



**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:

The current zoning classification permits 3  
or 4 unit residential buildings in accordance  
with the R-4 standards. The applicant wants to  
construct single-family units, along with allowable  
multi-family units as market conditions dictate.  
This will decrease density and will not impair an  
adequate supply of light and air to adjacent property,  
unreasonably increase congestion of public streets,  
increase the danger of fire, endanger public safety, unreasonably  
diminish or impair the public health, safety, comfort, morals or  
Signature of Applicant Joel Anderson Date 27 September 2007

welfare of the City of Columbus. (See attached for detailed Statement of Hardship.)

## STATEMENT OF HARDSHIP COUNCIL VARIANCE FOR THE WOODS AT SUGAR RUN

### DEVELOPER BACKGROUND AND CREDENTIALS

The applicant developer Epcon Communities, Inc. has a long track record of bringing innovative products to market in Columbus, the region and numerous housing markets nationwide via 144 franchisees in 31 states and through its highly successful communities and quad-plex housing designs. Epcon Communities has developed 1,122 units in the City of Columbus and 41 communities throughout the region over the last 21 years. The company has been credited and recognized by the Building Industry Association as a market driver and leader, and for bringing back viable condominium style development to the City and region two decades ago, after such development had virtually ceased to exist. The developer is proposing proto-type single-family condominiums within a mixed use multi-family development for the first time in its history at the site and in the City. This will bring the City a highly desirable resident from a demographic standpoint, including income level, tax base, lower impact on schools, roads, traffic and service needs, as well as resulting in decreased density.

Epcon's customer base creates nearly zero impact on the school system, little impact on traffic during peak times and brings economically stable residents in a relatively high income bracket. Ninety-eight percent (98%) of the homes do not have school age children, with about 50% retired, 6% semi-retired and 45% working households. Their household use of services such as water, sewer and trash is less than the average household use based on their empty-nest status. (The company's units average 1.72 people per household.)

### COLUMBUS MARKET DYNAMICS

The applicant developer has noted the decline and dearth of single-family development in the City since 2005. A review of permitting data from the Building Services Division and the Building Industry Association bears this fact out as follows:

- 2005 – 2,339 single-family units in the City of Columbus.
- 2006 – 1,213 single-family units in the City of Columbus.
- 2007 – 661 single-family units in the City of Columbus (as of July and as reported by the BIA)

(\*Note: Columbus Building Services and the BIA count permits differently, but relative comparisons show similar percentage declines.)

As the market has witnessed severe swings and changes in demand over the last several years, the developer has identified an opportunity to test a new housing concept. Epcon is attempting to create a single-family product within a multi-family context during early 2008 to meet the challenge of a difficult period for housing in the City. A niche market opportunity has been identified that calls for the flexibility to offer single-family housing at a highly desirous price range of \$175,000 to \$300,000 within a multi-family setting with the ability to adapt the number of single-family units in response to changing demand. Even if a full re-zoning to an appropriate mixed-use category was possible, this process would entail a length of time that would cause the developer to miss the

2008 marketing and building season, and probably restrict the flexibility that is necessary based on market conditions. Without the Council Variance option, the developer would be forced to build the single-family proto-type elsewhere based on a lack of Code flexibility.

#### ANALYSIS OF EXISTING USE AND ZONING CODE

The existing AR-O district (and the zoning code, in general) is antiquated and does not provide for a mixture/diversity of residential styles proposed by the applicant and in demand in the marketplace. A mixed use would be more appropriate for the area as it is developing. The proposed mixture of products would introduce greater variety, diversity, and choice in the area. And while the AR-O district permits very high density, the variance requested would result in a substantially lower density development that is more in keeping with the established development pattern. Detached single-family dwellings, while not permitted in the district, would likely increase demand for more owner-occupied housing than pure multi-family and would promote a greater sense of community.

#### ANALYSIS OF STANDARDS TO SUPPORT COUNCIL VARIANCE

Columbus City Code section 3307.10 calls for a multi-tiered analysis and reads as follows:

“,,if such use will not adversely affect the surrounding property or if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.”

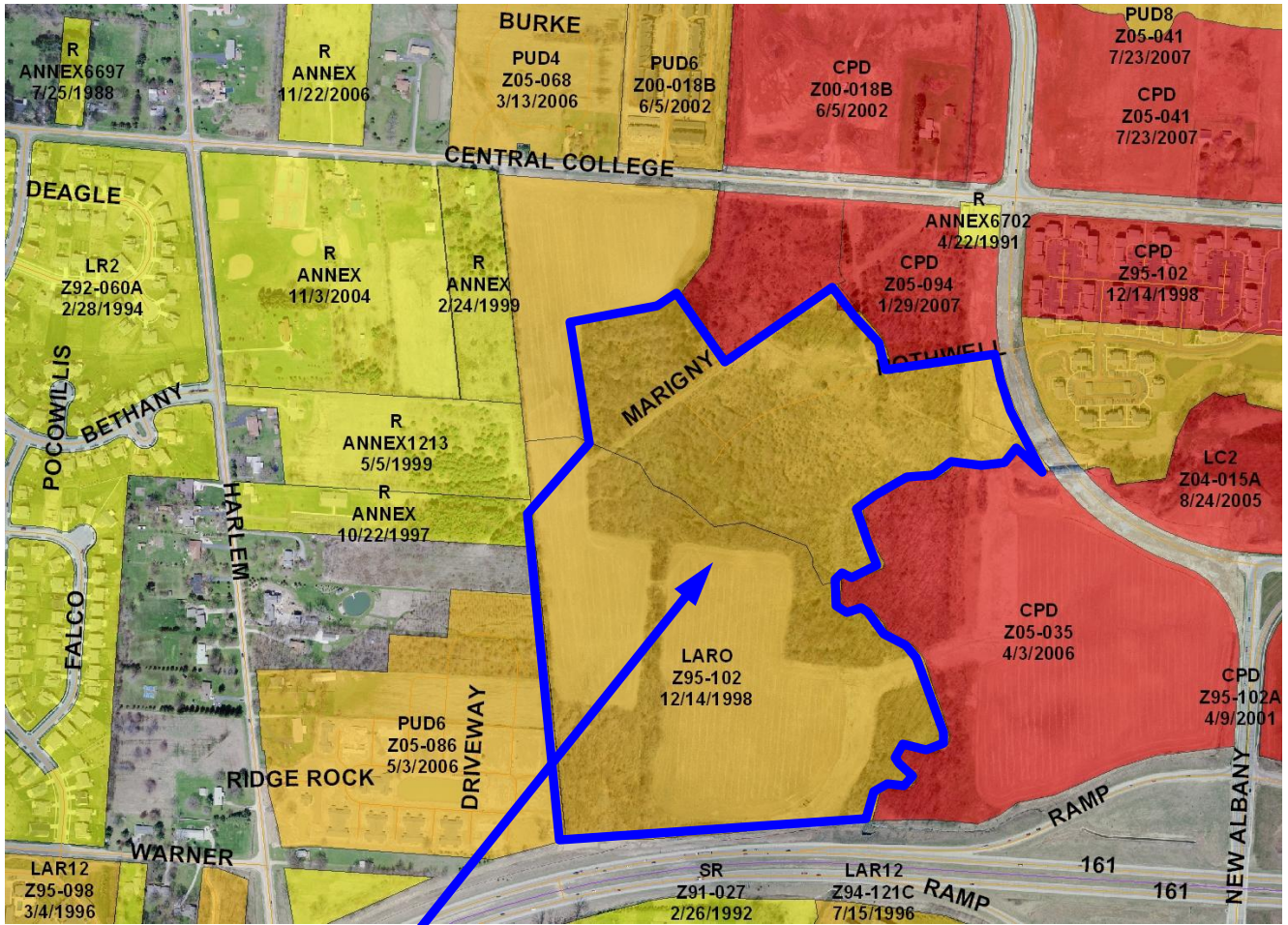
Other factors considered in the Code are that the variance sought will not do the following:

- impair adequate supply of light and air to adjacent property.
- unreasonably increase congestion of public streets, increase danger of fires, endanger public safety, diminish or impair established property values, or impair public health, safety, comfort, morals or welfare of inhabitants.

An analysis of Columbus City Code standards for the granting of a Council Variance (CCC 3307.10) reveals that an approved variance in this case will alleviate the hardship and difficulty inherent in an existing zoning classification that lacks flexibility and is not consistent with current home buyer demand for new and innovative products. It appears that there is no individual zoning district available that would allow the mixture of housing types proposed. Thus, a Council Variance is most likely the only method to overcome this inherent inflexibility and allow the single-family use within a multi-family context.

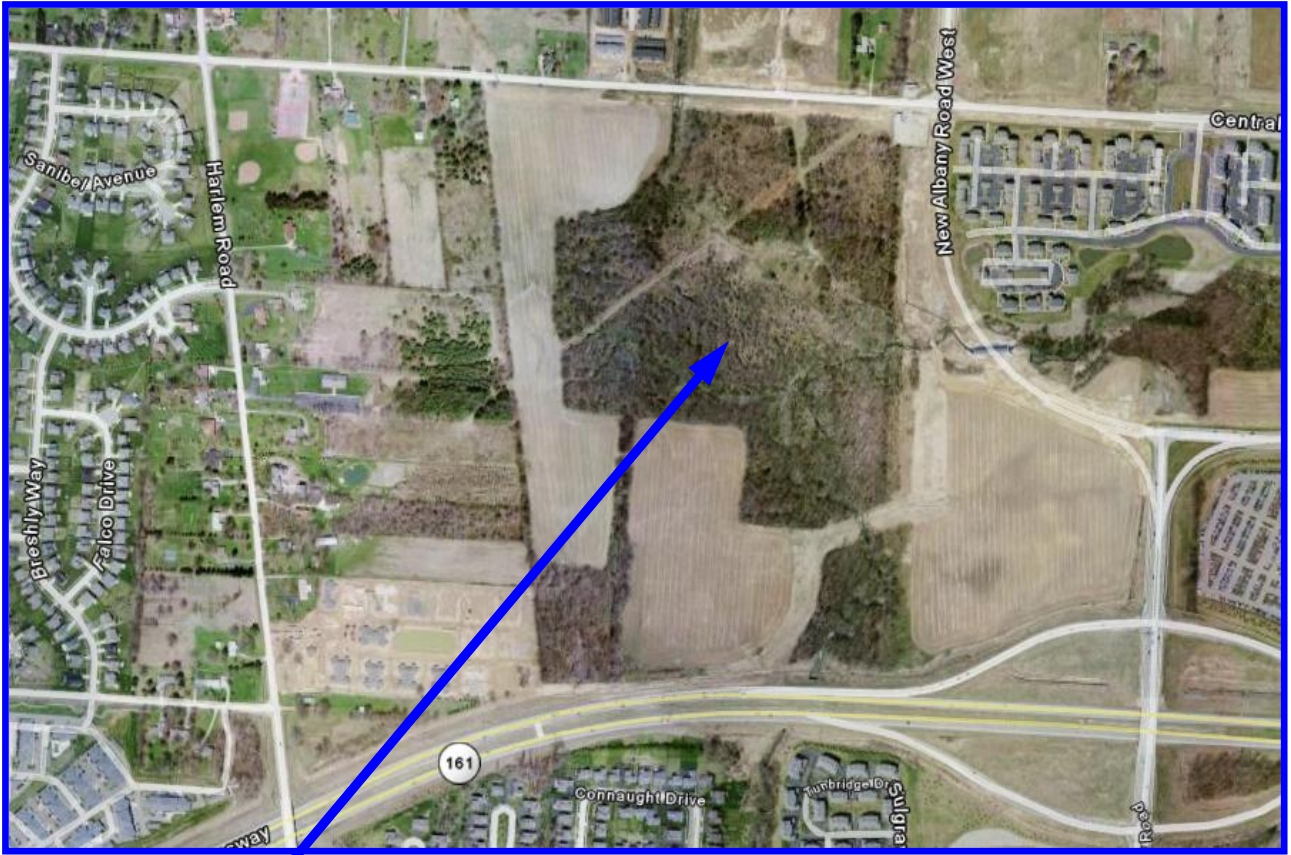
The surrounding property is characterized by retail, commercial and multi-family uses. Thus, under an analysis of Council Variance standards under CCC 3307.10, the surrounding property will not be adversely affected and in fact should be enhanced through higher price points, lower density and less impact on infrastructure from single-family dwellings of this nature. Specifically, under the Code adequate supply of light and

air to adjacent properties will arguably improve and congestion of public streets, danger of fires and danger to public safety will be lessened due to the proposed decrease in density and lower impact on infrastructure and services based on the demographic of the residents involved. The single-family aspect of the project will bring a highly desired property price point to the area, (up to \$300,000), thus providing positive momentum to established property values, and improve the overall welfare of existing and future inhabitants.



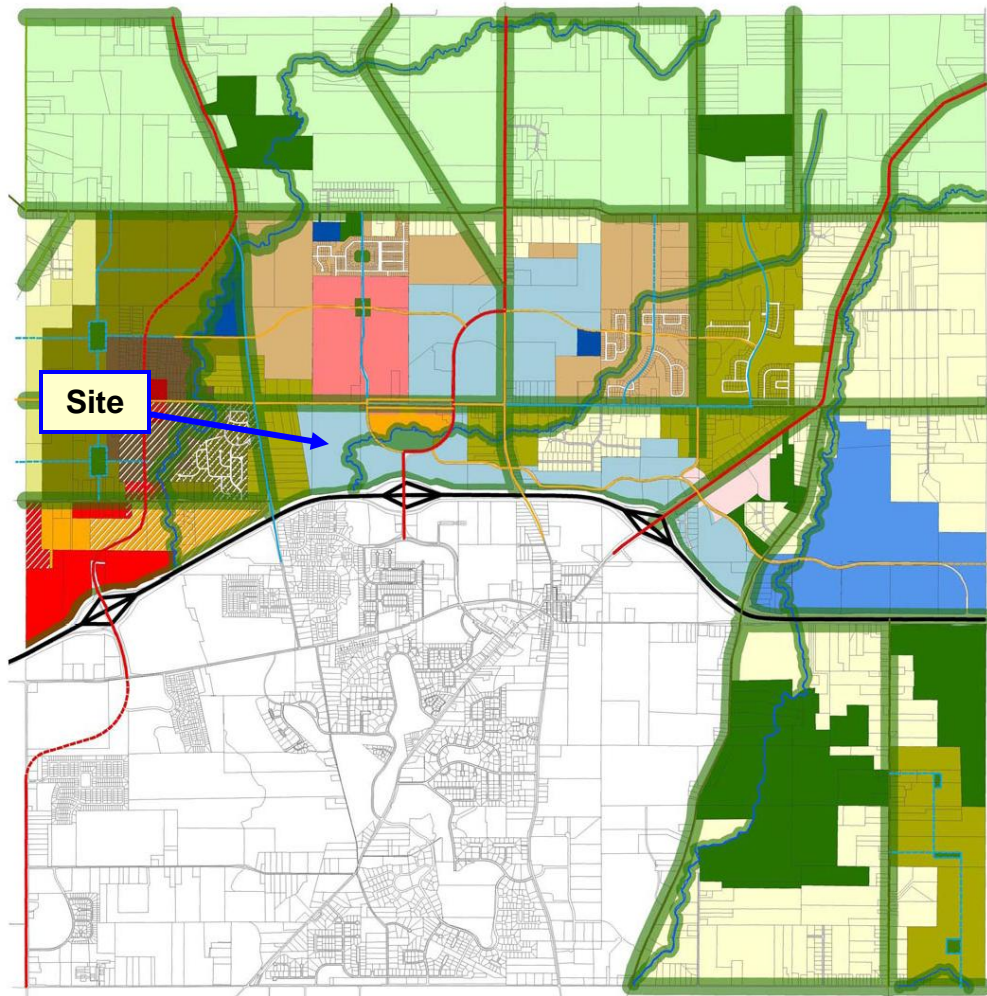
5555 New Albany Road West

**CV07-039**



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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.

**Rocky Fork – Blacklick Accord**







### 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 # \_\_\_\_\_

Being first duly cautioned and sworn (NAME) Joel D. Rhoades / EPCON Communities, Inc. of (COMPLETE ADDRESS) 500 Stonehenge Pkwy., Dublin, Ohio 43017 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 of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

1. EPCON Communities, Inc. 500 Stonehenge Pkwy. Dublin, Ohio 43017  No Columbus based employees.	2. The New Albany Company, LLC 8000 Walton Pkwy., Suite 120 New Albany, Ohio 43054  No Columbus based employees.
Joel D. Rhoades 614-761-1010	Brent Bradbury 614-939-8000

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

SIGNATURE OF AFFIANT Joel D. Rhoades  
 Subscribed to me in my presence and before me this 27<sup>th</sup> day  
 of September, in the year 2007  
 SIGNATURE OF NOTARY PUBLIC Kathleen S. Ellis  
 My Commission Expires: May 25, 2009

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

Notary Seal Here



KATHLEEN S. ELLIS  
Notary Public, State of Ohio  
My Commission Expires May 25, 2009