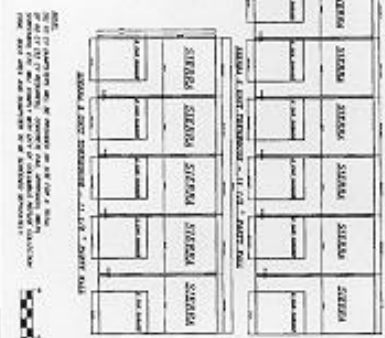
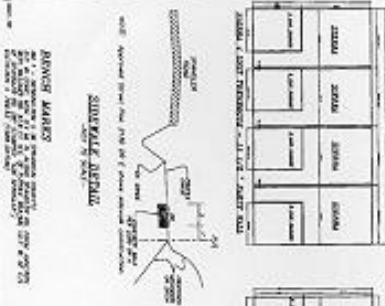
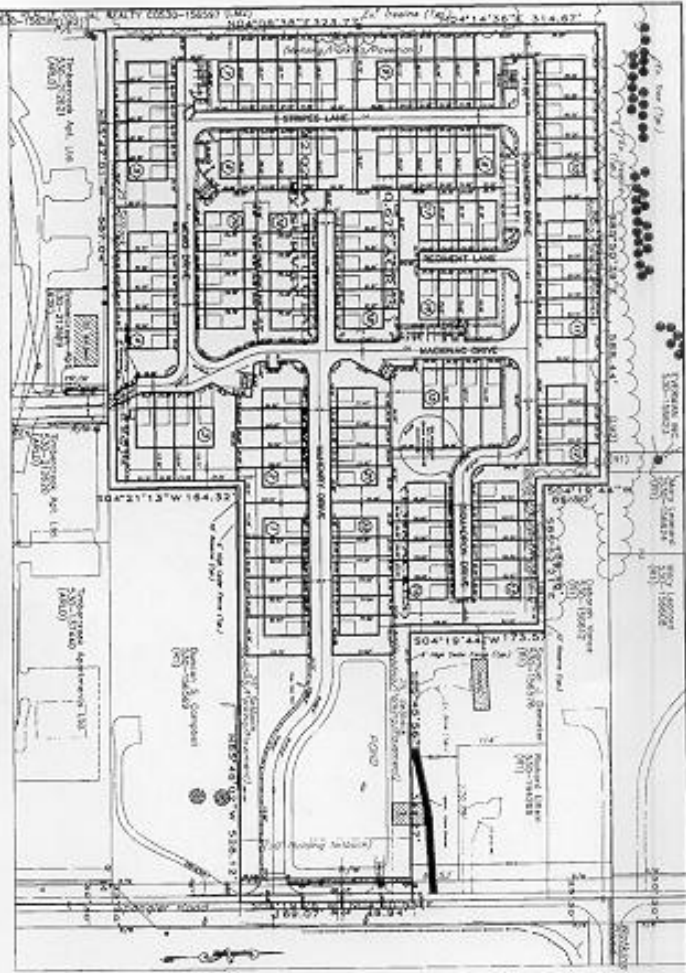


CV05-068



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**GENERAL NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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30. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



**FINAL RECEIVED: 4/10/10**

*Signature*

**2010 CIVIL ENGINEER**

**2010 PROFESSIONAL SEAL**

**ALABAMA ENGINEERS**

**REGISTERED PROFESSIONAL ENGINEER**

**NO. 12345**

**DATE: 4/10/10**

**PROJECT: SUNSHINE MARKS**

**SCALE: 1" = 10'**

**PROJECT NO. 12345**

**DATE: 4/10/10**

890-068

**Statement In Support of Variance Request**  
**2699 Spangler Road**  
**Owner/Applicant: Maronda Homes, Inc. of Ohio**  
**c/o Crabbe, Brown & James, LLP**

This Statement is submitted in support of Applicant's request for variances to C.C.C. §3333.41 (Town House Development - Standards), to permit development under the town house development standards of the Zoning Code.

