

Statement of Hardship

The applicant wants to create a mixture of uses within this subarea. The zoning code does not lend itself to combining different uses. The ARO classification permits only residential and office uses while the applicant wants to include a variety of multi-family, institutional and commercial uses as possible uses within the subarea.

The applicant also wants to bring the buildings toward the streets to create more of an urban feel to the development as well as encourage pedestrian activity. The development will occur over time and in multiple phases. By eliminating the perimeter yard requirement for interior lot lines, unnecessary setbacks are removed when the development occurs in phases and may have multiple tax parcels as a result of the phasing and financing requirements.

These use variances 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.

The building setback and perimeter yard will permit a more fluid development allowing buildings close to the street and not creating unnecessary setbacks between interior parcel lines. These area variances result from the practical difficulties of applying the zoning code to the site and the proposed development pattern that the applicant is trying to create. In addition, the applicant has provided large tracts of preservation areas to be left in their natural state. The preservation of this green space more than offsets the loss of setback area. These variances will not seriously affect any adjoining property or the general welfare.

This land in this rezoning was originally part of a larger rezoning Z05-54 in which the applicant rezoned 216.4 acres including 44.32 acres of open space along Rocky Fork Creek. The city has the right to require this open space land to be dedicated to the City of Columbus. At the time of the zoning, the open space zoning of the 44.32 acres was intended to satisfy the parkland dedication for the entire rezoning (including the subareas in this application).

List of Variances:

Section 3333.04

ARO (permit additional uses):

- Multiple dwelling development
- Townhouse development
- Independent living retirement facilities
- Assisted living retirement communities
- Nursing homes
- Restaurants and pubs (with or without patios)

Those uses permitted under Section 3351.03 (C-1)
 Neighborhood Commercial District
 Fitness facilities and commercial or non-commercial
 recreational uses (e.g., volleyball courts, bocce ball,
 basketball courts, etc.)
 Retail stores

- Section 3333.18 Building lines (reduce the setback along Hamilton Road (existing and future) from 60 ft. to 15 ft.)
- Section 3333.255 Perimeter yard (reduce the setback from 25 ft. to zero for interior parcel lines)
- Section 3318.13 Commercial, industrial, office and non-residential institutional development (waiver of park dedication)

Conditions to Variances Requested. The following limitations shall be placed on the permitted uses listed above:

- a. No stand-alone retail or restaurant uses shall be permitted, except on lots that have their primary frontage on Relocated Hamilton Road. In all other areas of the zoning district, retail and restaurant uses shall be restricted to buildings that also contain residential and/or office units.
- b. Eating and drinking establishments shall be located no closer than 200 feet to single family residential property that is found adjacent to Subarea 1 immediately to the south or east. Outdoor patios shall be located to the front of buildings but also may be located to the side of a building provided that they are adjacent to a sidewalk in front of the building.
- c. Within Subarea 1, the combined area of C-1 uses, eating and drinking establishments and retail stores shall not exceed twenty five thousand (25,000) square feet of building floor area, of which restaurants and pubs shall not exceed ten thousand (10,000) square feet of floor area. Eating and drinking establishments greater than 2,000 square feet are permitted notwithstanding the limitation language in Section 3351.03 (C-1 Neighborhood Commercial District.)

Applicant:
 Town and County City, Inc. et al.



