



COUNCIL VARIANCE APPLICATION

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

CV13-025

STATEMENT OF HARDSHIP

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

Donald Plunk

Date

4/29/13

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 all checks payable to the Columbus City Treasurer

EXHIBIT B

Statement of Hardship

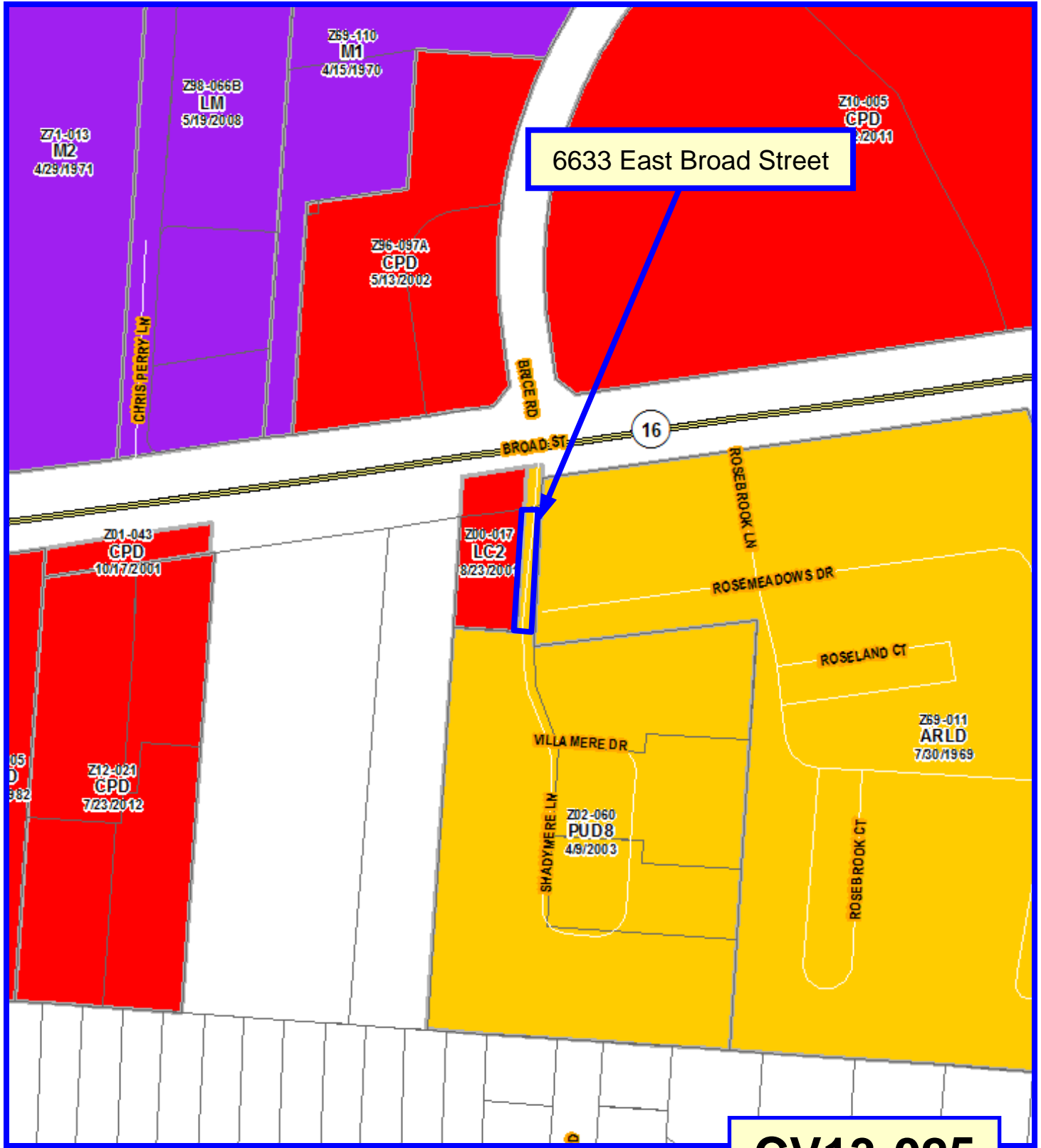
6633 East Broad Street

CV13-025

The 0.148 +/- acre site is 212 +/- feet of the entrance drive of the Villas at Broadmere Condominiums ("Condominiums"), extending south from the intersection of Shadymere Lane (private street) and East Broad Street. The Condominiums are zoned PUD-8, Planned Unit Development (Z00-017), including Shadymere Lane, which is a private street. Applicant has concurrently applied to rezone 11.004 acres (Z13-038) abutting and to the west of the Condominiums. Shadymere Lane is aligned with Brice Road (public) on the north side of East Broad Street and the intersection is presently signalized. Applicant proposes access on and across Shadymere Lane as part of applicant's commercial development, for access to the traffic signal. Applicant's commercial development will cause the use of Shadymere Lane, in part, for commercial purposes, which are not otherwise permitted in the PUD-8. Applicant submits this application to permit the use of 212 +/- feet of the PUD-8 parcel, being part of the existing entrance drive, for use in conjunction with applicant's planned commercial development. Applicant has a hardship in that commercial use of part of a residential driveway is not permitted and a variance is the most appropriate way to permit the proposed commercial use of the driveway.

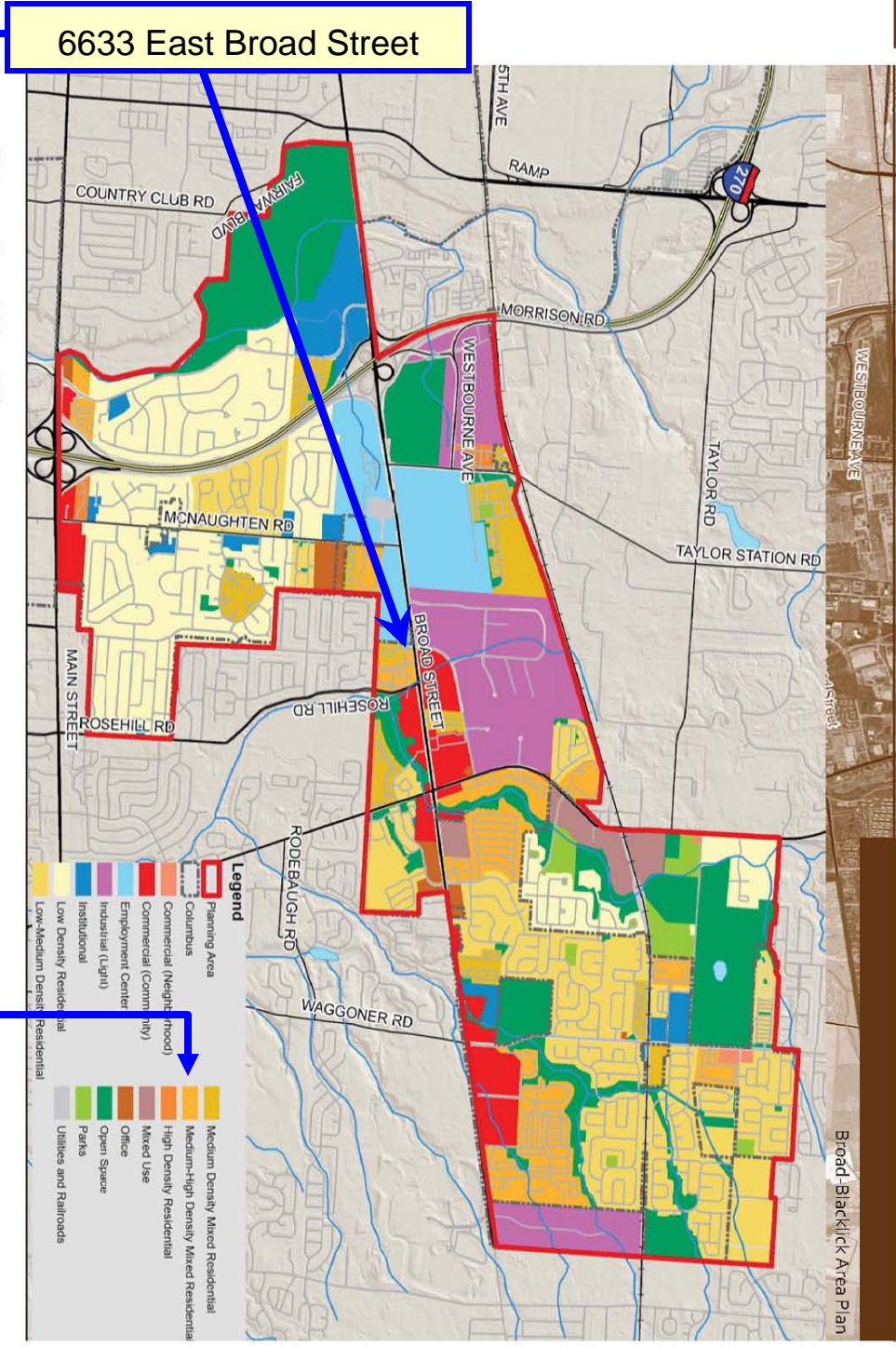
Applicant requests the following variance:

- 1) 3345.04, Permitted Uses, which Section does not permit commercial uses, while applicant proposes to provide vehicular access on 212 +/- feet of Shadymere Lane, a private street in the Villas of Broadmere Condominiums ("Condominiums"), in conjunction with applicant's commercial development to the west (Z13-038), thereby providing improved access to applicant's commercial development and the Condominiums.



CV13-025

Plan Recommendations



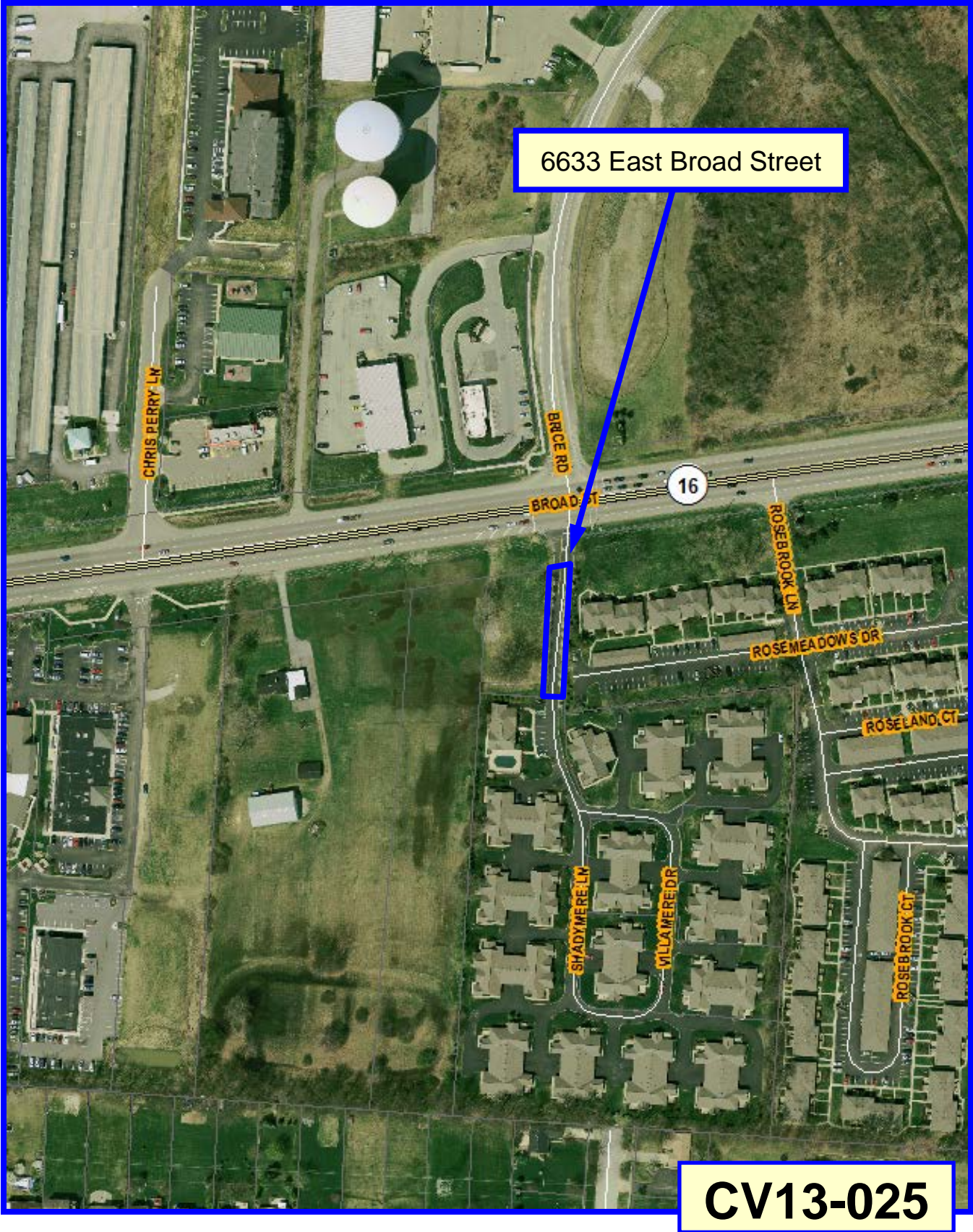
Future Land Use Plan

FIGURE 15: FUTURE LAND USE PLAN

City of Columbus
 Department of Development
 Planning Division
 December 2010



CV13-025



6633 East Broad Street

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Z13-038 Final Received 6/18/13

This form is strictly for use of the Area Commission to help in the review of information and flow of handling this application while being reviewed by the Area Commission. It is not to be construed as a legal document in content or meaning.

APPLICANT: EQUITY, INC. C/O DONALD PLANK, PLANK, LAW FIRM
APPLICATION/ ZONING / DEVELOPMENT COMMISSION CASE NUMBER: CV13-25 @ Z13-038

DATE RECEIVED City of Columbus Dept Building & Zoning Service: 4-30-13
AREA COMMISSION: FAR EAST AREA COMMISSION
DATE RECEIVED BY AREA COMMISSION: 5/2/2013

LOCATION AND ZONING REQUEST:
Certified address: 6633 E BROAD ST AND 6517 E BROAD ST 43004

Parcel Number for Certified Address: 520-262365, 170-00829, 010-121103, 010-287951

Current Zoning District: R, CPD, L-C-2

Requested Zoning District: CPD

Proposed Use or reason for rezoning request: Commercial development

Proposed Height District: H-35

APPLICANT CONTACT: Applicant / Property Owner / Attorney-Agent
Name Donald Plank
Phone: 228 0113 **Fax** 614 228 1790 **Cell:**
Email:

ADJACENT PROPERTIES CURRENT ZONE AND OCCUPANCIES:
NORTH: E BROAD ST RAISING CANE FRIED CHICKEN
EAST: VILLAS AT BROADMERE CONDOMINIUMS COLUMBUS
SOUTH: R-2 REYNOLDSBURG
WEST: C-2

PROBLEMS/COMMENTS:
Z13-038 IS A PROPOSED DEVELOPMENT OF THE VACANT LAND EAST OF RAISING CANE'S. IT INCLUDES ANNEXATION OF PARCELS THAT ARE CURRENTLY JEFFERSON TWP AND REZOING EXISTING PARCELS FROM R, CPD, and L-C-2 TO CPD FOR RETAIL DEVELOPMENT. ANNEXATION OF THE JEFFERSON TWP PARCELS SHOULD BE COMPLETE IN THE NEXT MONTHS.
CV13-025 IS A VARIANCE TO ALLOW ACCESS TO THE STOP LIGHT AT THE ADJOINING CONDOMINIUM COMPLEX TO THE IMMEDIATE EAST.

CONCERNS: CATCH BASINS AND GREEN SPACE BETWEEN THE DEVELOPMENT AND THE RESIDENTIAL AREAS (REYNOLDSBURG TO THE SOUTH AND CONDOS TO THE EAST) TRAFFIC INTO THE CONDO COMPLEX

ZONING COMMITTEE RECOMMENDATION:

SITE VISITED: **DATE:** 5-4-13 **BY:** LARRY MARSHALL

PICTURES: **DATE:** **BY:**

APPLICATION:

CV13-25 @ Z13-038

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AREA COMMISSION:

FAR EAST AREA COMMISSION

SCHEDULED TO BE PRESENTED TO FEAC ON: 5-7-2013

Notification of Identifiable Civic Organization recognized by the City:

DAVE PERRY LEGAL REPRESENTATIVE FOR THE APPLICANT WAS ASKED TO AND CONFIRMED HE HAD NOTIFIED THE CONDO ASSOCIATION OF THE MEETING BY

Organizations: LARRY MARSHALL

Emailed date: _____ Email Received Notification: _____ **BY: _____**

Notification of Applicant or legal representative:

DON PLANK

Emailed Date: 5-2-13 Email "Received" Notification: 5-2-13 **BY: LARRY MARSHALL**