The subject property ("Site") consists of 12.02± acres and is located at 2699 Spangler Road, on the west side of Spangler, south of Watkins Road. The parcel is zoned L-AR-12 by Ordinance No. 1958-03 (Z03-033).

Through this request, Applicant proposes development of the Site in substantial accordance with the extensive development text committed to under the current zoning. That text provides for 120 condominiums (22 buildings), at a density of 10 units per acre. The site plan/layout committed to through the L-AR-12 rezoning remains unchanged by the instant request; however, Applicant seeks to permit development under the Town House standards of the Zoning Code (§3333.36 through .41).

For reference, C.C.C. §3333.36 (Purpose), outlines a town house development as follows:

The town house development is designed to facilitate the construction of attached single-family residences, separated from each other by common fire walls constructed on common lot lines. A town house development is permitted in an AR-12, ARLD, AR-1, AR-2, AR-3 or AR-4 apartment residential district or an AR-O apartment office district but is limited to the standards contained to C.C. 3333.36 through 3339.41, inclusive. The town house development is unique in that each unit is situated on an individual lot in a recorded subdivision.

As provided for by the town house district, Applicant seeks to develop the Site with attached single-family homes, similar to the condominium concept, except that each lot (structure and adjacent yard) are individually owned within a recorded subdivision. In other words, the town house development provides for condominium-style living, but with the advantage for homeowners that they will own the structure and yard, as opposed to only the interior structure. Further, all common areas are held under ownership by an established homeowners' association.

Again, Applicant's proposed development is in substantial accordance with the applicable development text committed to under the current zoning, as well as with the provisions of §3333.41 (Town House Development – Standards). However, Applicant does request the following variances from certain standards set forth for town house developments:

**(1) Variance from C.C.C. §3333.41(h).**

This sub-section provides that "Each town house lot shall have a minimum fifteen (15) feet of frontage on a dedicated public street except that those lots which are separated from a street only by common space shall have a minimum fifteen (15) feet of frontage

on such common space.”

All lots will meet the minimum 15-foot frontage requirement of this section; however, Applicant proposes development of the Site on private streets rather than public. Therefore, since 3333.41(h) is the only standard which sets forth a requirement that roadways be dedicated public streets, Applicant requests a variance to this section to permit frontage along private streets, rather than public.

(2) **Variance from C.C.C. §3333.41(j).**

This sub-section provides that “A building line shall be established no less than twenty-five (25) feet from the front lot line, irrespective of the orientation of the building.”

Under the condominium concept approved and contemplated by the Site’s zoning, the only applicable setbacks are perimeter setbacks for this 12.02-acre site as a whole, which were established in the development text and are upheld through this request. However, because of the specificity of §3333.41(j), and the fact that, by definition, each unit will consist of an individually-owned lot therefore having a “front lot line,” the section arguably requires a 25-foot setback for each unit from its front lot line, as will be established through the required subdivision platting. For this reason, Applicant requests a variance to §3333.41(j), to permit front lot line setbacks of less than 25 feet, as would be permitted under condominium development of the Site. This request does not alter the perimeter site setbacks as shown on the submitted site plan.

(3) **Variance from C.C.C. §3333.41(m)(2).**

With regard to the minimum number of parking spaces required, this sub-section provides that “An additional one-half (1/2) space per unit shall be located no farther than (200) feet from the town house to be served thereby.” This requirement, in addition to the two spaces per unit provision of §3333.41(m)(1), requires a total of 2.5 spaces per unit. As shown on the submitted site plan, the proposed development provides 2.2 spaces per unit, in substantial compliance with the 2.5-space requirement of the town house standards. For this reason, Applicant requests a variance to permit a very slight reduction in minimum parking, from 2.5 to 2.2 spaces per unit, which will not in any way significantly hinder the Site’s parking capacity.

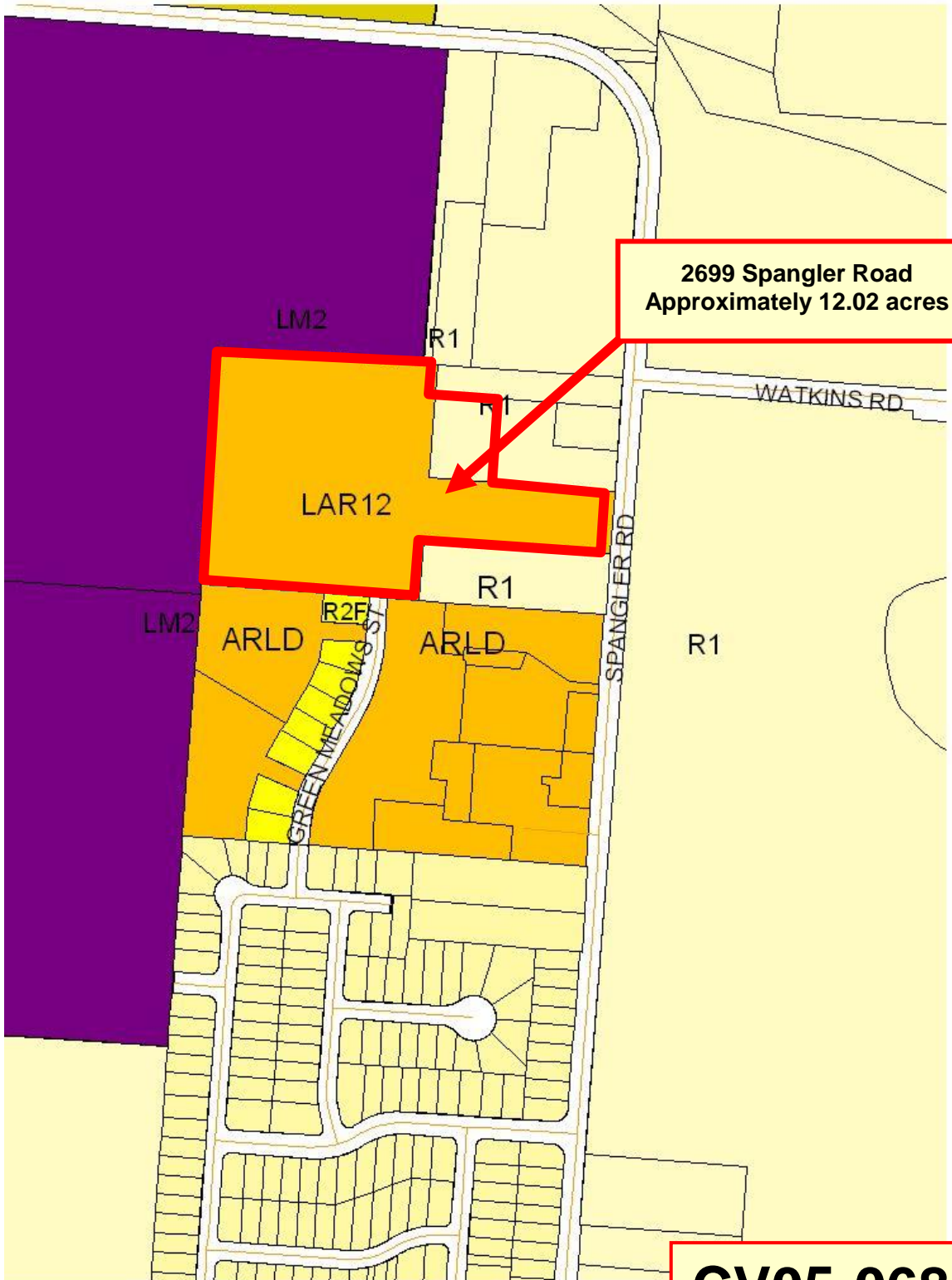
(4) **Variance from C.C.C. §3333.41(r).**

With regard to sidewalks, this sub-section provides for continuous sidewalks throughout the development. Applicant met with representatives from the Division of Transportation during the pendency of this council variance application, and obtained their recommendation of approval for sidewalks to be constructed on one side of each internal private street, in addition to the commitment to build a sidewalk along the site’s Spangler Road frontage. Due to the already intense pavement layout of the site and the limited pedestrian traffic anticipated, “continuous” sidewalks as intended in the Townhouse Code are not practical or warranted. While the development will include continuous sidewalks on one side of every street within the development, this variance is being requested to supplement and clarify the Applicant’s intention to construct sidewalks throughout the development on one side of every street rather than both sides. The layout, as approved, provides more than adequate pedestrian access and continuity throughout the development.

In support of the variances requested above, Applicant contends that these variances will not substantially alter the intended character or purpose of the town house development provisions of §3333.41, nor will the variances cause deviation from the approved zoning text. Substantial compliance remains with the zoning in place for the Site, and the extensive commitments made by Applicant through that zoning. Applicant respectfully requests the Board grant the variances outlines above for the reasons stated herein.

Respectfully submitted,

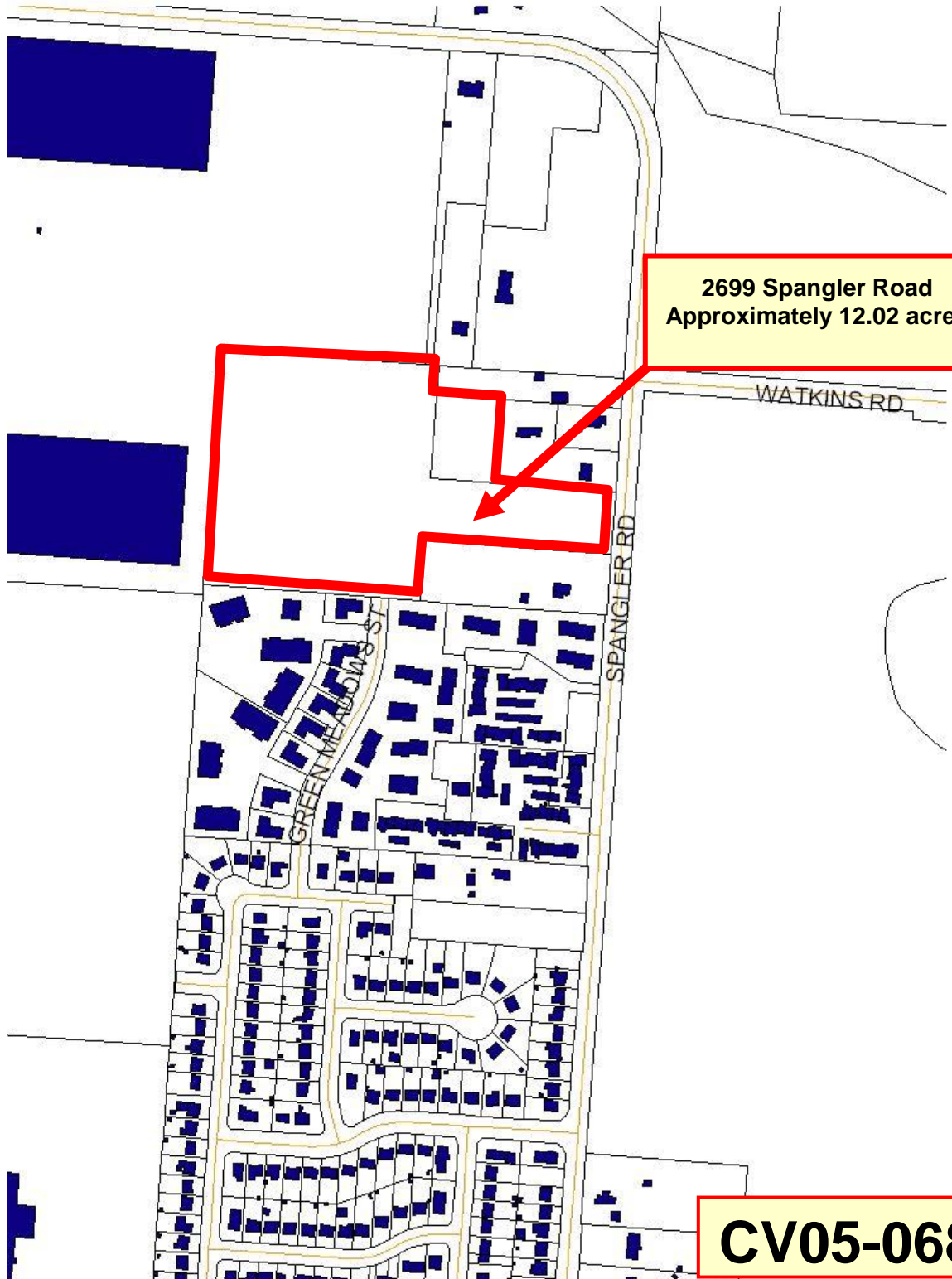
CRABBE, BROWN & JAMES, LLP  
Michael T. Shannon, Esq.  
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Columbus, Ohio 43215  
Ph: (614) 228-5511; Fax: (614) 229-4559  
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[GMcCue@cbjlawyers.com](mailto:GMcCue@cbjlawyers.com)  
*Counsel for Owner/Applicant*



