



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: #12310 - 00000 - C0610

Date Received: 9 Oct. 2012

Commission/Group: _____

Existing Zoning: _____

Application Accepted by: [Signature]

Fee: \$1900

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)



Variance



Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Variances to provisions of PUD-8 zoning as permitted by the zoning to which this property is subject. Please see variance list and statement of hardship for additional information.

LOCATION

1. Certified Address Number and Street Name 5367 Thompson Road

City Columbus

State OH

Zip 43230

Parcel Number (only one required) 010-282735, etc.

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Lifestyle Communities

Address 230 West Street, Suite 200

City/State Columbus, OH

Zip 43215

Phone # 882-2500

Fax # 890-2511

Email _____

PROPERTY OWNER(S):

Name Preserve Crossing, Ltd., et al.

Address 230 West Street, Suite 200

City/State Columbus, OH

Zip 43215

Phone # _____

Fax # _____

Email _____

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)



Attorney



Agent

Name Jeffrey L. Brown / David L. Hodge / Smith & Hale LLC

Address 37 West Broad Street, Suite 725

City/State Columbus, OH

Zip 43215

Phone # 221-4255

Fax # 221-4409

Email: _____

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Lifestyle Communities By: [Signature]

PROPERTY OWNER SIGNATURE Preserve Crossing, Ltd. By: [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

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

For all questions regarding this form and fees please call: 614-645-4522

Please make all checks payable to the Columbus City Treasurer



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

12310-00610
5367 THOMPSON ROAD

One Stop Shop Zoning Report Date: Fri Oct 19 2012

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 6179 JOES HOPPER RD Unit 4 COLUMBUS, OH

Mailing Address: 2375 N GLENVILLE DR
RICHARDSON, TX 75082

Owner: HYLAND DANIEL J

Parcel Number: 010286953

ZONING INFORMATION

Zoning: Z03-086, Multi-family, PUD8
effective 8/26/2004, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

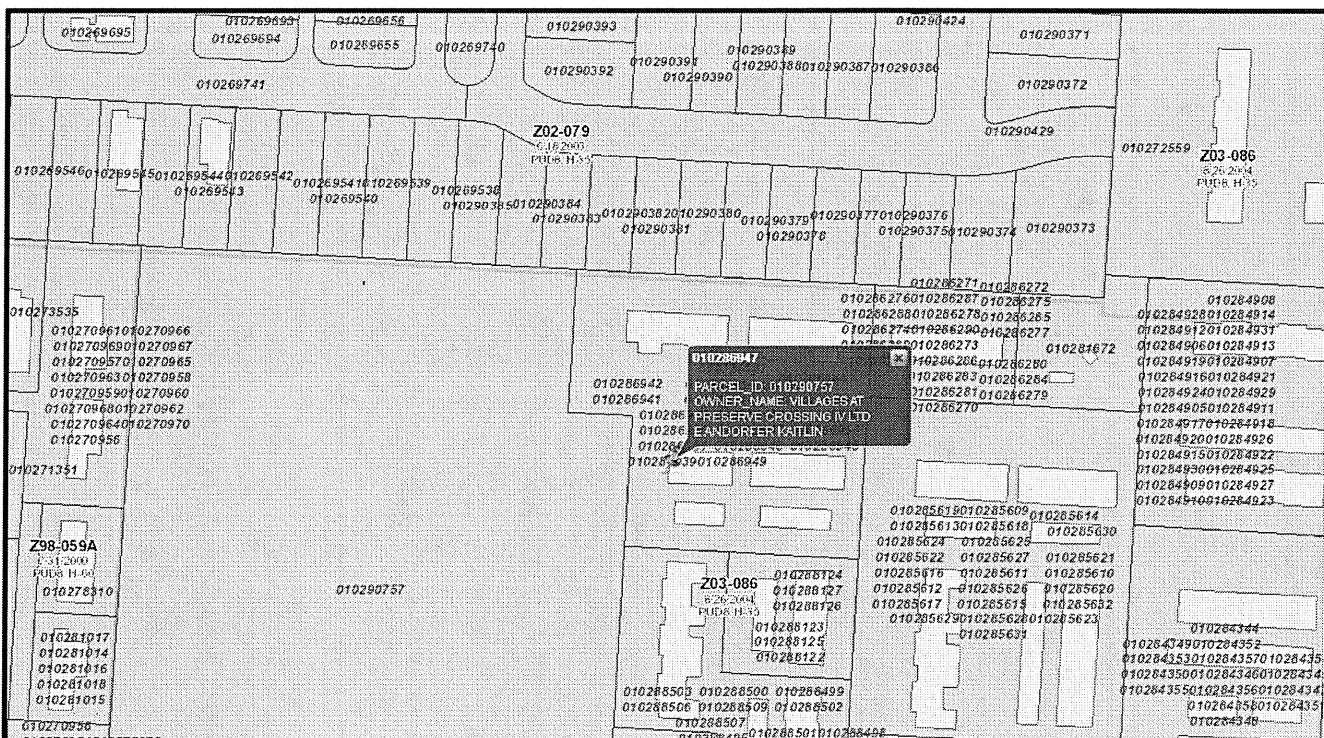
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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AFFIDAVIT

12310-00610
5367 THOMPSON ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, Columbus, OH 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 5367 Thompson Road

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Preserve Crossing Ltd.

