

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

DEPARTMENT OF BUILDING & ZONING SERVICES

OFFICE USE ONLY

Application Number: CV16-009 Date Received: 2/1/16

Application Accepted by: Rev SP + MM Fee: \$2400

Comments: Assigned to Tim Dietrich; 614-645-6665; tedietrich@columbus.gov
Shannon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 5095 Westerville Rd Zip: 43231

Is this application being annexed into the City of Columbus? Select one: YES NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 600105957 + 3 others

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): MZ

Area Commission or Civic Association: Northland Community Council

Proposed Use or reason for Council Variance request:
Athletic TRAINING AND conditioning facility

Acreage: 5.5 +/-

APPLICANT:

Name: ANDRE IRVIN Phone Number: 972-838-1389 Ext.: _____

Address: 5714 BRAYMOORE Dr City/State: GALENA OH Zip: 43021

Email Address: ANDRE.IRVIN06@yahoo.com Fax Number: 614-228-5323

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page

Name: AG J WESTERVILLE PROPERTIES LLC Phone Number: 718.854.5806 Ext.: _____

Address: 1451 47th Street City/State: BROOKLYN NY Zip: 11219

Email Address: ASHA.SUSSMAN@yahoo.com
MBASHA@gilbertgrouprealestate.com Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): Attorney Agent

Name: Aaron Gilbert Phone Number: 614.537.6674 Ext.: _____

Address: 209 East Broad Street City/State: Columbus Ohio Zip: 43215

Email Address: agilbert@gilbertgrouprealestate.com Fax Number: 614.228.5321

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Andre Irvin

PROPERTY OWNER SIGNATURE [Signature] Authorized Agent

ATTORNEY / AGENT SIGNATURE [Signature]

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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

CV16-009

5095 Westerville Road Parcel Numbers:

600-105957

600-105958

600-105961

600-105962

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CW16-009

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.

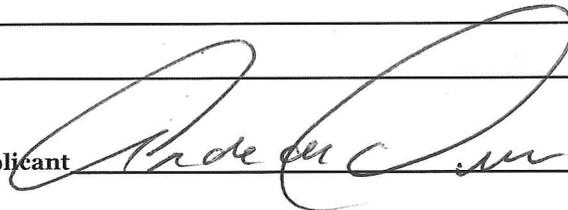
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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:

PLEASE SEE ATTACHED COMMENTS

Signature of Applicant



Date

1/28/14

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Statement of Hardship 5095 Westerville Rd. 43231

This is a Multi-tenant property zoned M2. We are currently asking for a Use Variance in order to operate a training /conditioning facility that will cater to young athletes in the surrounding area. We will have personal trainers for basketball, football, speed, conditioning and fitness strength. The training facility will not only provide top of the line training but also develop a humble and virtuous character that will carry on through their adult lives. The existing zoning district does not permit the proposed use, but the high ceilings and open areas of the existing building make it ideal for this use.

Considering the visibility of the property, the easy access to Hwy 3 and the adequate parking, we are interested in a variance. The granting of this variance will not impair an adequate supply of light and air to adjacent property, unreasonable increase the congestion of public streets, increase the danger of fires, endanger public safety, unreasonably diminish or impair the public health, safety, comfort, moral, or welfare of the inhabitants of the city.

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AFFIDAVIT (See instruction sheet)

Application Number: CV16-009

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME ANDRE IRVIN
of (1) MAILING ADDRESS 5714 BROYMOORE DR GALENA OH 43021

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 5095 WESTERVILLE RD

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/1/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) A&S WESTERVILLE PROPERTIES LLC
1846 50th ST
BROOKLYN NY 11224

APPLICANT'S NAME AND PHONE # (same as listed on front application) ANDRE IRVIN
972-838-7389

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS (5) Northland Community Council
ANN DAVE PAUL PO Box 29736
Columbus, OH 43229

and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List** or the **County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

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

(8) SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 30th day of January, in the year 2016

Rev [Signature] KATIE M COOPER My Commission Expires March 11, 2017

(8) SIGNATURE OF NOTARY PUBLIC
Notary Seal Here



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

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CV 16-009

APPLICANT:

Andre M Irvin
5714 Braymoore Dr.
Galena, OH 43021

OWNER:

A&J Westerville Properties LLC
1451 47th St.
Brooklyn, NY 11219

COMMUNITY GROUP:

Northland Community Council
Attn: Dave Paul
P.O. Box 297836
Columbus, OH 43229

SURROUNDING OWNERS:

Columbus & Southern OH Electric c/o
Tax Dept 27th Flr
P.O Box 16428
Columbus, OH 43216

Frances Leech Kennedy TR
PO Box 1187
Newark, OH 43058

Keith McKenzie
3263 Minerva Lake Rd.
Columbus, OH 43231

SJS Enterprises II LLC
310 Bryant Ave.
Worthington, OH 43085

Reiner Development co
5030 Westerville Rd.
Columbus, OH 43231

Consolidated Utilities Railroad Corp.
c/o BZ Investors
4444 Llewellyn Rd.
Columbus, OH 43220

Minerva Lake Corp et al
2955 Minerva Lake Rd.
Columbus, OH 43231

JoAnn Bury
3271 Minerva Lake Rd.
Columbus, OH 43231

A&J Westerville Properties LLC
1846 50th St.
Brooklyn, NY 11224

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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 # CV16-009

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) ANDRE IRVIN
of (COMPLETE ADDRESS) 5714 BRAYMOORE DR GALENA OH 43021

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

1. CONSOLIDATED UTILITIES RAILROAD CORP B Z INVESTORS 4444 LEWELLYN RD Columbus OH 43230	2. FRANK GROEZINGER + MINERVA LAKE CORP 2955 MINERVA LAKE RD Columbus OH 43221
3. Brey Joann 1123 PARK VIEW DR Covina, CA 91724	4. BAC TAX SERVICE CORP 2375 N GLENNVILLE DR Richardson, TX 75082

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

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 30th day of January, in the year 2016

SIGNATURE OF NOTARY PUBLIC [Signature] My Commission Expires March 11, 2017



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Return to: SUE KELLER
Multi-State Title Agency
201 East Fifth St., PNC Center
Cincinnati, OH 45202-4182
(613) 651-6170
File #: 07-10-00246

200801230011034
Pg. 3 \$36.00 T20080005077
01/23/2008 1:46PM MEPMULTI STAT
Robert G. Montgomery
Franklin County Recorder

W16-009

LIMITED WARRANTY DEED
[Statutory Form - Ohio Rev. Code § 5302.07]

CRANSTON WESTERVILLE COMPANY, L.P., fka CRANSTON WESTERVILLE COMPANY, an Ohio limited partnership for valuable consideration paid, grants, with limited warranty covenants, to **A&J WESTERVILLE PROPERTIES LLC an Ohio limited liability company**, having a tax mailing address at c/o Aaron Gilbert, 203 E. Broad St., Columbus, Ohio 43215, the real estate described on the attached Exhibit A.

The following are excepted from the limited warranty covenants:

- 1. Easements, restrictions and covenants of record and legal rights-of-way; and,
- 2. Real estate taxes and assessments not yet due and payable;

Auditor's Parcel Numbers: 600-105957, 600-105958, 600-105961, 600-105962

Prior Instrument Reference: OR411C08, Franklin County, Ohio Recorder's office.

Executed on the date set forth in the notary's statement below.

TRANSFERRED
JAN 23 2008
JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

Cranston Westerville Company, L.P., fka Cranston Westerville Company, an Ohio limited partnership
By: *Robert C. Kanuth, Jr.*
Robert C. Kanuth, Jr.
Its: Sole General Partner

STATE OF FLORIDA
SS:
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me, a notary public, this 19 day of October, 2007 by Robert C. Kanuth, Jr., the sole General Partner of Cranston Westerville Company, L.P., fka Cranston Westerville Company, an Ohio limited partnership on behalf of said limited partnership.

Clarece Depkin
Notary Public
My Commission Expires:

This instrument was prepared by:
John I. Cadwallader, Esq.
Frost Brown Todd LLC
One Columbus, Suite 2300
10 West Broad Street
Columbus, OH 43215
Telephone: (614) 464-1211 ext 212
Fax: (614) 464-1737
email: jcadwallader@fbtlaw.com
CINLibrary 1782336v.1

1242

Conveyance
Mandatory- 2250.00
Permissive- 2250.00 <i>JK</i>
JOSEPH W. TESTA FRANKLIN COUNTY AUDITOR



CW16-009

EXHIBIT "A"

Parcel I:

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 3, Township 2, Range 17, United States Military Lands, and being more particularly bounded and described as follows:

Beginning at a point in the centerline of Westerville Road, said point being located, South 2° 23' 20" West, a distance of 310.29 feet from the centerline intersection of said Westerville Road and Minerva Lake Road; thence South 2° 23' 20" West, with the centerline of said Westerville Road, a distance of 208.25 feet to a point; thence North 85° 16' 00" West, a distance of 30.03 feet to a point in a westerly right of way line of said Westerville Road; thence South 2° 23' 20" West, with a westerly right of way line of said Westerville Road, a distance of 278.30 feet to the northeasterly corner of the Columbus and Southern Ohio Electric Co., 15.707 acre tract; thence North 85° 16' 00" West, with the northerly line of said 15.707 acre tract, a distance of 533.39 feet to a point in the easterly right of way line of the Penn-Central Railroad; thence North 9° 59' 00" East, with the easterly right of way line of said Penn-Central Railroad, a distance of 519.03 feet to a point; thence South 87° 36' 40" East, a distance of 469.36 feet to a point in a westerly right of way line of said Westerville Road; thence South 2° 23' 20" West, with a westerly right of way line of said Westerville Road, a distance of 49.92 feet to a point; thence South 85° 11' 04" East, a distance of 25.02 feet to the place of beginning, containing 6.172 acres of land, more or less.

EXCEPTING therefrom as much of said premises as were conveyed by So-Rich Building, Inc. in the City of Columbus by warranty deed recorded in Deed Book 3541, Page 880, Office of the Recorder, Franklin County, Ohio, described as follows:

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus and bounded and described as follows:

Being located in Section 3, Township 2, Range 17, United States Military Lands and being part of the 8.695 acre tract as conveyed by Charles D. Lehman, Trustee to So-Rich Building, Inc., by deed of record in Deed Book 3483, Page 328, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

CW16-009

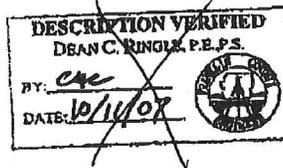
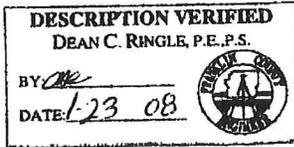
EXHIBIT "A" Continued

Beginning at an iron pin at the southeasterly corner of said 8.695 acre tract, also being the northeasterly corner of the 15.707 acre tract as conveyed to the Columbus and Southern Ohio Electric Co. by deed of record in Deed Book 2127, Page 342; thence North 85° 16' 00" West, with the southerly line of said 8.695 acre tract, also being the northerly line of said 15.707 acre tract, a distance of 30.02 feet to a point; thence North 2° 23' 20" East, parallel with and 60.00 feet westerly from (as measured at right angles), the centerline of Westerville Road, a distance of 771.90 feet to a point in the northerly line of said 8.695 acre tract, also being the southerly right of way line of Minerva Lake Road; thence with the northerly, northeasterly and easterly lines of said 8.695 acre tract, the following courses and distances: South 85° 11' 10" East, a distance of 10.86 feet to an iron pin at a point of curvature; southeastwardly, with the arc of a curve to the right (Radius = 20.00 feet, Delta = 87° 34' 30"), the chord of which bears South 41° 23' 55" East, a chord distance of 27.68 feet to an iron pin at the point of tangency; South 2° 23' 20" West, a distance of 150.33 feet to an iron pin; North 40° 44' 00" East, a distance of 8.06 feet to an iron pin; South 2° 23' 20" West, a distance of 122.30 feet to an iron pin; South 85° 11' 04" East, a distance of 25.02 feet to a railroad spike; South 2° 23' 20" West, a distance of 208.25 feet to a railroad spike; North 85° 16' 00" West, a distance of 30.03 feet to an iron pin, and South 2° 23' 20" West, a distance of 278.30 feet to the place of beginning, containing 0.687 acre of land, more or less.

M-198
ALL OF
(600)
105957
105958
105961
105962

Parcel II:

Together with easements for ingress and egress, storm sewer, and water line appurtenant to Parcel I set out in Easement Agreement recorded in OR13557F05, Franklin County, Ohio Recorder's records.



Property: 5075-5095 Westerville Road
Franklin County, OH

600-105961-00
07-10-00246

(600078811111)



CLARENCE E MINGO II

FRANKLIN COUNTY AUDITOR

MAP ID: S DATE: 1/28/16



Disclaimer

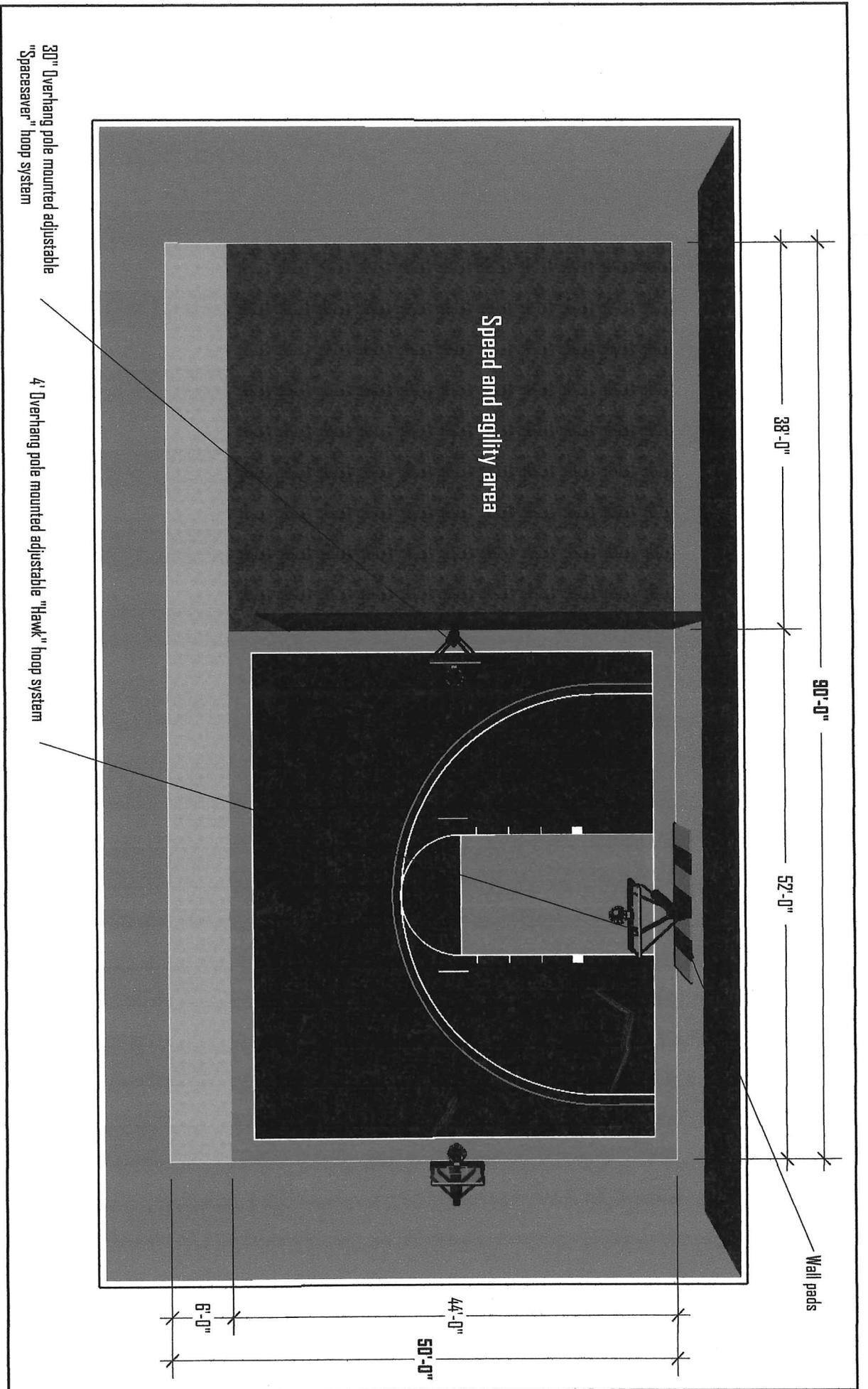
Scale = 300



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

CV16-009



CV16-009

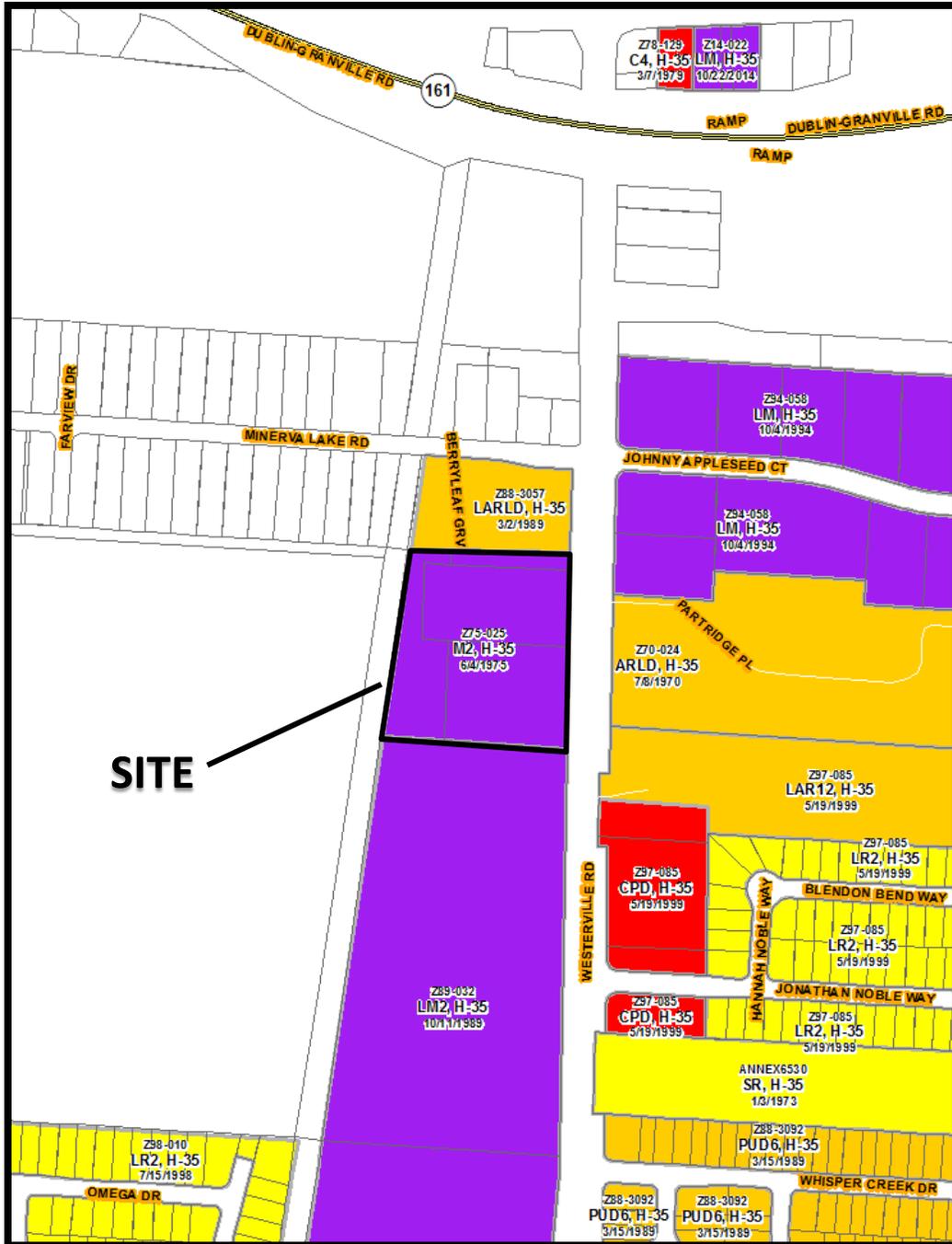
DIMENSIONS:	
Overall dimensions:	50' x 90'
Playable court dimensions:	44' x 52'
Main court color:	Black
Border color:	Ultra Red
Border size:	2"
Line color:	White
Primary line color:	White
Secondary line color:	n/a
Tertiary line color:	n/a

COMPONENTS:	
1 - 4' Overhang pole mounted adjustable "Hawk" hoop system	
2 - 30" Overhang pole mounted adjustable "Spacesaver" hoop systems	
12 Lines 1" - Ultra Red wall pads	

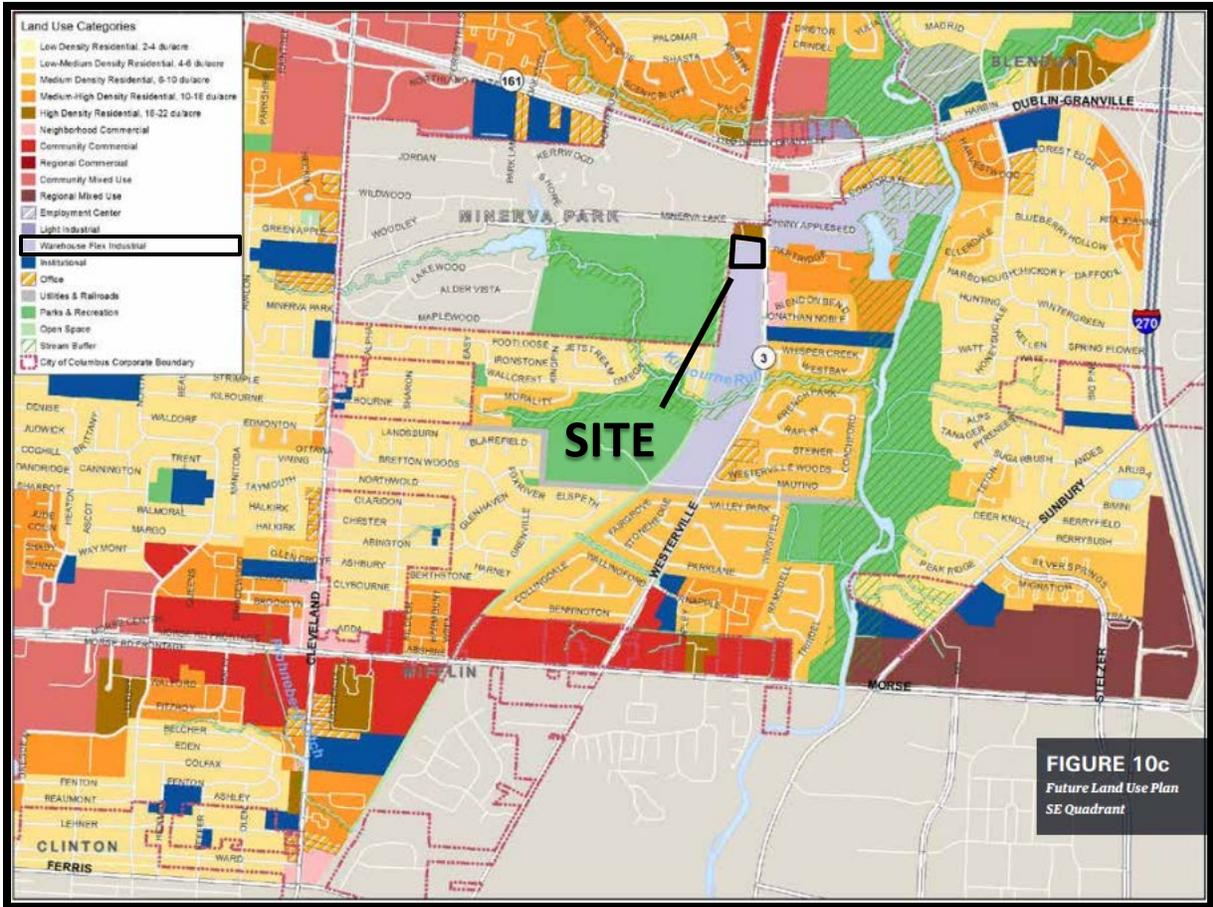
SCALE:	
1/4" = 1'	
DESIGNER:	CC
SIGNATURE:	

SportScape, LTD	
CUSTOMER:	LAC Center
CUSTOMER SIGNATURE:	
REVISION DATE:	December 16, 2015
CREATION DATE:	December 15, 2015

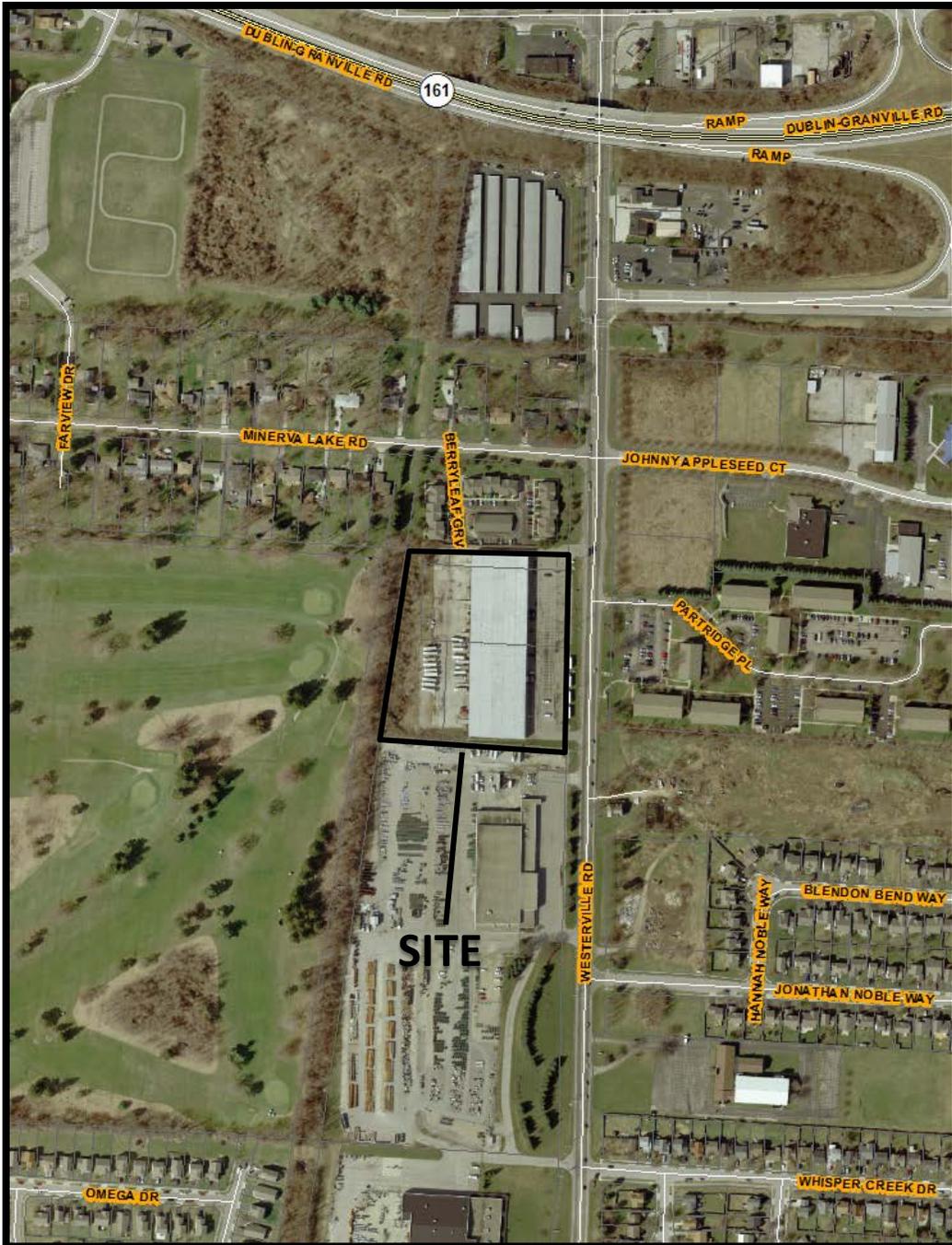
16191 Hunters Run Marysville, OH 43040



CV16-009
 5095 Westerville Road
 Approximately 5.5 acres



CV16-009
 5095 Westerville Road
 Approximately 5.5 acres



CV16-009
5095 Westerville Road
Approximately 5.5 acres