2699 Spangler Road  
Approximately 12.02 acres

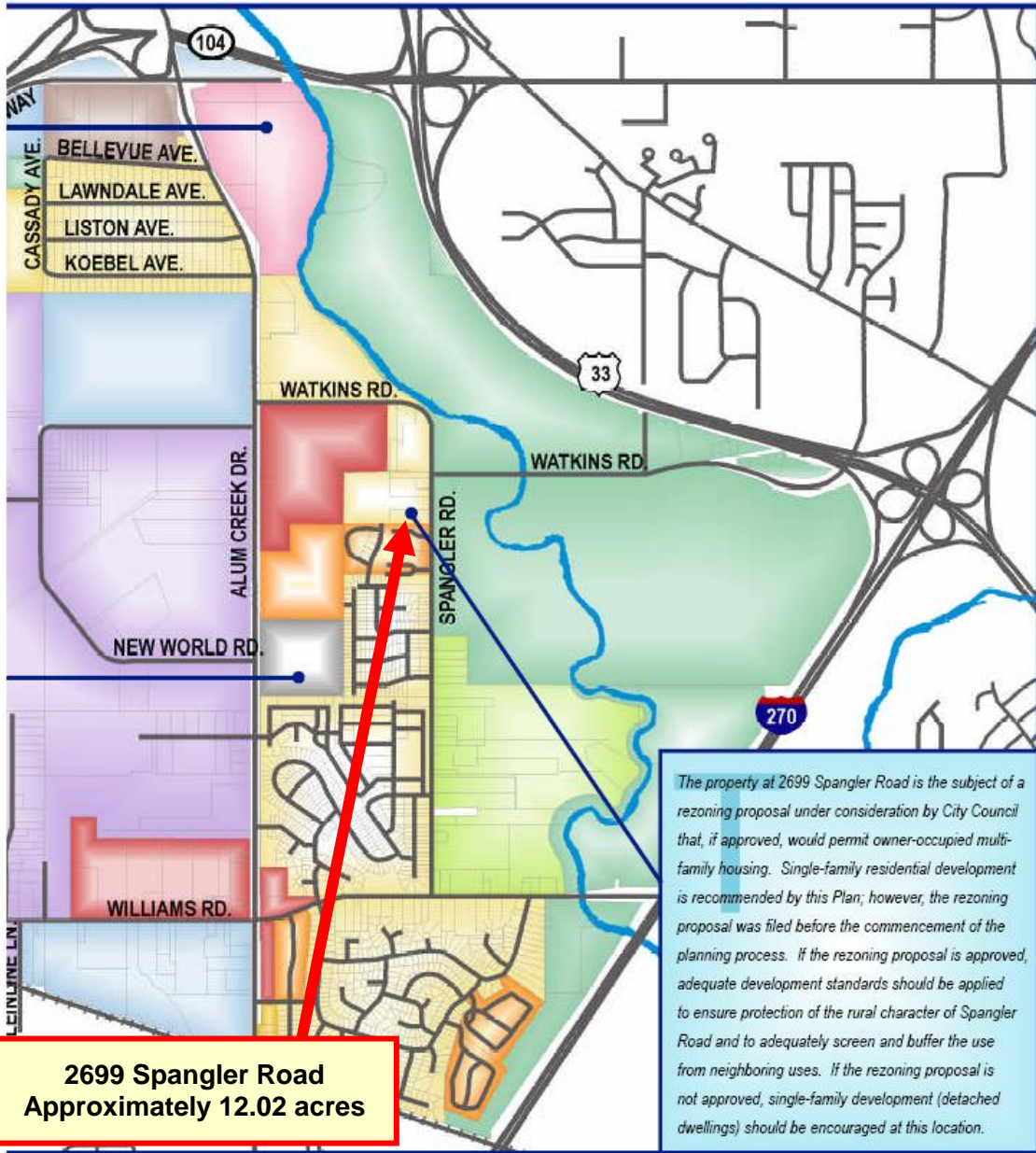
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**2699 Spangler Road  
Approximately 12.02 acres**

**CV05-068**



CSSO, Council of Southside Organizations  
Rezoning/Zoning  
P.O. Box 77618  
Columbus, Ohio 43207  
614 491-0840  
bob\_patterson@sbcglobal.net

January 13th 2006

Maronda Homes, Inc. of Ohio  
c/o CRABBE BROWN & JAMES, LLP  
500 South Front Street, Suite 1200  
Columbus, Ohio 43215


RE: Rezoning / Zoning Application # Z03-033(A)  
Maronda Homes, Inc. of Ohio

Dear Attorney McCue,

The Council of Southside Organizations has reviewed the Rezoning / Zoning Application #Z03-033(A), for the property located at 2699 Spangler Road (43207), during our general membership meeting, on Thursday, January 12th 2006. The membership voted to **\*SUPPORT** the rezoning / zoning proposal as presented.

Should you have any questions please feel free to contact me at your earliest convenience.

Respectfully,

  
Robert L. Patterson, Sr.  
Zoning Chairperson

\* Should we find there to be any intentional or unintentional misrepresentations in the presentation of, or to be any addition(s), deletion(s), correction(s) or change of purpose in this application, following this memberships vote, as presented in the application, this will be cause for the immediate revoking of this letter.

Cc: Councilman Mentel, Columbus City Council (Zoning Chair)  
CSSO Executive Board  
Michael Wiles, President  
File





# 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  
COUNTY OF FRANKLIN

APPLICATION # C 05-008

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.  
of (COMPLETE ADDRESS) 500 S. Front St., Suite 1200, Columbus, Ohio 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 format:

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

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

1. <u>Mironda Homes, Inc. of Ohio</u> <u>3811 Twin Creeks Drive</u> <u>Columbus, Ohio 43204</u> <u>Contact: Mark Demarest (614) 274-5775</u> <u>Columbus-Based Employees: 50</u>	2.
3.	4.

SIGNATURE OF AFFIANT

Michael T. Shannon

Subscribed to me in my presence and before me this 26<sup>th</sup> day of June, in the year 2006

SIGNATURE OF NOTARY PUBLIC

Rita J. Martin

My Commission Expires:

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

Notary Seal Here



RITA J. MARTIN  
Notary Public, State of Ohio  
My Commission Expires 11-02-10