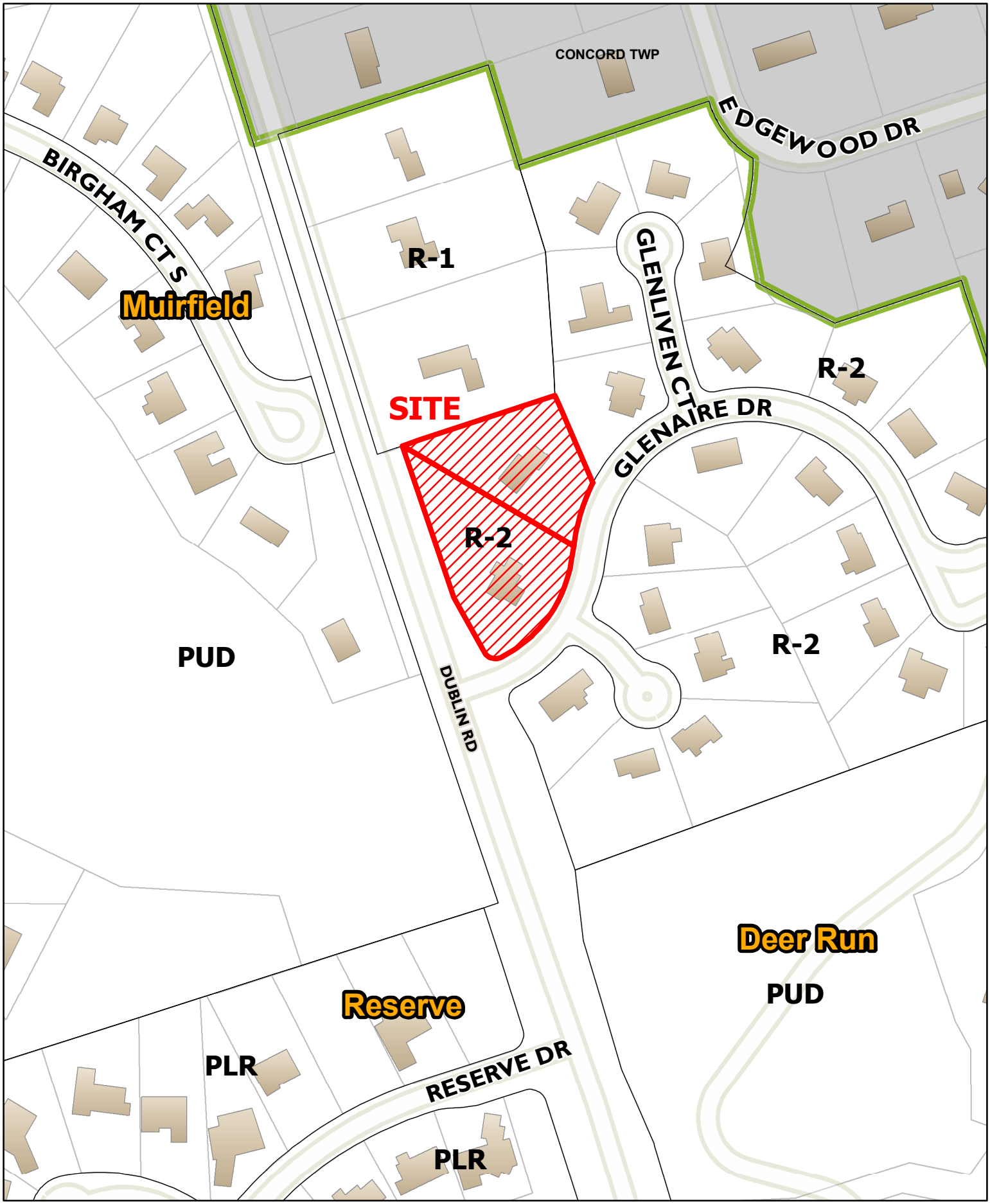


City of Dublin

14-049FP
Amended Final Plat
Kerry Glen
5152 and 5126 Glenaire Dr

0 125 250
Feet

City of Dublin
Land Use and Long Range Planning
5800 Shier Rings Road
Dublin, Ohio 43016-1236
Phone 614.410.4600
fax 614.410.4747
www.dublinohiousa.gov

BOARD OF ZONING APPEALS

BOARD ORDER

OCTOBER 24, 2013

The Board of Zoning Appeals took the following action at this meeting:

1. Pilkington Residence – Setback **5152 Glenaire Drive**
13-097V **Non-Use (area) Variance**

Proposal:	To allow an accessory structure to encroach into the front building line setback for a single family residence within the Kerry Glen Subdivision located on the north side of Glenaire Drive north of the intersection of Dublin Road.
Request:	Review and approval of Non-Use (area) Variance application under the provisions of Code Section 153.231.
Applicant:	John & Kymn Pilkington; represented by Fred Parrish, Inspired Spaces Landscape and Design.
Planning Contact:	Tammy Noble-Flading, Senior Planner and Marie Downie, Planning Assistant
Contact Information:	(614) 410-4600, tflading@dublin.oh.us and mdownie@dublin.oh.us

MOTION: Brett Page made a motion, seconded by Rion Myers, to disapprove this variance to Zoning Code Section 153.231 to because it does not meet all the required non-use (area) variance standards and review criteria of Code Section 153.231.

VOTE: 5 – 0.

RESULT: This Variance application was disapproved.

RECORDED VOTES:

Patrick Todoran	Yes
Brett Page	Yes
Brian Gunnoe	Yes
James Zitesman	Yes
Rion Myers	Yes

STAFF CERTIFICATION

Tammy Noble-Flading

Tammy Noble-Flading
Senior Planner

1. Pilkington Residence – Setback **5152 Glenaire Drive**
13-097V **Non-Use (area) Variance**

Tammy Noble-Flading presented this application requesting a variance in regards to an accessory structure and patio which encroach into the front building line setback of Dublin Road. She said the site is approximately one-acre in size and located on the north side of Glenaire Drive, east of Dublin Road. She said the site is zoned R-2, Limited Suburban Residential District. She said the site contains a single-family residential structure located to the central portion of the site. Ms. Noble-Flading said it was important to note that the house is situated further behind the front setback line, of Glenaire Drive, reducing the area of the rear yard. She said mature vegetation exists predominately to the rear of the property. She said that the issue before the Board is a setback that is associated with Dublin Road, the north-south road that runs parallel to the property, and items that are located within that setback.

Ms. Noble-Flading said that the site has been developed with a single-story residential structure with access points located on Glenaire Drive. She said the issue before the Board is the construction of the 'gazebo', and a circular patio area surrounding it. She said that both construction projects encroach into the 50-foot setback from Dublin Road. She said that the setback is large for a residential roadway and furthermore, this portion of Dublin Road, is wider than other portions of the road. She indicated on a drawing where the encroachment was located.

Ms. Noble-Flading presented a photograph provided by the applicant of the structure which was basically four-columns with no exterior walls and a roof structure. She also indicated the patio that surrounds the structure. She presented photographs of the property looking from the driveway to the existing residential structure. Ms. Noble-Flading said that the detached structure is visible from Glenaire Drive, but not Dublin Road with the existing heavy vegetation.