Signature

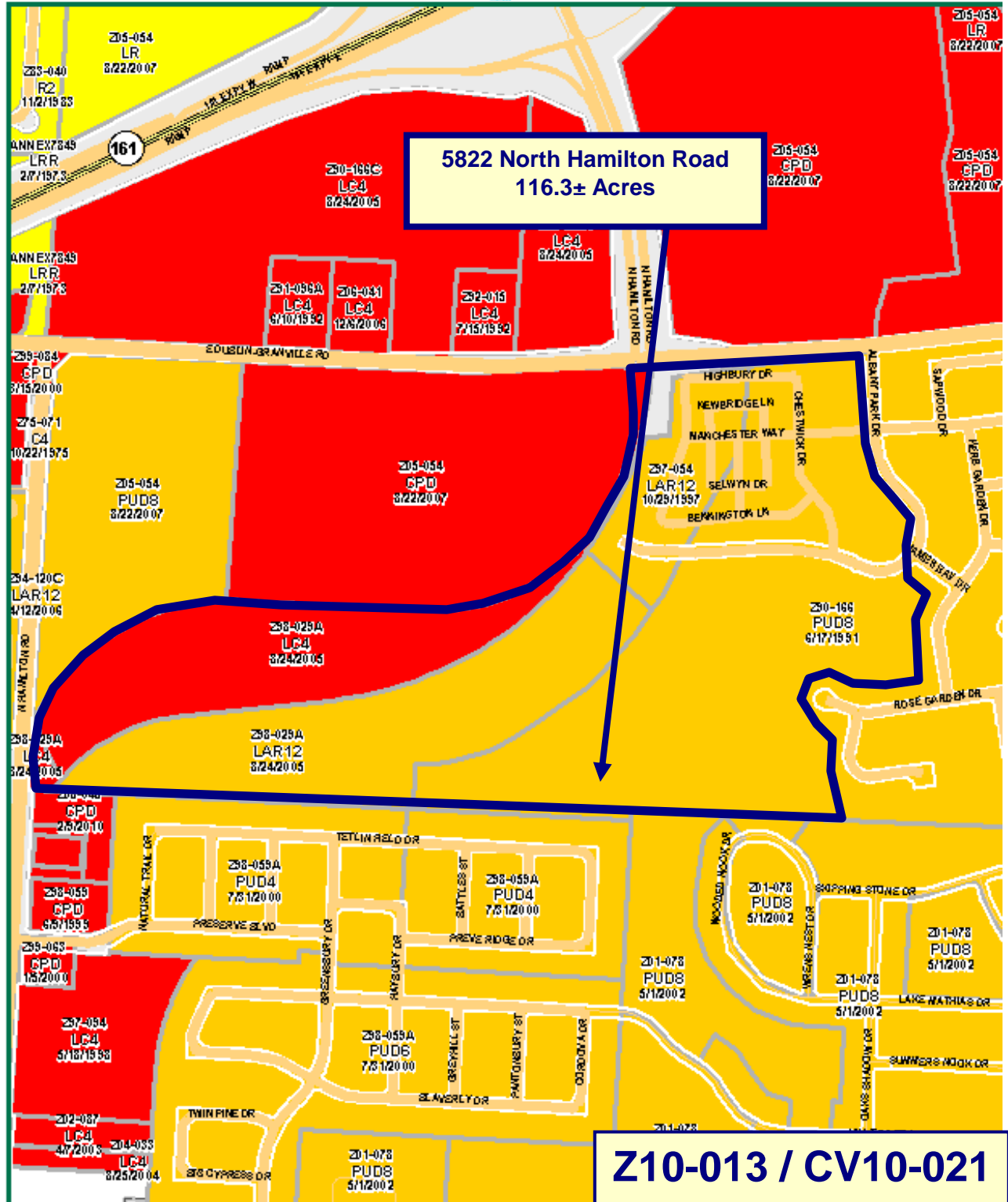
Charles Fraas, attorney for Applicant



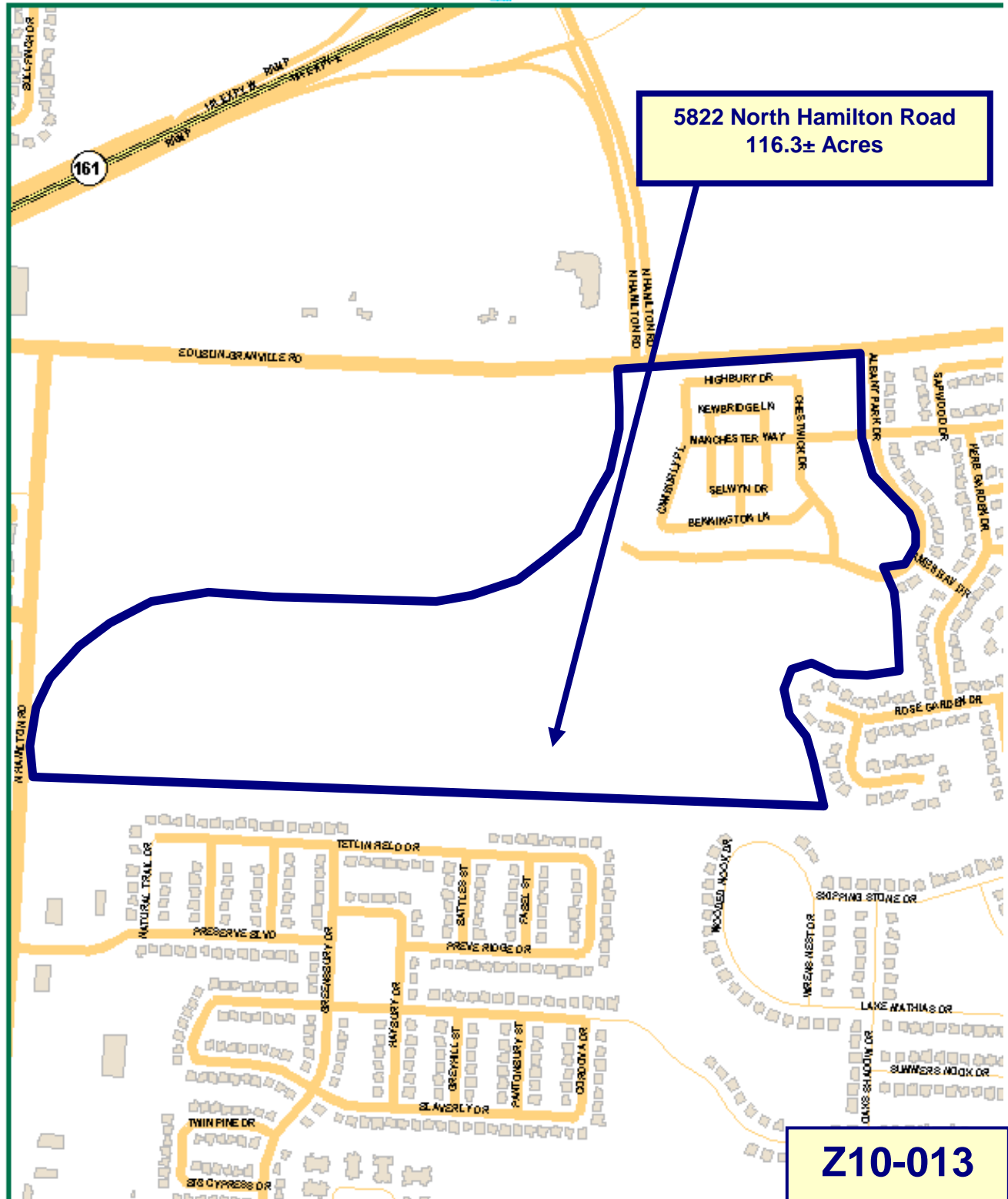
Date

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES
157 CAROLYN AVENUE, COLUMBUS, OH 43224



