

**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: 488 E. Johnstown Rd., Gahanna OH 43230		Project Name/Business Name (if applicable): Paulina Place	
Parcel ID No.(s): 025-001930-00	Current Zoning: SF-2	Total Acreage: 4.5 acres	
Description of Variance Requested: 1. Variance from GCO §1108.01 requiring final development plan review for properties zoned MR-1. <del>2. Variance from GCO §1109.01(a) requiring sidewalk</del> <i>DNF ONTD</i> 3. Variance from GCO §1109.02(a) requiring public streets. 4. Variance from GCO §1145.05(a) requiring lots to front on a dedicated public street.			
STAFF USE ONLY – Code Section(s) & Description of Variance: <i>#1108.01 - General Requirements</i> <i>1145.05(a) - Required Lot Area</i> <i>1109.02(a) - Streets</i>			
APPLICANT Name (primary contact) -do <u>not</u> use a business name: Loreto Canini		Applicant Address: 29 Keswick Drive New Albany, OH 43054	
Applicant E-mail: larry@caniniassociates.com		Applicant Phone No.: 614-296-3872	
BUSINESS Name (if applicable): Canini & Associates			
ATTORNEY/AGENT Name: David W. Fisher, Kephart Fisher LLC		Attorney/Agent Address: 207 N. Fourth Street Columbus, OH 43215	
Attorney/Agent E-Mail: davidfisher@kephartfisher.com		Attorney/Agent Phone No.: 614-469-1882	
ADDITIONAL CONTACTS (please list all applicable contacts)			
Name(s): Contractor		Contact Information (phone no./email):	
Developer Romanelli and Hughes Building Company		Jim Ohlin - 330-283-7795	
Architect		johlin@rh-homes.com	
PROPERTY OWNER Name: (if different from Applicant) Jason L. Stevens and Kristin M. Stevens		Property Owner Contact Information (phone no./email): 614-313-9446 email: jlselink@gmail.com	

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:  Date: August 28, 2018

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

INTERNAL USE

Zoning File No. V-211-2018  
PC Meeting Date: \_\_\_\_\_  
PC File No. \_\_\_\_\_

RECEIVED: VAW  
DATE: 8-29-18

PAID: 150.00  
DATE: 8-29-18  
CHECK#: 1925

**VARIANCE APPLICATION – SUBMISSION REQUIREMENTS**

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

STAFF USE INTAKE	TO BE COMPLETED/SUBMITTED BY THE APPLICANT:	APPLICANT		STAFF USE	
		YES	N/A	YES	N/A
	1. Review Gahanna Code Section 1131 (visit <a href="http://www.municode.com">www.municode.com</a> ) (Sign Variances, refer to Section 1165.12; Fence Variances, 1171.05; Flood Plain Variances, 1191.18)	✓			
	2. Pre-application conference with staff	✓			
	3. Survey of property certified by a registered surveyor (11"x17" copy)	✓			
	4. List of contiguous property owners & their mailing address	✓			
	5. Pre-printed mailing labels for all contiguous property owners	✓			
	6. A statement of the reason(s) for the variance request that address the following three conditions: (not applicable for Sign, Fence, or Flood Plain Variances) - Special circumstances or conditions - Necessary for preservation - Will not materially affect adversely the health or safety	✓			
	7. Application fee paid (in accordance with the Building & Zoning Fee Schedule)	✓			
	8. Application & all supporting documents submitted in digital format	✓			
	9. Application & all supporting documents submitted in hardcopy format	✓			
	10. Authorization Consent Form Complete & Notarized (see page 3)	✓			

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

**APPLICATION ACCEPTANCE**

INTERNAL USE

This application has been reviewed and is considered complete and is hereby accepted by the Zoning Division of the City of Gahanna and shall be forwarded to the City of Gahanna Planning Commission for consideration.

Planning Commission must recommend to City Council for final approval

Planning & Zoning Administrator Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*(Signature)*

*9/28/18*



**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.

**AUTHORIZATION FOR OWNER'S APPLICANT OR REPRESENTATIVE(S)** *If the applicant is not the property owner, this section must be completed & notarized.*

I, Jason L. Stevens and Kristin M. Stevens, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize Loreto Canini and David W. Fisher to act as my applicant or representative(s) 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 designated representative.

Property Owner Signature: [Signature] Date: August 28, 2018

**AUTHORIZATION TO VISIT THE PROPERTY**

I, Jason L. Stevens and Kristin M. Stevens, the owner or authorized owner's representative of the subject property listed on this application, hereby authorize City representatives to visit, photograph and post notice *(if applicable)* on the property as described in this application.

Property Owner Signature: [Signature] Date: August 28, 2018

Subscribed and sworn to before me on this 28th day of August, 2018  
State of Ohio County of Franklin  
Notary Public Signature: [Signature]

NOTARY



David W. Fisher  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

**AGREEMENT TO COMPLY AS APPROVED**

I, Loreto Canini, the applicant of the subject property listed on this application, hereby agree that the project will be completed as approved and any proposed changes to the approved plans shall be submitted for review and approval to the Zoning Division staff.

Applicant Signature: [Signature] Date: August 28, 2018

Subscribed and sworn to before me on this 28th day of August  
State of Ohio County of Franklin  
Notary Public Signature: [Signature]

NOTARY



David W. Fisher  
Attorney At Law  
Notary Public, State of Ohio  
My commission has no expiration date  
Sec. 147.03 R.C.

## VARIANCE APPLICATION REQUIRED STATEMENT OF REASONS

This Variance Application Required Statement of Reasons is provided in connection with a Variance Application dated August 29, 2018 for Franklin County Permanent Parcel #025-001930-00 located at 488 E. Johnstown Road, Gahanna, Ohio (the "Property") as required by the Submission Requirements Item 6. The following statements address and support the reasons for the variance requests.

### **1. SPECIAL CIRCUMSTANCES OR CONDITIONS –**

- a. Variance from GCO #1108.01 requiring final development plan review and approval by Planning Commission for properties zoned MR-1 – The Property is proposed to be rezoned to the MR-1 zoning classification of the Gahanna Codified Ordinances for development as single family homes as a permitted conditional use. As such, the development will be required to comply with R-4 zoning classification of the Gahanna Codified Ordinances (a residential zoning district classification) and therefore constitutes a single family residential development for which final development plan review and approval by Planning Commission should not be required. This situation creates a special circumstance or condition for which a variance should be granted.
- b. Variances from GCO #1109/02(a) requiring public streets and GCO #1145.05(a) requiring lots to front on a dedicated public street – Due to the limited size of the proposed development (only 14 lots fronting on the new private road with no possibility of future expansion or through traffic), and the private, secluded nature of the proposed development, such circumstances constitute special circumstances or conditions for which a variance should be granted.

2. **NECESSARY FOR PRESERVATION** – The requested Variances are necessary to preserve the value of the Property and its unique location for development as proposed. If the City imposed the requirements for which the Variances are being requested, the Applicant would not be able to proceed with the development of the Property as proposed, thereby detracting from the value of the Property and its utility for use to preserve property values generally by permitting the proposed development consistent with the City's Land Use Plan.

3. **WILL NOT MATERIALLY AFFECT ADVERSELY THE HEALTH AND SAFETY** – The requested Variances will not materially adversely affect the health and safety of the Property, adjacent or nearby properties or the City as a whole. In fact, if the proposed development is granted the requested Variances and allowed to proceed, the proposed development will have a positive effect on the health and safety of all concerned by providing high quality development in the community appealing to empty nesters desiring to remain in Gahanna or become citizens of Gahanna, improve and enhance vacant property adjacent to existing single family homes, and allow a bike/walking path extension along E. Johnstown Road.

If the proposed Variances are not granted, it would result in a hardship to the current owner of the Property who desires to have the Property developed at its highest and best use in keeping with the goals and objectives of the City's Land Use Plan.

# ZONING EXHIBIT 488 JOHNSTOWN ROAD

QUARTER TOWNSHIP 1,  
TOWNSHIP 1, RANGE 17  
UNITED STATES MILITARY DISTRICT  
**City of Gahanna**  
Franklin County, Ohio

THE COLONY NO. 2  
PLAT BOOK 45 PAGE 50

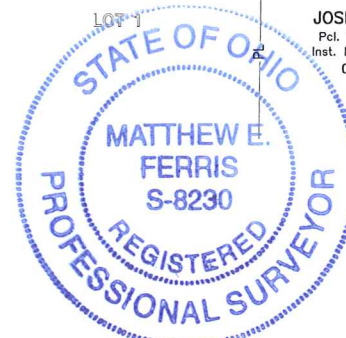
PETER A. SR. & TERRI S.  
TOEBEE  
Pcl. No. 025-001914-00  
Inst. No. 200407020154200  
0.516 AC. (Deed)

JASON L. & KRISTIN M.  
STEVENS  
Pcl. No. 025-001930-00  
Inst. No. 200808190126559  
4.598 AC. (Deed)  
4.5 AC.±

JOSHUA M. CALL &  
STEPHANIE A. MINER  
Pcl. No. 025-001939-00  
Inst. No. 201801020000196  
0.747 AC. (Deed)

JOSEPH C. PLESSER  
Pcl. No. 025-004169-00  
Inst. No. 201310020167126  
0.246 AC. (Deed)

PAUL J. & ANNE M.  
SCHOO  
Pcl. No. 025-006176-00  
Inst. No. 200212100316494  
0.254 AC. (Deed)



BY:

Matthew E. Ferris, P.E., P.S.  
Registered Surveyor No. 8230

Date

*Matthew E. Ferris* 08-28-18

NOTE:  
This exhibit was created from GIS information provided by the Franklin County Auditor's Office and not from field surveys. This exhibit is to be used for planning purposes only and not for construction. This is not a Boundary Survey.

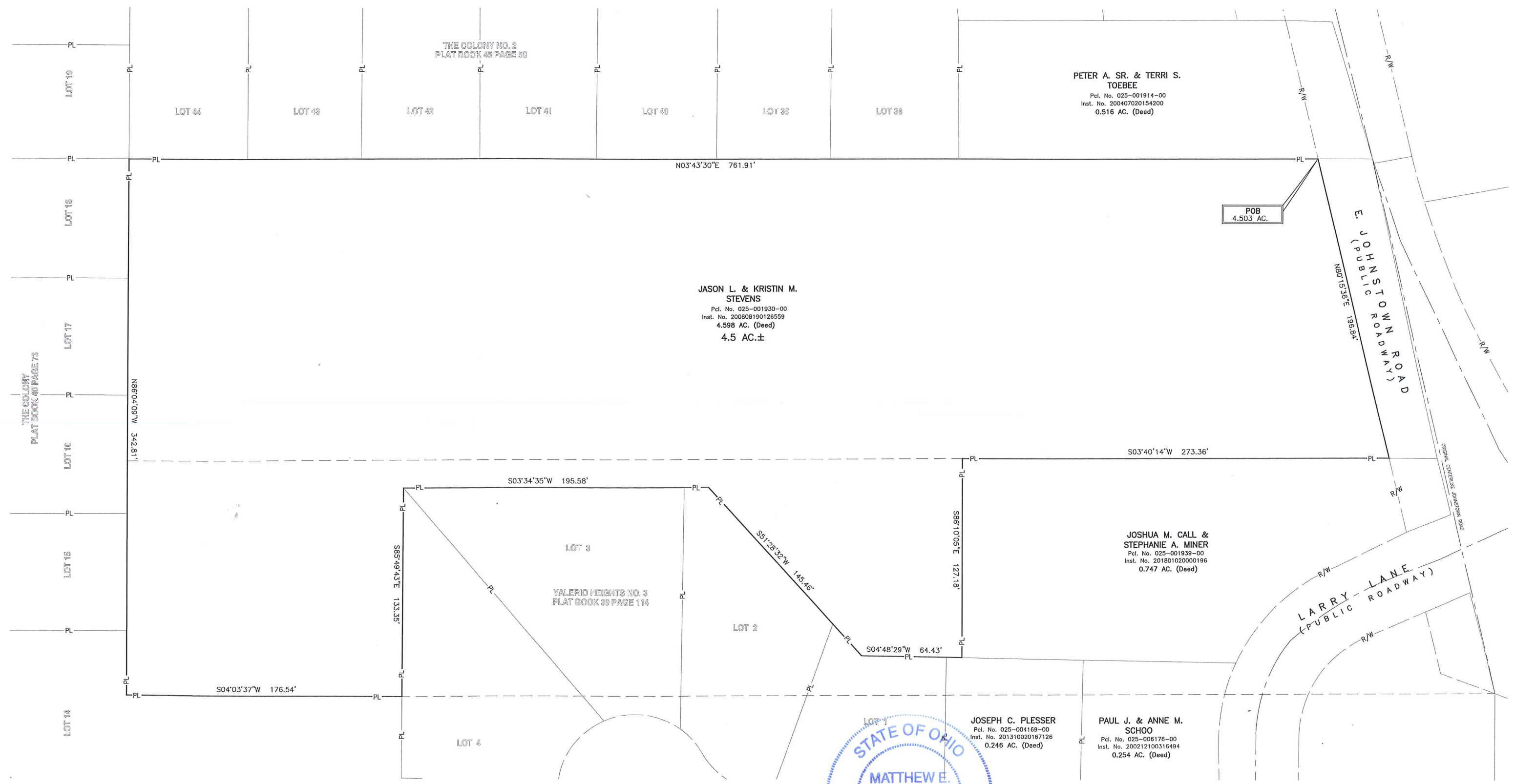
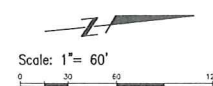
DRWN BY CRK CHK BY MJA DATE 08-28-18

1142003

**E. P. FERRIS**  
AND ASSOCIATES  
INC

Consulting Civil Engineers and Surveyors

880 KING AVENUE  
COLUMBUS, OHIO 43212  
(614) 299-2999  
(614) 299-2992 (Fax)  
www.EPFERRIS.com





**ZONING DESCRIPTION**  
**4.5 +/- ACRES**

Situated in the State of Ohio, County of Franklin, City of Gahanna, being a part of Quarter Township 1, Township 1, Range 17 of the United States Military District, and being all of that 4.503 acre tract as conveyed to Jason L. and Kristen M. Stevens in Instrument Number 200808190126559, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

**BEGINNING** at the northwesterly corner of said 4.503 acre tract, also being the northeasterly corner of a 0.516 acre tract conveyed to Peter A. Sr. and Terri S. Toebee in Instrument Number 200407020154200, and being in the southerly right of way line of East Johnstown Road (60');

Thence along the northerly line of said 4.503 acre tract and the southerly right of way line of said East Johnstown Road, North 80° 15' 36" East, 196.84 feet to a point in the northeasterly corner of said 4.503 acre tract, also being the northwesterly corner of a 0.747 acre tract as conveyed to Joshua M. Call and Stephanie A. Miner in Instrument Number 201801020000196;

Thence along an easterly line of said 4.503 acre tract and the westerly line of said 0.747 acre tract, South 03° 40' 14" West, 273.36 feet to a point on the southwesterly corner of said 0.747 acre tract;

Thence along a northerly line of said 4.503 acre tract and the southerly line of said 0.747 acre tract, South 86° 10' 05" East, 127.18 feet to a point on the southeasterly corner of said 0.747 acre tract, also being on the westerly property line of a 0.246 acre tract as conveyed to Joseph C. Plesser in Instrument Number 201310020167126;

Thence along an easterly line of said 4.503 acre tract, the westerly line of said 0.246 acre tract, and the westerly line of Lot 1 of Valerio Heights No. 3 subdivision, delineated in Plat Book 39 Page 114, South 04° 48' 29" West, 64.43 feet to a point;

Thence along an easterly line of said 4.503 acre tract, the westerly line of said Lot 1, and the westerly line of Lot 2 of said Valerio Heights No. 3 subdivision, South 51° 28' 32" West, 145.46 feet to a point;

Thence along an easterly line of said 4.503 acre tract, the westerly line of said Lot 2, and the westerly line of Lot 3 of said Valerio Heights No. 3 subdivision, South 03° 34' 35" West, 195.58 feet to a point on the southwest corner of said Lot 3;

Thence along the property line of said 4.503 acre tract and the southerly line of Lot 4 of said Valerio Heights No. 3 subdivision, South 85° 49' 43" East, 133.35 feet to a point on the northwesterly corner of Lot 14 of The Colony subdivision, delineated in Plat Book 40 Page 73;


Thence along an easterly line of said 4.503 acre tract and a westerly line of said Lot 14, South 04° 03' 37" West, 176.54 feet to a point on the southeasterly corner of said 4.503 acre tract;

Thence along the southerly line of said 4.503 acre tract and a northerly line of Lots 14-18 of said The Colony subdivision, North 86° 04' 09" West, 342.81 feet to a point on the southwesterly corner of said 4.503 acre tract, also being on the northwesterly corner of said Lot 18, also being the northeasterly corner of Lot 19 of said The Colony subdivision;

Thence along the westerly line of said 4.503 acre tract, the easterly line of Lots 38-44 of The Colony No. 2 subdivision delineated in Plat Book 45 Page 50, and the easterly line of said 0.516 acre tract, North 03° 43' 30" East, 761.91 feet to the **POINT OF BEGINNING**, containing 4.5 acres, more or less.

This description is based on records obtained by E.P. Ferris and Associates in 2018 and is intended to be used for zoning purposes only.



  
Matthew E. Ferris, P.E., P.S.  
Registered Surveyor No. 8230

08-28-18  
Date

**LIST OF CONTIGUOUS  
AND  
DIRECTLY ACROSS THE STREET  
PROPERTY OWNERS  
AND  
MAILING ADDRESSES**

1. Glenn R. & D. Arlene Miller TR  
489 E. Johnstown Rd.  
Gahanna, OH 43230
  
2. Daniel A. & Darlene E. Watts  
493 E. Johnstown Rd.  
Gahanna, OH 43230
  
3. Sherri L. Landrum & David R. Draghi  
519 E. Johnstown Rd.  
Gahanna, OH 43230
  
4. Joshua M. Call & Stephanie A. Miner  
492 Johnstown Rd.  
Gahanna, OH 43230
  
5. Joseph C. Plessner  
461 Anthony Ct.  
Gahanna, OH 43230
  
6. Virginia E. & Theodore W. JR MCCann  
451 Anthony Ct.  
Gahanna, OH 43230
  
7. George R. & Melissa A. Brant  
443 Anthony Ct.  
Gahanna, OH 43230
  
8. Richard J. & Heather D. Oder  
6601 Cooper Meadows Rd.  
Westerville, OH 43081
  
9. Russell W. Strobe  
431 Anthony Ct.  
Gahanna, OH 43230



10. Michael C. & Denise A. Helbig  
260 Colony Ct.  
Gahanna, OH 43230
11. Callie M. McInturf  
252 Colony Ct.  
Gahanna, OH 43230
12. John A. & Ann P. Melaragno  
244 Colony Ct.  
Gahanna, OH 43230
13. Nikki K. Johnson  
236 Colony Ct.  
Gahanna, OH 43230
14. Ronald & Jeanette Deacon  
228 Colony Ct.  
Gahanna, OH 43230
15. Sandora S. Martin  
220 Colony Ct.  
Gahanna, OH 43230
16. James W. & Susan W. Bugenstein  
408 Colony Pl.  
Gahanna, OH 43230
17. Travis & Danae Sperk  
416 Colony Pl.  
Gahanna, OH 43230
18. Burton L JR & Patricia Wilson  
3001 Hackberry Rd.  
Irving TX 75063-0156
19. David R. & Cathy J. Crowder  
432 Colony Pl.  
Gahanna, OH 43230
20. Stanley S. & Susan R. Copeland  
440 Colony Pl.  
Gahanna, OH 43230

21. Darren W. Lynda S. Lucas  
446 Colony Pl.  
Gahanna, OH 43230
  
22. Terry B. & Holly A. Sandridge  
454 Colony Pl.  
Gahanna, OH 43230-2134
  
23. Peter A. SR & Terri S. Toebbe  
484 E. Johnstown Rd.  
Gahanna, OH 43230



October 2, 2018

Larry Canini & Associates LLC  
P O Box 887  
New Albany, OH 43054

RE: Project 488 E Johnstown Rd  
488 E Johnstown Rd

Dear Larry Canini & Associates LLC:

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

### **Building**

1. No comments.

### **Parks**

2. No Comment

### **Public Safety**

3. No comments or concerns from the police department

### **Soil & Water Conservation District**

4. No COmment Received

### **Fire District**

5. The roadway for the development is of adequate width. Fire apparatus roadways for private developments are required to be 20 feet in width and the roadway in Paulina Place is 24 feet wide.
6. There were no hydrants displayed on the plans, but there appears to be a public hydrant within approximately 20 feet of the private roadway. Below are the fire hydrant requirements for private developments according to the fire code.

507.5 Fire hydrant issues systems. Fire hydrant systems shall comply with paragraphs (G)(5)(a)(507.5.1) to (G)(5)(f) (507.5.6) of this rule.

(a) 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved



into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet (183 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with paragraph (C)(3)(a)(i) (903.3.1.1) or (C)(3)(a)(ii)(903.3.1.2) of rule 1301:7-7-09 of the Administrative Code, the distance requirement shall be 600 feet (183 m).

Additional requirements and comments shall follow after plans are submitted and the review process starts

### **Public Service & Engineering**

7. If fee lots are preferred, then the subdivision will need to be platted.

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



207 North Fourth Street Columbus, Ohio 43215  
p: 614.469.1882 f: 614.469.1887  
David W. Fisher, Esq.  
davidfisher@kephartfisher.com

September 20, 2018

**VIA EMAIL**

Ms. Kelly Wicker  
Zoning Clerk  
Department of Public Service and Engineering  
City of Gahanna  
200 S. Hamilton Road  
Gahanna, Ohio 43230

**Re: Paulina Place Applications for Rezoning, Conditional Use and Variance**

Dear Ms. Wicker:

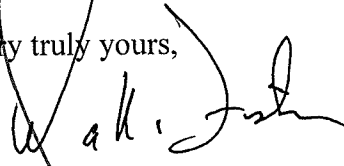
As Legal Counsel and Authorized Representative in connection with the above referenced Applications, I am writing in response to your September 10, 2018 email and accompanying comment letters pertaining to the Applications. The purpose of this letter is to provide a disposition of all comments received as instructed.

The comments received and their proposed disposition are as follows:

1. Each comment letter contained comments from the First District pertaining to required fire hydrants. Paulina Place will comply with all requirements regarding fire hydrants and the subdivision plat when filed will so provide.
2. Each comment letter contained comments from Public Service & Engineering that because Paulina Place will contain fee simple lots, the project will need to be platted with public right-of-way. Since receipt of the comment letters, we have been in communication with Robert S. Priestas, P.E., Director of the Department of Public Service & Engineering for the City. We were advised today by Mr. Priestas pursuant to the email attached that he is in favor of and will not object to Paulina Place being developed with platted lots on a private street so long as the City platting processes are followed. We will comply with all platting requirements of the City except for the requirement of public right-of-way.
3. The comment letter pertaining to the Variance Application contained comments from Public Service & Engineering that it does not support the sidewalk variance. We will dispose of this comment by amending the Variance Application to delete the requested sidewalk variance and this correspondence shall memorialize that deletion. Paulina Place will have sidewalks installed in accordance with GCO §1108.01(f).

We trust this letter appropriately responds to all comments received. If not or if you require additional information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. W. Fisher". The signature is written in a cursive style with a large, looping initial "D".

David W. Fisher

DWF

C w/encl: Loreto Canini  
Jason and Kristen Stevens  
Jim Ohlin  
Vince Romanelli  
Chris Lescody  
Robert S. Priestas, P.E.  
Michael Blackford



## David W. Fisher

---

**From:** Robert Priestas <Robert.Priestas@gahanna.gov>  
**Sent:** Thursday, September 20, 2018 10:30 AM  
**To:** David W. Fisher  
**Cc:** 'Loreto Canini'; vromanelli@rh-homes.com; 'Jim Ohlin'; Michael Blackford  
**Subject:** RE: Paulina Place Rezoning

Good Morning David,

Thank you for providing this information. We are in favor of private streets as it reduces our long term maintenance responsibility as a City. The provided information reinforces my concerns about the tools and mechanisms that will need to be utilized to create such a development. All of the examples provided are platted developments, which is what I was suspecting would have to occur to create the desired development with platted fee simple lots and private streets. I have no objections to the proposed type of development, but feel that it will need to follow our platting process once the zoning is approved by City Council.

Please let me know if you have any question or if I can be of further assistance as you work to advance this project.

Have a great day,

Rob

## Robert S. Priestas, P.E.

Director  
Department of Public Service & Engineering



City of Gahanna  
200 S. Hamilton Rd.  
Gahanna, Ohio 43230  
614.342.4055  
614.342.4155(fax)  
[robert.priestas@gahanna.gov](mailto:robert.priestas@gahanna.gov)  
[www.gahanna.gov](http://www.gahanna.gov)



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**From:** David W. Fisher [mailto:[davidfisher@kephartfisher.com](mailto:davidfisher@kephartfisher.com)]  
**Sent:** Friday, September 14, 2018 12:23 PM  
**To:** Robert Priestas <Robert.Priestas@gahanna.gov>

Cc: 'Loreto Canini' <larry@caniniassociates.com>; vromanelli@rh-homes.com; 'Jim Ohlin' <johlin@rh-homes.com>; Michael Blackford <Michael.Blackford@gahanna.gov>

**Subject:** Paulina Place Rezoning

Hi Rob – Thanks for taking my call earlier this week concerning the Paulina Place rezoning on E. Johnstown Road near Larry Lane. As I explained, the purpose of my call was to discuss the City's comments on our rezoning and related applications stating that the street serving the platted lots within Paulina Place must be a publicly dedicated street. We discussed the problems presented by this requirement and I shared with you that throughout Central Ohio, patio home developments such as the one proposed for Paulina Place are now be done with platted fee simple lots on private streets. You asked that I provide a couple of examples for your consideration.

Attached are three plats of patio home developments with platted fee simple lots on private streets, as follows:

1. Courtyards at Village Crossing is a deal I structured and zoned in Westerville several years ago for Vince Romanelli. The development consists of an apartment complex on the north side of a public street known as Hoff Road and patio homes built and sold by Epcon fronting on a private street known as Emerald Crossing on the south side of Hoff Road. The City of Westerville Engineer approved of this plat of platted lots on a private street.
2. Cottages at Northlake Woods South is a Schottenstein Homes patio home development in Berlin and Berkshire Townships in Delaware County just west of I-71 north of 36/37. The Delaware County Engineer approved of this plat of platted lots on private streets.
3. Courtyards at Jerome Village is a patio home development in the Jerome Village Development that is being developed by NRI. The patio homes are being built and sold by Epcon. The Union County Engineer approved of this plat of platted lots on private streets.

I trust you can see from the foregoing and attachments that other governmental engineers throughout Central Ohio are approving of this structure as appropriate for patio homes. Larry Canini and I would be happy to stop in and meet with you to discuss further if you like. I can also provide other examples to you.

Please give some consideration to this request and advise. We understand that ultimately, this is a Planning Commission decision, but your understanding and approval of the concept would be very helpful and instructive to the process.

I look forward to your reply.

Have a great weekend.

Regards,



David Fisher

Principal

Kephart Fisher LLC | Attorneys At Law

207 North Fourth Street | Columbus, Ohio 43215

P: 614.469.1882 | F: 614.469.1887

E: [davidfisher@kephartfisher.com](mailto:davidfisher@kephartfisher.com)

W: <http://www.kephartfisher.com>

**TAX DISCLOSURE:**

Pursuant to U.S. Treasury Department Circular 230, we are informing you that any U.S. federal tax advice contained in this communication (including any attachments hereto) was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayers.

**CONFIDENTIALITY DISCLOSURE:**

This electronic transmission and any attachments contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this electronic transmission is strictly prohibited. If you have received this electronic transmission in error, please immediately notify us by telephone at (614) 469-1882.





## PLANNING AND DEVELOPMENT STAFF REPORT

### Request Summary

This is a request to rezone approximately 4.5 acres from Single Family (SF-2) to Two Family Residential (MR-1). There are two companion applications. One is a conditional use to allow for single family homes within an MR-1 zoning. Single family development within MR-1 must meet the parameters of the R-4 district. The developer prefers R-4 to SF-2 since the zoning allows for a smaller lot size. A third application is for a variance to allow for private streets and to not require the project to submit a Final Development Plan (FDP). If approved, the project will be required to file a preliminary then a final plat. The platting process approves the number of lots, lot size, lot layout, etc.

Below is a comparison of the existing and proposed zoning categories in regards to setbacks, building height, and lot area. This is not a complete comparison, it is meant to provide an indication of some of the similarities and differences between the two zonings.



### PROJECT DETAILS

**REZONING FROM SF-2 TO MR-1**

**PROPERTY SIZE: 4.5 ACRES**

**DENSITY: 3.3 UNITS/ACRE**

**STAFF RECOMMENDATION:  
REQUEST ALIGNS WITH  
PLAN RECOMMENDATIONS**

<b>Zone District</b>	<b>Single Family Residential (SF-2)</b>	<b>Two Family Residential (MR-1) with R-4 Residential District Standards for Single Family</b>
<b>Setbacks</b>	Front yard = 40' Side yard = 10' Rear yard = 25'	Front yard = 25' Side yard = 5' Rear yard = 25'
<b>Building Height</b>	32' and no more than 2 stories	25' and no more than 2 stories
<b>Lot Area</b>	15,000 square feet	7,200 square feet

15 lots are shown on the site plan, this includes the existing home. It is important to note that the site plan is not adopted with the rezoning. Future applications such as a final plat will be required that identifies the exact lot layout and size. The final plat requires a recommendation from Planning Commission and adoption by City Council.

### Land Use Plans

The property is located within the Heartland Concept Plan which was adopted in 1999. The Plan recommends two land use designations for the property, residential and open space/parkland. The Plan



anticipated that open space would be acquired by the City as properties were available through sale or redevelopment opportunities.

The 2002 Land Use Plan designates the property parks and recreation. The objective of parks and recreation land use is to assure that the park system and community recreational facilities are planned, located, designed, and constructed to provide recreational opportunities. If the rezoning is approved, as part of the platting process, the property will be evaluated for the appropriateness for recreational opportunities. Onsite park space will be provided or fees in-lieu of onsite park space will be required. The City determines which option is preferable during review of the final plat.

While not adopted, the City is in the process of creating a new comprehensive land use plan. This plan would replace all existing plans when adopted. It designates the property as low density residential. Permitted uses include attached and detached single family homes at a density of 3-6 units per acre.

It should be noted that all three of the above mentioned plans are meant to guide growth and inform decision makers. They do not mandate a particular use, intensity, scale, etc.

#### Area Commission

The request was discussed at the August 2<sup>nd</sup> Area Commission meeting. Attached to the report is feedback from the area commission meeting. Please note that Area Commission feedback is non-binding.

#### 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.

*Applicable plans recommend a variety of uses, goals, and objectives for the property. The property appears to have been deemed appropriate for recreational uses in addition to residential uses because of how it is currently developed, one unit on 4.5 acres. And because it is centrally located in an area almost entirely developed with single family development. It is not typical to designate privately owned land as park and recreation.*

*The new land use plan, which has not yet adopted, designates the property as low density residential. The request is consistent with the recommendations of this plan as they are proposing single family lots at a density of 3.3 units per acre. The plan recommends 3-6 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 similarly sized and undeveloped parcels that are zoned MR-1. Many of the discussions staff has had with developers is on the availability of land appropriate to develop for residential uses. Typically these discussions result in the conclusion that Gahanna has little to no property suitable for development of a single family subdivision.*

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.

*Staff is of the opinion that the rezoning is consistent and appropriate with surrounding uses. The request is for single family development at a density of 3.3 units per acre. The areas surrounding the project site, which are zoned Single Family (SF-3), are developed at a similar density ranging from 2.7 -3.0 units per acre.*

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.

*Through conversations with various developers, analysis performed as part of the new land use plan, and data received through regional analysis such as Insight 2050, staff is aware that there is an extremely high demand for residential development. Demand appears to be highest for multifamily development such as apartments and for non-traditional large lot development such as condos and townhomes. The majority of residential zonings which allow single family development only permit the development on lots larger than a ¼ of an acre. These lot sizes, while still desirable by many, are not consistent with housing trends. This request would develop under the parameters of R-4 which allows for a smaller lot size than any other residential zone district. These lot sizes (7,200 square feet) are more in line with current housing trends. Even though the lot size is smaller than the surrounding development, density of the development is substantially similar.*

It is Planning and Development staff’s opinion that the request to rezone to MR-1 with a conditional use to allow single family is consistent with the development patterns of the surrounding area and is in alignment with the vision of the property as set out by the land use plans.



### Conditional Use

MR-1 zoning permits single family residential as a conditional use. Therefore, in order to construct detached homes, a conditional use permit is required. MR-1 states that the development standards of the R-4 district must be followed when developing single family.

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.

It is staff's opinion that the request meets the four conditions of approval and therefore recommends approval of the request.

### Variance

Three variances have been requested from the code. Two of the variances, CH 1108.01 and 11.09.02(a), require approval by City Council.

1. Variance to CH 1108.01 which requires a final development plan (FDP) for any property other than those zoned single family. The property would be rezoned to MR-1 which is a two family zoning, therefore it would be required to file an FDP even though the request is for single family. This appears to be an oversight in the code. The code should require an FDP for all projects except single family. The applicant intends to file a plat in-lieu of the FDP.
2. Variance to CH 1109.02(a) which requires streets to be dedicated to public use. The developer proposes to have private streets.
3. Variance to CH 1145.05(a) which requires lots to front a public street. The developer proposes to have private streets.

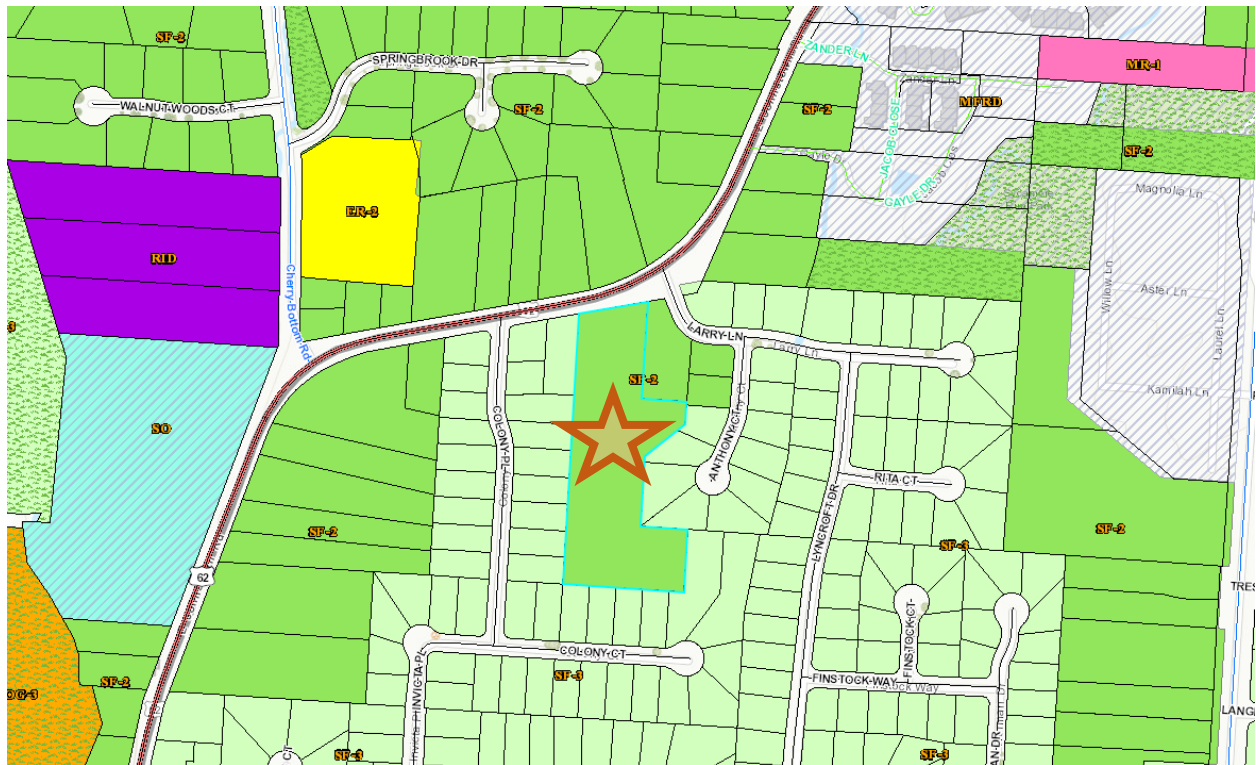
Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- 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.

Staff does not object to the requested variances. Private streets can be advantageous to the City as it reduces our costs associated with providing services to residential development. The developer proposes to file a plat instead of an FDP. This appears to be the proper permitting path for this type of development as the code states that single family zonings are exempt from the FDP process. Technically the zoning category requested is not a single family zoning but rather a two family zoning. The platting process is more appropriate than an FDP to capture lot size, location, etc.

Location/Zoning Map



Respectfully Submitted By:  
Michael Blackford, AICP  
Deputy Director



# **Area Commission Feedback**

# Gahanna Area Commission Framework

## COMMISSION FEEDBACK CRITERIA

Project name: Paulina Place

Meeting date: 8/2/18

Project type:

- Annexation
- Conditional Use
- Zoning Change (rezoning)
- Other \_\_\_\_\_

Reviewer name: Bowers

Reviewer status:

- Commission Member
- General Public

MR-1 w/ conditional use  
↳ 2 Family (duplex)

Does the scale and use of the proposal fit the context of the surrounding neighborhood?

Yes

How would you improve the proposal as submitted?

- ensure tree preservation

Sidewalks on street (Paulina) \*  
I like the multipurpose path on Johnstown

What do you see as some of the outcomes of the proposal?

increased revenue for schools,  
better use of underdeveloped land

What are your overall comments or suggestions?

this is the same acreage as the  
Spanovich property on Taylor + this/similar  
project would have fit there too.

Please rate the following aspects of the proposal for its level of appropriateness or inappropriateness for its context and for the City of Gahanna:

	Not appropriate or desirable		Very appropriate and desirable			N/A
	←			→		
	1	2	3	4	5	
Pedestrian friendliness - <u>if sidewalk</u>				✓		
Scale				✓		
Compatibility with surrounding uses				✓		
Vehicular circulation						✓
Traffic impact on neighboring streets				✓		

# Gahanna Area Commission Framework

## COMMISSION FEEDBACK CRITERIA

Project name: Paulina Place

Meeting date: 8/2/18

Project type:

- Annexation  
 Conditional Use  
 Zoning Change (rezoning)  
 Other

Reviewer name: John Spinelli

Reviewer status:  
 Commission Member  
 General Public

Does the scale and use of the proposal fit the context of the surrounding neighborhood?  
Yes

How would you improve the proposal as submitted?  
DON'T KNOW

What do you see as some of the outcomes of the proposal?  
Expand property and income tax base

What are your overall comments or suggestions?  
Let's help growing Gahanna grow more

Please rate the following aspects of the proposal for its level of appropriateness or inappropriateness for its context and for the City of Gahanna:	Not appropriate or desirable		Very appropriate and desirable		N/A	
	←			→		
	1	2	3	4	5	
Pedestrian friendliness				X		
Scale					X	
Compatibility with surrounding uses					X	
Vehicular circulation					X	
Traffic impact on neighboring streets				X		



# Gahanna Area Commission Framework

## COMMISSION FEEDBACK CRITERIA

Project name:  
Farline Place

Meeting date:  
August 2, 2018

- Project type:
- Annexation
  - Conditional Use
  - Zoning Change (rezoning)
  - Other \_\_\_\_\_

Reviewer name:  
Diana M. Redman

- Reviewer status:
- Commission Member
  - General Public

Does the scale and use of the proposal fit the context of the surrounding neighborhood?

It seems to be appropriate

How would you improve the proposal as submitted?

more detail on some of the "yet to be decided" items  
 How ensure that Condo Management Assoc is there for long-term

What do you see as some of the outcomes of the proposal?

Could be positive,

What are your overall comments or suggestions?

Basically has merit. Not sure price point will be realized  
 Some concern over traffic from subdivision going in/out to  
 Johnson Rd

Please rate the following aspects of the proposal for its level of appropriateness or inappropriateness for its context and for the City of Gahanna:	Not appropriate or desirable		Very appropriate and desirable			N/A
	←			→		
	1	2	3	4	5	
Pedestrian friendliness				✓		
Scale				✓		
Compatibility with surrounding uses				✓		
Vehicular circulation			?			
Traffic impact on neighboring streets			✓			

## Michael Blackford

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**From:** Jordan Fromm <jfromm@valuererecovery.com>  
**Sent:** Friday, July 20, 2018 4:14 PM  
**To:** Michael Blackford  
**Subject:** RE: Area Commission #3 Meeting August 2nd

**Categories:** Public Hearing Item

Good afternoon sir!

I have a tight schedule that day. In the event I am not able to make it, I have the following observations and concerns:

- This is very clearly a residential area, and I believe that SFR is the highest and best use. I don't see any other use besides residential, agricultural, or parkland being compatible—particularly with this parcel being landlocked by single family residential.
- I am not pleased with the density. I believe it should be developed at the same SFR/acre as its surrounding neighborhoods.

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**From:** Michael Blackford <Michael.Blackford@gahanna.gov>

**Sent:** Friday, July 20, 2018 3:58 PM

**To:** Carla Williams-Scott (crws40@aol.com) <crws40@aol.com>; Diana Redman (toddyr@aol.com) <toddyr@aol.com>; Gina Karasneh (ginakarasneh@gmail.com) <ginakarasneh@gmail.com>; Jay Mantle (mulhenny@gmail.com) <mulhenny@gmail.com>; John Spinelli (spincohio@gmail.com); John Williams (johnwill5k@att.net) <johnwill5k@att.net>; Jordan Fromm <jfromm@valuererecovery.com>; Mallory Sribanditmongkol (malloryalexin@gmail.com) <malloryalexin@gmail.com>; Mark Seidelmann (mseidelmann@gmail.com) <mseidelmann@gmail.com>; Merisa Bowers (merisa.bowers@gmail.com) <merisa.bowers@gmail.com>; Ron Smith <rsmith@sohproductions.com>

**Subject:** Area Commission #3 Meeting August 2nd

Good afternoon,

We have an item for consideration for the August 2<sup>nd</sup> meeting. This item is time certain for 6:00 pm. It is a rezoning request at 488 Johnstown Road (between Colony Place and Larry Lane).

[August 2 Agenda](#)

Let me know if you have any questions. Please feel free to send me an email with any comments about the request if you can't make it to the meeting. Thanks.

When: 6:00 pm, August 2<sup>nd</sup>

Where: City Hall, Committee Room

What: Residential Rezoning

**MICHAEL BLACKFORD, AICP**

Deputy Director



Department of Planning & Development



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