

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

STATEMENT OF HARDSHIP

CV15-063

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.

B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:

See Exhibit B

Signature of Applicant



Date

12/22/15

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer

Exhibit B

Statement of Hardship

CV15-063, 3780 E Powell Road

Rezoning application Z15-022 is pending to rezone the 12.627 ac site to the L-AR-3, Limited Apartment Residential District. This variance application is submitted for variances to certain applicable site development standards of the AR-3 district as a companion application to the pending rezoning. The site plan titled "Zoning Exhibit, 3780 E Powell Road, Columbus, OH 43065", hereafter "Site Plan", is a condition of pending rezoning application Z15-022. The Site Plan depicts the site, approximate points of access and minimum perimeter setbacks, subject to this variance, as noted on the Site Plan.

The 12.627 +/- acres being rezoned and also the subject of this variance application consists of approximately 7.181 acres in Delaware County Auditor tax district/tax parcel 46-31844104005000 and approximately 5.446 acres in tax district/tax parcel 45-3184420202500. The two tax districts, 45 and 46, cannot be combined. Applicant may develop the 12.627 +/- acres as a single site, in which case the site shall be divided by the tax district lines of districts 45 and 46. Applicant may split the site for one or more permitted uses, as outlined in the Limitation Text for Z15-022. The split(s) may result in separate development areas consisting of property in both tax districts 45 and 46. For all purposes with development of the site, the tax district line shall be disregarded, including, but not limited to, the tax district line(s) dividing parking space(s), or the location of parking spaces on one tax district area or another, maneuvering area(s), yard(s) and/or setback(s), and calculation of density compliance. While applicant has cited various code Sections in anticipation of a tax district line dividing one or more development site(s) within the 12.627 +/- acres, compliance with this ordinance and the underlying zoning code, shall be based on development area(s) without regard to the location of tax district lines of tax districts 45 and 46.

Applicant has a hardship with developing the property with certain code standards due to physical characteristics with the shape of the parcel being deep, narrow, having very limited street frontage, required perimeter setbacks and applicants site planning to provide buffer areas to the north and west. Applicant controls property to the south and intends to provide vehicular access to the south but the access won't be by public street. Applicant has provided for two (2) uses in the pending L-AR-3 rezoning: 1) multi-family residential and 2) assisted living. Applicant will require separate parcels (lot split(s)) if the site is developed with more than one use.

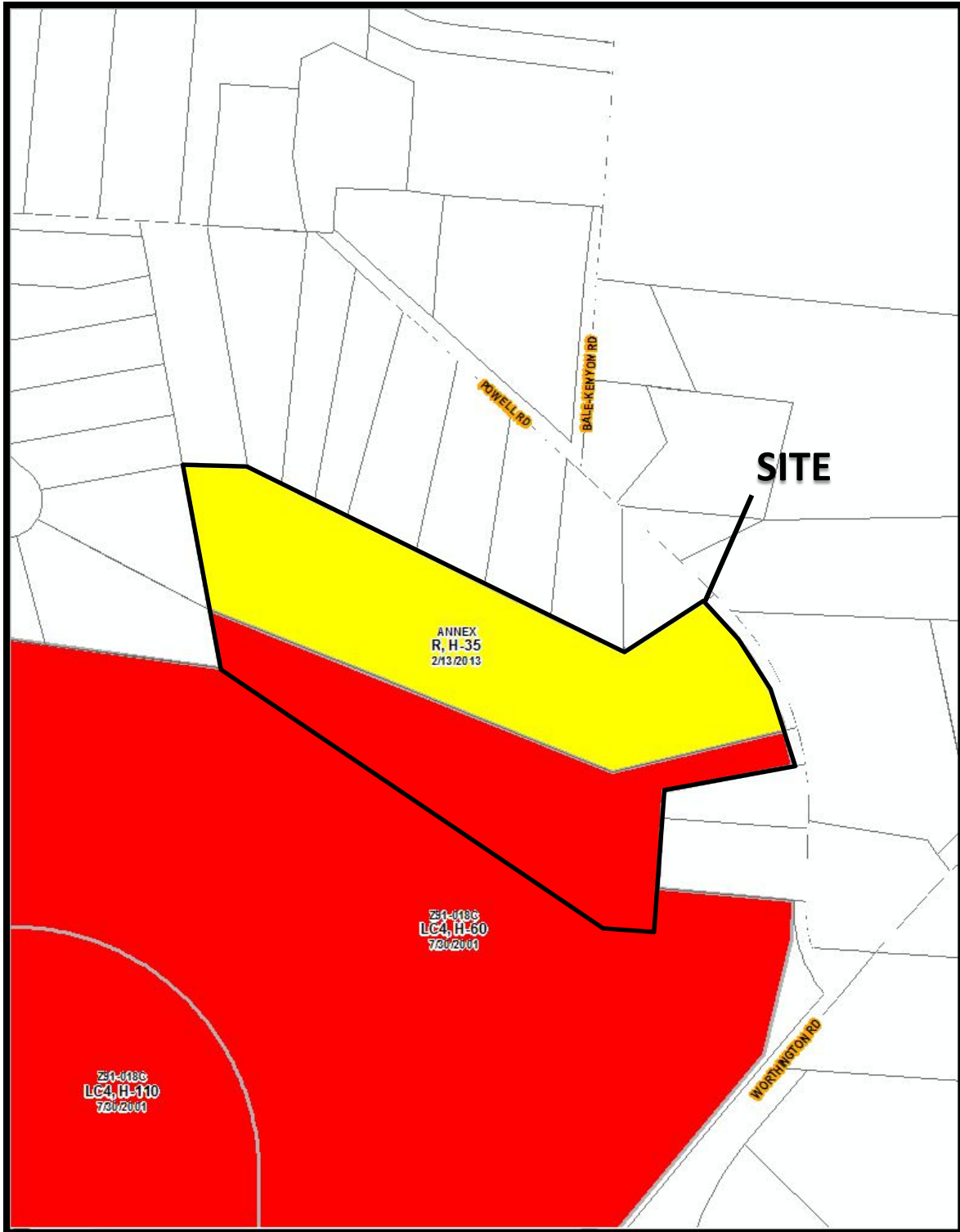
Applicant requests the following variances:

1. Section 3333.16, Fronting, to permit lot split(s) of the site without street frontage for a future parcel(s) west of the E Powell Road frontage.

2. Section 3333.225, Perimeter Yard, to reduce the 25' perimeter yard to 20' and 15', in the perimeter locations depicted on the Site Plan, and to reduce perimeter yard to 10' only along an internal property line(s) created by lot split between development area(s) of the 12.627 +/- acre site, but not along tax district line(s) internal to a development area of the 12.627 +/- acre site.

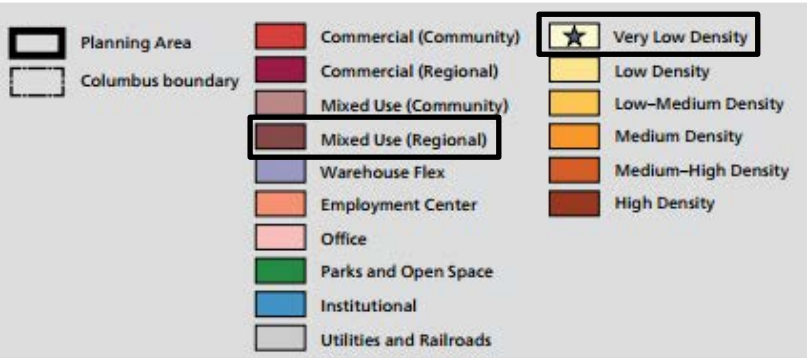
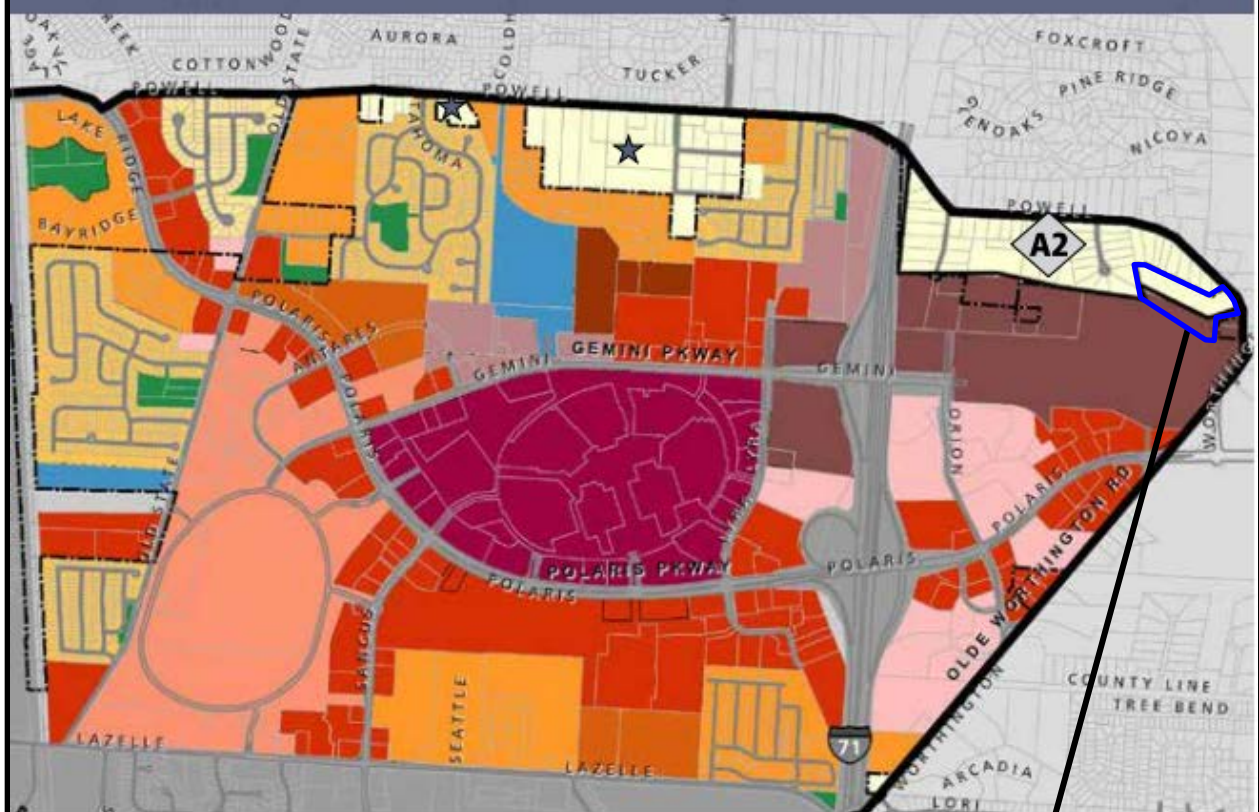
The following variances area requested related to a Delaware County Tax District line for tax districts 45 and 46. Part of the 12.627 +/- acre site is in tax district 45 and part of the site is in tax district 46. The different tax districts, which can't be combined, are also a property line. The tax district line creates a property line that may result in portions of development areas in separate tax districts and therefore divided by a property line, while overall dimensions of applicable standards shall comply with code required dimensions.

3. 3312.09, Aisle, to permit aisles to be divided by tax district lines/property lines, subject to applicable total code required aisle width being provided.
4. 3312.13, Driveway, to permit driveways to be divided by tax district lines/property lines, subject to applicable total code required driveway width being provided.
5. 3312.25, Maneuvering, to permit maneuvering areas to be divided by tax district lines/property lines, subject to applicable total code required maneuvering being provided for parking spaces.
6. 3312.29, Parking Space, to permit parking spaces to be divided by tax district lines/property lines, subject to applicable total code required parking space dimensions being provided.
7. 3312.49, Minimum Numbers of Parking Spaces Required, to permit parking to be located on property in tax district 45 or 46, which tax district line divides the 12.627 +/- acre, for one or more development sites within the 12.627 +/- acres, subject to the total code required parking being provided within the development area(s).
8. 3312.51, Loading Space, to permit loading space areas to be divided by tax district lines/property lines, subject to total loading space dimensions being provided.
9. 3321.01, Dumpster Area, to permit maneuvering area for access to dumpsters, compactors and refuse areas inside buildings to be divided by property lines, subject to applicable total area being provided, including across tax district lines/property lines.



CV15-063
3780 East Powell Road
Approximately 12.63 acres

Figure 16: Polaris Subarea



SITE

Refer to page 55 for supporting text for site A2.

Refer to page 43 for supporting text.

Far North Area Plan (2014)
 CV15-063
 3780 East Powell Road
 Approximately 12.63 acres



CV15-063
3780 East Powell Road
Approximately 12.63 acres



STANDARDIZED RECOMMENDATION FORM

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number Z-15-022 + CV-15-063

Address 3780 E. Powell Rd.

Group Name Far North Columbus Communities Coalition

Meeting Date 11/3/15

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

NOTES: Condition:

Garage doors along north border have doors face south.

Vote 12-0

Signature of Authorized Representative James Palmisano

SIGNATURE

RECOMMENDING GROUP TITLE FNCCC President

DAYTIME PHONE NUMBER 614/430-7840

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # CV15-063

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich St, FL 3, Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following
is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of
this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

<p>1. N.P. Limited 8800 Lyra Dr., Suite 550 Columbus, OH 43240 # Columbus Based Employees: 3 Contact: Franz Geiger 614-841-1000</p>	<p>2. Estate of Richard D. Baggs, Jr. Estate Ora Opal Baggs c/o Diana Lynn Baggs, 3780 E Powell Rd. Lewis Center, OH 43035 # Columbus based employees: 0 Contact: Diana Lynn Baggs</p>
<p>3. Estate of Richard D. Baggs, Jr. Estate of Ora Opal Baggs c/o Charlene Sue McDonald, 2960 Greentree Ct., Lewis Center, OH 43035 # Columbus based employees: 0</p>	<p>4. _____ Contact: Charlene Sue McDonald</p>

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 27th day of OCTOBER, in the year 2015

Barbara A. Parter
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020
My Commission Expires

Notary Seal Here



BARBARA A. PARTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2020

This Project Disclosure expires six (6) months after the date of notarization.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer