



ZONING DIVISION
 200 S. Hamilton Road
 Gahanna, Ohio 43230
 614-342-4025
 zoning@gahanna.gov
 www.gahanna.gov

VARIANCE APPLICATION

Project/Property Address or Location: 5979 Havens Corners Road		Project Name/Business Name: Souder new lot variance
Parcel ID No.(s): 025-009244-00	Zoning Designation: ER-2	Total Acreage: 2.006 / 1.003
Description of Variance Requested: 1. New parcel created by the lot split of 025-009244 would have less than 150 feet of frontage. Existing lot is 210 ft of frontage and when split, will result in existing lot (025-009244) with required 150 ft of frontage and new lot (025-009244-00) with 60 ft of frontage. New lot (025-009244) will be 60 ft wide for 283.96 ft from the road at which point it will expand to 213.65 ft wide. 2. Parcel created by the lot split of 025-009244 would have less than 1.5 acres and is subject to connection to central sewer, however central sewer is not available, therefore the existing septic system will need to be utilized for this <1.5 acre lot.		
STAFF USE ONLY – Code Section(s): <i>Chapter 1137.02(b) - Land use limitations</i> <i>Chapter 1137.07(a) - Required lot area</i>		
APPLICANT Name-do <u>not</u> use a business name: Matthew Souder		Applicant Address: 5979 Havens Corners Road
Applicant E-mail: soudermh@gmail.com		Applicant Phone No.: 614-354-7089
BUSINESS Name (if applicable):		
ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)		
Name(s):		Contact Information (phone no./email):
Erin Souder Richard Miller		ES - 740-815-0709 RM - 740-815-2336
PROPERTY OWNER Name: (if different from Applicant)		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/Primary Contact Signature: Matthew Souder Digitally signed by Matthew Souder Date: 2020.10.01 12:16:00 -04'00' Date: 10/1/2020

INTERNAL USE

Zoning File No. V-0193-2020

RECEIVED: KAW
 DATE: 8-6-2020

PAID: 250.00
 DATE: 8-6-20



VARIANCE APPLICATION – SUBMISSION REQUIREMENTS

TO BE COMPLETED/SUBMITTED BY THE APPLICANT:

1. Review Gahanna Code Chapter [1131](#) (visit www.municode.com)
(Sign Variances, refer to Chapter [1165.12](#); Fence Variances, [1171.05](#); Flood Plain Variances, [1191.18](#))
2. Survey of property certified by a registered surveyor (11"x17" copy) if Applicable
 - Site Plan, drawings, or survey that depicts where the Variance is requested.
3. 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; see code referenced in #1 above for applicable criteria)
 - Special circumstances or conditions
 - Necessary for preservation and enjoyment of property rights
 - Will not adversely affect the health or safety
4. List of contiguous property owners & their mailing address
5. One set of pre-printed mailing labels for all contiguous property owners
6. Application fee paid (in accordance with the [Building & Zoning Fee Schedule](#))
7. Application & all supporting documents submitted in digital format
8. Application & all supporting documents submitted in hardcopy format
9. Authorization Consent Form Complete & Notarized (see page 3)

Please Note:

The Public Hearing will not occur until the City Of Gahanna Staff reviews the Application for Code Consistency. Applications that are not consistent with the code will not be scheduled for hearing.



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.

(property owner name printed)

(property owner signature) (date)

Subscribed and sworn to before me on this _____ day of _____, 20____.

State of _____ County of _____

Notary Public Signature: _____

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.

Matthew Souder

(applicant/representative/property owner name printed)

(applicant/representative/property owner signature) 8/6/20 (date)

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

State of Ohio County of Franklin

Notary Public Signature: Hannah A. O'Neil



HANNAH A. O'NEIL
Notary Public, State of Ohio
My Commission Expires
June 8, 2022

Statement of the reason for the variance request

5979 Havens Corners Road - Lot #025-009244

Matthew Souder

10.1.2020

To Whom it May Concern

I would like to request two variances at 5979 Havens Corners road.

1. Chapter 1137.07a of Gahanna zoning law requires, "each dwelling shall be located on a lot having an area of not less than once acre and each lot shall have a frontage of not less than 150 feet"

New parcel created by the lot split of 025-009244 would have less than 150 feet of frontage. Existing lot is 210 ft of frontage and when split, will result in existing lot (025-009244) with required 150 ft of frontage and new lot (025-009244-00) with 60 ft of frontage. New lot (025-009244) will be 60 ft wide for 283.96 ft from the road at which point it will expand to 213.65 ft wide.

Lot 025-009244 is requesting to be split into two lots to allow a new dwelling to be built while maintaining the existing dwelling on the lot. The existing acreage of the lot 025-009244 is 3.019 and can be split into two lots while maintaining all other requirements of ER-2 residential districts except for the required frontage. The lot split and variance approval would allow for both preservation of a 140+ year old historical Gahanna home as well as a new home for our immediate family.

The reduced amount of frontage is necessary to avoid an easement and is necessary for the lot split which would enable us to build a new home.

The reduced amount of frontage will not adversely affect the health or safety of the residents of these two dwellings.

2. Chapter 1137.02(b) requires lots less than 1.5 acres to be served by central utilities. One of the new parcels created by the lot split would have 1.003 acres which is less than the 1.5 acres required, however central sewer is not provided by the city. We are requesting a variance to use an existing septic system which is already servicing the existing home and already included on the requested 1.003 acres.

- a. In a conversation with Water Resources Engineer, Jeffrey Feltz, on 8/28/2020, Jeff says, "The City does not have a sewer in that area that could serve either property after the split. There are also no plans to extend sewer that would be available to serve these lots."
- b. In an email from Water Resources Engineer, Jeffrey Feltz, on 8/27/2020, Jeff says, "if sewer is not available to serve the property then a connection isn't possible so the sewer requirement can be waived."

The use of septic is necessary due to city sewer not being available to this lot to allow guests or residents of the farmhouse at 5979 Havens Corners Road the ability to use the restroom.

The use of the existing septic system for the existing home at 5979 Havens Corners Road will not adversely affect the health or safety of the residents of these two dwellings.

Contiguous Property Owners & Mailing Address

5979 Havens Corners Road

Lot #025-009244

Matthew Souder

7.7.2020

- 1. Matthew H. & Erin L. Souder
5987 Havens Corners Road**
- 2. City of Gahanna
1501 Taylor Station Road**
- 3. Ann E. and Mark Sullivan
5944 Havens Corners Road**

Owner Address: 7950 Clark State Road, Gahanna OH 43230

- 4. Romanelli and Hughes Building Company
6020 Havens Corners Road**

Owner Address: 148 West Schrock Road, Westerville OH 43081

Description of a 1.003 Acre Tract
City of Gahanna
County of Franklin
State of Ohio

Situated in the State of Ohio, County of Franklin, and the City of Gahanna: Being a part of the Third Quarter of Township Number One (1) North, Range Number Sixteen (16) West, of the United States Military Lands, and being part of Lot 37 of David Taylor's Subdivision and described in Plat Book 1, Page 10 (destroyed by fire), and also being a part of a 3.009 acre tract (calculated) of land conveyed to Matthew and Erin Souder as described in Instrument Number 202007060096727, and being more particularly described as follows:

Commencing at a Franklin County Centerline Monument, FCGS 5525 (Reset), at the intersection of the centerlines of Havens Corners Road and Taylor Station Road, said monument also being in the quarter township line between the Second and Third Quarter;

Thence, N 86°14'46" W, 433.26 feet along said centerline of Havens Corners Road and said quarter township line, to a point in said centerline of Havens Corners Road and said quarter township line, from said point being, S 86°14' 46" W, 45.45 feet, to FCGS 1477 (FCGS 1477 being, N 86°01'45" W, 910.72 feet to FCGS 5622);

Thence, S 3°36'37" W, 45.00 feet, to a found 5/8" rebar with a yellow cap (FRANKLIN COUNTY ENGINEER), said rebar being the Northeast corner of said 3.009 acre tract and the Northwest corner of a 1.638 acre tract (calculated) conveyed to Matthew H. and Erin L. Souder as described in Instrument Number 201203060030903, said rebar also being the Southwest corner of a 0.120 acre tract conveyed to Franklin County Commissioners as described in Instrument Number 200205060112988, said rebar being **THE TRUE POINT OF BEGINNING** of the parcel herein described:

Thence, S 3°39'29" W, 284.00 feet along an easterly line of said 3.009 acre tract and westerly line of said 1.638 acre tract, to an iron pin set in said lines;

Thence, N 86°04'28" W, 153.78 feet, across said 3.009 acre tract to an iron pin set;

Thence, N 3°38'03" E, 283.96 feet, across said 3.009 acre tract, to an iron pin set, said pin being in the southerly right-of-way of Havens Corners Road as shown conveyed to Franklin County Commissioners in Instrument Number 200205060113000;

Thence, S 86°01'45" E, 109.17 feet, along said southerly right-of-way of Havens Corners Road and the northerly line of said 3.009 acre tract, to a found 5/8" rebar with a yellow cap (FRANKLIN COUNTY ENGINEER);

Thence, continuing along said southerly right-of-way of Havens Corners Road and the northerly line of said 3.009 acre tract, S 86°14'46 E, 44.73 feet, to a found 5/8" rebar with a yellow cap (FRANKLIN COUNTY ENGINEER), returning to **THE TRUE POINT OF BEGINNING**, containing 1.003 acres.


All iron pins set are 5/8" rebar, 30 inches long with orange I.D. cap labeled "SLONE S-8751".

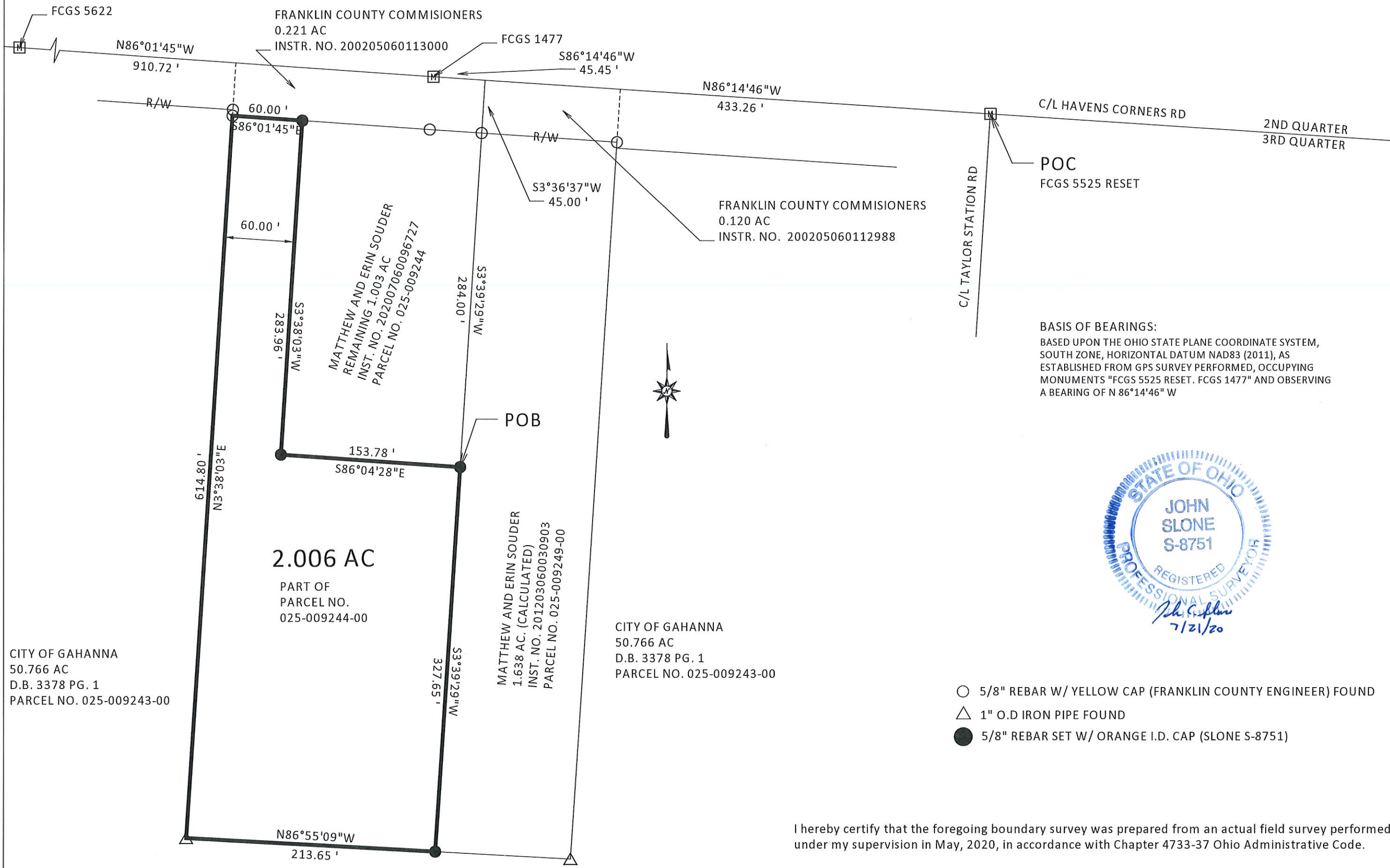
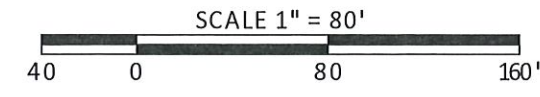
Basis of Bearings for the above legal description are based upon The Ohio State Plane Coordinate System, South Zone, Horizontal Datum NAD83 (2011), as established from GPS Survey performed, occupying monuments "FCGS 5525 RESET, FCGS 1477" and observing a bearing of N 86°14'46" W.

