

**VARIANCE APPLICATION**

PLEASE NOTE: This application is not to be considered complete until all documents are received and approved by the Planning & Zoning Administrator.

Project/Property Address or Location: 307 and 319 West Johnstown Road		Project Name/Business Name (if applicable): Big Sky Realty	
Parcel ID No.(s): 025-000848, 025-000849	Current Zoning: Current: CC Proposed: MFRD	Total Acreage: +/- 2.65	
Description of Variance Requested: The Applicant proposes redevelopment of the site with a multi-family residential development with 60 dwelling units. Area variances are requested to increase permitted density, reduce required parking, and reduce parking setback			
STAFF USE ONLY – Code Section(s) & Description of Variance: 1109.08 - Public Areas    1149.03(F) - Density    1149.03(1)(5) - Relationship of main buildings to each other 1149.03(5)(i) - Lot width    1149.03(2)(s) - Density    1163.02 - Minimum number of parking spaces			
APPLICANT Name (primary contact) -do <u>not</u> use a business name: Mitch Rubin		Applicant Address: P.O. Box 10264, Columbus, Ohio	
Applicant E-mail: mitch@bigskyrealityohio.com		Applicant Phone No.: 614.681.0200	
BUSINESS Name (if applicable): Big Sky Realty			
ATTORNEY/AGENT Name: David Hodge, Attorney for Applicant		Attorney/Agent Address: 8000 Walton Pky, Suite 260, New Albany, Ohio 43054	
Attorney/Agent E-Mail: david@uhlfirm.com		Attorney/Agent Phone No.: 614.335.9320	
ADDITIONAL CONTACTS (please list all applicable contacts)			
Name(s): Contractor Developer Architect		Contact Information (phone no./email):	
PROPERTY OWNER Name: (if different from Applicant) Harry Lewis		Property Owner Contact Information (phone no./email):	

**APPLICANT SIGNATURE BELOW CONFIRMS THE SUBMISSION REQUIREMENTS HAVE BEEN COMPLETED (see page 2)**

I certify that the information on this application is complete and accurate to the best of my knowledge, and that the project as described, if approved, will be completed in accordance with the conditions and terms of that approval.

Applicant Signature: David Hodge Date: 6-25-20

THIS FORM IS AVAILABLE TO BE SUBMITTED ONLINE: [www.gahanna.gov](http://www.gahanna.gov)

INTERNAL USE

Zoning File No. V-0157-2020  
PC Meeting Date: \_\_\_\_\_  
PC File No. \_\_\_\_\_

RECEIVED: KAW  
DATE: 7-1-2020

PAID: 500.00  
DATE: 7-1-20  
CHECK#: 77

**AUTHORIZATION CONSENT FORM**

(must sign in the presence of a notary)

If you are filling out more than one application for the same project & address, you may submit a copy of this form with additional applications.

**PROPERTY OWNER**

**IF THE PROPERTY OWNER IS THE APPLICANT, SKIP TO NEXT SECTION**

As the property owner/authorized owner's representative of the subject property listed on this application, hereby authorize the applicant/representative to act in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all terms and agreements made by the applicant/representative.

Harry N. Lewis

(signature)  
(property owner name printed)  
(signature)  
(property owner signature)

4/28/2020  
(date)

Subscribed and sworn to before me on this 28<sup>th</sup> day of April, 2020.

State of Ohio County of Franklin

Notary Public Signature: Anna R Wilder



Anna R. Wilder  
Notary Public-State of Ohio  
My Commission Expires  
November 9, 2021

**Applicant/Property Owner/Representative**

**AGREEMENT TO COMPLY AS APPROVED** As the applicant/representative/owner of the subject property listed on this application, I hereby agree that the project will be completed as approved with any conditions and terms of the approval, and any proposed changes to the approval shall be submitted for review and approval to City staff.

**AUTHORIZATION TO VISIT THE PROPERTY** I hereby authorize City representatives to visit, photograph and post notice (if applicable) on the subject property as described.

**APPLICATION SUBMISSION CERTIFICATION** I hereby certify that the information on this application is complete and accurate to the best of my knowledge.

Big Sky Realty, LLC - Mitchell Rubin

(signature)  
(applicant/representative/property owner name printed)  
(signature)  
(applicant/representative/property owner signature)

6/5/2020  
(date)

Subscribed and sworn to before me on this 6 day of June, 2020.

State of Ohio County of Franklin

Notary Public Signature: (signature)



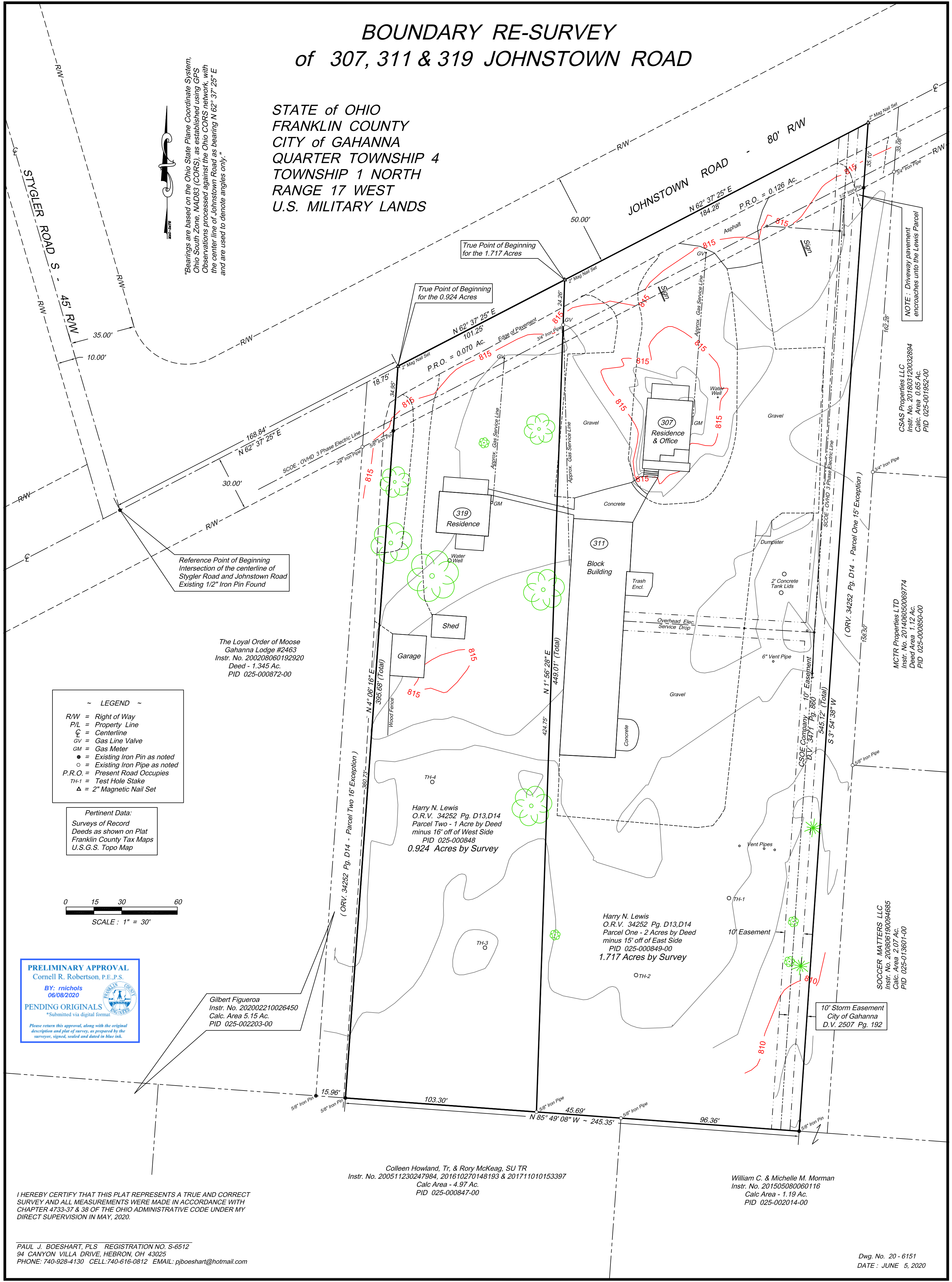
**LAURA LEGGETT**  
Notary Public, State of Ohio  
My Commission Expires 10-10-2023



# BOUNDARY RE-SURVEY of 307, 311 & 319 JOHNSTOWN ROAD

STATE of OHIO  
FRANKLIN COUNTY  
CITY of GAHANNA  
QUARTER TOWNSHIP 4  
TOWNSHIP 1 NORTH  
RANGE 17 WEST  
U.S. MILITARY LANDS

Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing N 62° 37' 25" E and are used to denote angles only.



Reference Point of Beginning  
Intersection of the centerline of  
Styler Road and Johnstown Road  
Existing 1/2" Iron Pin Found

The Loyal Order of Moose  
Gahanna Lodge #2463  
Instr. No. 200208060192920  
Deed - 1.345 Ac.  
PID 025-000872-00

Harry N. Lewis  
O.R.V. 34252 Pg. D13,D14  
Parcel Two - 1 Acre by Deed  
minus 16' off of West Side  
PID 025-000848  
0.924 Acres by Survey

Harry N. Lewis  
O.R.V. 34252 Pg. D13,D14  
Parcel One - 2 Acres by Deed  
minus 15' off of East Side  
PID 025-000849-00  
1.717 Acres by Survey

Gilbert Figueroa  
Instr. No. 202002210026450  
Calc. Area 5.15 Ac.  
PID 025-002203-00

Colleen Howland, Tr. & Rory McKeag, SU TR  
Instr. No. 200511230247984, 201610270148193 & 201711010153397  
Calc Area - 4.97 Ac.  
PID 025-000847-00

William C. & Michelle M. Morman  
Instr. No. 201505080060116  
Calc Area - 1.19 Ac.  
PID 025-002014-00

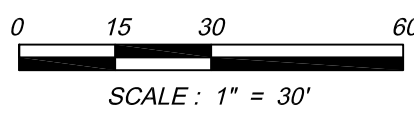
CSAS Properties LLC  
Instr. No. 201803120032894  
Calc. Area 0.65 Ac.  
PID 025-001952-00

MCTR Properties LTD  
Instr. No. 201406050069774  
Deed Area 1.12 Ac.  
PID 025-000850-00

SOCCER MATTERS LLC  
Instr. No. 200806150094685  
Calc. Area 2.07 Ac.  
PID 025-013601-00

- ~ LEGEND ~
- R/W = Right of Way
  - P/L = Property Line
  - C = Centerline
  - GV = Gas Line Valve
  - GM = Gas Meter
  - = Existing Iron Pin as noted
  - = Existing Iron Pipe as noted
  - P.R.O. = Present Road Occupies
  - TH-1 = Test Hole Stake
  - ▲ = 2" Magnetic Nail Set

Pertinent Data:  
Surveys of Record  
Deeds as shown on Plat  
Franklin County Tax Maps  
U.S.G.S. Topo Map



**PRELIMINARY APPROVAL**  
 Cornell R. Robertson, P.E., P.S.  
 BY: rnichols  
 06/08/2020  
**PENDING ORIGINALS**  
\*Submitted via digital format  
 Please return this approval, along with the original  
 description and plat of survey, as prepared by the  
 surveyor, signed, sealed and dated in blue ink.

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A TRUE AND CORRECT SURVEY AND ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH CHAPTER 4733-37 & 38 OF THE OHIO ADMINISTRATIVE CODE UNDER MY DIRECT SUPERVISION IN MAY, 2020.

PAUL J. BOESHART, PLS REGISTRATION NO. S-6512  
94 CANYON VILLA DRIVE, HEBRON, OH 43025  
PHONE: 740-928-4130 CELL: 740-616-0812 EMAIL: pjboeshart@hotmail.com

Dwg. No. 20 - 6151  
DATE: JUNE 5, 2020

**PAUL J. BOESHART, PLS**  
Email: [pjboeshart@hotmail.com](mailto:pjboeshart@hotmail.com)

**94 CANYON VILLA DRIVE**  
**HEBRON, OH 43025**

Ph: 740-928-4130

June 5, 2020

Job No. 20-6151

Surveyor's Description – All of **Parcel No. 025-000848-00 ~ 0.924 Acres**

The parcel herein described is known as being a part of the same lands conveyed to **Harry N. Lewis** as described in O.R.V. 34252 Pg. D-13, D-14 (Parcel Two) found recorded in the Franklin County Recorder's Office in Columbus, Ohio and is situated in the City of Gahanna and part of the Fourth Quarter of Township 1 North in Range 17 West in the U.S. Military Lands of Franklin County, Ohio and is better described as follows:

**Beginning for a reference** at an existing 1/2" iron pin at the intersection of the centerline of Stygler Road South (45' R/W) and the center of Johnstown Road (80' R/W);

**Thence**, with the center of Johnstown Road, North 62 degrees 37 minutes 25 seconds East, 168.84 feet to a set 2" Magnetic Nail and **the true point of beginning** for the herein described 0.924 Acres;

**Thence**, continuing with the said Road, North 62 degrees 37 minutes 25 seconds East, 101.25 feet to a set 2" Magnetic Nail;

**Thence**, leaving the said Johnstown Road and with the west line of Harry N. Lewis (O.R.V. 34252 Pg. D13, D14 – Parcel One), South 1 degree 56 minutes 28 seconds West, passing an existing 3/4" iron pipe at 24.26 feet, a total distance of 449.01 feet to an existing 5/8" iron pipe;

**Thence**, with the north line of Colleen Howland, Tr., & Rory McKeag, SU TR. (Instr. No. 200511230247984, 201610270148193 & 201711010153397), North 85 degrees 49 minutes 08 seconds West, 103.30 feet to an existing 5/8" iron pin;

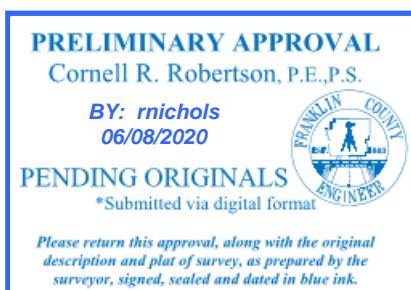
**Thence**, with the east line of Gilbert Figueroa (Instr. No. 202002210026450), North 4 degrees 06 minutes 16 seconds East, passing an existing 5/8" iron pin at 360.73 feet, a total distance of 395.68 feet to the **true point of beginning**.

Containing **0.924 ACRES**, of which, the Present Road occupies 0.070 Acres and being subject to all legal roads, easements and restrictions of record.

"Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing North 62 degrees 37 minutes 25 seconds East, and are used to denote angles only."

I, Paul J. Boeshart, (Reg. No. S-6512), hereby certify that the above description represents a true and correct survey and all measurements were made under my direct supervision in accordance with Chapter 4733-37 of the Ohio Administration Code in May, 2020.

**Paul J. Boeshart, P.L.S.**  
**Registration No. S-6512**





**PAUL J. BOESHART, PLS**  
Email: [pjboeshart@hotmail.com](mailto:pjboeshart@hotmail.com)

**94 CANYON VILLA DRIVE**  
**HEBRON, OH 43025**

Ph: 740-928-4130

June 5, 2020

Job No. 20-6151

Surveyor's Description – All of **Parcel No. 025-000849-00 ~ 1.717 Acres**

The parcel herein described is known as being a part of the same lands conveyed to **Harry N. Lewis** as described in O.R.V. 34252 Pg. D-13, D-14 (Parcel One) found recorded in the Franklin County Recorder's Office in Columbus, Ohio and is situated in the City of Gahanna and part of the Fourth Quarter of Township 1 North in Range 17 West in the U.S. Military Lands of Franklin County, Ohio and is better described as follows:

**Beginning for a reference** at an existing 1/2" iron pin at the intersection of the centerline of Stygler Road South (45' R/W) and the center of Johnstown Road (80' R/W);

**Thence**, with the center of Johnstown Road, North 62 degrees 37 minutes 25 seconds East, passing a set 2" Magnetic Nail at 168.84 feet, a total distance of 270.09 feet to a set 2" Magnetic Nail and **the true point of beginning** for the herein described 1.717 Acres;

**Thence**, continuing with the said Road, North 62 degrees 37 minutes 25 seconds East, 184.28 feet to a set 2" Magnetic Nail;

**Thence**, leaving the said Johnstown Road and with the west line of William C. & Michelle M. Morman (Instr. No. 201505080060116), South 3 degrees 54 minutes 38 seconds West, passing an existing 1/2" iron pin at 35.10 feet, a total distance of 545.12 feet to an existing 5/8" iron pin;

**Thence**, with the north line of the said Morman parcel, North 85 degrees 49 minutes 08 seconds West, 96.36 feet to an existing 5/8" iron pipe;

**Thence**, with the north line of Colleen Howland, Tr., & Rory McKeag, SU TR. (Instr. No. 200511230247984, 201610270148193 & 201711010153397), North 85 degrees 49 minutes 08 seconds West, 45.69 feet to an existing 5/8" iron pipe;

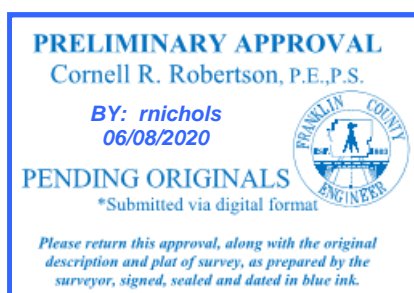
**Thence**, with the east line of Harry N. Lewis (O.R.V. 34252 Pg. D13, D14 – Parcel Two), North 1 degree 56 minutes 28 seconds East, passing an existing 3/4" iron pipe at 424.75 feet, a total distance of 449.01 feet to the **true point of beginning**.

Containing **1.717 ACRES**, of which, the Present Road occupies 0.126 Acres and being subject to all legal roads, easements and restrictions of record.

"Bearings are based on the Ohio State Plane Coordinate System, Ohio South Zone, NAD83 (CORS), as established using GPS Observations processed against the Ohio CORS network, with the center line of Johnstown Road as bearing North 62 degrees 37 minutes 25 seconds East, and are used to denote angles only."

I, Paul J. Boeshart, (Reg. No. S-6512), hereby certify that the above description represents a true and correct survey and all measurements were made under my direct supervision in accordance with Chapter 4733-37 of the Ohio Administration Code in May, 2020.

**Paul J. Boeshart, P.L.S.**  
**Registration No. S-6512**



## STATEMENT OF PRACTICAL DIFFICULTY

**ADDRESS:** 307 and 319 West Johnstown Road  
**PARCEL:** 025-000848, 025-000849  
**SIZE:** +/- 2.65 acres  
**CURRENT:** CC  
**PROPOSED:** MFRD  
**OWNER:** Harry Lewis  
**APPLICANT:** Big Sky Realty  
**ATTORNEY:** David Hodge, Underhill & Hodge, LLC  
**DATE:** July 31, 2020

This statement is submitted in support of area variances filed in conjunction with a companion rezoning application.

The site is located south of West Johnston Road in Gahanna's West Gateway Focus Area. The site is currently zoned CC, Community Commercial and operates as a motor vehicle body shop. The Applicant proposes rezoning the property from CC to Multi-Family Residential District (L-MFRD) to permit the development of a multifamily residential development. The Applicant proposes 60 dwelling units on +/- 2.65 acres for a density of 22.64 dwelling units per acre.

To permit the development as proposed, the Applicant respectfully requests the following variances from the Gahanna Zoning Code:

Section 1109.08 – Public Areas. The Applicant requests a variance to reduce the public area requirement to the conditions shown on the submitted Site Plan.

Section 1149.03(b)(1) – Lot Width. The Applicant requests a variance to reduce the minimum lot width for 60 dwelling units from 675 feet to 285 feet.

Section 1149.03(f) – Density. The Applicant requests a variance increase the average density from 18 dwelling units per acre to 22.64 dwelling units per acre. This variance application is filed in companion with a conditional use variance application which requests a conditional use variance to Section 1149.02(a)(3) to permit a total average density of 18 dwelling units per acre.

