

VARIANCE APPLICATION

Project/Property Address or Location: 869 PINNACLE POINT DR		Project Name/Business Name: PINNACLE POINT	
Parcel ID No.(s): 025-001984	Zoning Designation: MR-1	Total Acreage: 2.02	
Description of Variance Requested: VARIANCE REQUESTED TO BUILD DECK & CONCRETE PATIO WITH IN SETBACK AREA.			
STAFF USE ONLY - Code Section(s): Ch 1145.06 - Yard Requirements			
APPLICANT Name-do <u>not</u> use a business name: BROOKWOOD CONST CO		Applicant Address: 120 N. HIGH ST GAHANNA	
Applicant E-mail: DAVE@BROOKWOODBUILDERS.COM		Applicant Phone No.: 614-475-5511	
BUSINESS Name (if applicable):			
ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)			
Name(s): DAVE MADDY		Contact Information (phone no./email): 614-402-4411	
PROPERTY OWNER Name: (if different from Applicant) BROOKWOOD CONST CO		Property Owner Contact Information (phone no./email): SAME	

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:  Date: **4-2-20**

INTERNAL USE

Zoning File No. **V-0068-2020**

RECEIVED: **KAN**
 DATE: **4-7-20**


PAID: **250.00**
 DATE: **4-7-20**

VARIANCE APPLICATION

Project/Property Address or Location: 871 PRINCIPLE POINT DR		Project Name/Business Name: PRINCIPLE POINT	
Parcel ID No.(s): 025-001984	Zoning Designation: MR-1	Total Acreage: 2.02	
Description of Variance Requested: VARIANCE REQUESTED TO BUILD DECK & CONCRETE PATIO WITH IN SETBACK AREA.			
STAFF USE ONLY – Code Section(s): CL 1145.06 – Yard Requirements			
APPLICANT Name-do <u>not</u> use a business name: BROOKWOOD CONST CO		Applicant Address: 120 N. HILLY ST GAITHERSBURG, MD	
Applicant E-mail: DAVE@BROOKWOODBUILDERS.COM		Applicant Phone No.: 614-475-5511	
BUSINESS Name (if applicable):			
ADDITIONAL CONTACTS Please List Primary Contact for Correspondence (please list all applicable contacts)			
Name(s): DAVE MADDY		Contact Information (phone no./email): 614-402-4411	
PROPERTY OWNER Name: (if different from Applicant) BROOKWOOD CONST CO		Property Owner Contact Information (phone no./email): SAME	

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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: 

Date: **4-2-20**

INTERNAL USE

Zoning File No. _____

RECEIVED: _____

PAID: _____

DATE: _____

DATE: _____

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.

BROOKWOOD COAST CO.
(property owner name printed)
[Signature] 4-2-20
(property owner signature) (date)

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

State of _____ County of _____

Stamp or Seal

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.

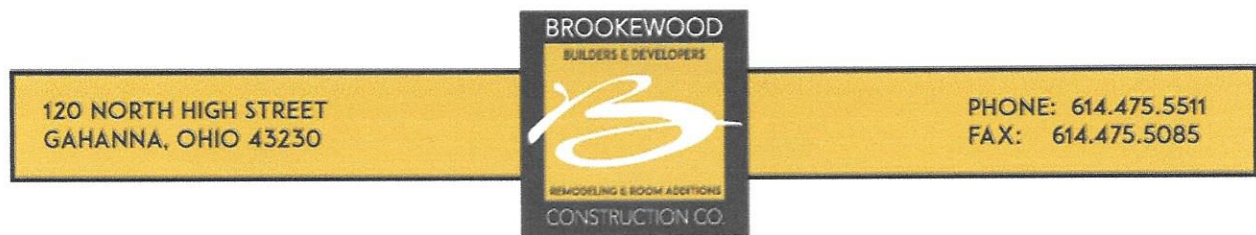
BROOKWOOD COAST CO
(applicant/representative/property owner name printed)
[Signature] 4-2-20
(applicant/representative/property owner signature) (date)

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

State of _____ County of _____

Stamp or Seal

Notary Public Signature: _____



869 & 871 Pinnacle Point Variance Request Contiguous Property Owners

North

Brookewood Const Co

120 N High St

Gahanna Ohio 43230

East

Brookewood Const Co

120 N High St

Gahanna Ohio 43230

South

Brookewood Const Co

120 N High St

Gahanna Ohio 43230

West

George and Vivian Parker

4207 Clotts Rd

Gahanna Oh 43230



Statement of Variance

869 Pinnacle Point Place

The applicant Doug Maddy / Pinnacle Point Place is requesting a divergence to the rear yard setback which is shown as 20' on the final development plan. This variance request is for 5' and being filed in conjunction with building permits for the same address.

There are unique circumstances and conditions that apply this variance request at the Pinnacle Point Place project insofar as the free standing condo unit being built meets the spirit and intent of the free standing condominium subdivision and use classification to provide for residential development housing within City of Gahanna and to achieve the residential house/condo sizes and to preserve and maintain open space and environmental resources such as wooded areas, ravines, streams, and scenic vistas.

Due to the 20' setback requirement creates a number of difficulties.

1. We cannot enlarge the size of the free standing condo unit to meet the buyer's request.
2. We cannot build the covered deck and patio to meet the buyer's request.
3. We will not be able to build and perform on the sale of this free standing condominium unit that is in contract at a price substantially north of \$500,000.00 . The average price of a home in Gahanna is currently \$273,000.00 and this will add substantially to the tax base and community comparables.

The grant of this request will not be detrimental to the public, safety or its welfare since this is a rear yard setback variance. Similarly, this request will not adversely affect the health or safety of people residing in this neighborhood and will not be materially detrimental to the public welfare or injurious to property improvements in such neighborhood. These site and code conditions are unique in that unlike most single family communities the zoning is to accommodate free standing condo units .

The applicant respectfully requests the grant of the requested variance.

Thank You for your consideration.

Douglas Maddy



Statement of Variance

871 Pinnacle Point Place

The applicant Doug Maddy / Pinnacle Point Place is requesting a divergence to the rear yard setback which is shown as 20' on the final development plan. This variance request is for 8' and being filed in conjunction with building permits for the same address.

There are unique circumstances and conditions that apply this variance request at the Pinnacle Point Place project insofar as the free standing condo unit being built meets the spirit and intent of the free standing condominium subdivision and use classification to provide for residential development housing within City of Gahanna and to achieve the residential house/condo sizes and to preserve and maintain open space and environmental resources such as wooded areas, ravines, streams, and scenic vistas.

Due to the 20' setback requirement creates a number of difficulties.

1. We cannot enlarge the size of the free standing condo unit to meet the buyer's request.
2. We cannot build the covered deck and patio to meet the buyer's request.
3. We will not be able to build and perform on the sale of this free standing condominium unit that is in contract at a price substantially north of \$500,000.00 . The average price of a home in Gahanna is currently \$273,000.00 and this will add substantially to the tax base and community comparables.

The grant of this request will not be detrimental to the public, safety or its welfare since this is a rear yard setback variance. Similarly, this request will not adversely affect the health or safety of people residing in this neighborhood and will not be materially detrimental to the public welfare or injurious to property improvements in such neighborhood. These site and code conditions are unique in that unlike most single family communities the zoning is to accommodate free standing condo units .

The applicant respectfully requests the grant of the requested variance.

Thank You for your consideration.

Douglas Maddy

Z:\PINNACLE POINTE VILLAS\DRAWINGS\PLOT PLANS\PINNACLE POINTE PLOT PLANNING - 1.XREFS: Pinnacle Pointe Base Revision 1 - PLOTTED BY JARED LANE - February 07, 2020 - 10:24 AM

We hereby certify that the forgoing PLOT PLAN was prepared from information provided by the client and data obtained from an engineered street plan. This plot plan is to be used by the client for the sole purpose of obtaining a BUILDING PERMIT. The use of the plot plan for other purpose is strictly prohibited.

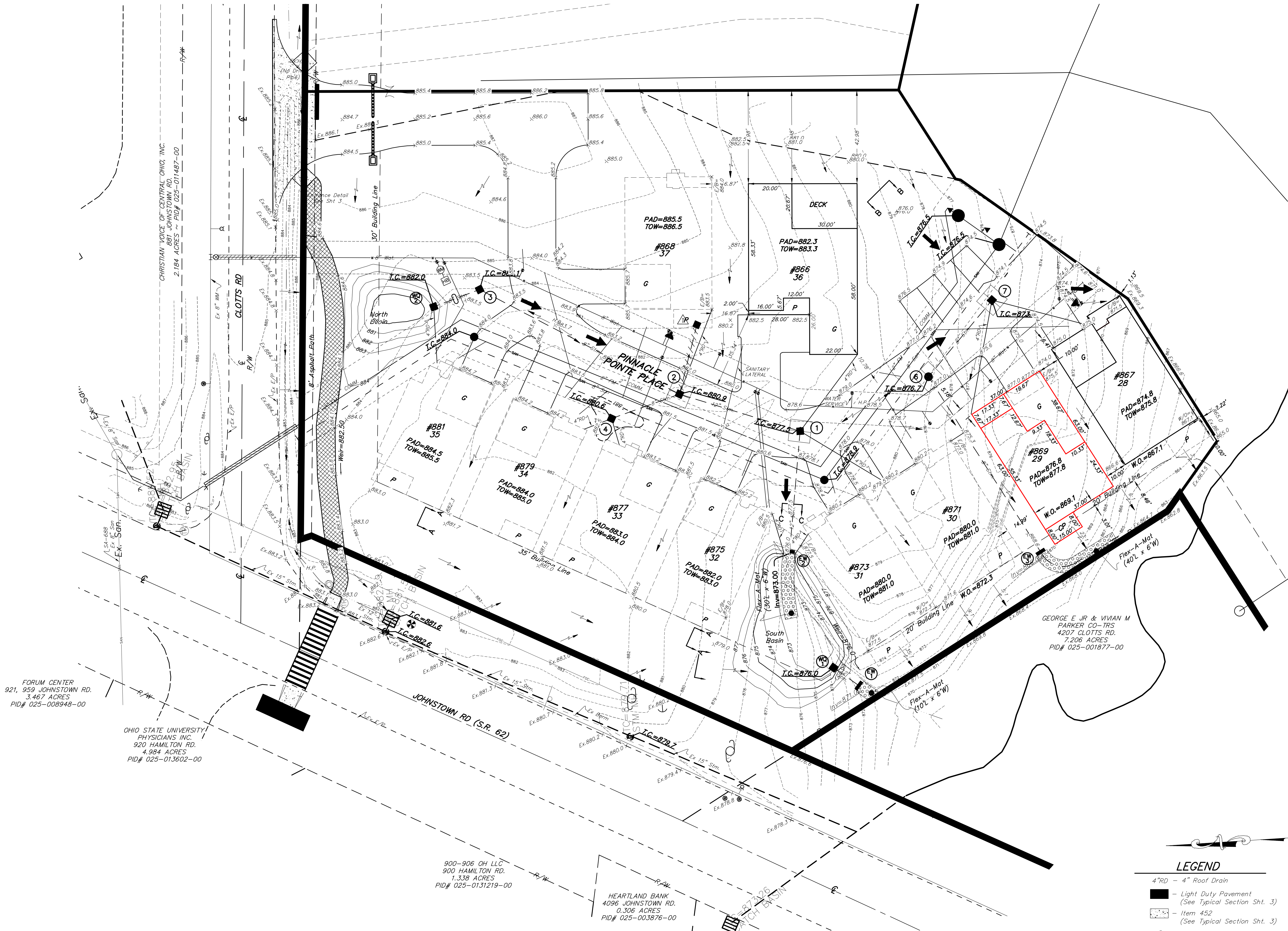
FORUM CENTER
921, 959 JOHNSTOWN RD.
3.467 ACRES
PID# 025-008948-00

OHIO STATE UNIVERSITY
PHYSICIANS INC.
920 HAMILTON RD.
4.984 ACRES
PID# 025-013602-00

900-906 OH LLC
900 HAMILTON RD.
1.338 ACRES
PID# 025-0131219-00

HEARTLAND BANK
4096 JOHNSTOWN RD.
0.306 ACRES
PID# 025-003876-00

HEARTLAND BANK
850 N. HAMILTON RD.
1.144 ACRES
PID# 025-004242-00



LEGEND

- 4"RD - 4" Roof Drain
- Light Duty Pavement (See Typical Section Sht. 3)
- Item 452 (See Typical Section Sht. 3)
- G - Garage
- P - Porch
- CP - Concrete Porch

CITY OF GAHANNA, OHIO		STORM SEWER AND GRADING IMPROVEMENT PLAN		FOR:		PINNACLE POINTE VILLAS		BUILDING PLOT PLAN	
REV		REVISION DESCRIPTION		SHT(S)		INITIAL		DATE	
1		Storm Pipe and Structure to be removed		1		JLW		9/8/19	
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April 21, 2020

Brookewood Builders
120 N. High St
Gahanna, OH 43230

RE: Project 869-871 Pinnacle Point Pl
869-871 Pinnacle Point Pl

Dear Brookewood Builders:

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

Fire District

1. The fire division has no objections to the variance. The reasons for the variance do not fall under the jurisdiction of the 2017 Ohio Fire Code.

Engineering

2. The Engineering Division has no objection to the requested variance.

Parks

3. No Comment Per Julie Prederi

Community Development

4. Informational Comment - No objection to the request. It should be noted that the adjacent property will have to provide buffering and screening in the area of the variance. This will help mitigate any negative impacts from the reduced setback.

Soil & Water Conservation District

5. No Comment Received.

Public Safety

6. No Comment Received.

Building

7. Any requirements of the Residential Code of Ohio will still need to be met regardless of any variances for zoning setbacks.

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

Sincerely,

Kelly Wicker
Administrative Assistant

200 S. Hamilton Rd. Gahanna, Ohio 43230
614.342.4010 (Phone) 614.342.4100 (Fax)



PLANNING AND DEVELOPMENT STAFF REPORT

Request Summary

Two lots within the Pinnacle Point project have requested a variance to the rear yard setback. This project has a lengthy Planning Commission history which includes rezoning, final development plan, variance, conditional use, and other approvals. The project is in the early stages of construction. Lots 29 and 30 are in the building permit phase. During review of the building permits it was discovered that both dwellings have a covered porch that encroaches into the 20' rear yard setback.

The encroachment for lot 29 (869 Pinnacle Point Place) is 5' into the rear yard for a requested rear yard setback of 15'. The encroachment for lot 30 (871 Pinnacle Point Place) is 8' into the rear yard for a requested rear yard setback of 12'.

The property is zoned MR-1 which permits two family (duplex) units and single family units with a conditional use. When developed with single family, which is the case for Pinnacle Point, the yard requirements of R-4 apply. R-4 requires a 25' rear yard setback, however, the project was approved with a 20' rear yard setback for all the units.

The site is not developed with individual lots, the 2 plus acre property boundary is the lot for all the units. The rear yard for the two units in question back up to property that is zoned Neighborhood Commercial (NC). This property is undeveloped and is part of the Pinnacle Point project. It was rezoned at the same time as the residential. The owner/developer of the residential also controls the NC property. So the only property impacted by the variance is property controlled by the applicant.

It is also worth noting that when the NC zoned property develops, it will have to provide buffering and screening to the residential. This will assist in negating any negative impacts that may arise with a variance to permit a reduced rear yard.

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

Staff recommends approval of this request. The property that could be considered to be negatively impacted by the development is controlled by the applicant. Additionally, the commercial property will be required to provide buffering adjacent to the residential. This would provide for at least a 27'-30' building setback between properties with landscaping for screening.

