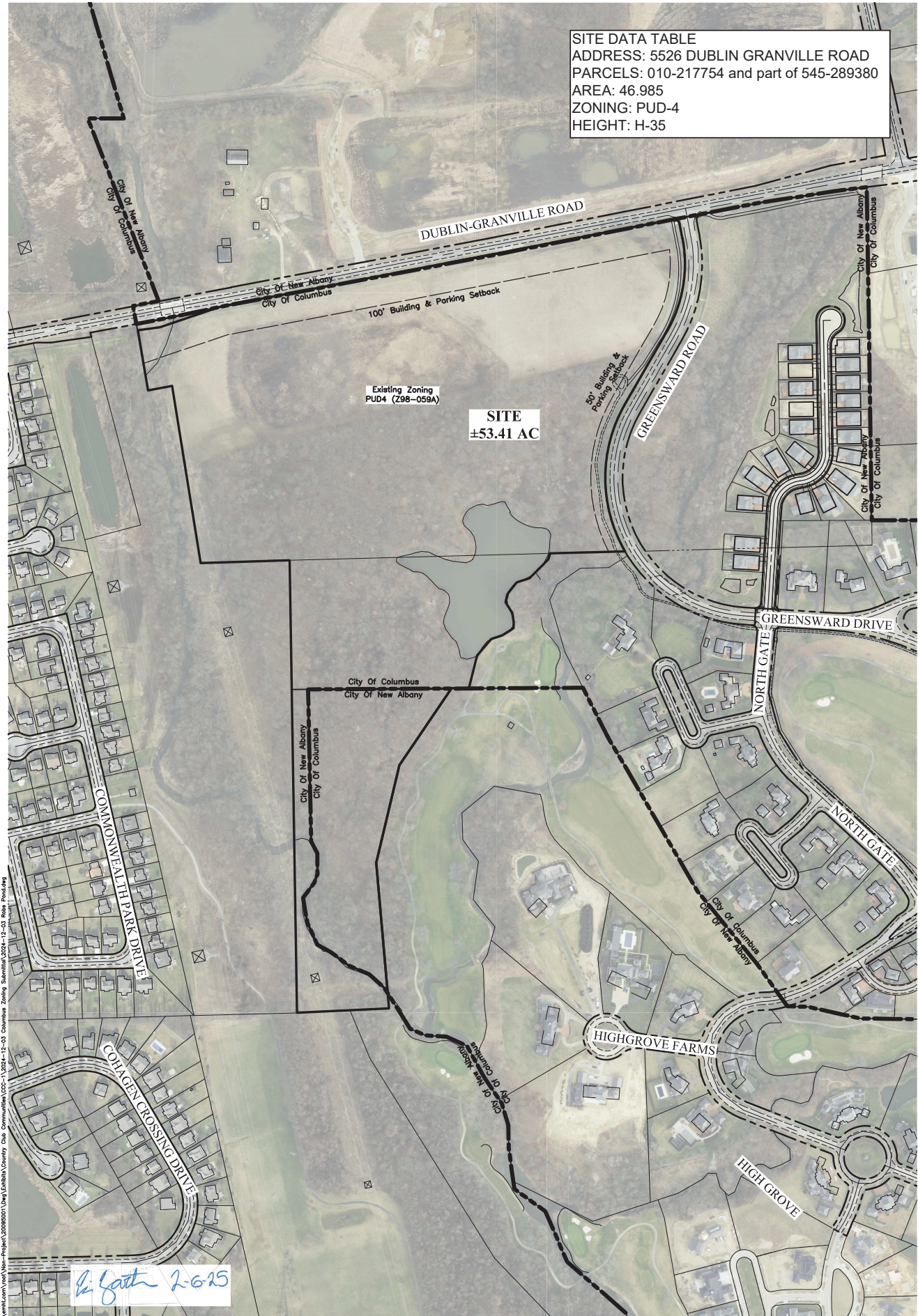


Date: December 3, 2024



**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: **CV24-154**
Location: **5526 E. DUBLIN GRANVILLE RD. (43054)**, being 46.99± acres located on the south side of East Dublin Granville Road at the intersection of East Dublin Granville Road and Greensward Road (010-217754 and part of 545-289380; Northland Community Council).
Existing Zoning: PUD-4, Planned Unit Development District (H-35).
Proposed Use: Single-unit residential development.
Applicant(s): The New Albany Company, c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 120; New Albany, OH 43054.
Property Owner(s): The New Albany Company; 8000 Walton Parkway, Suite 200; New Albany, OH 43054.
Planner: Alyssa Saltzman; 614-645-9625; ADSaltzman@columbus.gov

BACKGROUND:

- The 46.99± acre consists of one undeveloped parcel, and a portion of another undeveloped parcel, both zoned in the PUD-4, Planned Unit Development District, and within different Franklin County taxing districts which precludes parcel combination.
- The requested Council variance will allow the site to be developed with eight single-unit dwellings, not on platted lots, along with garages, accessory buildings, and residential amenities such as but not limited to swimming pools, pool houses, out buildings, athletic courts, barns, and stables. A variance is necessary because the underlying PUD district, established by Ordinance #1776-00 (Z98-059A, Subarea B7a) passed on July 21, 2000, only allows single-unit dwellings in accordance with R-2, Residential District development standards, requiring one dwelling per parcel or lot.
- Additional variances are included to allow dwellings and buildings to front on private streets, reduced minimum side yards, increased building height, elimination of private garage standards, and specific deviations from the PUD development standards including a private driveway access to East Dublin-Granville Road which is otherwise prohibited; eliminating restrictions of garage door sizes for accessory buildings; eliminating a one story height restriction on ancillary structures; and allowing multiple single-unit dwellings on each parcel that are not on individually platted lots.
- To the north is undeveloped land in New Albany's AG, Agricultural District. To the east is undeveloped land in the PUD-4, Planned Unit Development District. To the south is a park in the PUD-8, Planned Unit Development District. To the west undeveloped land in the L-R, Limited Rural District.
- The site is located within the planning area of the *Northland Plan – Volume II* (2002), which recommends “Preserve District” land uses at this location.
- The site is located within the boundaries of the Northland Community Council, whose recommendation is for approval.

- The *Columbus Multimodal Thoroughfare Plan* (2018) identifies this portion of East Dublin-Granville Road as a Suburban Commuter Corridor requiring 120 feet of right-of-way.
- Staff recognizes that there are practical difficulties with the variances included in the request as the Zoning Code does not contain provisions for estate development.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested variances are consistent with the *Northland Plan – Volume II's* land use recommendation of "Preserve District" which recommends continuing a residential development pattern east of Hamilton Road and south of Old Dublin-Granville Road.

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 Hodge

Date

STATEMENT IN SUPPORT

Application No.: CV24- 154
Location: 5526 DUBLIN GRANVILLE ROAD. (43054), located on the south side of Dublin Granville Road and approximately 750 feet west of Harlem Road. (010-217754 and part of 545-289380 (TBD); Northland Community Council).
Existing Zoning: PUD-4 Residential
Proposed Zoning: R, Rural
Proposal: To develop an estate lot with multiple dwellings and accessory buildings.
Applicant(s): The New Albany Company
 8000 Walton Parkway, Suite 200
 New Albany, Ohio, 43054
Attorney/Agent: David Hodge, Esq., Underhill and Hodge, LLC
 8000 Walton Parkway, Suite 260
 New Albany, Ohio 43054
Property Owner(s): The New Albany Company
 8000 Walton Parkway, Suite 200
 New Albany, Ohio, 43054
Date of Text: March 7, 2025

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

This site is located on the north-east side of Columbus. The site is comprised of two parcels which are approximately +/- 46.985 acres in combined area. The parcels cannot be combined into a single parcel because they are designated with separate tax districts.

This site is within the original boundary of “The Preserve” (Z98-059) which rezoned +/- 973.18 acres to various PUD residential and CPD commercial districts with 34 subareas. This site is specifically within Subarea B 7 and is currently zoned PUD-4. The site is vacant.

The adjacent property on the east, across Greensward Road and Sugar Run, is zoned PUD-4 and is a residential development. The adjacent property on the south-east is the New Albany Country Club. Rocky Fork runs along the west perimeter and is Columbus owned property zoned LR. The adjacent property to the north, across Dublin Granville Road, is undeveloped property within New Albany.

The site is within the boundaries of the Northland Community Council and the Preserve District of the Northland Plan – Volume II (2002).

The Applicant proposes development of the site with a residential estate providing multiple residences, garages, accessory buildings, and amenities. The Columbus Zoning Code does not specifically consider this type of estate lot. Therefore, to alleviate this hardship, the Applicant respectfully requests the following variance:

1. Section 3332.033 - R-2 residential district permitted uses. The Applicant requests a use variance to permit multiple single-unit dwellings on each parcel, with a total combined maximum of 8 dwellings.
2. Section 3332.19 – Fronting. The Applicant requests a variance to allow dwellings and principal buildings which do not front upon a public street.
3. Section 3332.26 – Minimum side yard permitted. The Applicant requests a variance to reduce the minimum side yard permitted along the internal parcel line from 7.5 feet to zero feet.
4. Section 3332.29 - Height district. The Applicant requests a variance to increase the maximum height in the R district from 35 feet to 50 feet.
5. Section 3345.07 – Contents of application for establishment of PUD. The Applicant requests variances from the underlying PUD zoning district commitments.
 - The Applicant requests a variance to allow one private driveway access to Dublin-Granville Road. See Subarea B7A Section 3.B.1. of PUD Text
 - The Applicant requests a variance to eliminate restrictions on garage door size for accessory structures. See Subarea B7A Section 3.D.2.a.1. of PUD Text.
 - The Applicant requests a variance to eliminate the one-story height restriction on ancillary structures. See Subarea B7A Section 3.D.6. of PUD Text.
6. Section 3345.11 – Site plan requirements. The Applicant requests a variance to allow multiple single-unit dwellings on each parcel and to not require individual dwellings units on individual platted lots.
7. Section 3332.38 – Private garage. The Applicant requests a variance to this section so that private garages are not required to comply with private garage development standards.

City Council may 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. The Applicant requests a use variance to permit multiple single-unit dwellings on each parcel, with a total combined maximum of 8 dwellings.

The Applicant submits that this use variance will not adversely affect the surrounding property or surrounding neighborhood. The site is approximately +/- 46.985 acres in area and there are no immediate neighbors. Rocky Fork runs along the west perimeter. The golf course of the New Albany Country Club is adjacent to the south-east. There is undeveloped New Albany property to the north across Dublin Granville Road. Finally, there is a small residential development to the east across Greensward Road and Sugar Run. The site is so large and the surrounding properties are so far away that the proposed limited development will not adversely affect surrounding property owners in any way.

The proposed development also compliments the character of the neighborhood. It is common to find large estate lots with the R zoning district in this part of Columbus. Indeed, property that is annexed into Columbus is automatically designated the R zoning district and that district carries with it a development standard for a minimum lot area of 5 acres. The Applicant proposes a maximum of 8 lots on this +/- 46.985-acre site. That is an average density of 5.87 acres per dwelling unit and exceeds the minimum 5-acre lot per residence density of the underlying R zoning district. While the technical standards for this site will be unique due to the requested variance, the property itself will complement the character of the neighborhood and not cause any detriment.

As stated above, the Columbus Zoning Code does not specifically consider the unique multiple dwelling estate lot that the Applicant proposes. The lack of appropriate zoning district is a hardship that may only be alleviated by the requested variance.

City Council may permit a variation in the yard, height or parking requirements of any district in conjunction with a change in zoning when there are unusual and practical difficulties in the carrying out of the zoning district.

The Applicant suffers from an unusual and practical difficulty because the site is comprised of two parcels within different taxing districts which cannot be combined into a single parcel. As a result, there is a parcel line running through the site and, potentially, proposed structures. This is an issue for two reasons. First, the parcel line could run through a structure while requiring a side yard. Second, the rear parcel has no possibility to provide road frontage.

The Applicant also suffers from a practical difficulty due to the underlying zoning PUD zoning district and development standards. The site was originally zoned to PUD for development of a community of several properties and it established certain development standards to ensure high quality and complimentary design throughout. As described above, the proposed estate lot is not contemplated within the PUD district and several of the PUD development standards are too restrictive for the Applicant's plans. Therefore, the Applicant requests variances from certain restrictive form standards while maintaining most of the underlying PUD development standards that ensure quality design, materials, tree preservation, and screening. Therefore, these requested modifications are not significant and will not substantially alter the character of the neighborhood nor cause adjacent property owners any detriment.

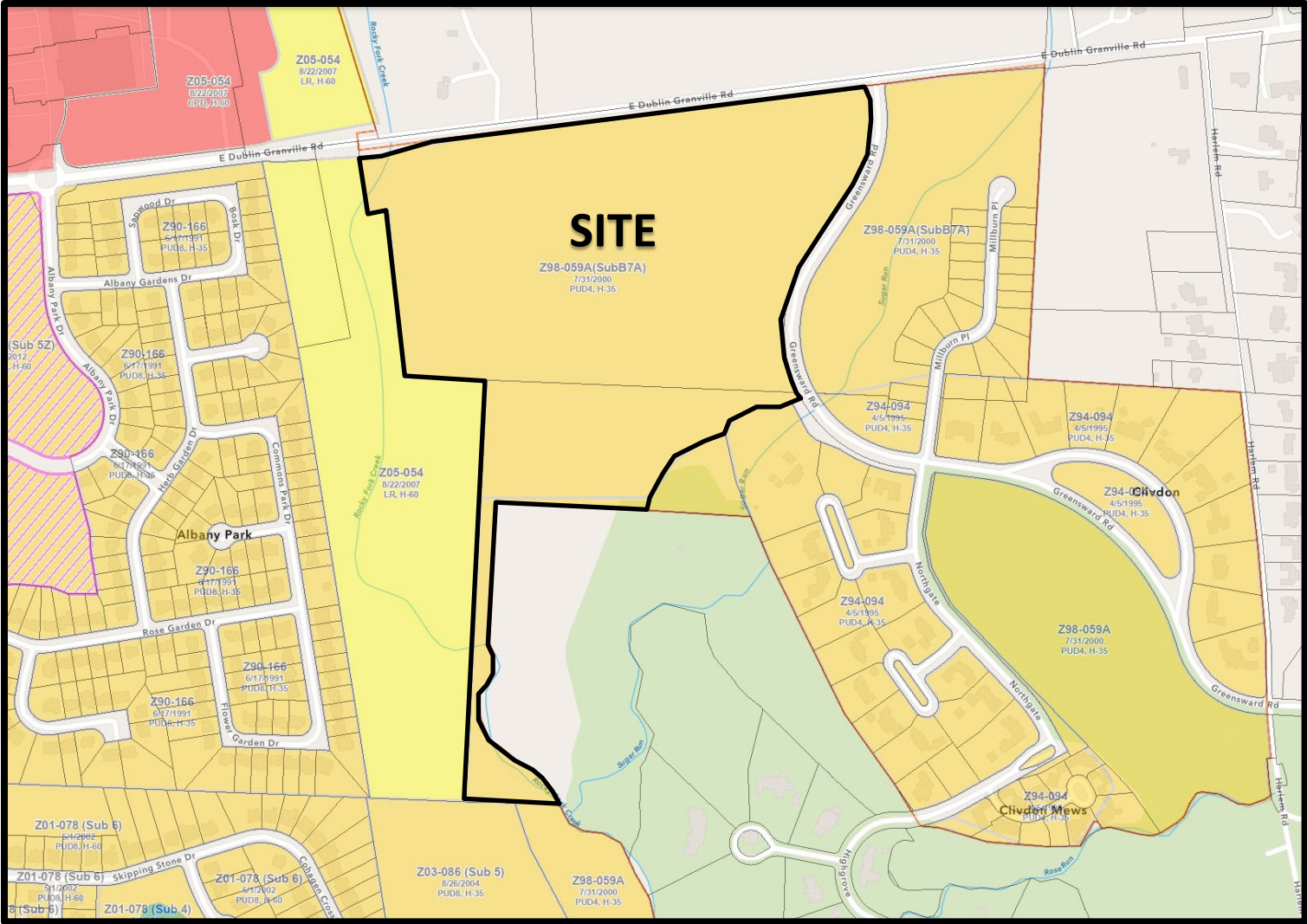
The Applicant requests technical variances which will alleviate the unusual and practical difficulty while allowing the site to be developed as if it were a single property.

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 variance.

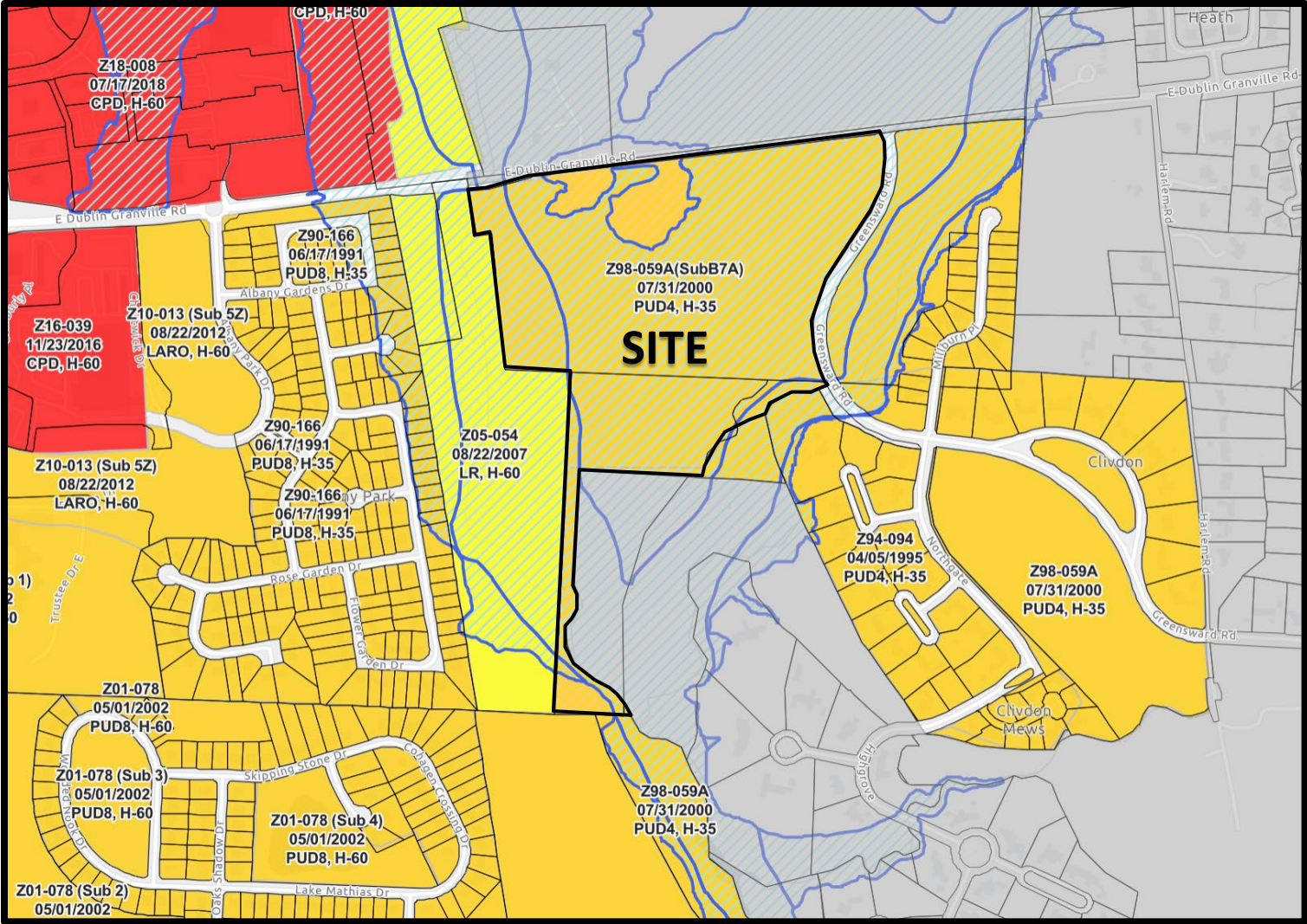
Respectfully submitted,



David Hodge, Attorney for Applicant



CV24-154
5526 E. Dublin-Granville Rd.
Approximately 46.99 acres



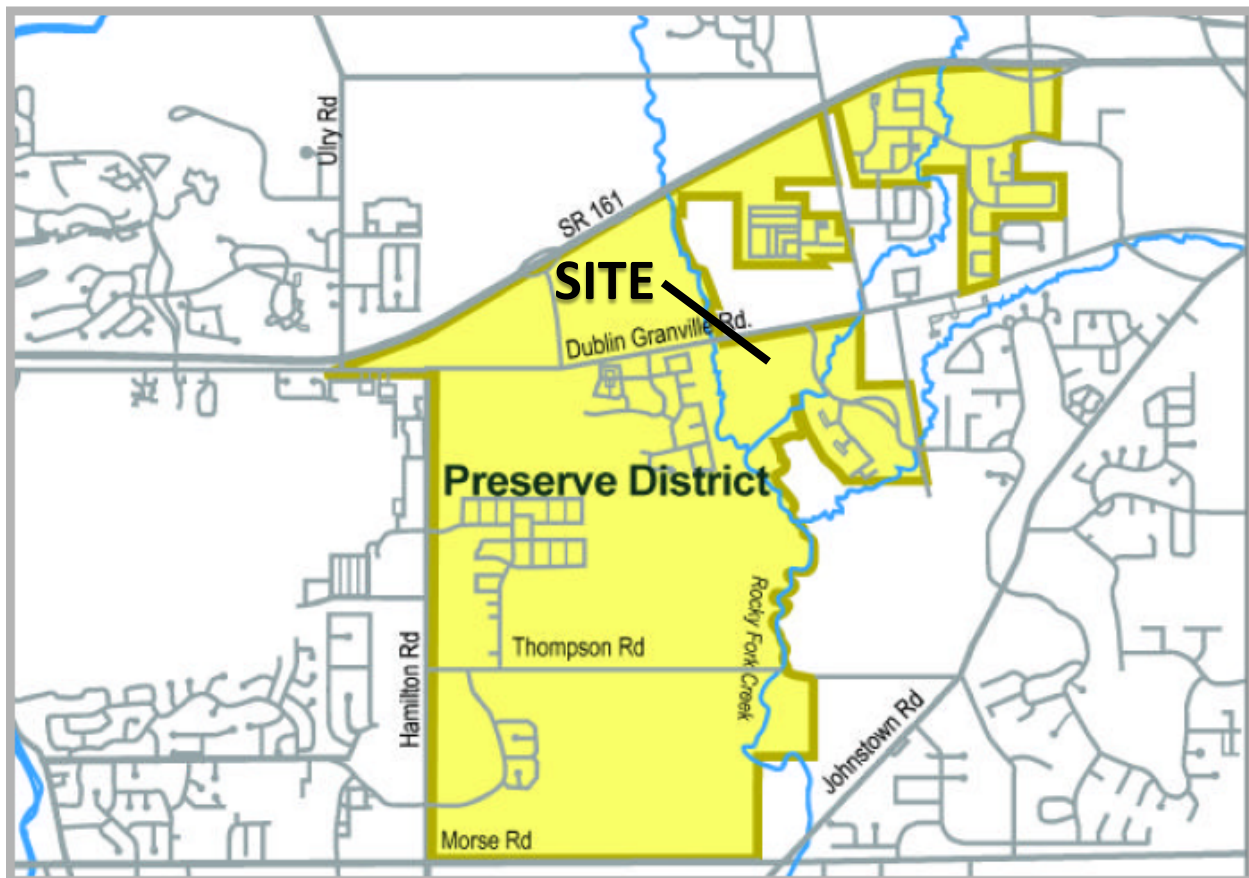
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..... CV24-154
..... 5526 9"Dublin Granville Rd"
..... Approximately 46.99 acres

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



CV24-154
5526 E. Dublin-Granville Rd.
Approximately 46.99 acres



CV24-154
5526 E. Dublin-Granville Rd.
Approximately 46.99 acres

Meeting Called to Order: 6:00 pm by co-chairs Dave Paul and Bill Logan

Members represented:

Voting: (13): Blendon Chase (BCCA), Clinton Estates (CECA), Devonshire (DCA), Forest Park (FPCA), Karmel/Woodward Park (KWPCA), Lee/Ulry (LUCA), Maize Morse Tri-Area (MMTACA), Minerva Park (MP), Northland Alliance (NA), Rolling Ridge (RRSHA), Salem (SCA), Sharon Woods (SWCA), Westerwood (WRA).

Case #1 Application #Z24-045 (Rezone 0.11 AC± from R1 to R4 to permit the construction of a 2-family dwelling) Johnson
 Ugo Nwoke/Aurtec Design *representing*
 Awal Inusa
 2366 Brooklyn Rd, 43231 (PID 600-146382)

- *The Committee approved (8–4 w/ 1 abstention) a motion (by FPCA, second by DCA) to **RECOMMEND DISAPPROVAL** of the application.*

Case #2 Application #GC24-044 (Graphics variances from §3377.20(D), §3377.24(B) and §3377.24(D) to permit wall signs on all four elevations of a structure containing a veterinary hospital) Smedley
 Niels Braam/SignCom, Inc. *representing*
 Veterinary Emergency Group
 4056 Morse Rd, 43230 (PID 600-308524)

- *The Committee approved (13–0) a motion (by FPCA, second by KWPCA) to **TABLE** the application with the agreement of the applicant’s representative.*

Case #3 Application #CV24-154 (Council variance to permit the development of a 46.985 AC± estate lot with multiple dwellings and accessory buildings in a PUD--4 district) Saltzman
 David Hodge/Underhill & Hodge *representing*
 The New Albany Company
 5526 Dublin Granville Rd, 43054 (PID 010-217754, 545-289380 part)

- *The Committee approved (13–0) a motion (by RRSHA, second by CECA) to **RECOMMEND APPROVAL** of the application.*

Case #4 Application #BZA24-157 (Public presentation concerning the proposed operation of an Adult-Use dispensary under the Ohio Medical Marijuana Control Program (OMMCP) as required under §3389.151 to qualify for a BZA special permit for such operation) Freise
 Greg Gorospe/Ice Miller *representing*
 Farmaceutical RX 2, LLC
 4625 Maize Rd, 43224 (PID 010-04842)

- *The applicant provided a presentation to the Committee and guests that fulfilled the requirements of §3389.151.*

Executive Session

8:00 pm

Meeting Adjourned

8:20 pm

Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV24-154

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. The New Albany Company 8000 Walton Parkway, Suite 200 New Albany, Ohio 43054 Zero Columbus-based employees	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Eric Zartman

Sworn to before me and signed in my presence this 6th day of December, in the year 2024

David Hodge
SIGNATURE OF NOTARY PUBLIC

no expiration
My Commission Expires

Notary Seal Here



DAVID L. HODGE, Esq.
Attorney at Law
Notary Public, State of Ohio
My Comm. Has No Exp. Date
R.C. Sec. 147.03

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