



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

CV13-010

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 attached

Signature of Applicant

Date

3/5/13

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer

**STATEMENT OF HARDSHIP
AND SPECIFICATIONS OF VARIANCES REQUESTED
Zoning Number 5103 Central College Road (Total 8.6 +/- Acres)**

In conjunction with the companion request to rezone an 8.6 acre tract of land, Zoning Number 5103 Central College Road, from Neighborhood General to Neighborhood Edge, the Applicant, Dominion Homes, Inc., is requesting 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. Furthermore, the variances requested herein are substantially similar, if not identical, to the variances (in conjunction with a re-zoning from Neighborhood General to Neighborhood Edge) requested by the Applicant and approved by the City of Columbus on April 12, 2010, relative to an adjacent 15.9 acres located within the Community (Ordinance No.: 0531-2010). The Applicant respectfully submits, as set forth below, that practical difficulties are presented and the requested variances 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

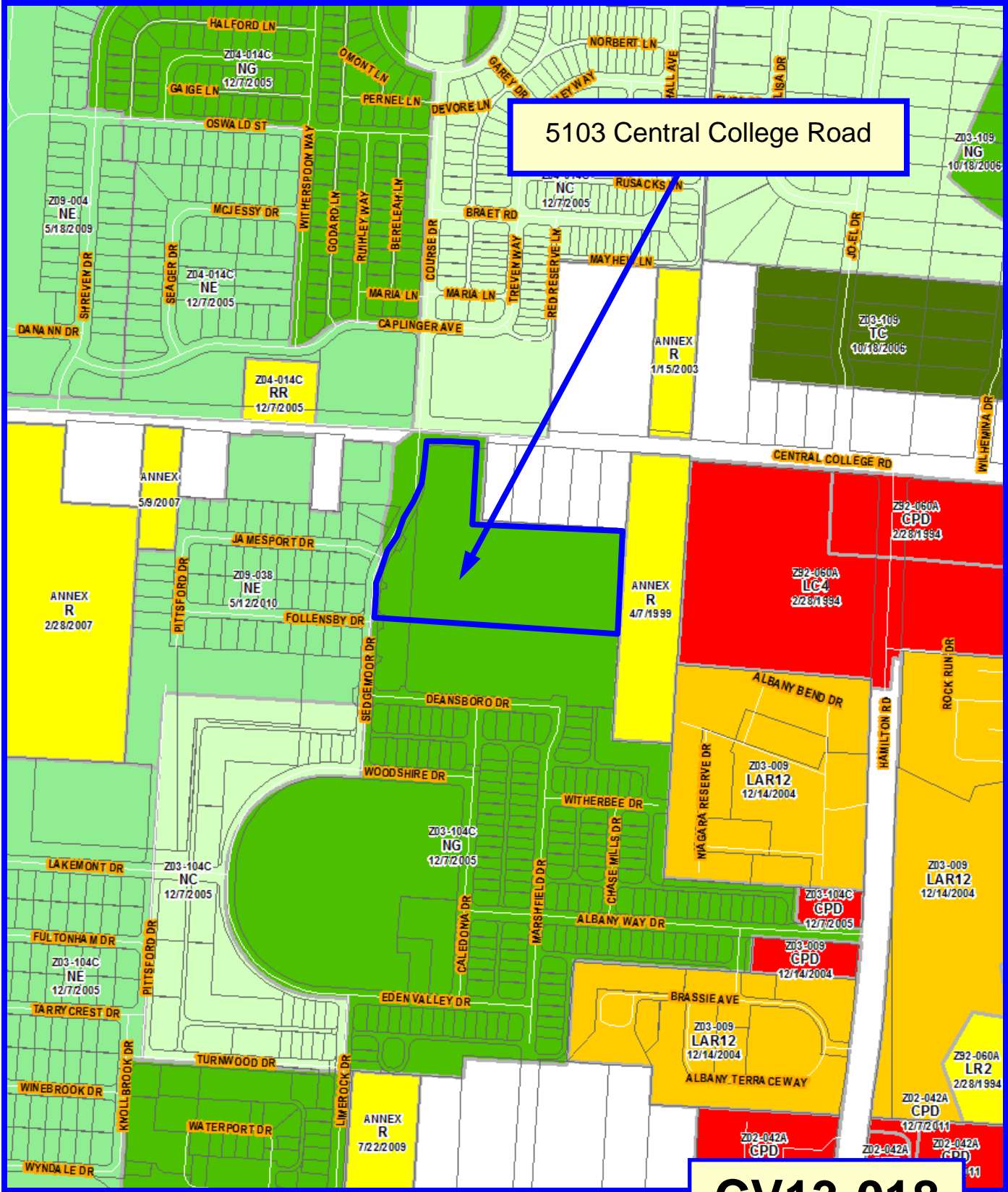
Table (planting pattern requirements):