Ms. Noble-Flading reviewed the criteria and stated Planning's analysis of the application. She stated that based on that analysis, Planning is recommending disapproval of this application.

James Zitesman asked if everything had already been constructed.

Ms. Noble-Flading confirmed that the structure had been constructed, but the Board needed to review this application as if construction had not taken place. She said it was inappropriate to give the applicant an advantage in this situation where the construction had already occurred. She said according to the applicant, they had contacted Dublin's Building Department and was told that the project did not require a building permit because it was under 200-square-feet. She said that this does not exempt a zoning review which is required for all new construction.

Mr. Zitesman asked if there were past instances where the Board granted a variance regarding this kind of front setback.

Ms. Noble-Flading said that this was a very unique variance request, and there has not been a request or approvals granted within the past several years.

Mr. Page asked if when the applicants were told they could build this structure, they were given guidance that it might be impacted by the Zoning Code.

Ms. Noble-Flading said that the Building Division is aware that zoning issues are different than building and should have responded appropriately. She suggested that the applicant discuss that further.

Fred Parrish, Inspired Spaces Landscape and Design, (347 Ridgewood Drive, Hilliard, Ohio) said that that the applicants came to him for a landscape design explaining that they had a very tough lot that was triangular in shape with a 30-foot elevation change from the top corner, down towards the house. He also mentioned topography changes to the site. He said that the 30-foot slope towards the rear of the

property created a poorly drained backyard. He said that a retaining wall is located on site to help elevate this condition. He said in order for there to be a usable backyard, they tried to put the construction directly behind the house so that they could walk directly out of the kitchen to use the entertainment area. He said they went off towards the east side of the house, which is an alternative location mentioned by Ms. Noble-Flading, it was not flat and would impact drainage to the site. He stated that he believed the location in which they constructed was the most viable location on the site.

Mr. Zitesman confirmed that Mr. Parrish knew where the setback line was located.

Mr. Parrish said that had they known where it was, they probably would have had more problems with the excavation into the hillside by keeping that away from the house aesthetically. He said it would have been by far, more costly to do that.

Mr. Zitesman said that his question was if it was possible.

Mr. Parrish said it was possible.

Mr. Zitesman said if they had moved it, or even just turned it a little so it would not be a little different orientation, he did not know if it would be aesthetically displeasing to the homeowners.

Rion Myers asked if a professional land surveyor had been asked to survey the property.

Mr. Parrish stated no.

Mr. Myers, a professional surveyor, said it would have saved the applicants a lot of time and money to have it surveyed properly so that the location of the lines would be known before the construction was done.

Brian Gunnoe reminded that the Board could not look at the structure because for the purpose of this or any of the facts being presented, it did not exist.

Mr. Parrish said that there were 24 homes in the neighborhood other than the Pilkington's, 17 of 24 homeowners in the neighborhood were aware of this variance request because the Pilkingtons personally let them know about it. He said that all 17 homeowners had signed the paper he submitted to the Board stating they were not concerned with the construction. He also stated that as soon as he received a letter from the City notifying them that the construction required a permit, they responded.

Brian Gunnoe asked about the letter he received from the City.

Ms. Noble-Flading explained that Dublin's Zoning Inspector had contacted the Pilkingtons due to a complaint received.

Mr. Page invited public questions or comments regarding this application. He swore in John Pilkington, the applicant.

Mr. Pilkington said that he said that they did not have any idea that they were encroaching into a setback. He said that this is something that is very unfortunate. He said that many of his neighbors supported this because it helped maintain the value of the neighborhood. He also said that he could not see how this construction would be impacted by widening the road. He said as far as the view and driving through the neighborhood, he was the first house and he had the most curb appeal. He said he wanted to make sure that the structure flowed with his house. He said that when they walked out of their kitchen, they wanted to walk out to the patio, but unfortunately, it faced that side of the road. Mr. Pilkington said that they could have chosen to move it to the other side of the property, but it would not have functioned properly.

Mr. Gunnoe said this was definitely a unique variance request that the Board had not seen. He said it was challenging for him to block out that the structure had already been built, and not pay attention to that. He recalled a previous Post Road variance application the Board had seen where a garage was built in the floodplain because of elevation changes on the site. He said that this had similar characteristics as this case but unfortunately the members agreed with Planning's analysis that the factors did not constitute as special conditions. He said he looked at the elevation changes to the property and agreed there was ample room to the east of the current location.

Mr. Zitesman said that he thought the Board was being asked to correct a mistake made by the contractor.

Mr. Gunnoe reiterated that Ms. Noble-Flading said that what the Board had to consider was that there was no structure(s) on site.

Mr. Page mentioned a case that the Board reviewed where they discussed the right for property owners to have patios/decks in the rear of their property. He said the case dealt with a property owner who would have had a small, five-foot patio if the Code were met. He said that the question becomes, is there usable land to allow the property owner to have amenities that most all property owners are entitled to. He stated that in this instance, he believed the property owners could meet the Code and still have the outdoor space.

Mr. Myers said if it had not been built, it would be much easier to disapprove the request. He said it was difficult because the property owners were trying to improve their property. Mr. Myers said that they were talking about setting a precedence of allowing something to happen because proper work was not completed to ensure all regulations were met.

Mr. Gunnoe said that the most challenging thing, as previously mentioned, was that it could have been built to the east of the current location.

Mr. Parrish said that the area chosen for construction was the highest point of the property.

Mr. Zitesman asked that if the contractor understood the existing setback and was required to redesign the site, could he reconfigure the proposed development.

Mr. Parrish said not economically.

Mr. Page said that the Board appreciated the comments of Mr. Parrish. He said this was a very unique situation.

Mr. Gunnoe said that if they had requested the application before construction was completed, he would not have approved the variance. He apologized to the homeowners and the contractor.

Motion and Vote
Brett Page made a motion, seconded by Rion Myers to disapprove this variance request to Zoning Code Section 153.231, finding that the request does not meet all the required non-use (area) variance standards and review criteria of Code Section 153.231.

The vote was as follows: Mr. Todoran, yes; Mr. Zitesman, yes; Mr. Gunnoe, yes; Mr. Myers, yes; and Mr. Page, yes. (Disapproved – 5 – 0.)

Mr. Page thanked the applicant and Mr. Parrish for bringing the variance request to the Board and said they were sorry that it did not remedy their issues.

Mr. Page adjourned the meeting at 7:31 p.m.

Page Seven

Mr. Sutphen said that he thought that what had been done in three weeks time on the center strip and the east side was outstanding. Mr. Sutphen did say that he was a little concerned with what seems to be a "gray area" on the north side of the road where Avery Road comes out to Memorial, and suggested that no occupancy permits be issued until that is done correctly. He also said that he would like that gray area defined. Mr. Warner said that he had discussed the situation with the developer and that landscaping would be put in that island area. Mr. Warner also noted that the land will eventually belong to the Village of Dublin.

Mr. Hale mentioned a retention basin that is not part of this particular plat at the southeast corner of the subdivision that is adjacent to a property owned by Mr. Halloran. He said that Mr. Halloran has a concern as to whether or not the pipe in the retention basin is the correct size. Mr. Hale said that they have assured Mr. Halloran that if it is not the correct size they will "fix it", and have arranged for Mr. Dave Hussey to examine the design of the basin and that if there are any defects they have agreed to correct same.

Mr. Sutphen said that he wanted to make sure that in the new plat that the Village and the School Board that the continue with the landscaping.

Mr. Hale said that they will measure the caliper and the type of trees put in and commit to those. He said that they will also commit that all of the landscaping will go in even on the commercial portion that may not be developed for some time simultaneously with the construction of the rest of Muirfield Boulevard.

Mr. Amorose said that he was "not real happy with the looks of the Boulevard. He said that he recalled when the applicant appeared before the Planning and Zoning Commission (the extension of Muirfield Boulevard) that there was to be mounding and screening of all the back yards of all the houses - a three or four foot mound above the top of the curb. He noted that instead the elevations of the buildings had been raised, thus a three foot mound does not screen out the structures.
Mr. Hale said that he thought that the Indian Run side met all of the requirements of the P.U.D. zoning, in fact it exceeds all those requirements.
Mr. Amorose suggested that in the future the requirement be that the mound be three or four foot higher than the first floor elevation.

Mr. Rozanski thanked Mr. Hale and Mr. Mitchell for their cooperation.

The vote on approval of the Final Plat - Indian Run Meadow, Section IV was unanimous in favor.

Final Plat Approval - Kerry Glen.

Mr. Sutphen moved to approve the final plat - Kerry Glen.
Ms. Maurer seconded the motion.

Ms. Bowman informed members of Council that there was a motion made in the Planning Commission that there be a bike path along Dublin Road, the intention being to bring it up from the south and then bring it into the subdivision. The motion made at the Planning Commission was that the bike path be taken on past the entrance to the subdivision and then taken up the hill to the north.
He noted that Mr. Shepherd and Mr. Driscoll have done a great deal of investigation regarding that motion regarding the safety of the bike path as it would go north - there is not sufficient right-of-way there; there are trees there, etc. and said that staff feels that to take the bike path beyond the entrance to the subdivision would be unsafe.

Page Eight

Mr. Bowman said that staff was "bringing up" the issue of bike paths to have Council's acknowledgment that this particular portion of it would be unsafe if it were built at this time. He said that, if in the future, the Village were able to obtain the right-of-way to continue it, it would be done, but that staff felt that it was one recommendation of the Planning and Zoning Commission that could not be followed through on.

The vote for approval of the Final Plat-Kerry Glen was 7-0 in favor.

Final Plat Approval - Llewellyn Farms II

Mr. Rozanski made a motion to approve the Final plat-Llewellyn Farms II. Mr. Sutphen seconded the motion.

Mr. Bowman explained that there would be a bike path connection between Section 1 which is located on Rings Road and Section 2. A bridge has been constructed; there is a path in Section 1 that comes back from the corner of that road; comes back diagonally between the lots; the remaining portion of the bike path will be constructed as Section II. It will "hook up" with a bike path that is being constructed down Frantz Road and behind the office development.

The vote was unanimous for approval of the Final Plat-Llewellyn Farms II.

Mr. Keith Myers an associate of Horne, King and Rauh was present at the meeting to discuss his association with same. Mr. Myers said that park design was his area of expertise and mentioned several park projects with which he had been involved. He said that his responsibility as a landscape architect would be the design, the design development, meetings with local residents, coordination, field supervision, etc. Technical support, clerical support, and some drafting would be the elements that Horne, King and Rauh would be providing on this type of a project.

Mayor Close said that he noted that what was being considered were two different contracts, with two different firms, for two different jobs on one ordinance. He noted that the State Constitution requires that only one item be considered per ordinance.
Mr. Smith said that they would have to be on separate ordinances.

Mr. Rozanski moved to amend the ordinance by striking Section 1.
Mr. Jankowski seconded the motion.
The vote was 7-0 in favor of the motion.

Mr. Sutphen moved to do away with the three time reading rule and treat the amended ordinance as an emergency.
Mr. Rozanski seconded the motion.

Mr. Thornton moved that there be appropriated from the unappropriated balance in the General Fund to account A01-03-38-2510 for Capital Improvements for Parks the sum of $5,000.00 increasing said appropriation from $72,161.12 to $77,161.12.
Mr. Jankowski seconded the motion.
The vote was unanimous in favor.

The vote on doing away with the three time reading rule and treating as an emergency was 7-0 in favor.

The vote on letting a contract for $5,000.00 to Trott and Bean Architects, Inc. for the preparation of bikeway standards and plan-phase 1 was 7-0 in favor.

Mayor Close directed the Law Director to prepare the appropriate ordinance including the appropriation section for the balance of the language that was originally contained in the contract for the July 21st meeting.

Mr. Berlin moved to deny the application.

Mr. Jezerinac pointed out that there was nothing unique in the plan, nothing imaginative, etc.

Mr. Geese moved to table the application.
Mr. Amorose seconded the motion.
The vote was as follows on the motion:
Mr. Jezerinac, yes; Mr. Berlin, yes; Mr. Amorose, yes; Mr. Callahan, no; Mr. Geese, yes; Mr. Reiner, yes.

4. Final Plat - Kerry Glen

Mr. Bowman made the following points:

1. The subject 17.3 acre site is located on the east side of Dublin Road between the new Deer Run subdivision on the south and the Dublin corporate limits on the north.
2. Deer Run is a large lot private subdivision.
3. The houses north and east of the site are large one acre plus lots in Concord Township.
4. The subject site is zoned R-2.
5. The development standards for the site are 20,000 square feet per lot with 100' of frontage.
6. The proposed plat is for 24 single-family homes.
7. The preliminary plat was approved by the Commission in 1985. The conditions that were made part of that preliminary approval are on the final plat. All have been complied with; therefore staff recommends approval of the final plat.
8. The applicant will add an additional lane onto S.R. 745.

Mr. Charles Driscoll of Multicon was present at the meeting. He said that they had done extensive landscaping along the front and two of the rear sides. A bike path has been provided throughout the project.

It was noted that Reserve "A" will be the lot 25 when the triangular portion at the east side of the lot is annexed by the Village. That portion was purchased by the developer to meet the minimum development standards of the district.

Mr. Geese asked in what way the bikeway along S.R. 745 had been addressed. Mr. Driscoll said from the bridge across the creek, south to their entrance. He said that they had considered going north along S.R. 745 but noted that the hill is very steep there and then that would require "dumping the bike path onto S.R. 745 right there".

Mr. Bowman said that in addition they have linked the existing development (Edgewood Drive) to this to allow for the existing development to eventually get to the Dublin Road bike path.

Mr. Bowman noted that as the properties to the south are developed, they will be required to build a bike path.

Responding to a question from Geese regarding the extension of the bike path north, Mr. Bowman said that there are two lots north of the subdivision that are in Dublin. The remainder of the property north is in Delaware County to Shawnee Hills at the corner.
Mr. Warner pointed out that the path was in the right of way of S.R. 745.

Mr. Geese made a motion that the bikeway be extended north to the end of lot 1, parallel to the road.

Some Commission members commented regarding the safety issue of a bike path on that particular hill.

Mr. Geese moved to accept the plat with the extension of the bike path up to and parallel to the farthest point north of lot 1.

Mr. Callahan pointed out that there was no provision for retention of storm water on the site. He noted that he felt that you cannot put 25 houses on this site without increaseing the rate of storm water runoff.

Mr. Warner responded by saying that the law does not require it unless the calculations show it is necessary by hydrograph calculations that retention is needed based upon the development of the size of the site based upon the outlet plus the Scioto River at this location.

Mr. Callahan said that he was responsible for helping to write that law and that it is required. He said that it has to do only with whether or not the rate of runoff is greater or lesser than the condition prior to development.
Mr. Warner said that the storm water ordinance says that basically it has to comply with Mid-Ohio REgional storm drainage guidelines. He commented that the runoff from the site cannot be any greater after development than it was prior to development.

Mr. Banchefsky referred to the ordinance on the table and said that he thought that the Commission was overstepping its authority - that what the Commission is doing is saying that there is conformance with the preliminary plat and that they (the Commission) cannot impose an additional condition if the plan is in conformance (referring to the bike path).

Mr. Jezerinac said that staff had discussed the extension of the bike path with the developer.
Mr. Banchefsky said that in that case he stood corrected.

Mr. Warner said that he will review the storm drainage calculations for this particular project and that if it does not meet the guidelines he will inform the developer and get it corrected in the field before the final plat is recorded.

Mr. Geese amended his motion for approval that the bikeways be extended to the northernmost part parallel to lot 1, and that the applicant meet the storm drainage requirements of the Village's ordinance.
It was noted that the extension of the bike path to lot 1 is in addition to the bike path between Glenliven and Edgewood.
Mr. Reiner seconded the motion.

Mr. Callahan questioned whether the Village could require someone to build a bike path on the State right of way.
Mr. Warner said that the State maintains only the paved traveled portions of the highway through the Village limits. Mr. Warner said that it was no problem.

Mr. Amorose said that a consultant was being hired to assist the Village staff in planning bikeways.

The vote on the motion was 6-0 for approval.

5. Final Development Plan - Muirfield - Berkshire Commons

Mr. Bowman gave the following background information:

1. A 5.4 acre site located at the northwest corner of Memorial Drive and Cromdale Drive.
2. The application is for Final Development Plan review of a multi-family project of 34 units.
3. Two buildings (four units) are currently under construction along Memorial Drive.
4. All of the buildings are to be of the twin single type.
5. Each unit is approximately 1500 square feet with a double car garage.
6. The project was reviewed by the Commission informally at a meeting held on March 11, 1986.

Mr. Darragh showed some slides of the site.

Mr. Bowman said that the density of the project is well within the permissible up to the 8 units per acre. It is similar to the existing Lochslee development. A plan was disapproved by the Commission in May of 1985. There was a concern about density and the number of units had been dropped by eight. Each unit is to be a combination of brick, stucco, and stone. The roof will be roof shake. Almost all of the aspects of the final development plan have been completed.

He said that staff has added a couple of conditions:
1. That the mounding be increased along Cromdale and Memorial Drives.
2. Recommended possibly planting more trees (Austrian pines) along the west property line to shield it from the office building.

Mr. Bowman said that other than the above two conditions that staff recommends approval.

VILLAGE OF DUBLIN

6665 Coffman Road
Dublin, Ohio 43017

PLANNING AND ZONING COMMISSION/RECORD OF ACTION

MEETING DATE: October 8, 1985

CASE: Preliminary Plat "Kerry Glen" Subdivision - S.R. 745

COMMISSION ACTION:

_____	Approved
_____	Disapproved
X	Approved with Condition(s)

CONDITION(s) and/or AGREEMENT(s)

That the developer build a bike path along S.R. 745 according to the Parks' Department plan and also between lot 6 and Reserve A.

VOTE:

2nd Yes	Berlin	Yes	Jezerinac
	Callahan	Yes	Macklin
Yes	Headlee	Yes	Miller
		1st Yes	Reiner

Chairman (or Acting Chairman)

Discussion followed on the determination of the four tennis courts, some members of the Commission feeling that four was not an adequate number.

There was also discussion regarding bicycle paths - there would be a bicycle path across from Glick Road into the area, subsequently connecting to other bike paths.

There would be one driveway only into the site.

Mr. Berlin moved to approve the Final Development Plan - Muirfield Association Recreation Facility II with the following conditions:

1. That screening be provided along the north and west sides of the site.
2. That materials similar to those in the first Association building would be used on this site.
3. That two tennis courts, possibly three, would be added to the facility (the four originally planned).

Mrs. Headlee seconded the motion.
The vote was 6-0 in favor.

7. **Preliminary Plat "Kerry Glen" Subdivision - S.R. 745.**

The subject 17.3 acre site is located on the east side of Dublin Road between the new Deer Run subdivision on the south and the Dublin Corporate limits on the north. Deer Run is a large lot private subdivision. There are single family homes in Muirfield across Dublin Road from the subject site. The site is zoned R-2, requiring lot sizes of 20,000 sq. ft. with 100' of lot width at the building lines. The applicant intends to eventually develop 25 single family lots yielding 1.44 units to the acre. The streets will be curbed and guttered with 26' of pavement. Sidewalks will be located on one side of the street.
The developer will pay a park fee in lieu of dedication.
The area marked Reserve "A", "B", and "C" are part of the site but do not contain enough area to meet the lot size requirement. The applicant is attempting to buy and annex a portion of lot 4215. If he is not successful, the reserve areas will have to be combined with lots 6 and 7.

Mr. Bowman also said that the biggest concern is the intersection of the main road into the subdivision and S.R. 745. There is a large hill in front of the subject site. There is no clear site distance over the hill at any point along S.R. 745 within the subject area.
He said that the applicant has proposed to construct a lane on the east side of S.R. 745 so that southbound traffic coming over the hill could go around cars turning left into the subject site.

Mr. Warner reported that he had sent a letter to O.D.O.T. to see if the above proposal meets state standards.
Staff recommended approval of the preliminary plan if the proposal meets State standards.

Discussion followed regarding the bike path and location of same.

Mr. Reiner moved to approve the Preliminary Plat for "Kerry Glen" Subdivision with the condition that the developer build a bike path along S.R. 745 according to the Parks' Department plan and also between lot 6 and Reserve A.
Mr. Berlin seconded the motion.
The vote was 6-0 in favor.

8. Variance Application V85-002 - Village Square Plaza

Mr. Bowman introduced the application by noting that the subject site is an outparcel within Village Square Shopping Center along S.R. 257 south of Sister's Chicken Restaurant. The applicant is proposing to construct a bank facility with a three bay drive-thru. He said that the site plan and landscape plan submitted do not meet Dublin standards. Mr. Bowman expressed a concern with the proximity of the drive-thru to S.R. 257 indicating that the plan does not appear to be very sensitive to this busy corner.

Mr. Philip Markwood, an architect was present, representing the Fifth/Third Mr. Ron Walters who is in charge of development for the bank was also present.

Mr. Markwood remarked that one of the complexities of the site is determining exactly the setback. He noted that they had a revised site plan which provides for placement of the building so that no variance would be required and also provides that the drive-thru would be parallel to Sister's, creating a consistency.
Mr. Markwood indicated that even though they did not have a landscape plan that the Commission could assume that the plan would be what the Village would desire and require.

Mr. Bowman said that the drive-thru, at its closest proximity to S.R. 257, on the revised plan is 50' instead of the original 20'. He also said that his greatest concern still remained regarding adequate landscaping and buffering.

Mr. Markwood pointed out that the bank site location would be lower and that he felt that there would be no danger associated with night time traffic (with mounding and screening).

Mr. Reiner pointed out that at the time that Sister's Chicken "came in" that Mr. Ruma promised to develop a landscape screen all the way around the corner. He asked whether or not it did go in?

Mr. Bowman said that everything on that plan was done when Phase 3 was brought in.

National Graphics Corp., Cols., O. Form No. 2806-A

Ordinance No. 10-85 *Passed* 19

AN ORDINANCE PROVIDING FOR THE REZONING OF A 17.3 ACRE TRACT LOCATED ON THE EAST SIDE OF DUBLIN-BELLPOINT ROAD APPROXIMATELY 800' SOUTH OF EDGEWOOD DRIVE. TO BE REZONED FROM: R-1, RESTRICTED RESIDENTIAL DISTRICT, TO: R-2, LIMITED RESIDENTIAL DISTRICT.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Dublin, State of Ohio, 5 of the elected members concurring:

Section 1. That the following described real estate (see attached legal description marked Exhibit "A"), situated in the Village of Dublin, State of Ohio is hereby rezoned to R-2, LIMITED RESIDENTIAL DISTRICT and shall be subject to regulations and procedures contained in Ordinance No. 21-70 (Chapter Eleven of the Codified Ordinances) the Village of Dublin Zoning Code and amendments thereto.

Section 2. That application, Exhibit "B", including the list of contiguous property owners, and the recommendation of the Planning and Zoning Commission, Exhibit "C", are all incorporated in to and made an official part of this Ordinance and said real estate shall be developed and used in accordance therewith.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 6th day of May, 1985.

James L. Lewis
Mayor - Presiding Officer

Attest:

Frances M. Urban
Clerk of Council

I hereby certify that copies of this Ordinance/Resolution were posted in the Village of Dublin in accordance with Section 731.25 of the Ohio Revised Code.

Frances M. Urban
Clerk of Council

VILLAGE OF DUBLIN PLANNING AND ZONING COMMISSION

AN APPLICATION FOR AMENDMENT
OF THE VILLAGE OF DUBLIN
ZONING DISTRICT MAP
(Reclassification of Land)

For P & ZC Use Only
Application No.:
ZM_____
Date Filed:_____
Fee Receipt No._____
Received by:_____

----- Please type or print information - Use additional sheets as necessary -----

TO THE HONORABLE PLANNING AND ZONING COMMISSION:

The Applicant, YODECO

Being the owner (s), ~~/lessee/(s)~~ of property located within the area proposed for reclassification of land/special use or development, requests that the following described land to be placed in the R-2 Zoning District (s)/ Special District (s).

A. DESCRIPTION OF LAND TO BE RECLASSIFIED

1. General Description of Land (describe by one of the following:)

a. Lot(s)/ Reserve (s)_____ c

a recorded plat, with an area of_____ Acres/ Square fee

b. Beginning at a point along_____ (street or other) _____ and being_____ feet in a N S E W (c direction from the_____ (specify) of_____ _____(street or other), and thence having a dimension _____ from the_____ (specify) of_____ _____(street or other), and having an area _____.

c. The tract of land containing 17.317 Acres and bounded by:

Hiland Heights (specify) on the (N) S E W (cir

Hiland Heights (specify) on the N S (E) W (cir

Deer Run Estates (specify) on the N (S) E W (cir

Route 745 (specify) on the N W E (W) (c

d. Attached legal description: YES X NO_____

Map of proposed Zoning District boundaries:

Two (2) copies of map accurately drawn to an appropriate scale (to fill a sheet of not less than 8- 1/2 x 11 inches and not more than 16 x 20 inches). The map shall be identified and submitted in addition to the General Description of Land. The map shall include all land in the proposed change and all land within five hundred (500) feet beyond the limits of the proposed change.

To be shown on the map - all property lines, street right of way, easements and other information related to the location of the proposed boundaries and shall be fully dimensioned.

The map shall show the existing and proposed Zoning District or Special District Boundaries.

List all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned. The addresses of the owners shall be tho appearing on the County Auditor's current tax list or the Treasurer's mailing list.

NAME	ADDRESS
~~See attached list~~	

B. ARGUMENTS FOR RECLASSIFICATION OF THE DESCRIBED LAND.

1. Proposed Use or Development of the Land: Single Family Homes

PLANNED DEVELOPMENT ZONING DISTRICTS and SPECIAL DISTRICTS submission of three (3) copies of a Development Plan and other documents and two (2) copies shall be retained as a permanent public record if approved.

For other Zoning Districts, such plans or other exhibits would be helpful to the review of this application.

Plans and Exhibits submitted:
Plot Plan___; Building Plan___; Development Plan___; Sketch____; Photographs____; Other_____(specify)

2. State briefly how the proposed zoning and development relates to the existing and probable future land use character of the vicinity.

All surrounding land is zoned residential. Hiland Heights is zoned R-1 and is almost completely developed. Muirfield (Phase 6) which is across Route 745 is PUD, single family homes. Directly south is Deer Run Estates which is zoned for residential use.

3. Has an application for rezoning of the property been denied by the Village Council within the last two (2) years? YES_____ NO. X

If Yes, state the basis of reconsideration. _____

_____

_____

C. AFFIDAVIT

Before completing this application and executing the following affidavit, it is recommended that this application be discussed with the Building Inspector to insure completeness and accuracy.

APPLICANT'S AFFIDAVIT

STATE OF OHIO

COUNTY OF FRANKLIN,

I (WE) YODECO
being duly sworn, depose and say that I am/~~we are~~ the owner (s)/~~lessee~~/(s) of land included in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/~~our~~ ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respects true and correct to the best or my/our knowledge and belie

Roger F. Yeman
(signature)

10750 Edgewood Dr., Dublin, Ohio
(mailing address)

Phone: 889-2439

Subscribed and sworn to before me this 5 day of Feb, 1985.

Robert D. Holly
Notary Public

ROBERT D. HOLLY
Notary Public, Delaware Co.
State of Ohio
My Commission Expires June 3,

Person to be contacted for details, if other than above signatory:

_____
(name) (address) (telephon

----------DO NOT WRITE BELOW THIS LINE--------

D. RECORD OF ACTION

1. Withdrawn_____ Held to_____
(date) (date)

2. P & ZC: Date of Hearing_____
Approved_____; Disapproved_____ Modified_____

3. Village Council: Date of Hearing_____
Approved_____; Disapproved_____ Modified_____

C. F. BIRD & R. J. BULL, LTD.
CONSULTING ENGINEERS - SURVEYORS
6113 LINWORTH ROAD
WORTHINGTON, OHIO 43085
PHONE 614-885-4026

February 25, 1980

DESCRIPTION OF 17.317 ACRE TRACT
REMAINDER OF JOSEPH R. HAGUE LANDS
VILLAGE OF DUBLIN, DELAWARE COUNTY, OHIO,
FOR MR. JOSEPH B. DeVENNISH, ATTORNEY

Situated in the State of Ohio, County of Delaware, Village of Dublin, in Virginia Military Survey No. 2545, and being a portion of an approximately 18.45 acre tract of land conveyed as Parcel 3 to Joseph B. DeVennish, Successor Trustee, by deed of record in Deed Book 406, Page 68, Recorder's Office, Delaware County, Ohio, and bounded and described as follows:

Beginning at a railroad spike with cross cut found in the tangent centerline of Dublin-Bellepoint Road - Ohio Route 745, at the southwest corner of said 18.45 acre tract and at the northwest corner of a 23.373 acre tract of land conveyed to Robert H. Fergus by deed of record in Deed Book 434, Page 30, Recorder's Office, Delaware County, Ohio, said railroad spike being 0.16 foot left of and radially from centerline survey station 8+52.18 of Dublin-Bellepoint Road, as shown upon Sheet 5 of 5 of Ohio Department of Transportation right-of-way plans for FRA-745-2.84 and DEL-745-(0.18)(1.98);

thence N 16° 39' 18" W along the tangent centerline of Dublin-Bellepoint Road and along a west line of said 18.45 acre tract a distance of 683.64 feet to a point at a corner of said 18.45 acre tract and at the southwest corner of a 1.470 acre tract of land conveyed to Stephen Michael Grinch and Florence Elaine Grinch by deed of record in Deed Book 398, Page 359, Recorder's Office, Delaware County, Ohio, said point being referenced by an iron pin found N 16° 39' 18" W a distance of 1.20 feet at an angle point in the centerline of Dublin-Bellepoint Road;

thence N 73° 13' 00" E along a north line of said 18.45 acre tract and along the south line of said 1.470 acre tract a distance of 279.98 feet to an iron pin found bent and reset at a corner of said 18.45 acre tract and at the southeast corner of said 1.470 acre tract (passing an iron pin found in the east right-of-way line of Dublin-Bellepoint Road at 30.00 feet);

thence N 2° 01' 00" W along a west line of said 18.45 acre tract and along the east line of said 1.470 acre tract a distance of 217.10 feet to an iron pin found at a corner of said 18.45 acre tract, at the northeast corner of said 1.470 acre tract and at the southeast corner of a 1.100 acre tract of land conveyed to Robert and Katheryn J. Billingsley by deed of record in Deed Book 329, Page 531, Recorder's Office, Delaware County, Ohio;

thence N 15° 20' 00" W along a west line of said 18.45 acre tract and along a portion of the east line of said 1.100 acre tract a distance of 134.00 feet to an iron pin set at a corner of said 18.45 acre tract and at the southwest corner of Lot No. 4202 in Hiland Heights No. 2, as shown of record in Plat Book 7, Page 281, Recorder's Office, Delaware

C. F. BIRD & R. J. BULL, LTD.
CONSULTING ENGINEERS - SURVEYORS
6113 LINWORTH ROAD
WORTHINGTON, OHIO 43085
PHONE 614-885-4026

February 25, 1980

DESCRIPTION OF 17.317 ACRE TRACT REMAINDER OF JOSEPH R. HAGUE LANDS, VILLAGE OF DUBLIN, DELAWARE COUNTY, OHIO, FOR MR. JOSEPH B. DeVENNISH, ATTORNEY

County, Ohio;

thence N 73° 13' 00" E along a north line of said 18.45 acre tract and along the south line of said Lot No. 4202 a distance of 300.00 feet to an iron pin found at the point of curvature of a non-tangent curve, in the west line of Edgewood Drive (50 feet wide), at a corner of said 18.45 acre tract and at the southeast corner of said Lot No. 4202;

thence southeasterly along a portion of the curved west line of Edgewood Drive, along a curved east line of said 18.45 acre tract and with a curve to the left, radius of which is 150.00 feet, a sub-chord distance of 104.32 feet bearing S 35° 40' 55" E to an iron pin found at a corner of said 18.45 acre tract and at the northwest corner of Lot No. 4215 in said Hiland Heights No. 2;

thence southwesterly along a curved east line of said 18.45 acre tract, along the curved west line of said Lot No. 4215 and with a curve to the right, radius of which is 355.00 feet, a chord distance of 168.77 feet bearing S 15° 24' 33" W to an iron pin found at a corner of said 18.45 acre tract and at a corner of said Lot No. 4215;

thence S 60° 50' 27" E along a northeast line of said 18.45 acre tract and along the southwest line of said Lot No. 4215 a distance of 184.8[illegible] feet to an iron pin set at a corner of said 18.45 acre tract and at the southwest corner of said Lot No. 4215;

thence N 72° 54' 12" E along a north line of said 18.45 acre tract and along the south line of said Lot No. 4215 a distance of 197.68 feet to an iron pin set at a corner of said 18.45 acre tract, at the southeast corner of said Lot No. 4215 and in the west line of Lot No. 4213 in said Hiland Heights No. 2;

thence S 16° 50' 04" E along an east line of said 18.45 acre tract, along a portion of the west line of said Lot No. 4213 and along the west line of Lot No. 4212 in said Hiland Heights No. 2 a distance of 325.00 feet to an iron pin found at a corner of said 18.45 acre tract and at the southwest corner of said Lot No. 4212 (passing an iron pin found at the southwest corner of said Lot No. 4213 and at the northwest corner of said Lot No. 4212 at 140.00 feet);

thence N 73° 13' 00" E along a north line of said 18.45 acre tract and along a portion of the south line of said Lot No. 4212 a distance of 133.86 feet to an iron pin found at a corner of said 18.45 acre tract and at the northwest end of Edgewood Drive (50 feet wide);

thence S 16° 46' 50" E along an east line of said 18.45 acre tract, along the west end of Edgewood Drive and along the west line of Lot No.

C. F. BIRD & R. J. BULL, LTD.
CONSULTING ENGINEERS - SURVEYORS
6113 LINWORTH ROAD
WORTHINGTON, OHIO 43085
PHONE 614-885-4026

February 25, 1980

DESCRIPTION OF 17.317 ACRE TRACT REMAINDER OF JOSEPH R. HAGUE LANDS, VILLAGE OF DUBLIN, DELAWARE COUNTY, OHIO, FOR MR. JOSEPH B. DeVENNISH, ATTORNEY

4211 in said Hiland Heights No. 2 a distance of 300.27 feet to an iron pin found at the southeast corner of said 18.45 acre tract, at the southwest corner of said Lot No. 4211 and in the north line of said 23.373 acre tract (passing an iron pin found at the southwest end of Edgewood Drive at 50.00 feet);

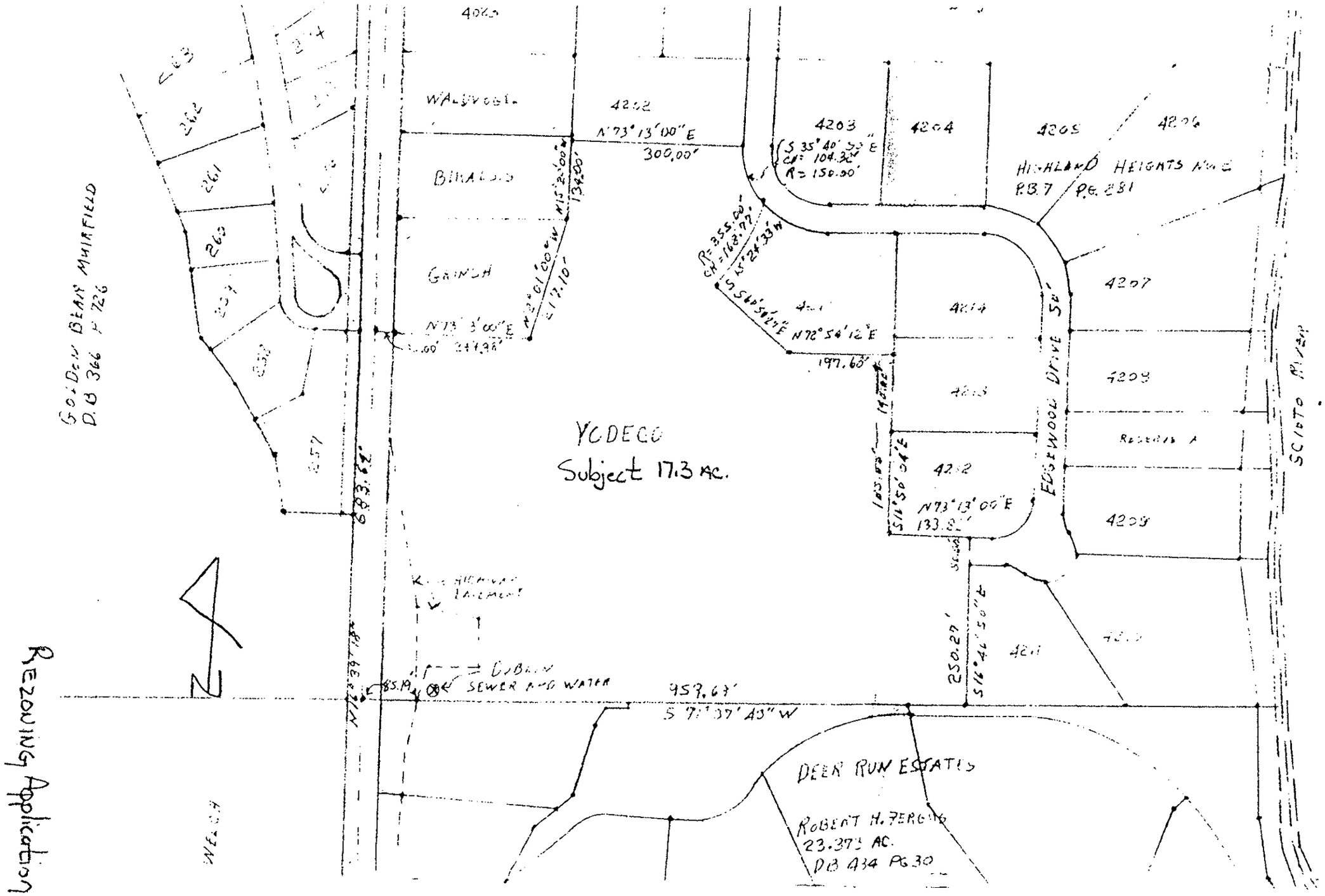
thence S 71° 37' 43" W along the south line of said 18.45 acre tract and along a portion of the north line of said 23.373 acre tract a distance of 1,044.88 feet to the place of beginning (passing an iron pin in the new east right-of-way line of Dublin-Bellepoint Road at 959.69 feet);

containing 17.317 acres of land more or less and being subject to all legal highways, easements and restrictions of record, including Parcel No. 6, Easement for Highway Purposes, as conveyed to the State of Ohio by deed of record in Deed Book 429, Page 159, Recorder's Office, Delaware County, Ohio, and Parcel No. 6X, Easement for Channel Purposes, as conveyed to the State of Ohio by deed of record in Deed Book 429, Page 160, Recorder's Office, Delaware County, Ohio.

The above description was prepared by John F. Wicker, Jr., Ohio Surveyor No. 6261, of C. F. Bird & R. J. Bull, Ltd., Consulting Engineers & Surveyors, Worthington, Ohio, from an actual boundary survey performed in the field in February, 1980.

John F. Wicker Jr.
John F. Wicker, Jr.
Ohio Surveyor #6261

Golden Bear Muirfield, Inc.	P.O. Box 565 Dublin, Ohio 43017
Mark and Martha Sinkhorn	8601 Birgham Ct. S. Dublin, Ohio 43017
Christopher Biralsis	10771 Dublin Rd. Dublin, Ohio 43017
Stephen and Florence Grinch	8644 Dublin Rd. Dublin, Ohio 43017
Robert Fergus	5100 Post Rd. Dublin, Ohio 43017
Carl and Dorothy Wise	10820 Edgewood Dr. Dublin, Ohio 43017
Gary and Deborah Dearwester	10818 Edgewood Dr. Dublin, Ohio 43017
Donald and Jean Russell	10780 Edgewood Dr. Dublin, Ohio 43017
William and Alberta Wilson	10730 Edgewood Dr. Dublin, Ohio 43017
Gerald and Inez McClintic	10701 Edgewood Dr. Dublin, Ohio 43017
Alfred and Rita Hefler	10692 Edgewood Dr. Dublin, Ohio 43017
YODECO c/o Roger Yeoman	10750 Edgewood Dr. Dublin, Ohio 43017
YODECO c/o Robert Yeoman	10750 Edgewood Dr. Dublin, Ohio 43017


YODECO
Subject 17.3 AC.
WALSWORTH
BINAGO
GRINCH
4202
N 73° 13' 00" E
300.00'
4203
S 35° 40' 53" E
CH = 104.32'
R = 150.00'
4204
4205
4206
HIGHLAND HEIGHTS ADD
P.B. 7 P.G. 281
4207
4208
4209
EDGEWOOD DRIVE 50'
N 72° 54' 12" E
197.63'
N 73° 13' 00" E
133.82'
S 16° 50' 04" E
250.27'
S 16° 46' 50" E
SEWER AND WATER
959.63'
S 71° 37' 43" W
DEER RUN ESTATES
ROBERT H. FERGUS
23.373 AC.
D.B. 434 PG. 30
GOODEN BEARS MAIRFIELD
D.B. 366 P. 726
SCIOTO RIVER
WEST
N
Rezoning Application

Subject 17 Ac.
Yodeco Rezoning
DELAWARE
COUNTY
TUCKER
RD

YODECO plans to present the following information to Dublin Village Council for the rezoning of 17.32 acres, located south and west of Hiland Heights, east of Route 745, and north of Deer Run Estates.

The rezoning request will be a change from R-1 (residential, one per acre), to R-2 (residential, two per acre), all single family homes.

The major road will be a continuation of Edgewood Drive, connecting into Route 745. These lots will be serviced by Dublin sewer and water. Easements across this property will be provided for you to make connections, at your cost, subject to approval by Dublin and Delaware County.

We, the undersigned, agree to the request for rezoning by YODECO.

NAME	ADDRESS
Wm J Wilson	10730 Edgewood Dr. Dublin
Alberta E. Wilson	10730 Edgewood Drive Dublin, Ohio
L. G. McClintic	10701 Edgewood Dr Dublin
Inez McClintic	10701 Edgewood Dr. Dublin, O
Stephen M. Grinch Jr.	8644 Dublin Rd. Dublin, O.
Florence E. Grinch	8644 Dublin Rd Dublin, O
Thomas J. Hall	10731 Edgewood Drive Dublin, O
Janette Hall	10731 Edgewood Drive, Dublin
Robin Rowe	10815 Edgewood Drive, Dublin
Tracy Rowe	10815 Edgewood Drive, Dublin
[illegible]	10761 Edgewood Dr, Dublin
[illegible]	10761 [illegible]
[illegible]	10780 Edgewood Dr. Dublin, O
Donald Russell	10780 Edgewood Dr. Dublin, O
Jean Russell	8686 Dublin Rd Dublin, Oh
Christopher Birdsin	10751 Edgewood Dr Dublin, O
Robert L Siegle	
Donna J. Siegle	10751 Edgewood Dr. Dublin
John M. Lisska	10791 Edgewood Dr Dublin

The regularly scheduled meeting of the Dublin Village Council was called to order by Mayor James E. Lewis on Monday, April 15, 1985 at 7:30 P.M.

Mr. Thornton led the Pledge of Allegiance.

Members of Council present were: Mr. Amorose, Mr. Close, Mayor Lewis, Ms. Maurer, Mr. Sutphen and Mr. Thornton. Mrs. Headlee was absent. Mr. Smith, Law Director, and Mr. Sheldon, Village Manager, were also present as were Ms. Prushing, Mr. Carr, and Mr. Bowman of the Village Staff.

Mr. Sutphen moved to approve the minutes of the April 1, 1985 meeting of Council. Mr. Amorose seconded the motion. The vote was 6-0 in favor of approval of the minutes.

Mr. Close moved to approve payment of the bills. Mr. Sutphen seconded the motion. The vote was 6-0 in favor.

There was no objection to a request for a one day liquor permit for Monday, May 13, 1985 from 12:00 P.M. to Tuesday, May 14, 1985, 12:00 A.M. The request was from the Columbus Zoo and Stouffer Hotel Company for a function to be held at 600 Metro Place North, Dublin, Ohio.

Mayor Lewis announced the birth of twins to his oldest daughter and her husband on Friday, April 12, 1985.

Ordinance No. 10-85 - Rezone 17.3 Acres on S.R. 745 South of Edgewood Circle. Public Hearing. Second Reading.

Registering as proponents were Mr. Roger Yeoman and Mr. Robert Yeoman. There were no persons registering as opponents.

Mr. Roger Yeoman presented the following points of information to members of Council regarding the rezoning request:

1. The request to change the zoning from R-1 to R-2.
2. The applicants were not in favor of the previous rezoning request for a P.U.D. zoning of the site, which would have allowed condominiums.
3. Mr. Yeoman distributed, to members of Council, a list of signatures of neighbors who had no objection to the proposed development. Three contiguous property owners did not sign; "they were not really against it, they just did not want to sign".
4. The recommendations of the Planning and Zoning Commission have been followed; said recommendations being:
   A. The Dublin Road building line be maintained at the same distance as the existing houses fronting the road.
   B. There be no roadway connection to Edgewood Drive.
   C. There be emphasis given to those lots larger that will be adjacent to the existing lots on Edgewood Drive.
5. The engineering studies, etc. have not yet been completed.
6. The type of homes being planned will be similar to those in Donegal Cliffs, on larger-type lots.
7. There will be approximately 25 water taps required; 25 homes being built on the 17 acres.

There were no additional comments. The Public Hearing was concluded. This was considered a second reading.

Ordinance No. 13-85 - Amend Chapter 1305.05, Codified Ordinances Re: Occupancy Permits. Third Reading.

Mr. Thornton moved to table the Ordinance until the May 6th meeting of Council in order to give an opportunity for discussion by those against as well as those in favor of the Ordinance. Mr. Close seconded the motion. The vote was unanimous in favor of tabling (6-0).

Page Four

Mr. Amorose said that he felt that members of Council just want more information before making a final decision.
Mr. Close said that he did not feel that there would be enough benefit in city status unless Dublin would ultimately withdraw from the townships.
Mayor Lewis acknowledged that the question of township status will be considered once Dublin becomes a city.
Mayor Lewis agreed with Mr. Amorose regarding the fact that there is no real urgency in resolving the question. He said that there are some very complex issues that would ultimately be to the advantage of Dublin and the townships if the Village could initiate the conversations prior to being forced into considering those questions.

Resolution No. 05-85 - The Intent to Redivision the Four (4) Wards. Second reading.
There was no comment or discussion.

Resolution No. 06-85 - Designating Financial Institutions as Public Depositories. First Reading. Emergency.
Mrs. Headlee introduced the Resolution.
Mrs. Headlee moved to do away with the three time reading rule and treat as an emergency. Mr. Thornton seconded the motion. The vote was 7-0 in favor of the motion. The vote was unanimous in favor of the Resolution.

Ordinance No. 09-85 - Amending the Annual Appropriations for Fiscal 1985. First Reading. Emergency.
Mrs. Headlee introduced the Ordinance, moved to do away with the three time reading rule and treat as an emergency. The motion was seconded by Mr. Thornton. The vote on doing away with the three time reading rule and treating as an emergency was 7-0 in favor. The vote on the Ordinance was unanimous (7-0).

Ordinance No. 10-85 - Rezone 17.3 Acres on S.R. 745 South of Edgewood Drive. First Reading.
Mrs. Headlee introduced the Ordinance and moved to refer the request to the Planning and Zoning Commission. Mr. Sutphen seconded the motion. The vote was 7-0 in favor.

Ordinance No. 11-85 - Rezone 158.3 Acres - McKitrick and School Properties. First Reading.
Mr. Close introduced the Ordinance and moved that consideration of the request be referred to the Planning and Zoning Commission. Mr. Thornton seconded the motion. The vote was unanimous (7-0) in favor.
Mrs. Headlee questioned whether or not the school district should submit a rezoning request for their portion of the property. Mr. Smith said that he would research the matter, saying that if there are two separate land owners' titles there should be two separate rezoning requests. It was noted that the affidavit listed the I-270 Investment Company and the Board of Education of the Dublin Local School District as property owners. Ms. Maurer said that she wanted it known to the Planning and Zoning Commission that she felt the proposed office use all the way to Dublin Road between residential districts to the south and the north was inappropriate.
Mrs. Headlee suggested that persons having questions, concerns, and/or interest in a proposed project attend Planning and Zoning Commission meetings to express their opinions.