This description is based on a field survey of the premises performed by SSB Surveying, LLC, in May, 2020.

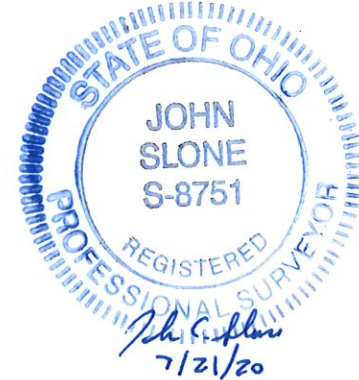
Subject to all legal easements, restrictions, and right-of-ways of record.




John C. Slone
Ohio Professional Surveyor No. 8751



BASIS OF BEARINGS:
 BASED UPON THE OHIO STATE PLANE COORDINATE SYSTEM,
 SOUTH ZONE, HORIZONTAL DATUM NAD83 (2011), AS
 ESTABLISHED FROM GPS SURVEY PERFORMED, OCCUPYING
 MONUMENTS "FCGS 5525 RESET, FCGS 1477" AND OBSERVING
 A BEARING OF N 86°14'46" W



- 5/8" REBAR W/ YELLOW CAP (FRANKLIN COUNTY ENGINEER) FOUND
- △ 1" O.D IRON PIPE FOUND
- 5/8" REBAR SET W/ ORANGE I.D. CAP (SLONE S-8751)

I hereby certify that the foregoing boundary survey was prepared from an actual field survey performed under my supervision in May, 2020, in accordance with Chapter 4733-37 Ohio Administrative Code.

John C. Slone 7/21/20
 John C. Slone
 Ohio Surveyor No. 8751

CITY OF GAHANNA
 50.766 AC
 D.B. 3378 PG. 1
 PARCEL NO. 025-009243-00

2.006 AC
 PART OF
 PARCEL NO.
 025-009244-00

MATTHEW AND ERIN SOUDER
 1.638 AC. (CALCULATED)
 INSTR. NO. 201203060030903
 PARCEL NO. 025-009249-00

CITY OF GAHANNA
 50.766 AC
 D.B. 3378 PG. 1
 PARCEL NO. 025-009243-00

Situated in the State of Ohio, County of Franklin, City of Gahanna,
 Being in the Third Quarter of Township No. 1 North,
 Range No. 16 West, United States Military Lands

SURVEY OF 2.006 ACRE TRACT

FOR MATTHEW SOUDER

SSB SURVEYING, LLC
 Tel: 740-970-0973
 E-mail: ssbsurveying@gmail.com



August 26, 2020

Matthew H Erin L Souder
5979 Havens Corners Rd
Columbus, OH 43230

RE: Project 5979 Havens Corners Rd Variance Letter

Dear Matthew H Erin L Souder:

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

Building

1. No comments.

Engineering

2. No comments at this time. Recommend for approval.

Parks

3. No Comments

Community Development

4. Informational comment - No objection to the variance as submitted. See forthcoming staff report for additional details.

Fire District

5. No Comment Received.

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

Sincerely,

Kelly Wicker
Administrative Assistant



PLANNING STAFF REPORT

Summary

The applicant is requesting approval of two applications. The first is to split the parcel at 5979 Havens Corners Rd into two parcels. The parcels will be 2 acres and 1 acre in size. The zoning is Estate Residential (ER-2). ER-2 permits lot sizes of one acre or larger if on central water and sewer. If not on central water and sewer then the minimum parcel size is 1 ½ acres.

A variance has been requested to two zoning code provisions. The first is to Chapter 1137.02(b) which requires a minimum parcel size of 1 ½ acres for property not connected to both central water and sewer. Central sewer is not available. A variance will be necessary in order to split the property as requested. The second variance is to Chapter 1137.07(a) which requires 150' of frontage per lot. The existing lot has 210 feet of frontage. A "flag" lot is proposed that would have 60' of frontage but have a lot width of approximately 210 feet as the property extends away from Havens Corners.

Subdivision without Plat

Subdivisions without plat shall be referred to Planning Commission if the division of land is into parcels less than five acres. This request is to divide approximately 3 acres into two parcels.

Planning Commission shall approve the subdivision without plat application if the following is met:

- a) All lots of the resulting subdivision are contiguous to a dedicated public street right-of-way for such distance as required by the zone district.
- b) No opening, widening or extension of any road is involved.
- c) No more than five lots are involved after the original tract is completely subdivided.
- d) The request for subdivision is not contrary to platting, subdividing or zoning regulations of the City.

Variance

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

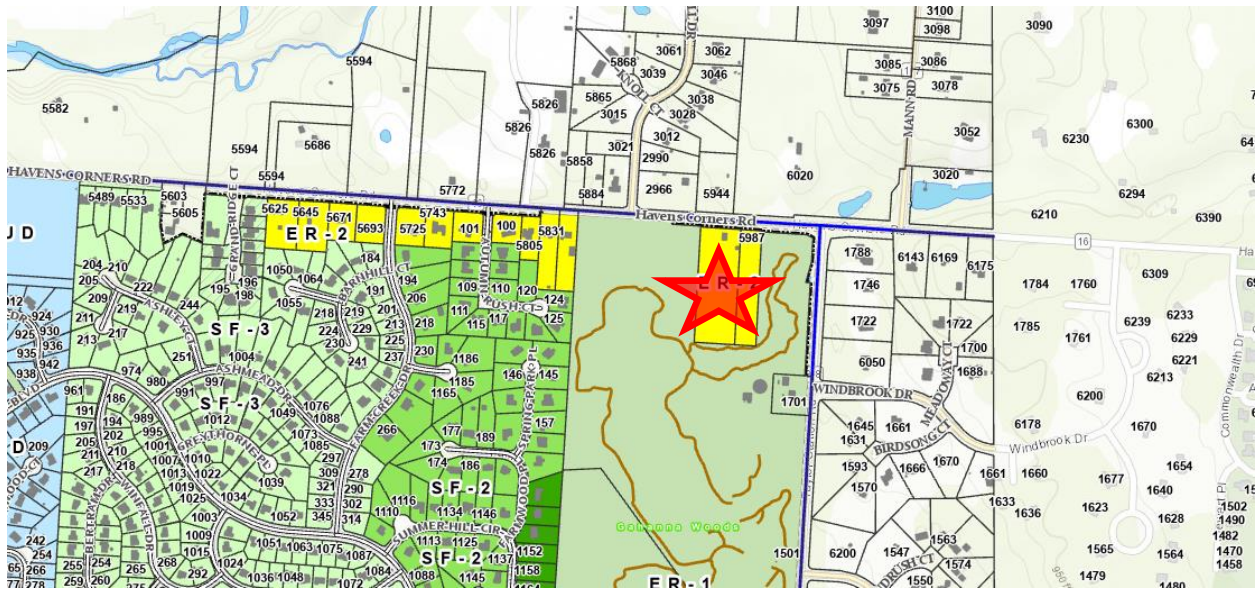
- a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- c) The granting of the application will not materially affect adversely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

The property is designated as parkland on the future land use map as it is adjacent to the Gahanna Woods park. Residential uses are not permitted within this land use designation. However, the land use plan is a guide. It does not mandate specific uses. The subject property is zoned ER-2 which permits residential by right and has/is being used for residential. The request to subdivide appears consistent

with development trends and lot sizes in the surrounding area. The variances have been reviewed by staff and there are no open issues associated with them. Staff recommends approval of both applications.

Location/Zoning Map



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