CITY OF COLUMBUS
DEPARTMENT OF BUILDING AND ZONING SERVICES
151 CAROLYN AVENUE, COLUMBUS, OH 43224

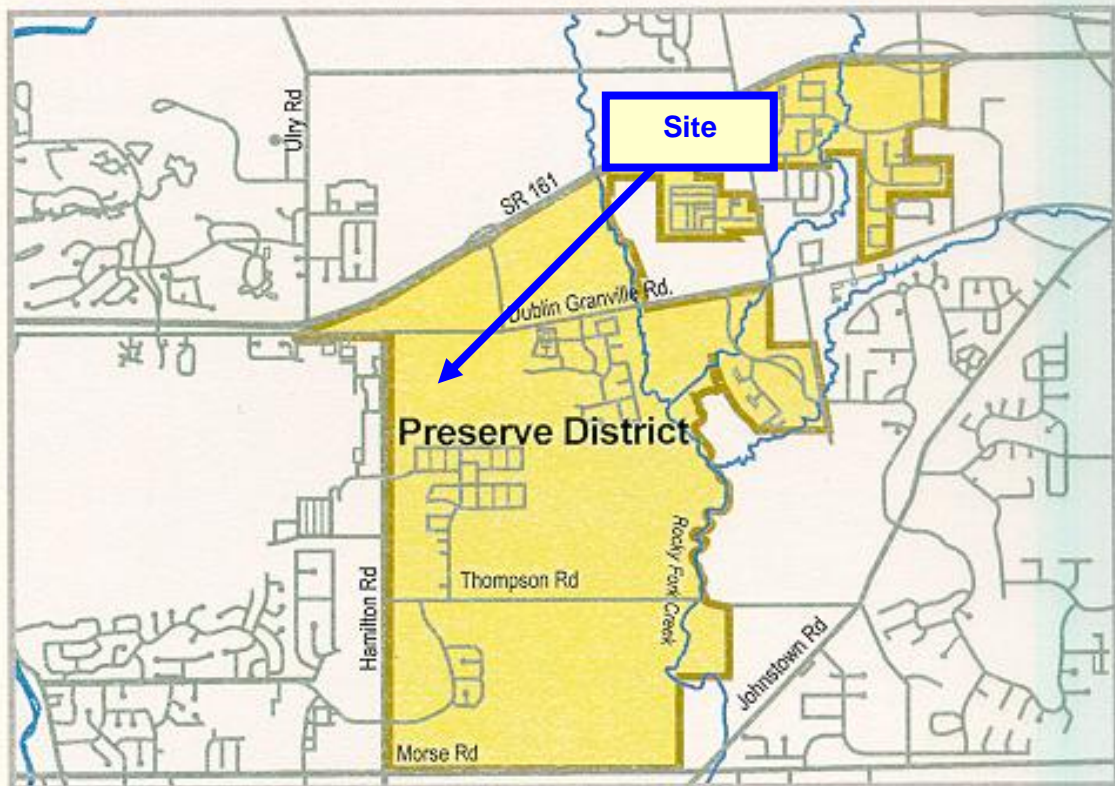


Preserve District

This district is located east of Hamilton Road, north of Morse Road and follows the Columbus city limits east to the village of New Albany. A significant portion of this district is undeveloped, however, almost the entire district has previously been annexed and zoned in the city of Columbus.

The largest single zoning in the district is the Preserve Master Plan, a nearly 1,000-acre development east of Hamilton Road. This plan will incorporate single and multi-family residences, provisions for open space, portions of a golf course, and some commercial uses. Hamilton Road will eventually be extended in the northwest corner of this district. There is commercial and multi-family zoning in place where this road will be located.

Zoning on several parcels near SR-161, north of Dublin-Granville Road, ranges from LM2, limited manufacturing, to LC4, limited commercial. Preliminary private sector plans for these parcels call for a mixed-use development with retail, single and multi-family residential, and office uses.



Preserve District



Northland Community Council
Development Committee

Report

April 25, 2012 7:00 PM
Minerva Park Community Center
2829 Minerva Lake Road

Meeting Called to Order: **7:00 pm by Development Chair Dave Paul**

Members represented:

Voting: (14): Albany Park (APHA), Clinton Estates (CECA), Cooperwoods (CWCA), Forest Park (FPCA), Friendship Village (FVRA), Karmel Woodward Park (KWPCA), Maize-Morse Tri-Area (MMTACA), Minerva Park (MP), Northland Alliance (NA), Salem (SCA), Sharon Woods (SWCA), Sprucefield (SCA2), Strawberry Farms (SFCA), Westerville Woods (WWCA).

The agenda was amended to hear Case #2 before Case #1 and approved by the Committee.

Case #2: Application 10310-00392 (*Variance: reduce parking requirement per §3312.49*)
B. Longe & M. Nwosu/United Consultants & Associates *representing*
Pastor James Edwards, Sr./Pyauainde Edwards/Moconjaye Edwards
4034 Cleveland Avenue (PID 010-235709)

- *The Committee approved 13-0 (w/ 1 abstention) a motion (by WWCA, second by MP) to **NOT SUPPORT** the application.*

*The Committee determined it could not support the application because the materials the Committee received from the applicant prior to the meeting were incomplete (did not include the current BZA application as revised subsequent to September 2010) and were inconsistent with Statement of Hardship and other information contained in the original (September 2010) BZA application currently available on the City's Web site (as provided to the Committee by the chair). The applicant did not offer updated materials at the meeting. There were also several technical concerns about the information presented by the applicant, and a number of variances were implied in the site plan provided by the applicant for which the applicant apparently is not currently seeking approval. **Please see attached narrative.***

