

CV06-043

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

STATEMENT OF HARDSHIP



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

A. Permit a variance in the yard, height, or parking requirement 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 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 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

Series of horizontal lines for text entry.

Signature of Applicant (Signed in BLUE INK)

[Handwritten Signature]

Date June 29, 2006

STATEMENT OF HARDSHIP

Applicant: Reserve at Preston Woods LLC
Property Owners: Reserve at Preston Woods LLC & Village at Preston Woods LLC
Certified Address: 5135 Warner Road
Parcel I.D. No.: 010-242651, 010-277764

The applicant, Reserve at Preston Woods LLC is requesting variances for a development which is zoned LAR-12 for the purposes of permitting a lot split of 1.767 acres ("Clubhouse Parcel") from its parcel relating to a clubhouse and pool. Initially, the applicant's property was zoned as part of a larger parcel. That larger parcel was subsequently split into two parcels for the purposes of development. One parcel (010-242651) will be developed by the applicant and will include a maximum of one hundred thirty six (136) condominium units ("Reserve at Preston Woods Parcel") and the other parcel (010-277764) will be developed by the Village at Preston Woods LLC and will include a maximum of seventy six (76) condominium units ("Village at Preston Woods Parcel"). The communities will be referred to as the Reserve at Preston Woods and the Village at Preston Woods, respectively. Both the Reserve at Preston Woods and the Village at Preston Woods will have their own condominium associations which will be members of the Preston Woods Master Association as indicated in its declaration and restrictions and recorded in the Franklin County Recorder's Office at Instrument #200605110091047 and attached hereto as Exhibit A. Both the Reserve at Preston Woods and the Village at Preston Woods will be subject to shared access and reciprocal easements through the Preston Woods Master Association (Section 8 of the Master Association Declaration) and a Reciprocal Easement Agreement recorded in the Franklin County Recorder's Office at Instrument #200509220198124 and attached hereto as Exhibit B.

Because the Reserve at Preston Woods development and the Village at Preston Woods development are being financed by different lenders, the lenders are requiring the clubhouse and pool to be split into a separate parcel and transferred to the Preston Woods Master Association in order to ensure that both communities forever have unrestricted use of the clubhouse and pool and to prevent the property from being conveyed separately for another use.

To accomplish this lot split, the following variances are requested:

1. Variance from Section 3333.02 (AR-12, ARLD and AR-1 apartment residential district use) for the Clubhouse Parcel

The applicant is requesting a variance from Section 3333.02 to permit the clubhouse and pool to be split from the applicant's parcel onto its own separate parcel. Section 3333.02 enumerates the permitted uses for property located within an AR-12 residential district. Since the lot split would result in a separate parcel for the pool and clubhouse, a variance from this Section to permit the pool and clubhouse to stand alone on its own parcel in the LAR-12 district is required. The applicant's development will be sharing this clubhouse and pool with the neighboring Village at Preston Woods Condominium development. The applicant will transfer the 1.767 acres to the Preston Woods Master Association which will maintain the property for the benefit of both communities.

2. Variance from Section 3342.28 (Minimum number of parking spaces required) for the Clubhouse Parcel

The applicant is requesting a variance from Section 3342.28 with respect to parking on the 1.767 acre parcel which will be split from the applicant's parcel and which will contain the pool and clubhouse. Section 3342.28 requires the parcel to contain one (1) parking space for each thirty (30) feet of gross floor area. Because the Clubhouse will contain approximately 3,889 square feet, Section 3342.28 require the Clubhouse Parcel to have 130 parking spaces. The applicant is requesting a variance from this requirement to permit the Clubhouse Parcel to have 8 parking spaces.

3. Variance from Section 3333.255 (Perimeter yard) for the Clubhouse Parcel (010-242651)

The applicant is requesting a variance from Section 3333.255 which requires a ten (10) to twenty-five (25) foot perimeter yard. The lot split would result in an internal perimeter yard which is approximately zero.

4. Variance from Section 3342.15 (Maneuvering) for the Clubhouse Parcel

The applicant is requesting a variance from Section 3342.15 to reduce the maneuvering area required on the Clubhouse Parcel, and to permit the maneuvering area to include maneuvering on an adjacent parcel.

5. Variance from Section 3342.06 (Aisle) for the Clubhouse Parcel

The applicant is requesting a variance from Section 3342.06 to permit a reduced aisle width created by the lot split.

6. Variance from Sections 3309.148 (Area district) for the Reserve at Preston Woods Parcel (010-242651)

The applicant is requesting a variance from Section 3309.148 which sets density at 1 dwelling per 3,600 square feet (12.1 units per acre) to permit a slight deviation from the zoning density requirements of the Reserve at Preston Woods Parcel. The lot split would render a density of twelve and nine-tenths (12.9) units per acre on the Reserve at Preston Woods Parcel – a slightly higher density than 12.1 units per acre. Overall, however, the Preston Woods development consisting of the Village of Preston Woods Parcel and the Reserve at Preston Woods Parcel, which will function as one development under the Preston Woods Master Association, will maintain a density of just over nine (9) units per acre. Note that the Village at Preston Woods Parcel will maintain a density of just over six (6) units per acre.

7. Variance from Section 3333.255 (Perimeter yard) for the Reserve at Preston Woods Parcel (010-242651)

The applicant is requesting a variance from Section 3333.255 which requires a twenty-five (25) foot perimeter yard. The lot split would result in an internal perimeter yard which is approximately zero as identified on the attached site plan.

8. Variance from Section 3342.28 (Minimum number of parking spaces required) for the Reserve at Preston Woods Parcel (010-242651)

The applicant is requesting a variance from Section 3342.28 which requires two parking spaces to each unit. [Note: the Village at Preston Woods Parcel (010-277764) does not require a parking variance because it already contains at least two (2) parking spaces per unit. The Village at Preston Woods Parcel will contain seventy six (76) units each with a two car attached garage]. Under the Zoning Code, the Reserve at Preston Woods Parcel must have two hundred seventy two (272) parking spaces for its one hundred thirty six (136) units. The applicant requests a variance to reduce the number of parking spaces on the Reserve at Preston Woods Parcel to one hundred fifty five (155). The Reserve at Preston Woods Parcel shall have one hundred thirty six (136) garage spaces and nineteen (19) surface parking spaces. Eight (8) additional parking spaces (one of which is a handicap parking space) will be available on the Clubhouse Parcel and one hundred ten (110) additional surface parking spaces will be available on the Village at Preston Woods Parcel. In total, there will be four hundred twenty five (425) available parking spaces in the Preston Woods development. The Preston Woods zoning clearance plan required the development to contain a total of four hundred twenty four (424) parking spaces.

9. Variance from Section 3342.15 (Maneuvering) for the Reserve at Preston Woods Parcel

The applicant is requesting a variance from Section 3342.15 to reduce the maneuvering area required on the Reserve at Preston Woods Parcel and to permit the maneuvering area to include maneuvering on an adjacent parcel.

10. Variance from Section 3342.06 (Aisle) for the Reserve at Preston Woods Parcel

The applicant is requesting a variance from Section 3342.06 to permit a reduced aisle width created by the lot split, including reduced aisle width along Tawney Lane and Nottinghamshire Lane.

11. Variance from Section 3333.255 (Perimeter yard) for the Village at Preston Woods Parcel (010-277764)

The applicant is requesting a variance from Section 3333.255 which requires a twenty-five (25) foot perimeter yard. The lot split would result in an internal perimeter yard which is approximately zero as identified on the attached site plan.

12. Variance from Section 3333.16 (Fronting) for the Village at Preston Woods Parcel (010-277764)

The applicant is requesting a variance from Section 3333.16 with respect to the Village at Preston Woods Parcel. The proposed lot split would result in the development having no frontage along a public street

13. Variance from Section 3342.15 (Maneuvering) for the Village at Preston Woods Parcel

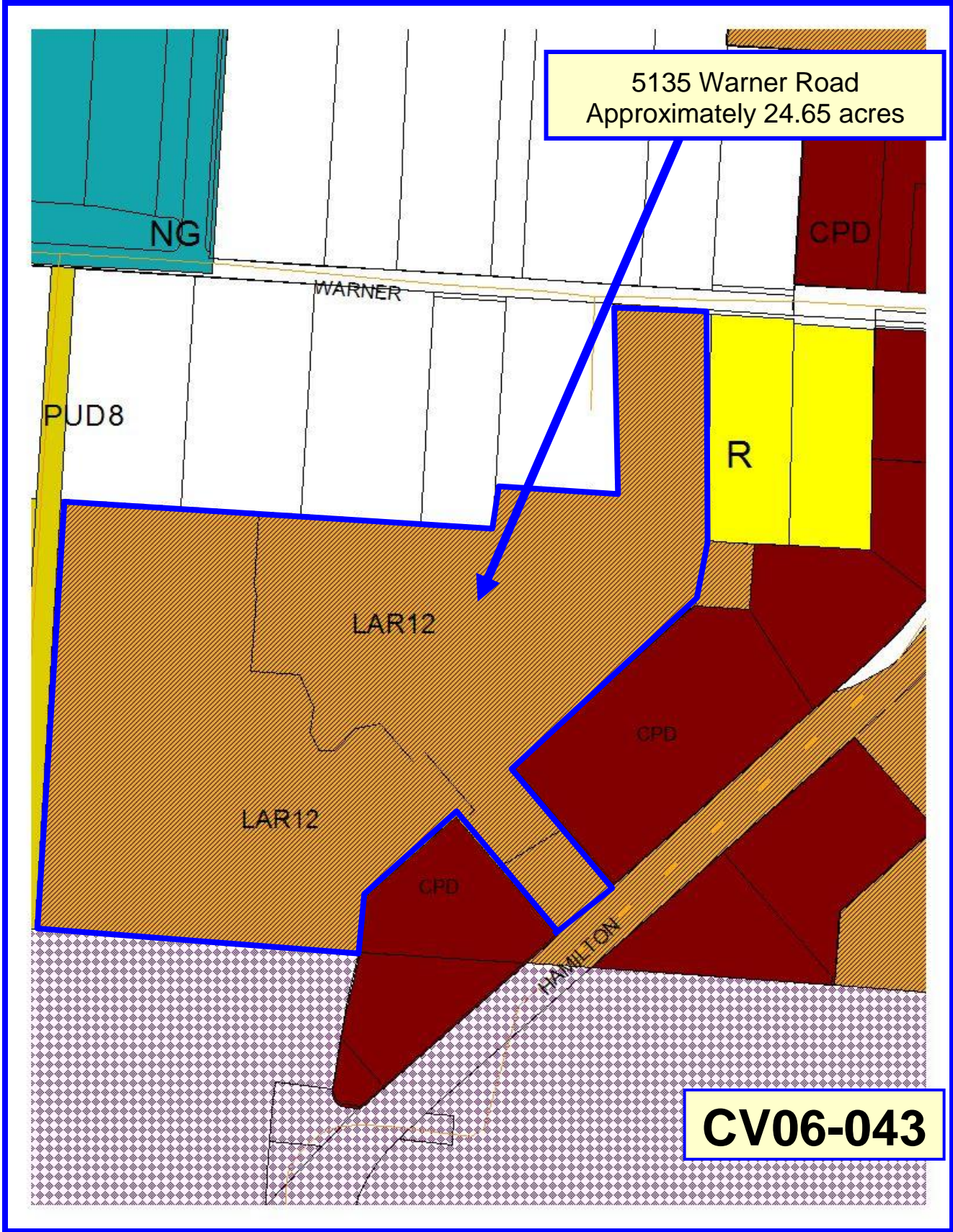
The applicant is requesting a variance from Section 3342.15 to reduce the maneuvering area required on the Village at Preston Woods Parcel, and to permit the maneuvering area to include maneuvering on an adjacent parcel.

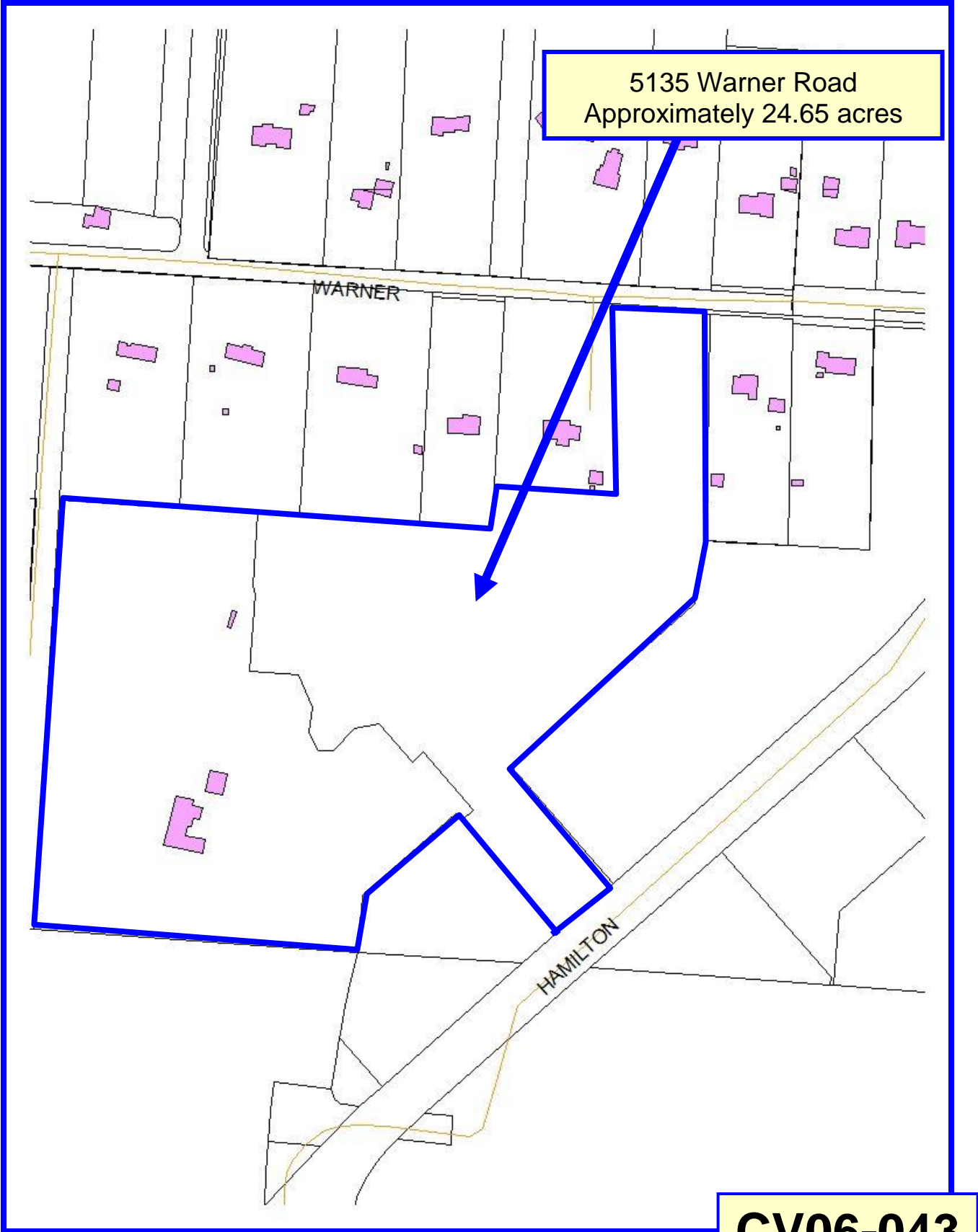
14. Variance from Section 3342.06 (Aisle) for the Village at Preston Woods Parcel

The applicant is requesting a variance from Section 3342.06 to permit a reduced aisle width created by the lot split, including reduced aisle width along Tawney Lane.

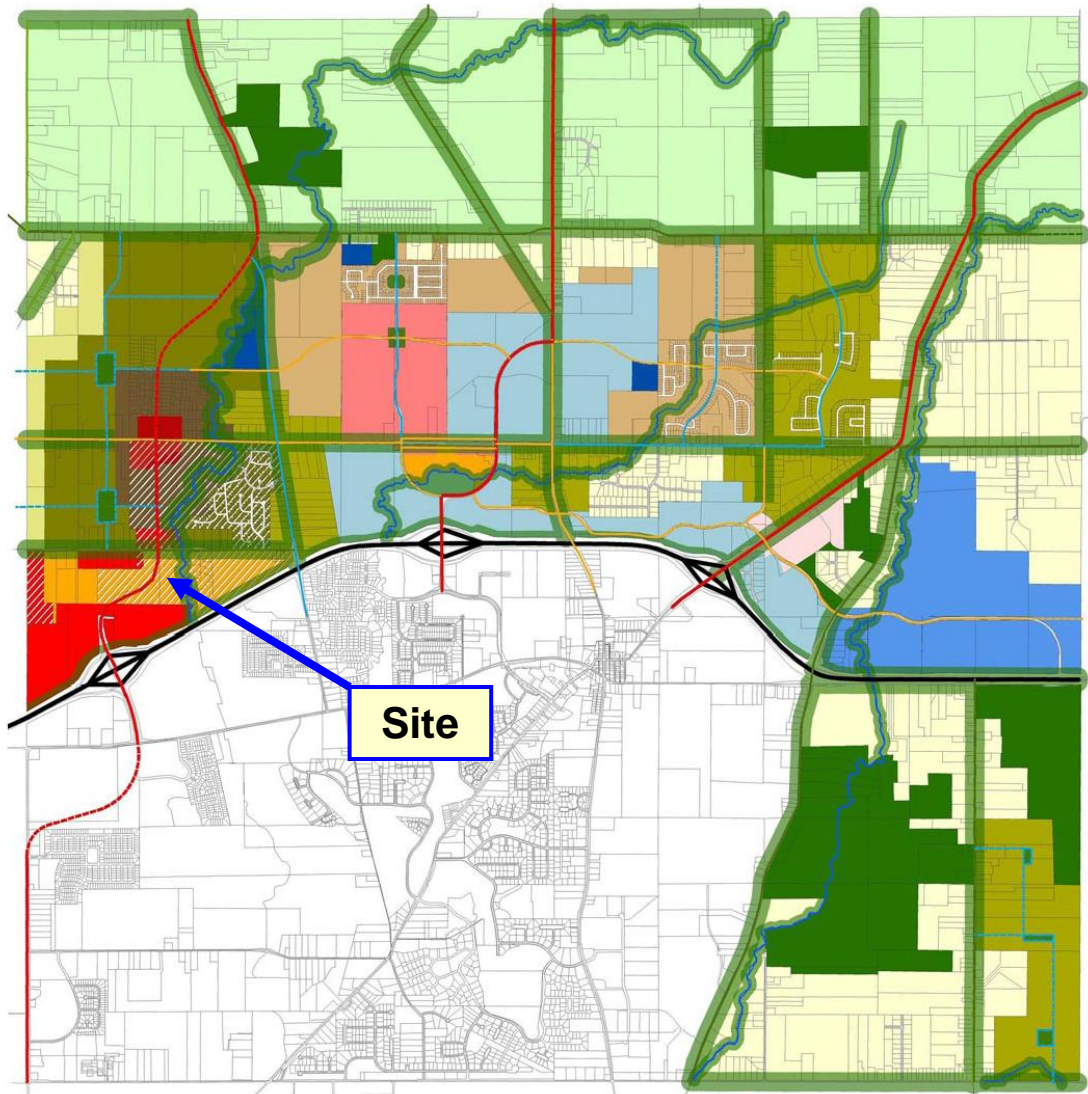
15. Variance from Section 3333.30 (Private access and parking requirements) for the Village at Preston Woods Parcel (010-277764)

The applicant is requesting a variance from Section 3333.30 with respect to the Village at Preston Woods Parcel. Section 3333.30 requires that each dwelling on the property be made for private access and off-street parking. The proposed lot split would remove access off of the Village at Preston Woods Parcel. However, access to that parcel would be preserved through the reciprocal shared access easement agreement through the master association declaration (Exhibit A) and with the Reserve at Preston Woods (Exhibit B).





CV06-043



Legend

- | | | |
|------------------|---------------------|--------------------------------|
| Office | Park/Open Space | Edge |
| Office/Warehouse | Village Mixed Use | Neighborhood |
| Town Mixed Use | Town Residential | Neighborhood Center |
| Commercial | Village Residential | Neighborhood Center Commercial |
| Multi-Family | Rural Residential | Park Zone |
| Civic/Schools | | |

Preexisting zoning represented by hatching.

2003 Land Use Map

Rocky Fork- Blacklick Accord (2003)

CV06-043

-----Original Message-----

From: Klare, Ken E.

Sent: Friday, July 21, 2006 11:44 AM

To: Pine, Shannon L.

Cc: 'jstangeman@vssp.com'

Subject: RFBA_5135 Warner Rd_CV06-043

Shannon—

Last night, this variance application was presented to the Rocky Fork – Blacklick Accord Implementation Panel. No motion was necessary. Both the Panel and I (Planning) support the variance as presented with the understanding that there was no physical change to the approved site plan.

If you need anything else or have a question, please give me a call at 645-8654.

--ken

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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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV06-043

Being first duly cautioned and sworn (NAME) Jill S. Tangeman, Esq.
of (COMPLETE ADDRESS) 52 E. Gay St., Columbus, Ohio 43215
deposes and states that (he/she) is the 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. Reserve at Preston Woods LLC 470 Olde Worthington Rd. Westerville, OH 43082	2.
3.	4.

SIGNATURE OF AFFIANT

Jill Tangeman

Subscribed to me in my presence and before me this 25 day of February, in the year 2007

SIGNATURE OF NOTARY PUBLIC *Sarah L. Herbert*

My Commission Expires: no expiration

This Project Disclosure Statement expires six months after date of notary seal

Notary Seal Here



SARAH L. HERBERT
ATTORNEY AT LAW
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.