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

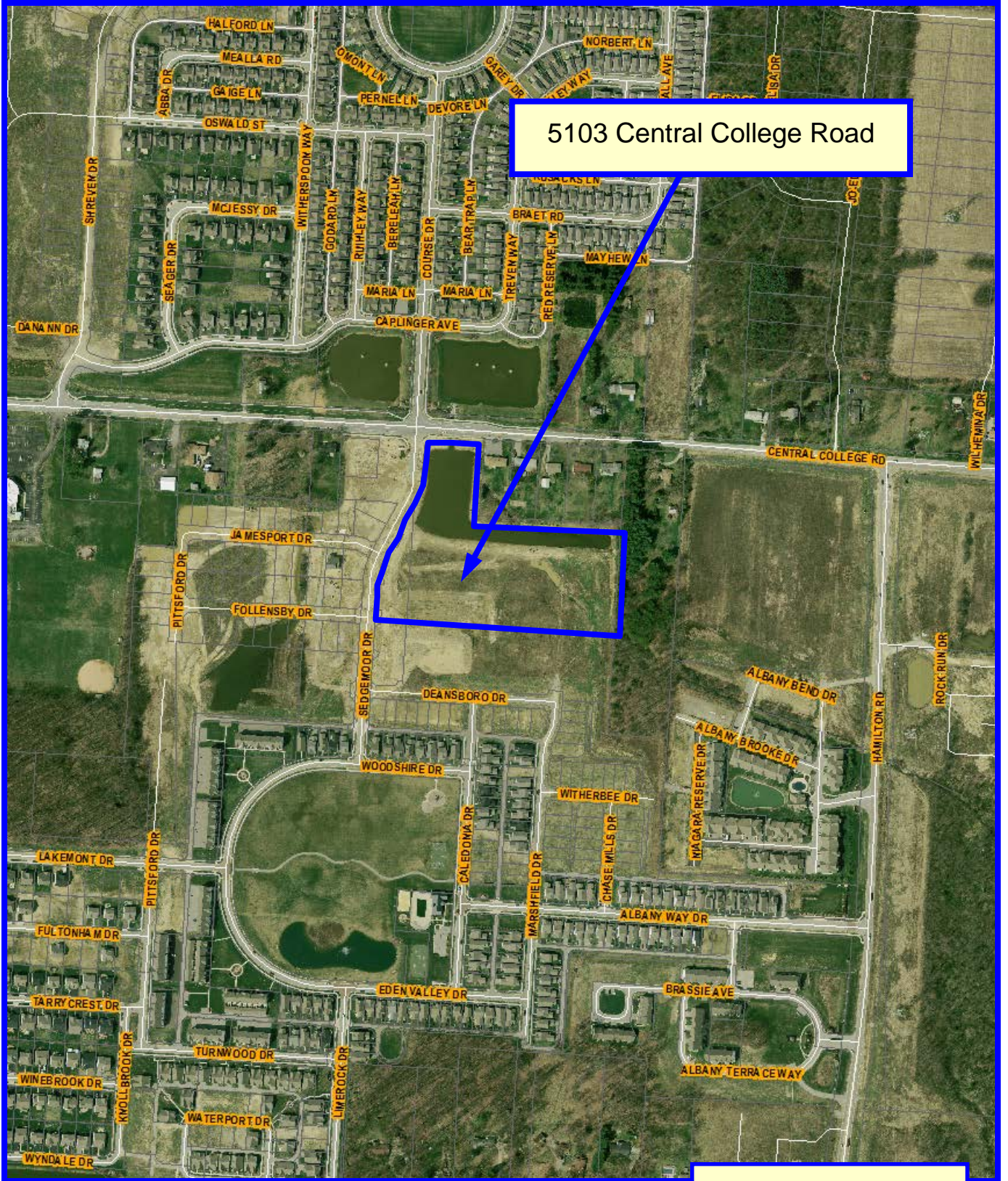
The Applicant is willing, in consideration of the granting of the requested variances, to agree to the following conditions:

1. All homes constructed on the 8.6 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 8.6 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.



