th day
of November, in the year 2009
SIGNATURE OF NOTARY PUBLIC Mary A. Rossi
My Commission Expires: _____

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



Notary Seal Here
Mary A. Rossi
Notary Public, State of Ohio
My Commission Expires 11-05-12