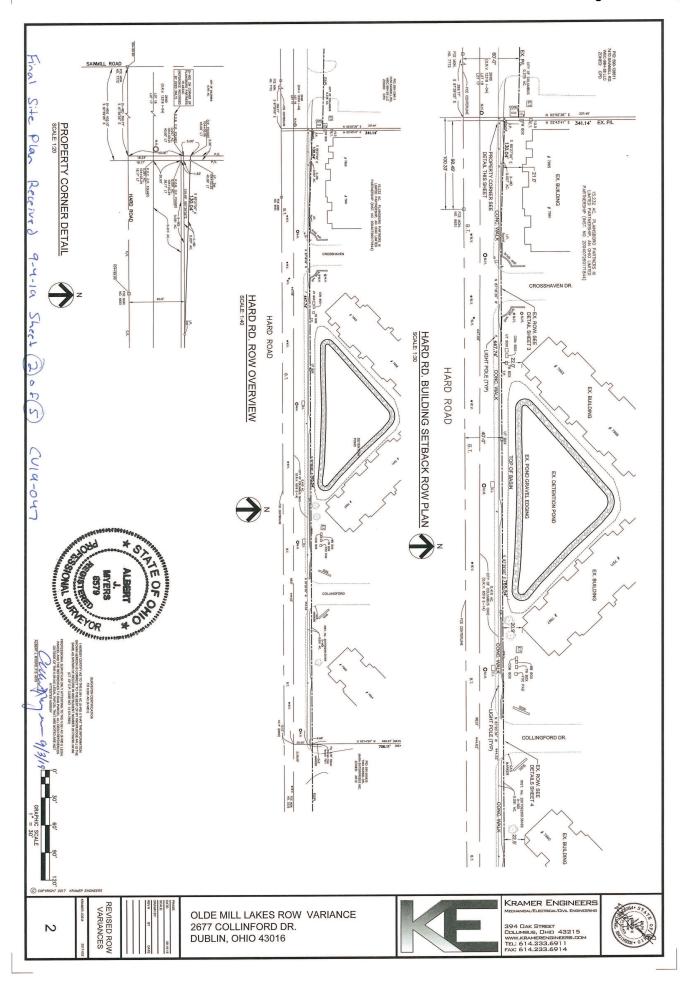
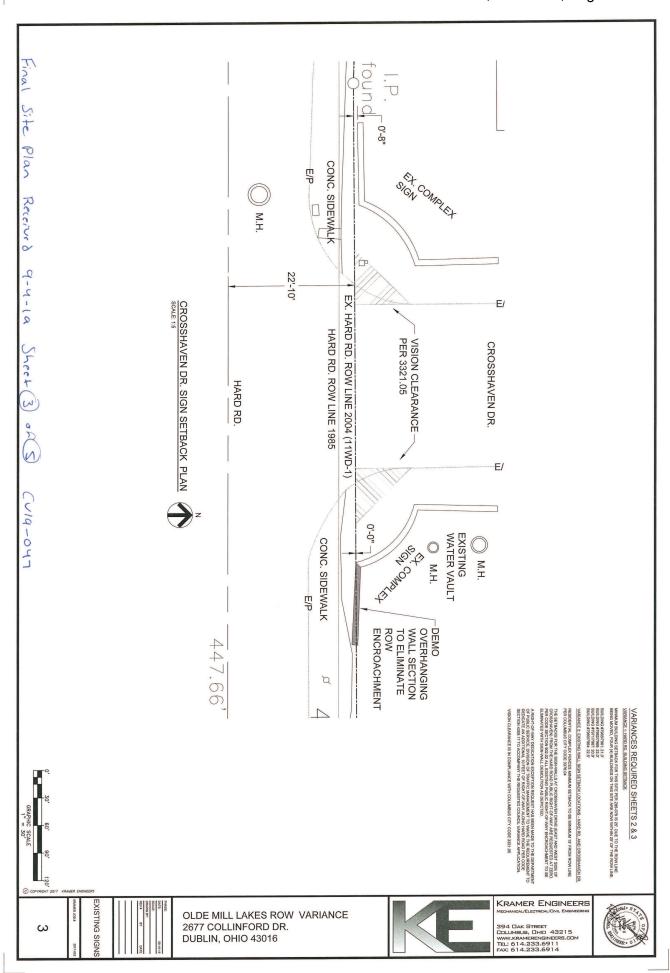
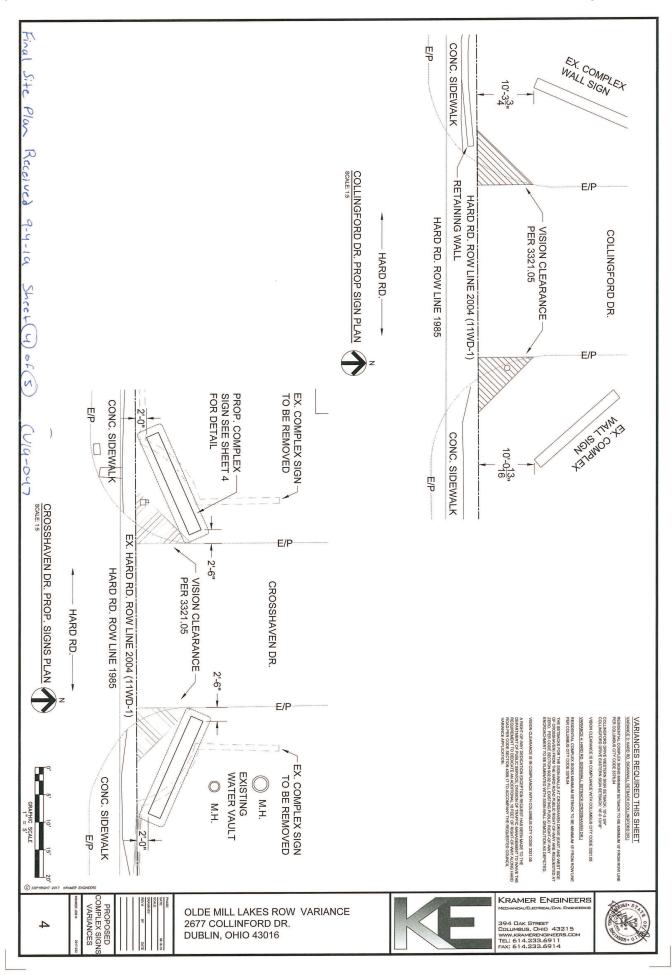
Section 2. That a Height District of Thirty-five (35) feet is hereby stabilished on the L-ARID, Limited-Apartment Rasidential LAW Density District on bils property, and so building or structure shall be erected to a height in excess of Thirty- five (35) feet. Thence North 89° 55' 00" West, with the southerly line of said 17,232 acrestract, a distance of 221.00 feet to the place of beginning, containing 1.338 acres finand, more or less. Beginning as an interplay in this constraints of the Millinghold witch in the membrane Like I and Bark generation. The Linear and the Millinghold witch in the Biologues. Hence 1 and 1 an The purpose of this limitation is to promote the development of an environment that is both functionally and esthetically satisfactory for people living on Hard Road, just as the Sawaill Corridor Development Standards do for Sawaill Road. The applicant surves to use rustic, dark, uniformly shaped and framed signs that are not externally illuminated. Only directional merry and exit signs shall be placed on the from yard; herry mail be of the ground type. All other signs hall be wall mounted and limited to a maximum of tventy-four (24) square feet a area. 58' West, Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed tember 19. 1977, and as subsequently smeaded be, and the same is hereby revised changing the zoning of the property as follows: Thence South  $89^{0}$  55'  $00^{\rm m}$  East, parallel with the southerly line of smid Lot 18, a distance of 100.10 feet to an iron pin; tron pin: 1 feet t Situated in the County of Franklin, in the State of Ohio and in the Township Perry and bounded and deacribed as follows: Section 5. The the Replicition Medicizence of the Benchmann Replication trains by an hard heat of the Benchmann Replication and replication of the Benchmann Replication of the Benchmann Bull replicate a topp of the Benchmann Replication for the Benchmann and the Benchmann Reprint Leader Leader Schwarzschultz and the Benchmann Replication and the Benchmann Replication and the Benchmann Replication and the Benchmann Replication with the Benchmann Replication and the Benchmann Replication and the Benchmann Replication and the Benchmann Replication matrix Distribution. Static for the Benchmann Replication and the Benchmann Replicati Thence South 0°  $05^{\circ}$  00" Mest, a distance of 361.00 feet to an iron pin in the herly line of said Lot No. 18, also being the southerly line of said 17.232 trenet Thence with easterly lines of said 4.592 acre tract, also being westerly lines aid 17.232 acre tract, the following courses and distances: SUT LP The applicant agrees to use only down lighting of a type that will not prime with Dom Scott Airport flights, and it exercise lighting, including that if for recreational facilities, shall be of the same manufacturers' type and le. North 16° 56' 30" East, a distance of 85.91 feet to an iron pin; and, North 0° 53' 30" West, a distance of 49.00 feet to an iron pin; North 53° 11' 00" East, a distance of 124.56 feet to an iron pin; Beginning at an iron pin in the southerly line of Lot No. 18 at the heaterly corner of the 4.592 acres tract as conveyed to George H. Matling, by of record in Bed Sook 3058, Feeg 447, and iron pin also being the heaterly corner of said 17.222 acres tract; Being 15.7 $\pm$  acres located on the north side of Hard Road between Savmill Road Scanburn Road (3740 Hard Road), and being more particularly described as were North 23° 31' 30" East, a distance of 168.95 feet to an iron pin: Baing a part of Lot 18 of Tuller's Survey of Section 1, Township 2, Range 19, 4 States Military Lands: Section 4. That this ordinance shall take effect and be in force from and the earliest period allowed by law. The specican sprease to a strinum aschedo of transpretros (see (27), A stril one fones strill to the holes (boxe 2), or a shrubbery (boxe) special strip (r) the fones, shall be pieced so chosen than ten fore:  $(10^{\circ})$  (res the first reduced may a string and outdoor reach constant are some shall be and reduced may as the string and outdoor reach constant are some shall be hydror than thirty-first fore (28). Final THEREFRON THE FOLLOWING DESCRIBED PROPERTY: To Rezone From: LRR, Limited Rural Residential District, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS: **LEGISLATION TEXT Z85-076** To: Site L-ARLD, Limited-Apartment Residential Low Density District. Plan Received 9-4-19 PID: 560-197819 7400 SAVMUL RD PID: 560-17564 7400 SAVMUL 7400 SAVMUL D: ZONED LC4 ESTE SOCIETY BANK ZONED LC2 Shect RD PID: 590-128611 7470 SAWMILL RD. WEC-98H-38 LLC ZONED: CPD PID: 590-251717 7490 SAWMILL RD. FIRST MERIT BANK NA ZONED: CPD PID: 590-251716 7480 SAWMILL RD. M&E REMDR LLC ZONED: CPD OLDE MILL LAKES LOCATION MAP 06(5) LL PID: 590-197819 2701 HARD RD. 4 ESTEP GARY L& MYRTLE L ZONED: LARD O\_SITE-PID: 590-157011 2677 COLLINFORD DR. PLAINBORO PARTNERS III LTD. ZONED: LARLD Cula-orn PID: 590-197818 & 590-197816 HEATHERMOOR INC AERC HEATHERMOOR INC ZONED: LARLD ZONED: LARLD ZONED: LARLD C PID: 590-200825 7994 HARMIL DR. MARA ENTERPRISES INC. ZONED: AR12 HARD Services Services ED-AR12 ED-AR12 FID Se0-204741 ZORED-AR10 ZORED-AR10 ZORED-AR10 ZORED-AR10 ZORED-AR10 9 RD. PID: 590-157018 2555 SUMMER DR. SAVMILL COMMONS LP ZONED: ARLD z AREA COMMISSION: CIVIC ASSOCIATION PLANNING OVERLAY: "COMMERCIAL OVERLAY: "OVERLIA" NOTES HEFUSE COLLECTION SITE DATA TABLE ETBACKS, PARKING ETBACKS, BUILDING FRONT YARD: PROPOSED BUILDING HEIGHT THE GRAATING OF THE RUSHT-CF-WAY DEDICATION REZONADS THE PRUCATION ZIST-TA, AND/OR COUNCIL V RELEASES THE PRUCATION ZEDERTON ORCHAREFROM COUNCIL RUSHT-CF-WAY DEDICATION REDURING AND OT THE CHARGE SEEN TO REZONE REDEVILOP OR CHAN ON THE PROPERTY IN THE FUTURE L PROJECT AREA: L DISTURBED AREA: XEVELOPED IMPERVIOUS AREA: DEVELOPED IMPERVIOUS AREA: DSED BLDG AREA THIS SITE IS NOT LOCATED WITHIN ANY FLOOD PLAIN Attolney 2021,05 VISION CLEARANCE PARCEL LIMITATION TEXT KRAMER ENGINEERS 394 OAK STREET COLUMBUS, OHIO 43215 (814) 223-4911 MDICKEN(\$KRAMERENGI 6125 FRANTZ RD 6125 FRANTZ RD OUBLIN, CH 43017 MR. JEFF BELLOWS, P (814) 585-1159 FEMA MAP NUMBER: 39049C015 FEMA PANEL: 152 OF 465 FEMA FLOOD HAZARD: ZONE X 15.7 ACRES (115,739 SQUARE FEET) (285-076, JULY, 1965) NIA NUA NIA NIA NIA NIA NONE 1 NFORD DR. DUBUN, OH 4321 5000 SQUARE FEET 540 SQUARE FEET 0 SQUARE FEET 180 SQUARE FEET -19 70 SUCEPTION IN RELATION TO VIDANCE CV19-047, IN NO WAY SE WITH THEN APPLICABLE UER CITY REGULATIONS SHOUL SE THE APPROVED LAND USES Appl. SITE COMPLIANCE PLAN KRAMER ENGINEERS And States OLDE MILL LAKES ROW VARIANCE 10B a 2677 COLLINFORD DR. 394 Dak Street Columbus, Ohio 43215 www.kramerengineers.com Tel: 614.233.6911 Fax: 614.233.6914 ~ DUBLIN, OHIO 43016 VEER . OI

ORD #2280-2019; CV19-047; Page 1 of 15

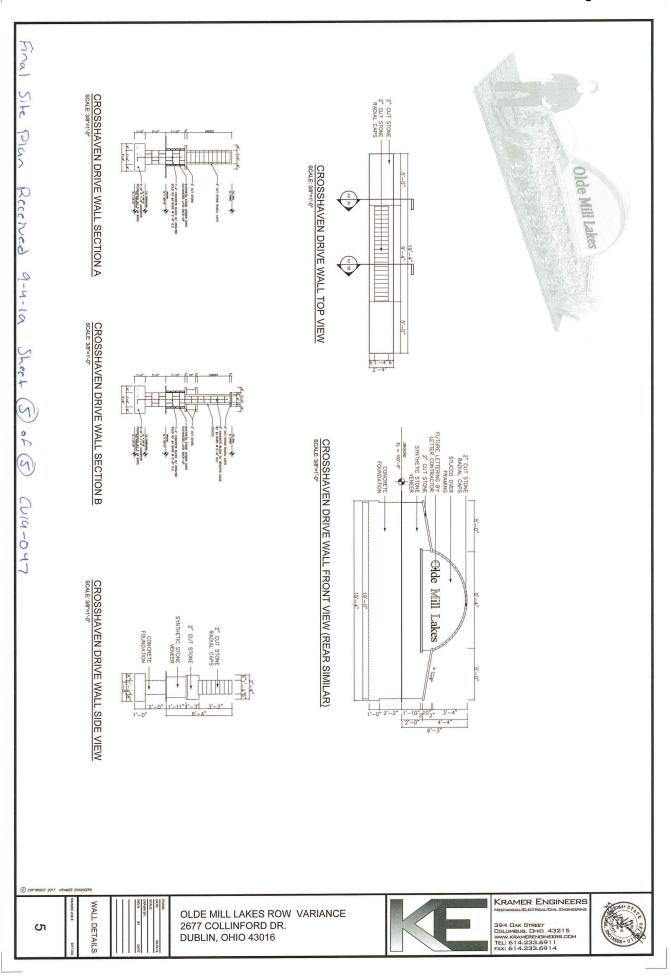




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#### ORD #2280-2019; CV19-047; Page 6 of 15

# THE CITY OF COLUMBUS

er responsation eventende Amilierandens restrantes Council Variance Application 111 North Front Street, Columbus, Ohio 43215 Phone; 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

#### STATEMENT OF HARDSHIP

119-04

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 conjuction 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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

See attached statement.

Signature of Applicant

Date

## OLDE MILL APARTMENTS

# 2677 COLLINFORD DRIVE (3740 HARD ROAD original zoning) REVISED STATEMENT IN SUPPORT OF COUNCIL VARIANCE APPLICATION June 13, 2019

Property Owner: Plainsboro Partners III, Ltd.

2677 Colllinford Drive

### BACKGROUND OF COUNCIL VARIANCE REQUEST

In October 2014 the City of Columbus started preliminary construction on widening Hard Road in front of the subject property. The City believed it owned a 40-foot portion of Right-of-Way from the center line easement from the original development. This was generally correct except for a strip of property that was not owned or controlled by the City. This was pointed out to the City, but this fact was ignored and the City proceeded to take all the Right-of-Way, including the portion it did not own or have the right to control. This created an encroachment by the City on the subject property from two to seven feet along the entire length of the Hard Road Frontage.

After the City filed a legal action, the applicant/property owner, Plainsboro Partners, III Ltd. ("Plainsboro") filed a counter-claim to clarify the ownership rights and a judgment was granted in favor of Plainsboro by the Franklin County Common Pleas Court in May of 2016. The City's appeal to the Appeals Court was found to be without merit.

This project and the City's taking of the subject property was finally settled in early 2017 when the City agreed voluntarily to pay \$550,000 in damages and most importantly agreed to assist as needed to help the applicant/owner obtain the variances necessary to bring monument signage walls and all buildings into code compliance. Signage has been in place for many years, and was compliant with Right-of-Way requirements prior to the widening of Hard Road. Buildings were previously properly located outside the 25-foot setback but now violate setback rules as applied based on the road widening and City's Right-of-Way take. In addition, the sign wall on the east side of Crosshaven Drive encroaches into the Hard Road public Right-of-Way up to -9 7/16 inches because of the road widening. This encroachment needs eliminated to comply with code section 902.02.

The applicant/owner has suffered significant legal costs, loss of business and a 30month court battle to protect its interests. At this point, the applicant/owner's lender is asking for confirmation from the City that the buildings and property they hold a mortgage on, are lawfully zoned, located and in compliance with City codes. Thus, the requested variances, the accompanying Right-of-Way Dedication Exception request (see attached and explanation below) and the elimination of the Right-of-Way encroachment are proposed to gain compliance and such confirmation.

### VARIANCES REQUESTED:

#### 1. Building Setback

Four apartment buildings setbacks were changed due to the Right-of-Way being relocated based on the Hard Road widening. Zoning Ord. Z85-076 requires 25' setback from ROW line. Since the ROW was moved during widening, four (4) buildings are now less than 25 feet. The new building setbacks are 21.0', 22.0', 20.9' and 22.5', so the request is for a building setback of not less than 20 feet in all cases.

#### 2. Existing Collinford Road Entrance Signs (2)

Columbus Code 3376.04 requires ground entrance signs to be set back 15 feet from ROW.

- Eastern Collinford Road entrance sign is 10'-0-13/16"
- Western Collinford Road entrance sign is 10'-3-3/4"

These are current conditions and the variance request is for sign wall locations of not less than 10 feet from the ROW line at Collinford Road and Hard Road.

#### 3. <u>Crosshaven Drive Entrance Signs (2)</u>

Columbus Code 3376.04 requires ground entrance signs to be set back 15 feet from ROW. Because of the road widening, sign walls at Crosshaven Drive are now as close as 8 inches from the Hard Road public ROW on the west side and encroach a distance of up to 97/16 inches into the ROW on the east side. Due to existing water box/utility locations the sign wall placement cannot be moved very far from its existing location, but the future sign wall can be reduced and lowered to improve driver site lines to Hard Road, improving the safety of access. The applicant would like the option of keeping much of the existing sign wall in place for now with the future ability to change the sign to match the Collinford Road signage in design but with a smaller, safer wall profile. The applicant proposes demolition of the sign wall portion on the east side of Crosshaven to eliminate any ROW encroachment in compliance with code section 902.02 and requests the establishment of a zero setback for all private walls and signage at Crosshaven in relation to the Hard Road public ROW. (See Plan Sheet 3) The variance request is for sign wall placement to be approved at a zero setback distance from the Hard Road ROW line.

## RIGHT OF WAY DEDICATION EXCEPTION REQUEST

Along with this revised Council Variance application, a Right-of-Way Dedication Exception request has been submitted to the Department of Public Service, Division of Traffic Management to waive the requirement to dedicate an additional 10 feet of right-of-way along Hard Road per code section 4309.17. This waiver request is attached to this revised Council Variance application narrative and is pending review.

# RATIONALE IN SUPPORT OF VARIANCES REQUESTED

1. The property's ability to meet lender requirements for title compliance, gain access to future financing, and the ability to convey the property for value are potentially impacted without zoning compliance and the requested variances. The property's ability to yield a reasonable return and the future viability of beneficial uses without the variances may be impacted.

2. The building setback location variances are not substantial, amounting to approximately four (4) feet or less in all cases. The requested variances for sign locations are not substantial in as much as such existing sign locations were compliant prior to the City's action to change the ROW location along Hard Road and the requested sign locations only seek to overcome the challenges created by the City's actions. Site lines for safer access to Hard Road from Crosshaven Drive will improve with the future sign/wall alteration requested and demolition proposed.

3. The signage, site lines and sign locations are needed because the City changed the ROW lines, creating the non-compliant conditions, and altered the character of the site in relation to the roadways. The property owner did not have knowledge of the City's road widening and change in ROW lines as the property was zoned and developed in the current condition since at least 1985 and the City changes came many years later.

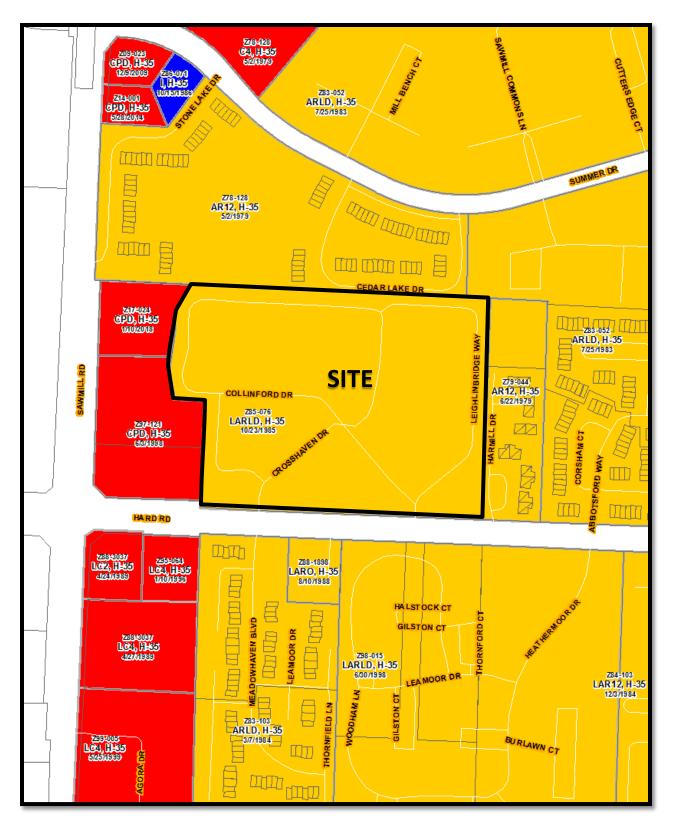
4. The variances requested are reasonable based on the circumstances and based on the City's alteration of the ROW condition, and the applicant's willingness to remove the sign wall encroachment. As part of the court settlement the City agreed to cooperate and support the owner's need for a zoning compliant site.

5. The essential character of the neighborhood will not be changed by granting the variances as this is an existing, fully developed apartment complex and the buildings and the sign locations that are the subject of the variances exist today. There is no detriment to the neighborhood or adjacent property owners.

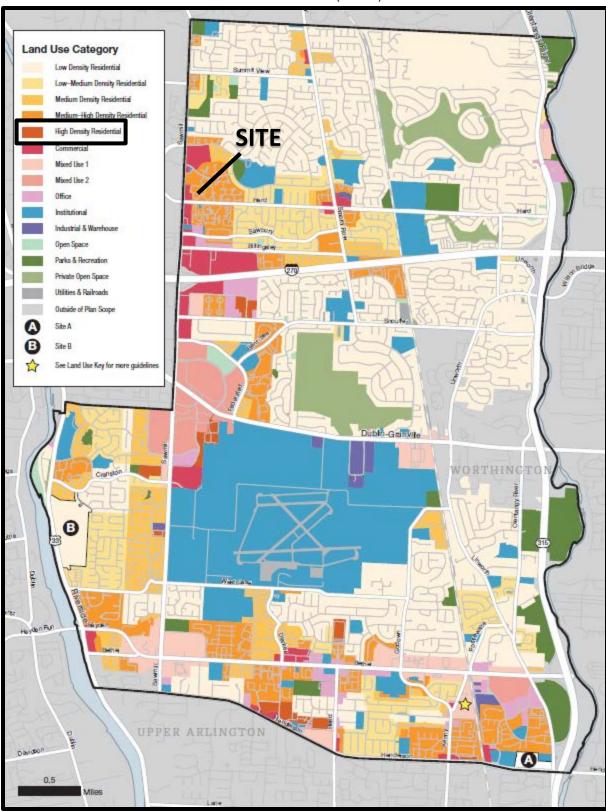
6. No delivery of governmental services is impacted by the variance requests. In fact, the governmental interest will be improved with the removal of the sign wall encroachment from the ROW as proposed, in compliance with code section 902.02.

7. The spirit and intent of the zoning resolution, ROW and setback regulations can be met by granting the reasonable requests of the applicant/property owner to provide the sign conditions and building locations that pre-existed the City's road widening and the ROW change and to put the landowner in the relative same position it enjoyed prior to the city's actions. Substantial fairness and justice will be done, and landowner's rights restored by granting the variances requested, along with elimination of the ROW encroachment and site lines for vehicle access to Hard Road from Crosshaven Drive will improve in the future.

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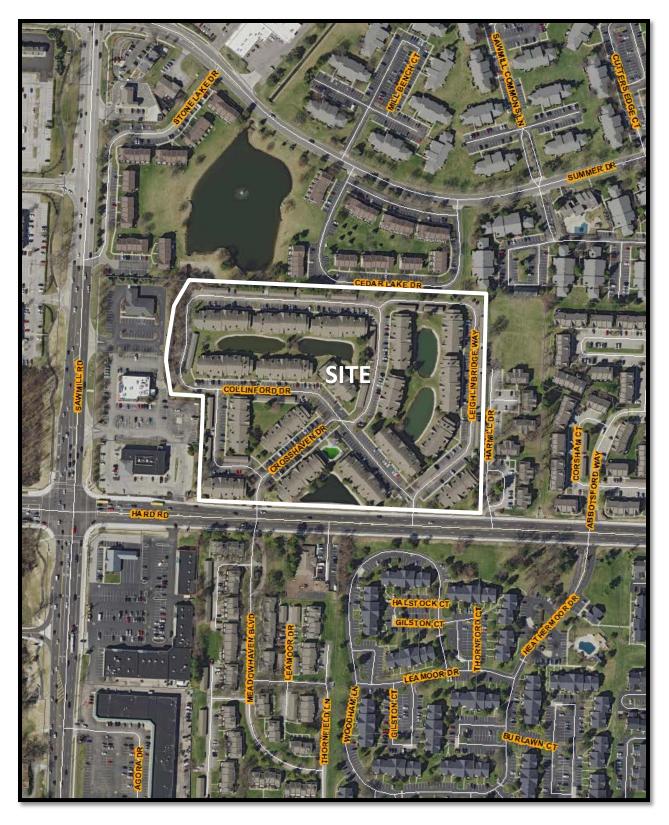


CV19-047 2677 Collinford Rd Approximately 15.23 acres



The Northwest Plan (2016)

CV19-047 2677 Colinford Rd Approximately 15.23 acres



CV19-047 2677 Collinford Rd Approximately 15.23 acres

THE CITY OF COLUMBUS

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CEPARYMENT OF BUILDING AND COMING SERVICES

#### Standardized Recommendation Form ORD #2280-2019; CV19-047; Page 14 of 15 111 N. Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

Case Number:	CV19-047
Address:	2677 COLLINFORD DRIVE
Group Name:	FAR NORTHWEST COALITION
Meeting Date:	JUNE 19, 2019
Specify Case Type:	<ul> <li>BZA Variance / Special Permit</li> <li>Council Variance</li> <li>Rezoning</li> <li>Graphics Variance / Plan / Special Permit</li> </ul>
Recommendation: (Check only one and list basis for recommendation below)	<ul> <li>Approval</li> <li>Disapproval</li> </ul>
HE FAR NORTHWEST (	COALITION BOARD RECOMMENDS APPROVAL.
THE FAR NORTHWEST (	COALITION BOARD RECOMMENDS APPROVAL.
	5 TO APPROVE - 0 TO DISAPPROVE
Vote:	Entative: SIGNATURE PRESIDENT RECOMMENDING GROUP TITLE 202-631-3370
THE FAR NORTHWEST (	5 TO APPROVE - 0 TO DISAPPROVE entative: SIGNATURE PRESIDENT RECOMMENDING GROUP TITLE

Applications must be submitted by appointment. Call (614) 645-4522 to schedule

All parties having a 5% or more interest in the project that is the subject of this application should be listed. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided. CV19-04 APPLICATION #: STATE OF OHIO COUNTY OF FRANKLIN Being first duly cautioned and sworn (NAME) THomas L. Hart of (COMPLETE ADDRESS) Two Miranova Pl, Ste 700, Columbus OH 43215 THomas L. Hart 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 Name of business or individual (include contact name and number) Business or individual's address City, State, Zip Code Number of Columbus based employees (Limited to 4 lines per box) 1. 2. Plainsboro Partners III Ltd. 6125 Frantz Rd Dublin, OH 43017 3. 4. Check here if listing additional parties on a separate page. SIGNATURE OF AFFIANT Subscribed to me in my presence and before me this SIGNATURE OF NOTARY PUBLIC IZABETH A. RUSSELL-PICKARD My Commission Expires: Notary Public, State of Ohio

is the subject of this application in the following format:

Notary Seal Here

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

EOF

This Project Disclosure States

Notary Public, view 05-20-22

## ORD #2280-2019; CV19-047; Page 15 of 15

**Council Variance Application** 111 North Front Street, Columbus, Ohio 43215 Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

#### THE CITY OF COLUM ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING AND ZONING SERVICES

**PROJECT DISCLOSURE STATEMENT** 

Rev 2/19.slp