APPLICANT COMMENTS:

APPLICANT WAS REPRESENTED BY DON PLANK AND STEVE FOX. IT WAS RELATED THAT THE CATCH BASINS ARE TO BE "DRY" BASINS AND NOT WET REDUCING THE ATTRACTIVE NUISANCE HAZARD WET BASINS CREATE. THE DRY BASINS WILL ABUTT THE PROPERTY LINE TO THE SOUTH WITH THE EXISTING TREE LINE BEING REMOVED. IT WAS POINTED OUT THAT THERE WAS A UTILITY EASMENT SOUTH OF THE PROPRTY LINE AND THE RESIDENTIAL PROPERTY OWNERS WOULD HAVE THEIR EXISTING TREE LINES AS A GREEN BARRIER. IT WAS RELATED BY MR. PLANK THAT THERE WERE AGREEMENTS IN PLACE WITH THE CONDO ASSOCIATION TO BUILD A CARD ENTRANCE GATE TO THE CONDOS TO PREVENT AUTOS ENTERING THE RETAIL AREA FROM ENTERING THE CONDO COMPLEX BY MISTAKE.

CIVIC ORGANIZATION COMMENTS:

5-7-2013 VILLAS AT BROADMERE WERE NOTIFIED OF THE MEETING BY APPLICANTS REPRESENTATIVE BUT REPRESENTATIVES WERE NOT AT THE MEETING

AREA COMMISSION COMMENTS DECISION ACTIONS 5-7-2013 MEETING:

RECOMMENDATION TO ACCEPT VARIANCE CV13-025 AND ZONING Z13-038 WITH NOTIFICATION BEING PRESENTED TO THE FEAC OF ANY FUTURE TEXT CHANGES AS DISCUSSED

9 MEMBERS PRESENT AND BEING A QUORUM:

VOTES: FOR: 9 AGAINST: 0 ABSTAINED: 0 .

DATE: 5-7-2013

DECISIONS NOTIFICATION TO DEPT OF BUILDING & ZONING SERVICES/ DEPT OF DEVELOPMENT

DATE: TO: SHANNON PINE SPINE@COLUMBUS.GOV

DECISIONS NOTIFICATION CONFIRMED:

DATE:

BY:

VILLAS AT BROADMERE CONDOMINIUM ASSOCIATION

Villas at Broadmere Condominium Association
C/O Condo Management of Columbus
P.O. Box 28249
Columbus, Ohio 43228

June 13th, 2013

Columbus Development Commission
c/o Shannon Pine
Building and Zoning Services Department
City of Columbus
757 Carolyn Avenue
Columbus, OH 43224

RE: Rezoning application Z13-038, addressed as 6517 East Broad Street

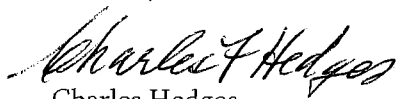
Dear Columbus Development Commission:

My name is Charles Hedges and I am writing on behalf of the Villas at Broadmere Condominiums (VB) regarding the referenced pending rezoning which you will be reviewing on June 13, 2013.

I am the President of the Villas at Broadmere Condominium Association.

VB abuts the entire east property line of the site to be rezoned. We are proud of our condominium community and appreciate the effort Equity, Inc. has made to meet with us and discuss the proposed development. The Board has had multiple meetings with representatives of Equity, Inc. for several months to review the proposed development and access to the East Broad Street traffic signal through VB property. On October 25th, 2012, we voted to support the rezoning request and the development of the property as proposed by Equity, Inc. We look forward to continuing to work with Equity, Inc. and request your approval of the rezoning request.

Sincerely,



Charles Hedges
For the Board of Directors

C: John Brooks, Equity, Inc.



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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 # CV13-025

STATE OF OHIO
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 E. Rich Street, 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 formats

- 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

1. Eastglen Exchange LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen, (614) 802-2900	2. Eastglen Land LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen (614) 802-2900
3. EG Medical West LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen (614) 802-2900	4. Villas at Broadmere Condominiums c/o Charles F. Hedges 72 Villamere Dr. Columbus, OH 43213 # of Columbus Employees: 0

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 29th day of APRIL, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
 Notary Public, State of Ohio
 My Commission Expires AUGUST 3, 2015

This Project Disclosure Statement expires six months after date of notarization.

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