Section 1149.03(l)(5) – Relationship of Main Building and Parking. The Applicant requests a variance to reduce the building and parking separation from 25 feet to the front or rear of a main building to 10 feet.

Section 1163.02 – Minimum Number of Parking Spaces Required. The Applicant requests a variance to reduce the minimum number of required parking spaces from 120 to 105.

There are special circumstances and conditions which warrant granting of the requested variance. With respect to the request to increase permitted density, Gahanna conducted a survey in preparation for the recently adopted *2019 Gahanna Land Use Plan*. The survey participants generally believe that Gahanna is in need of more apartment and mixed-use developments.



Notably, at least 60% of respondents in each age category believe that more apartments are needed. These results align with *Insight 2050* which projects Central Ohio's population to increase by a half a million to a million people by 2050. The proposed development will provide the desirable apartment use and spur commercial development in the immediate area.

In recognition of these survey results, the Plan was developed to recommend MDR, Medium Density Residential for the site. This is a land use type which recommends a mix of residential uses including multifamily residential up to 20 dwelling units per acre. The Applicant's proposed density of 22.64 dwelling units per acre is generally consistent with the Plan's recommended land use. Accordingly, the increased density is not a substantial variance, it would not substantially alter the essential character of the neighborhood, and it would not cause adjoining properties to suffer a substantial detriment.

The requested variances to reduce the minimum required parking and to reduce the building to parking separation are not substantial. The Site Plan was developed to maximize the potential for available parking while minimizing the impact on neighboring properties. The proposed reduction of 15 parking spaces will not cause any issue parking on site or off site. The Applicant has a history of successful development and through gain experience is certain that the proposed parking number will satisfy the needs of the tenants, guests, and employees. Further, the parking is centrally located on the site and a substantial landscape buffer is proposed adjacent to the parking lot. In order to maximize the available parking, the separation between the buildings and the parking lots had to be reduced to 10 feet. This is a development standard variance which will only affect the Applicant because of the centrally located parking lot.

The requested variance to reduce the required amount of public areas is warranted for a number of reasons. First, the Applicant committed to a dedication of 30 feet from the Johnstown Road right of way. This commitment will allow the City to improve Johnstown Road by widening the right of way and ensure that there is space for the installation of sidewalks. Further, the development shall provide a dog park, as shown on the Site Plan, which is open for public use. These improvements will contribute to the residential element of this mixed-use neighborhood.

The granting of these variances will not adversely affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood. Further, there are no detrimental effects resulting from these variances because they are not substantial and do not directly affect neighboring properties.

Granting the requested variance is necessary for the preservation and enjoyment of property rights. The Applicant proposes a development which is compatible with the vision and design standards of the Land Use Plan. It is a medium-density residential development which will reinforce the area's medium density and mixed-use neighborhood. This variance will preserve and protect the property rights to develop as envisioned.

The Applicant is committed to developing a pleasing development which is compatible in style to future medium density and mixed-use environment. The proposed redevelopment will not

negatively impact the value of existing abutting lands or developments. Rather, the proposed development will contribute to the goals of the Plan and the neighborhood.

Respectfully Submitted,

A handwritten signature in blue ink that reads "David Hodge". The signature is written in a cursive, slightly slanted style.

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David Hodge  
Attorney for Applicant



## STATEMENT OF PRACTICAL DIFFICULTY

**ADDRESS:** 307 and 319 West Johnstown Road  
**PARCEL:** 025-000848, 025-000849  
**SIZE:** +/- 2.65 acres  
**CURRENT:** CC  
**PROPOSED:** MFRD  
**OWNER:** Harry Lewis  
**APPLICANT:** Big Sky Realty  
**ATTORNEY:** David Hodge, Underhill & Hodge, LLC  
**DATE:** ~~June 25~~ July 31, 2020

This statement is submitted in support of area variances filed in conjunction with a companion rezoning application.

The site is located south of West Johnston Road in Gahanna's West Gateway Focus Area. The site is currently zoned CC, Community Commercial and operates as a motor vehicle body shop. The Applicant proposes rezoning the property from CC to Multi-Family Residential District (L-MFRD) to permit the development of a multifamily residential development. The Applicant proposes 60 dwelling units on +/- 2.65 acres for a density of 22.64 dwelling units per acre.

To permit the development as proposed, the Applicant respectfully requests the following variances from the Gahanna Zoning Code:

Section 1109.08 – Public Areas. The Applicant requests a variance to reduce the public area requirement to the conditions shown on the submitted Site Plan.

Section 1149.03(b)(1) – Lot Width. The Applicant requests a variance to reduce the minimum lot width for 60 dwelling units from 675 feet to 285 feet.

Section 1149.03(f) – Density. The Applicant requests a variance increase the average density from ~~12-18~~ dwelling units per acre to 22.64 dwelling units per acre. This variance application is filed in companion with a conditional use variance application which requests a conditional use variance to Section 1149.02(a)(3) to permit a total average density of 18 dwelling units per acre.

Section 1149.03(l)(5) – Relationship of Main Building and Parking. The Applicant requests a variance to reduce the building and parking separation from 25 feet to the front or rear of a main building to 10 feet.

Section 1163.02 – Minimum Number of Parking Spaces Required. The Applicant requests a variance to reduce the minimum number of required parking spaces from 120 to 105.

There are special circumstances and conditions which warrant granting of the requested variance. With respect to the request to increase permitted density, Gahanna conducted a survey in preparation for the recently adopted *2019 Gahanna Land Use Plan*. The survey participants generally believe that Gahanna is in need of more apartment and mixed-use developments.

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The Applicant is committed to developing a pleasing development which is compatible in style to future medium density and mixed-use environment. The proposed redevelopment will not



negatively impact the value of existing abutting lands or developments. Rather, the proposed development will contribute to the goals of the Plan and the neighborhood.

Respectfully Submitted,



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David Hodge  
Attorney for Applicant





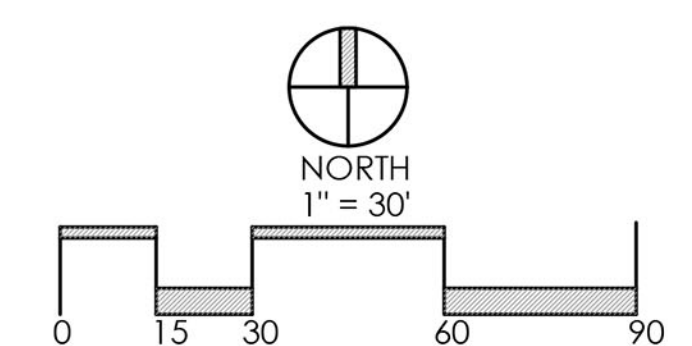
\*NOTE: per section 1163.01(a) of the Gahanna Zoning Code, the site's off-street parking will have the minimum rectangular dimensions as follows:  
 25' drive aisle width  
 9'x19' parking space size

SITE DATA	
TOTAL ACRES	±2.65 ACRES
TOTAL UNITS	60 UNITS
TOTAL PARKING	105 SPACES
PARKING DENSITY	±1.75 SPACE/UNIT
OPEN SPACE	±1.04 ACRES (39.2%)

# SITE PLAN

# 307 AND 319 W. JOHNSTOWN ROAD

PREPARED FOR BIG SKY REALTY  
 DATE: 7/28/20



**Faris Planning & Design**

LAND PLANNING      LANDSCAPE ARCHITECTURE  
 243 N. 5th Street      Suite 401      Columbus, OH 43215  
 p (614) 487-1964      www.farisplanninganddesign.com



# 307 - 319 W. Johnstown Road Apartment Proposal

**Legend**  
📌 PROPOSED SITE





# 307 - 319 W. Johnsntown Road Apartment Proposal

Comparable apartment properties dwelling units per acre.

**Legend**

- Yellow Pin: Apartment Comparables
- Red Pin: PROPOSED SITE





Property Name	Address	Acres	Units	Units/Acre
Villa Nova	235 W Johnstown Road	5.89	117	19.86
Gahanna Crossing	135 Stygler	1.35	39	28.89
80 Shull	80 Shull	0.85	35	41.18
The Parc	419 Laurel Ln	7.71	180	23.35
The Huntley Gahanna	136 Town Street	1.63	32	19.63
Jefferson Pointe	882 Taylor Station Road	3	72	24.00
Residences at Central Park	800 Ellington Circle	9.98	220	22.04
101 N High Street	101 N High Street	0.35	12	34.29
131 N High Street	131 N High Street	0.26	16	61.54
Hunters Ridge	384 Morrison Road	14.29	336	23.51
Taylor Pointe	785 Cross Pointe Rd	4.141	96	23.18
<b>AVERAGE</b>				<b>26.00</b>

# Conceptual



















**APPLICANT:**

Big Sky Realty  
P.O. Box 10264  
Columbus, OH 43201

**PROPERTY OWNER:**

Harry Lewis  
311 West Johnstown Road  
Columbus, OH 43230

**ATTORNEY:**

David Hodge  
Underhill & Hodge LLC  
8000 Walton Parkway, Suite 260  
New Albany, OH 43054

**SURROUNDING PROPERTY OWNERS:**

SKC Holdings II LLC  
152 Racoon Ravine Court  
Johnstown, OH 43031

FREA Ltd. LLC  
6835 Taggart Road  
Delaware, OH 43015

MCTR Properties Ltd.  
7840 Graphics Way  
Lewis Center, OH 43035

Soccer Matters LLC  
or current occupant  
277 West Johnstown Road  
Columbus, OH 43230

CSAS Properties LLC  
or current occupant  
287 West Johnstown Road  
Columbus, OH 43230

William and Michele Morman  
or current occupant  
295 West Johnstown Road  
Columbus, OH 43230

Loyal Order of Moose  
Gahanna Lodge #2463  
or current occupant  
335 West Johnstown Road  
Columbus, OH 43230

Anna McKeag, Tr., et al.  
or current occupant  
327 West Johnstown Road  
Columbus, OH 43230

Gilbert Figueroa  
or current occupant  
329 West Johnstown Road  
Columbus, OH 43230

JR Management Group LLC  
14 West Main Street  
Alpine, NJ 07620



August 20, 2020

Mitchell Rubin  
PO Box 10264  
COLUMBUS, OH 43201

RE: Project 307-319 W Johnstown Rd Variance

Dear Mitchell Rubin:

The following comments were generated from the review of the submitted plans and documents for the referenced project.

**Building**

1. Building permits and inspections will be required and the building and site will be required to comply with the Ohio Building Code and Codified Ordinances of the City of Gahanna.

**Parks**

2. No Comment Per Julie Prederi

**Engineering**

3. No comments at this time.

**Fire District**

4. No Comment Received

**Public Safety**

5. No Comment Received.

**Community Development**

6. Informational Comment - Please be aware that park fees are located in 1109.08 but cannot be varied as similar language exists in Chapter 135.10. Chapter 135 is not a section that permits variances.

If you have any comments or questions, please contact me at [kelly.wicker@gahanna.gov](mailto:kelly.wicker@gahanna.gov) or (614) 342-4025.

Sincerely,

Kelly Wicker  
Administrative Assistant





## PLANNING STAFF REPORT

### Summary

A rezoning from Community Commercial (CC) to Multiple Family Residential (MFRD) has been requested in order to develop the site with multifamily for the property located at 307 and 319 West Johnstown Road. The request is to rezone 2.65 acres to permit 60 apartments. Requested density is 22.64 units per acre. A conditional use and variance application have also been filed. See below for additional details regarding those applications.

Please be aware that additional applications will be required if the rezoning, conditional use, and variance(s) are approved. Specifically a final development plan (FDP) and design review (DR) are required. This means that site layout, setbacks, building design, landscaping, etc are further refined through these applications. The rezoning, conditional use, and variance do not approve these elements.

### Land Use Plan

The Comprehensive Land Use Plan designates the property as medium density residential. Density is recommended at between 5-20 units per acre and building height at a maximum of 40 feet. Multifamily is a permitted use.

The property is also located with the West Gateway Focus Area. Residential uses that create a neighborhood character and feel are encouraged within the Gateway. Multiuse paths are encouraged to create a connection to Creekside.

The Land Use Plan makes recommendations. It does not mandate a specific use or intensity. The applicant has provided information regarding densities of similar development in the area. Densities of this project and those of surrounding developments exceeds the Land Use Plan recommendations.

### Rezoning

Planning Commission shall consider the following elements, among other criteria, when deciding the proposed change:

1. Consistency with the goals, policies and comprehensive land use plan of the City of Gahanna, including any corridor plans, or subarea plans.

*The proposed rezoning to MFRD is consistent with the recommendations of the Land Use Plan. The proposed density of 22 units per acre does exceed the density recommended by the Plan of 20 units per acre.*

2. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return in investment through developing the property with one of the uses permitted under the current zoning.
4. Availability of sites elsewhere in the City that are already zoned for the proposed use.

*Staff is not aware of many, if any, properties that are zoned MFRD and available for development. The Land Use Plan identified that 55.6% of all city properties are used for residential purposes and of those properties approximately 10% of those properties are multifamily. The land use plan also identified that housing trends in the region are shifting from traditional large lot single family to smaller lots and multifamily.*

5. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence in the value of existing abutting lands or approved developments.
6. The capacity of City infrastructure and services to accommodate the uses permitted in the requested district without compromising the “health, safety, and welfare” of its citizens.
7. The apparent demand for the type of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.

*The majority of inquiries that staff receives for development opportunities are for multifamily. These inquiries typically don't result in a development application as the City has few opportunities for development. It is staff's opinion that demand is high for multifamily and the availability of land is low.*

#### Conditional Use

Several conditional uses are required to permit the application as presented. All of the conditional uses are related to multifamily uses. The MFRD code is written differently than most of the zoning code in that density, number of buildings, building height, accessory buildings, and number of units per building are all regulated by conditional use.

- Chapter 1149.02(a)(1) – Buildings containing more than eight dwelling units
- Chapter 1149.02(a)(2) – Two or more residential buildings on the same lot
- Chapter 1149.02(a)(3) – Additional density averaging six units per acre up to an average density of 18 units per acre
- Chapter 1149.02(a)(4) – Buildings may exceed two stories
- Chapter 1149.02(c) – Accessory buildings and uses

Requests for a conditional use shall be approved if the following four conditions are met:

1. The proposed use is a conditional use of the zoning district and the applicable development standards established in this zoning ordinance are met.
2. The proposed development is in accord with the appropriate plans for the area.
3. The proposed development will not have undesirable effects on the surrounding area.
4. The proposed development will be in keeping with the existing land use character and physical development potential of the area.

## Variance

The applicant has requested the following variances in order to permit the development. It should be noted that the variance to Chapter 1109.08 requires City Council approval. Therefore, Planning Commission would only provide a recommendation on that variance request.

- Chapter 1109.08 – Public areas
  - The code requires that multifamily projects donate land for recreation as part of the rezoning process. This requirement is in addition to requirements to pay a \$500 park fee and set aside land for open space. The applicant proposes to provide a dog park that is open to the public.
  - *Staff and the applicant have had numerous conversations regarding this unique provision. This code provision has been in place for roughly forty years. Forty years ago the City had a need for additional parkland. That is not necessarily the case today. These small pocket parks often times require the City to maintain while providing little benefits to the City as a whole.*
- Chapter 1149.03(b)(1) – Lot width
  - MFRD requires lot width based on the number of units. 675' of lot width is required and 285' of lot width is provided.
  - *Staff does not object to this variance as the correlation between multifamily density and frontage is highly unusual to be addressed in a zoning code. Lot width is typically associated with single family development in order to ensure properties are large enough to support a residential unit while providing appropriate setbacks. Multifamily developments typically don't have a specific lot frontage requirement. It should be noted that other development parameters such as setbacks and open space are required in order to ensure compatibility.*
- Chapter 1149.02(a)(3)/1149.03(f) – Density
  - Maximum density of 18 units per acre. Applicant has requested a density of 22.64 units per acre. The application materials contain densities of similar projects in the area.
- Chapter 1149.03(1)(5) – Parking location
  - Parking shall not be closer than 25' to the front or rear of a main building. 10' is proposed.
- Chapter 1163.02 – Minimum parking
  - The code requires a minimum of 120 parking spaces (two per unit). The applicant has provided 105 spaces.

Planning Commission shall not grant a variance unless it finds that all of the following conditions apply:

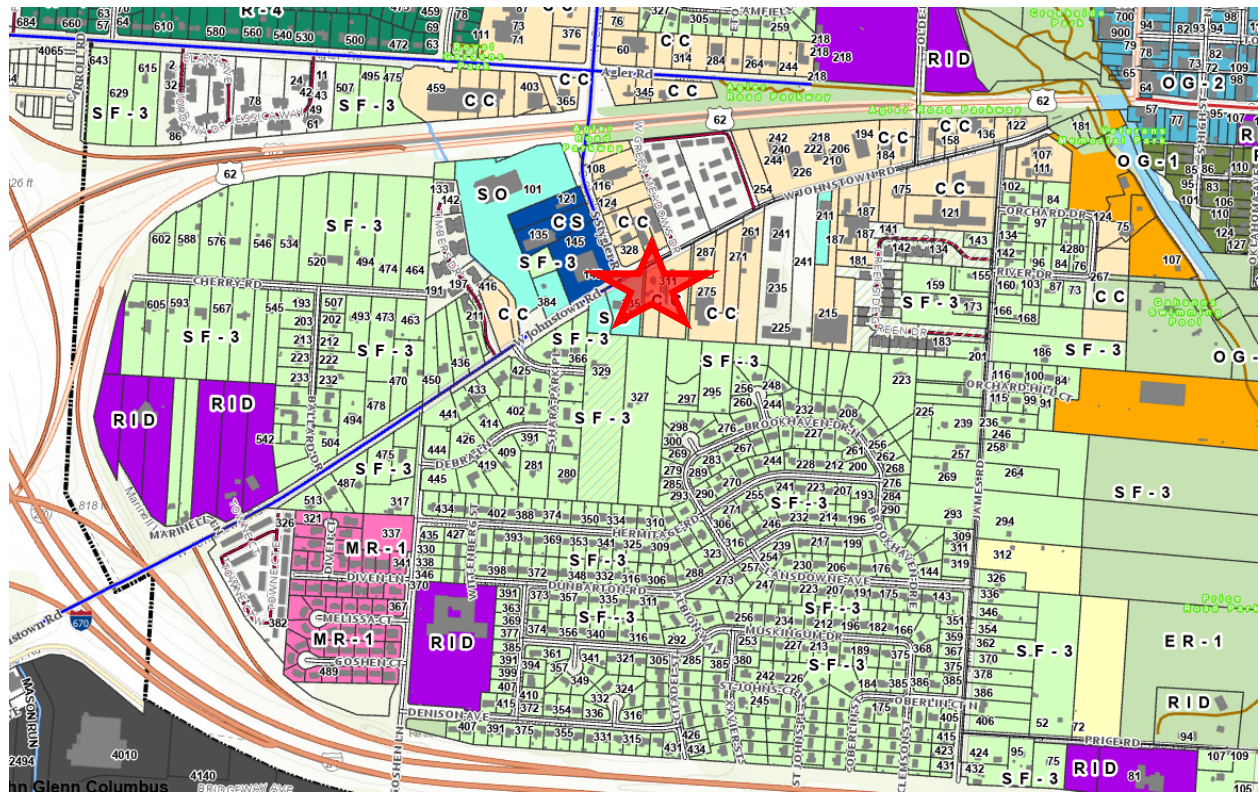
- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially

detrimental to the public welfare or injurious to property or improvements in such neighborhood.

### Recommendation

Staff recommends approval of the applications. The Land Use Plan identified a need in the City for new residential housing opportunities. New multifamily developments were identified as a priority for the City. This particular area of the City contains a wide variety of uses with several properties developed with multifamily development. The proposed rezoning appears to be in character with existing development and consistent with the recommendations of the Land Use Plan.

### Location/Zoning Map



Respectfully Submitted By:  
Michael Blackford, AICP  
City Planner/Zoning Administrator