AND MAILING ADDRESS

230 West St., Suite 200

Columbus, OH 43215

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Lifestyle Communities

882-2500

AREA COMMISSION OR CIVIC GROUP

(5) Northland Community Council

AREA COMMISSION ZONING CHAIR OR

c/o Mr. Dave Paul

CONTACT PERSON AND ADDRESS

P.O. Box 297836

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
Please see attached list.

☐ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 9th day of October, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



Here Natalie C. Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-2015

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STATEMENT OF HARDSHIP

APPLICATION # _____

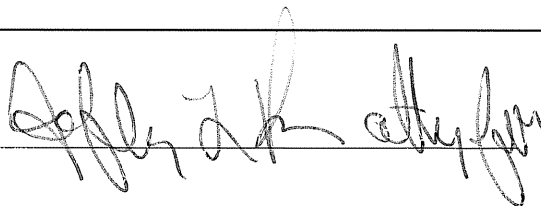
3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached statement.

Signature of Applicant

 Date 10/9/12

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Statement of Hardship

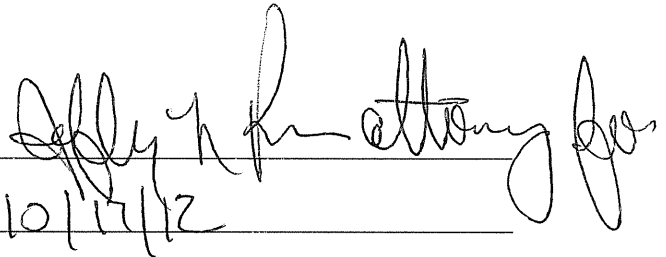
The site is part of a PUD-8 zoning which included four different subareas between Thompson Road and Morse Road. The original plan had the applicant buying and developing all four subareas. The applicant ended up buying and building units in Subarea 1, the western portion of Subarea 2 and Subarea 3. The applicant did not buy Subarea 4 or the balance of Subarea 2 and that property is now subject to a new zoning application.

The zoning text allows the BZA to vary the development standards in the zoning. After meeting with Chris Presutti to review the situation the applicant has filed this BZA application to address the following issues: (1) the original zoning call for at least 100 single family lots. The applicant has 32 lots in Subarea 1 and does not intend to build any additional single family lots; (2) The portion of Subarea 2 that the applicant bought exceeds the AR-12 density. By reducing the required square footage per units the density requires the modified AR-12 standards and (3) The text refers to a 25 foot perimeter yard along the west side of Subarea 2 which is right in the middle of the development. The zoning reference should have been to the east side of Subarea 2. (4) By allowing the garage to be detached and located to the side or rear of the dwelling and (5) to eliminate the storage area above the garage.

The zoning text creates a special circumstance in that the BZA is given the power to vary the development standards in a PUD zoning, that the changing market caused the applicant to alter its plans; that the granting of these variances will preserve a substantial property right of the applicant since the development has been nearly completed and the granting of these variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.

Signature of Applicant

Date


10/17/12

12310-00610

5367 THOMPSON ROAD

Variances

12310-00610
5367 THOMPSON ROAD

3345.07g: Contents of application for establishment of PUD
Introduction of zoning text applies to Subareas 1,2 and 3
Item 2: reduce the number of single family lots from 100 to 32

3345.07d: Contents of application for establishment of PUD
Subarea 2:
Item 3A2d: reduce the perimeter yard from 25 to zero feet along the west subarea line. The text should have referenced the east subarea line.

3345.07g: Contents of application for establishment of PUD
Subarea 1:
Item 3A1e garage may be detached and may be located to side or rear of dwelling.

3345.07g: Contents of application for establishment of PUD
Subarea 1:
Items 3A1h eliminate the storage area above the garage.

3333.10 AR-12
Item 3A2e: reduce the AR-12 district requirement from 3600 sq. ft./unit to 2,794 sq. ft./units for only this subarea.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 10/4/12



Disclaimer

Scale = 1000

ls,



This map is prepared for the real property inventory within the survey plats, and other public records and data. Users of this information sources should be consulted for verification of the county and the mapping companies assume no legal responsibility. Please notify the Franklin County GIS Division of any discrepancy.

12310-00610
5367 THOMPSON ROAD map.

Real Estate / GIS Department



12310-00610
5367 THOMPSON ROAD



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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 #

12310-00610

STATE OF OHIO
COUNTY OF FRANKLIN

5367 THOMPSON ROAD

Being first duly cautioned and sworn (NAME) David Hodge

of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, Columbus, OH 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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Lifestyle Communities, 230 West St., Suite 200, Columbus, OH 43215

SIGNATURE OF AFFIANT

David Hodge

Subscribed to me in my presence and before me this 9th day of October, in the year 2012

SIGNATURE OF NOTARY PUBLIC

Natalie C. Timmons

My Commission Expires:

9/4/15



Notary Public Here **Natalie C. Timmons**
Notary Public, State of Ohio
My Commission Expires 09-04-2015

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