Case #1: Applications Z10-013/CV10-021 (*Rezone to L-ARO Apartment Residential, CPD; variances from §3318.03, §3318.13, §3333.04, §3333.18, §3333.255*)

Charlie Fraas/CASTO *representing*
Town & Country City, Inc. *et al*
5822 N Hamilton Road, Columbus, OH 43054

Application Z10-013 (Rezoning to L-ARO & CPD)

- *Referring to revised Zoning Text dated 4/16/2012, the Committee voted 14-0 (motion by MP, second by MMTACA) to **SUPPORT WITH CONDITIONS**:*
 - 1) *Text to prohibit the construction of monopole telecommunications antennas in SubAreas 1, 5 and/or 5Z.*
 - 2) *Text to specify that no direct vehicular access will be constructed across the "Western Section (Southern Boundary)" of SubArea 1 (as identified on the "Albany Park/Existing Conditions & Tree Preservation" document dated 4/16/12) to commercial property located on adjoining parcel south of SubArea 1 with frontage on N Hamilton Road.*
-

Application CV10-021 (Council variances, pertaining ONLY to SubArea 1)

Variance from §3333.04 (ARO, permit additional uses):

- *The Committee voted 14-0 (motion by AP, second by MP) to **SUPPORT WITH CONDITIONS:***

1) *Variance to be amended to strike "Parking garage" as a additional permitted use.*

Variance from §3333.18 (Building lines: reduce setback along Hamilton Road existing and future from 60' to 10')

- *The Committee voted 13-1 (motion by AP, second by MP) to **SUPPORT WITH CONDITIONS:***

1) *Variance to be amended to reduce setback along N Hamilton Road from 60 feet to 15 feet (rather than 10 feet as requested by the applicant).*

Variance from §3333.255 (Perimeter yard: reduce setback from 25' to 0' for interior parcel lines):

- *The Committee voted 14-0 (motion by SFCA, second by SCA) to **SUPPORT** the application.*

Variance from §3333.36 (Height district: permit a 60' height district):

- *The Committee voted 13-1 (motion by WWCA, second by NA) to **SUPPORT** the application.*

Variance from §3318.03 (Requirements: waive land donation/payment in lieu):

- *The Committee voted 14-0 (motion by MP, second by WWCA) to **SUPPORT** the application.*

Variance from §3318.13 (Commercial, industrial, office and non-residential institutional development: waiver of park dedication):

- *The Committee voted 14-0 (motion by SCA, second by CECA) to **SUPPORT** the application.*

(No narrative.)

Executive Session **9:15 pm**

Meeting Adjourned **10:30 pm**

Next Meeting: *Wednesday, May 30, 2012*



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

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.

APPLICATION # 210-013 / CV10-021

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Charles Fraas

Of [COMPLETE ADDRESS] 191 W. Nationwide Blvd., Suite 200, 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 or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

<p>1. Town & Country City, Inc. 191 W. Nationwide Blvd., Suite 200 Columbus, OH 43215</p> <p>Zero Columbus based employees Charles Fraas (614) 228-5331</p>	<p>2. Stephen L. Harper, Trustee 191 W. Nationwide Blvd., Suite 200 Columbus, OH 43215</p> <p>Zero Columbus based employees Charles Fraas (614) 228-5331</p>
<p>3. Great Eastern Corporation 191 W. Nationwide Blvd., Suite 200 Columbus, OH 43215</p> <p>Zero Columbus based employees Charles Fraas (614) 228-5331</p>	<p>4. National Properties, Inc. 191 W. Nationwide Blvd., Suite 200 Columbus, OH 43215</p> <p>Zero Columbus based employees Charles Fraas (614) 228-5331</p>

Check here if listing additional parties on a separate page.

Town & Country City, Inc., et al.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 11th day of February, in the year 2012

SIGNATURE OF NOTARY PUBLIC Molly P. Benadum



Molly P. Benadum
Notary Public, State of Ohio
My Commission Expires 12-09-2016

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

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer