

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

APPLICATION: CV23-128
Location: 5141 COSGRAY RD. (43016), being 208.43± acres located on the west side of Cosgray Road, 1,900± feet north of Hayden Run Road (010-277310 and 8 others; Hayden Run West Civic Association).
Pending Zoning: L-AR-12, Limited Apartment Residential District.
Proposed Use: Mixed-residential development.
Applicant(s): Western Property LLC, c/o Rebecca J. Mott; Plank Law Firm; 411 Town Street, Floor 2; Columbus, OH 43215.
Property Owner(s): Western Property LLC, c/o Colin Truemant; 100 South Third Street; Columbus, OH 43215.
Planner: Phil Ashear; 614-645-1719; pjashear@columbus.gov

BACKGROUND:

- The 264.35± acre site consists of eight subareas in the L-AR-12, Limited Apartment Residential District subject to Ordinance #2921-2024; Rezoning Application Z23-063:
 - Subareas 2A & 2B will allow up to 186 and 213 detached single-unit dwellings on platted lots, respectively;
 - Subareas 3A, 3B & 3C will allow multi-unit residential development with up to 285, 365, and 340 units, respectively;
 - Subareas 4A & 4B will allow up to 140 and 244 townhouse units, respectively;
 - Subarea 5 will allow up to 250 single-unit dwellings without platted lots.
- A Council variance is required because the L-AR-12, Limited Apartment Residential District does not allow single-unit residential uses on a single lot of record with fewer than two multiple-dwelling buildings. Variances to lot width, lot area, density, building lines, building height, garage height, and fronting are also included in this request.
- To the north of the site are single-unit dwellings and farmland in Washington Township and in the City of Dublin. To the south are an electric substation, single-unit dwellings, and farmland in Brown Township. To the east are single-unit dwellings in the NG, Neighborhood General District and farmland in the City of Dublin. To the west is farmland in Washington and Brown Townships and in Madison County.
- The site is within the planning area of the *Interim Hayden Run Corridor Plan* (2004), which includes “Neighborhood,” “Cluster Development,” and “Parkland” land use recommendations at this location. The proposal is consistent with those recommendations, and site design is consistent with *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018).
- The site is located within the boundaries of the Hayden Run West Civic Association, whose recommendation is for approval.
- Staff recognizes that there are practical difficulties with the reduction in lot width, lot area, density, building lines, building height, garage height, and fronting included in the request.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

The requested variances will allow a mixed-residential development over eight subareas, as demonstrated on the submitted site plans included with Rezoning Application #Z23-063. The requested variances are supportable as they will allow development that is similar in character to other developments in the area, and that are consistent with C2P2 Design Guidelines.

Exhibit B

Statement in Support

Background

This application is for a use variance to allow for a “detached single-unit, or two-unit, residential dwellings without platted lots and on a single lot of record (for rent product)” associated with Subarea 5 under that concurrent re-zoning application filed herewith to re-zone real property known as 5141 Cosgray Road, Columbus, Ohio, and consisting of 254.64 +/- acres (of a 264.35 +/- acre overall site) located on the west side of Cosgray Road and south of Rings Road in the Hayden Run Corridor Area of the City of Columbus (the “Property”) to the L-AR-12 District to establish various subareas for different types of residential development.

This application is also for certain area variances from lot development standards in Subarea 2A, Subarea 2B, Subarea 3A, Subarea 3B, Subarea 3C, Subarea 4A, Subarea 4B, and Subarea 5.

A companion L-I re-zoning, which addresses 5.73 +/- acres of adjacent land, and a companion CPD re-zoning, which addresses 3.98 +/- acres of adjacent land on the overall site, are also part of concurrent applications filed with this Application, to help foster and meet area needs for public facilities by providing land for a joint police and fire facility and for added retail uses (including convenience store with gasoline sales uses) and restaurant uses and amenities for residents and guests.

The overall development is to be called Jameson Estates.

Use Variance Requested

1. **Section 3333.02 – AR-12, ARLD, and AR-1 apartment residential district use.** Applicant seeks a use variance to Section 3333.02 of the Zoning Code to permit the use of “detached single-unit and detached two-unit residential dwellings, without platted lots and on a single lot of record (for rent product)” in the L-AR-12 District which is subject to the concurrent re-zoning application.

Statement of Hardship

A council use variance may be granted if the proposed 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 proposed uses shall not adversely affect the surrounding property or surrounding neighborhood.

The proposed uses for the 254.64 +/- acres are for residential development for all different kinds of housing types, ranging from single family to townhomes to multi-family to the new product “detached single-unit residential dwellings and detached two-unit residential dwellings without platted lots and on a single lot of record (for rent product)”. The uses will complement the land uses existing within the neighborhood as primarily residential uses.

In addition, Applicant’s companion L-I re-zoning, which addresses 5.73 +/- acres of adjacent land, and a companion CPD re-zoning, which addresses 3.98 +/- acres of adjacent land on the overall site, are also part of concurrent applications filed with this Application, to help foster and meet area needs for public facilities by providing land for a joint police and fire facility and for added retail uses (including convenience store with gasoline sales uses) and restaurant uses and amenities for residents and guests.

This use variance will provide more options for various and diverse housing types that are compatible to the general character of the neighborhood and existing zoning classifications and land uses, but also align the Property with current and likely, more permanent, market conditions (regarding the need and demand for a mix of residential dwelling types).

Area Variances Requested

1. **Section 3332.05(A)(4) – Area district lot width requirements.** No building shall be erected or altered except in accordance with this Code; and on a lot with a width measured at the front lot line of no less than “50 feet in an R-1, R-2, R-3, R2-F, or R-4 area district”. Applicant is seeking a variance to vary the lot width requirement for single-unit lots in Subarea 2A and Subarea 2B for a minimum lot width measured at the front lot line of 40 feet.
2. **Section 3332.15 – R-4 area district requirements.** In an R-4 area district a single-family dwelling or other principal building shall be situated on a lot “of no less than 5,000 square feet in area”. Applicant is seeking a variance to vary the lot area for single-unit lots in Subarea 2A and Subarea 2B for an area of no less than 4,800 square feet.
3. **Section 3333.10 – AR-12 area district requirements.** In an AR-12 area district no building shall be erected or altered except on a lot of record with an area which equals or exceeds 3,600 square feet in area per dwelling unit. Applicant is seeking a variance to vary the density requirement (square feet in area per dwelling unit) for Subarea 3A to approximately 2,045 square feet in area per dwelling unit; for Subarea 3B to approximately 2,050 square feet in area per dwelling unit; and, for Subarea 3C to approximately 2,023 square feet in area per dwelling unit.
4. **Section 3333.18 – Building line.** Building lines shall be varied for Subareas 2A, 2B, 3A, 3B, 3C, 4A, 4B, and 5 to permit building lines from public streets to be at 25’ from public and private streets, and 30’ from Street “A” (James Way) and Street “B” (James Boulevard).
5. **Section 3333.26 – Height district.** No building or structure therein shall exceed a height of 35 feet unless a different height district was established for the subject lot at the time of zoning. Applicant seeks a variance to vary the height district for Subarea 3A, Subarea 3B, and Subarea 3C from 35 feet to 50 feet; and to vary the height district for Subarea 4A and Subarea 4B from 35 feet to 45 feet.
6. **Section 3333.35 – Garage height.** No carport or detached private garage shall exceed 15 feet in height. Applicant desires to obtain a variance from this standard for Subareas 4A and 4B and Subarea 5 for a maximum detached carport or garage height of twenty (20) feet.
7. **Section 3333.41(h) – Standards.** Each town house lot shall have a minimum of 15 feet of frontage on a dedicated public street except that those lots which are separated from a street only by common space shall have a minimum of 15 feet of frontage on such common space. Applicant seeks a variance from this section for Subarea 4A and Subarea 4B to front each town house lot on private streets instead of dedicated public streets in these subareas.

Practical Difficulties Standard

1. **Whether the property will yield reasonable return or whether there can be any beneficial use of the property without the variances.**

The variances are necessary for a development project of this scale to accommodate the development of various subareas with a diverse mix of housing types. The most minimal

variances are being requested for the development of this type and scale and are all typical variances for which applicants seek for heights on multi-family buildings and town homes buildings (exceeding 35 feet), as well as lot width and area for single family lots, and square feet per dwelling unit in a multiple dwelling development.

2. Whether the variances are substantial.

The variances are not substantial and are typical for a development of this scale.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variances.

There will be no adverse affect to the character of the neighborhood. The neighborhood is comprised of predominately large and small lot single family and other residential development. The Applicant will submit a TIS study as part of the rezoning application and will comply with warranted traffic improvements to be made to the public right of ways to accommodate this development. The development will also offer a CPD area for retail uses, restaurant uses, and a convenience store with gasoline sales to provide services the residents and guests of the entire community and surrounding neighborhood. In addition, the Applicant is setting aside acreage for a new police/fire station for municipal use and police and fire services to the surrounding neighborhood.

4. Whether variances would adversely affect delivery of governmental services.

There will be no adverse affect to the delivery of governmental and essential services to the development. Public right of ways with multi-purpose paths will be provided as well as internal public and private streets for vehicular and pedestrian access, circulation, connection, and maneuvering, as shown on the Site Plan. There are two full curb cut access points planned for the development site to and from existing public right of ways of Rings Road and Cosgray Road, and one right-in, right-out for the CPD area to Cosgray Road, as shown on the Site Plan.

5. Whether the property owner purchased the property without knowledge of zoning restrictions.

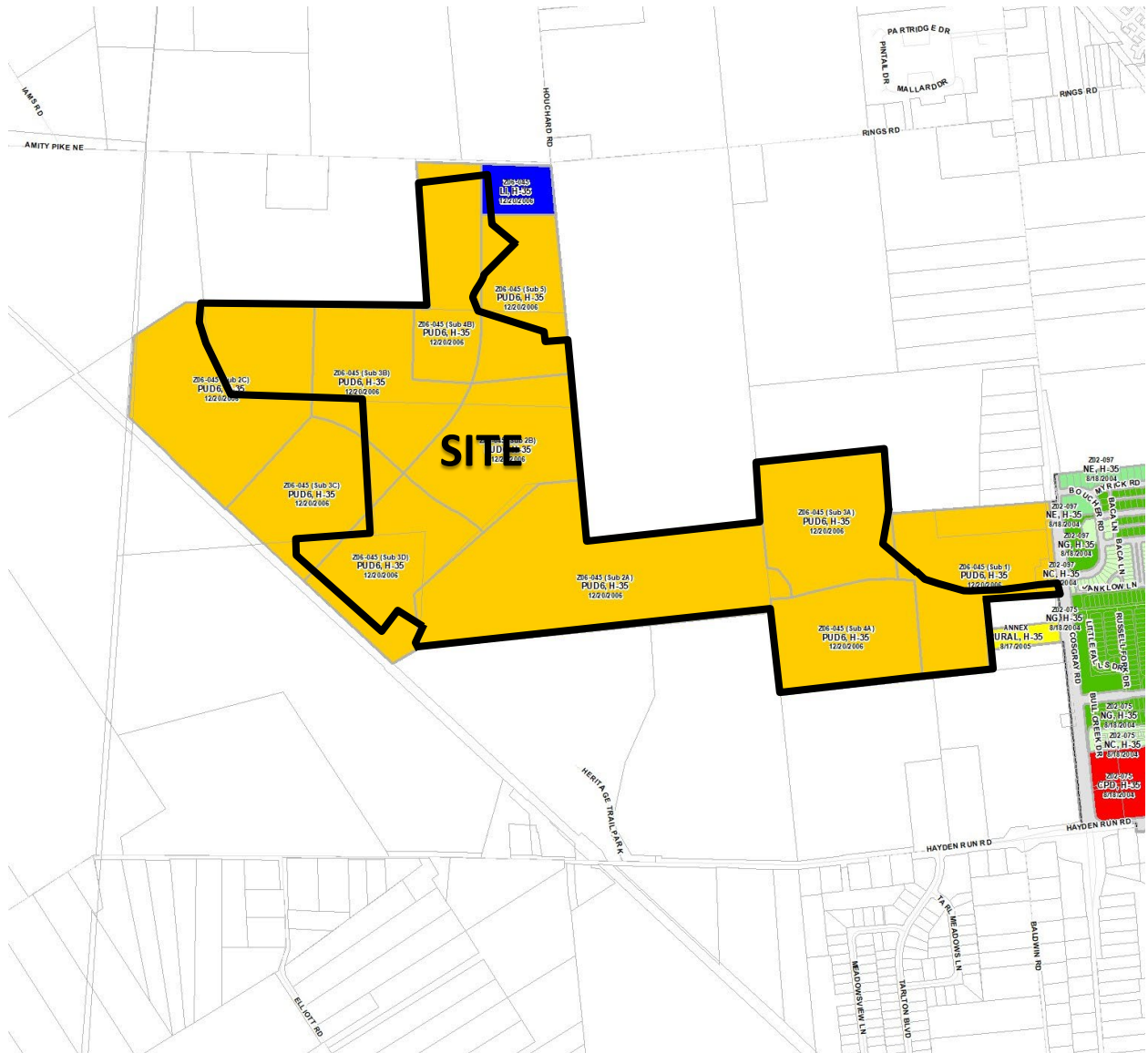
Yes, the property owner has knowledge of the zoning restrictions; however, this Property was already planned and zoned for residential development similar to this proposal under the existing PUD-6 zoning. Thus, property owner relied upon the fact that this Property was zoned for this type of development. This Applicant is modifying the existing zoning to provide for a greater mix of housing types to meet the demand for housing during this housing crisis in Central Ohio. In addition, there are only five (5) area variances being sought for this Property, which is unprecedented for a development project of this size and scale.

6. Whether the property owner's predicament feasibly can be obviated through some method other than variance.

There can be no other way to develop the site under the proposed site plan and zoning text for the various subareas and Property without seeking a few area variances from lot development standards.

7. Whether the spirit and intent behind the zoning requirements will be observed as substantial justice done by granting the variances.

The spirit and intent behind the zoning requirements is being met, as the Zoning Code is currently being modified and overhauled to accommodate single family development within any multi-family zoning district, and this application seeks to cooperate with the changes forthcoming to the Zoning Code.



CV23-128
5141 Cosgray Rd.
Approximately 208.43 acres



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FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number Z23-063 & CV23-128

Address 5141 Cosgray Rd.

Group Name Hayden Run West Civic Association

Meeting Date _____

Specify Case Type ☐ BZA Variance / Special Permit
☒ Council Variance
☒ Rezoning
☐ Graphics Variance / Plan / Special Permit

Recommendation ☒ Approval
(Check only one) ☐ Disapproval

LIST BASIS FOR RECOMMENDATION:

IN EXECUTIVE SESSION ON MARCH 7 the Hayden Run West Civic Association approved both the REZONING AND the COUNCIL VARIANCE. THE ASSOCIATION DETERMINED THAT THE REQUESTS ARE REASONABLE GIVEN THE PROPOSED LAND USE AND THE PROPOSED HOUSING DEVELOPMENT AT THE COSGRAY ROAD SITE.

Vote 5 MEMBERS APPROVED. NON DISAPPROVED.

Signature of Authorized Representative Mike Brown

Recommending Group Title HAYDEN RUN WEST CIVIC ASSOCIATION

Daytime Phone Number 614-288-1420

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

Council Variance Application

DEPARTMENT OF BUILDING
 AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
 Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV23-128

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) Rebecca J. Mott
 of (COMPLETE ADDRESS) Plank Law Firm, LPA, 411 East Town Street, Floor 2, 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 format:

Name of Business or individual (including contact name and number)
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees
 (Limited to 3 lines per box)

1. Trueman Limited Partnership 5490 Hayden Run Road, Hilliard, Ohio 43026 Columbus-based employees - 0	2.
3.	4.

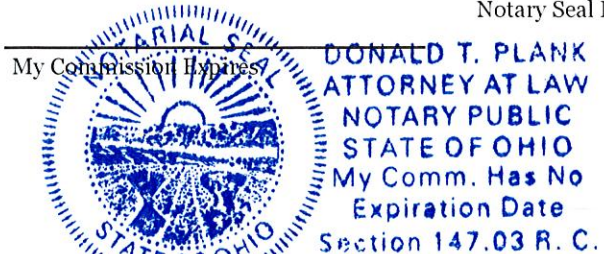
☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Rebecca J. Mott, Attorney

Sworn to before me and signed in my presence this 2nd day of October, in the year 2024

Donald Plank
 SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



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