5103 Central College Road

CV13-018



5103 Central College Road

CV13-018

RECORD OF PROCEEDINGS

MARCH 21, 2013

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

I. Call to Order

Meeting opened at approximately 7:05 pm at New Albany Village Hall with the following members present: Don Ballard, Claudia Husak, Mike Chappellear, Rich Kight, Meera Parthasarathy, and Gary Schmidt. Ms. Husak chaired the meeting. Staff members present were Devayani Puranik, Cindy Powell, and Adrienne Joly.

II. Record of Proceedings

September 2011 minutes approved. (Mr. Ballard- First; Mr. Schmidt- Second; Mr. Kight- Abstain)
November 2012 minutes approved. (Ms. Parthasarathy- First; Mr. Chappellear- Second)

III. Old Business

IV. Cases/Public Hearings

1. 5103 Central College Rd (Z13-026/ CV13-018)

Review and Action regarding a Columbus application to rezone 8.6 acres within the Village at Albany Crossing TND development from Neighborhood General (NG) to Neighborhood Edge (NE) and related variances for garage setback and tree spacing.

Proposed Use: Single Family Residential

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

Staff Presentation: 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.

Application Presentation: Mr. 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 will install at least the equivalent of one street tree per thirty (30) lineal feet of street frontage, for both sides of the street. 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.

Panel Discussion

Mr. Chappellear asked about the difference between Neighborhood General and Neighborhood Edge categories.

Mr. Meyer said that Neighborhood General Areas have alley based single family homes and Neighborhood Edge areas have typical suburban single family homes.

Mr. Kight said that he does not see any major issues related to this application. But he has a few comments. He asked about the any development plans anticipated for the six neighboring lots fronting on Central College Rd and the larger parcel along east side of the proposed development, which area within Plain Township.

Ms. Puranik said that she is not aware of any plans.

Mr. Kight asked if there was any possibility to align the two driveways to streamline the currently offset intersection. He said that given the minimal traffic using that intersection; it's not a major issue. But aligning driveways will result in better circulation.

Mr. Chappellear asked about the offset distance.

Mr. Schmidt said that it could be 100'. He said that considering the traffic and speed along those driveways, the circulation will not be majorly impacted.

Mr. Kight asked if there is any transit service around this area given the intent of the development was to create walkable transit oriented development.

Mr. Meyer said that he is not aware of any.

Ms. Husak said that the four lots toward the east of proposal seem awkwardly situated.

Mr. Meyer said that those lots will be next to alley based housing development.

Ms. Husak said that she is comfortable with the rezoning request but she is not very comfortable with the 40% projecting garage variance. She said that it is not the aesthetic intent for this type of TND development.

Ms. Parthasarathy asked of the west side of development is the similar type of development as requested by this rezoning.

Mr. Meyer said that the new rezoning will be same as the west side development. The new houses with the projected garages will be same as the houses already developed along west side.

Mr. Chappellear asked if the garage will stick out for the houses developed using variance standards.

Mr. Meyer said that even though the garages are projected, they will still be within the setback. These houses will provide 100 sq. foot porches along the garage.

Mr. Schmidt asked about the tree variance.

Mr. Meyer said that the trees with 30' center usually match with the driveways. Hence they are requesting max. 60' distance. The remaining trees will be planted elsewhere within the development.

Mr. Chappellear asked if the remaining trees can be planted within the buffer to the east as that will be helpful to protect the neighboring east parcel which is currently within the Township.

Mr. Schmidt said that typically major buffer is not required between neighboring properties if they are used for residential purposes. He would prefer to plant the trees within the park areas.

Ms. Parthasarathy said that personally she prefers the proposal to the alley based housing as it helps to prevent excess stormwater runoff and alley maintenance.

Mr. Chappellear asked about the square footage of the houses.

Mr. Meyer said that the houses will be about 1,700 to 2,000 sq. feet within Columbus School system.

Mr. Meyer thanked the panel.

MOTION: To approve

MOTION BY: Mr. Schmidt, seconded by Ms. Husak

RESULT: Approval (6-0)

V. New Business

VI. Adjournment

With there being no further business, the meeting was adjourned at approximately 7:50 pm.



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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 # CW13-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Robert Meyer, Porter Wright Morris & Arthur

Of [COMPLETE ADDRESS] 41 South High Street, 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 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

1. Dominion Homes, Inc. 4900 Tuttle Crossing Blvd. Dublin, Ohio 43016 Employees: 40 Contact: Robert A. Meyer, Jr. 614-227-2096	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 5th day of March, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here



Brenda G. Heaney
Notary Public, State of Ohio
My Commission Expires Dec. 21, 2013

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

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
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