

**CITY OF COLUMBUS**  
**DEPARTMENT OF BUILDING AND ZONING SERVICES**

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**One Stop Shop Zoning Report**    Date: Wed Dec 30 2015

General Zoning Inquiries: 614-645-8637

**SITE INFORMATION**

**Address:** 3877 REFUGEE RD COLUMBUS OH 43232

**Mailing Address:** 4365 LISA DR

TIPP CITY OH 45371-9463

**Owner:** N & G TAKHAR OIL LLC

**Parcel Number:** 010248983

**ZONING INFORMATION**

**Zoning:** ANNEX, Residential, R  
effective 8/26/1998, Height District H-35

**Board of Zoning Adjustment (BZA):** N/A

**Commercial Overlay:** N/A

**Graphic Commission:** N/A

**Area Commission:** N/A

**Planning Overlay:** N/A

**Historic District:** N/A

**Historic Site:** No

**Council Variance:** N/A

**Flood Zone:** OUT

**Airport Overlay Environs:** N/A

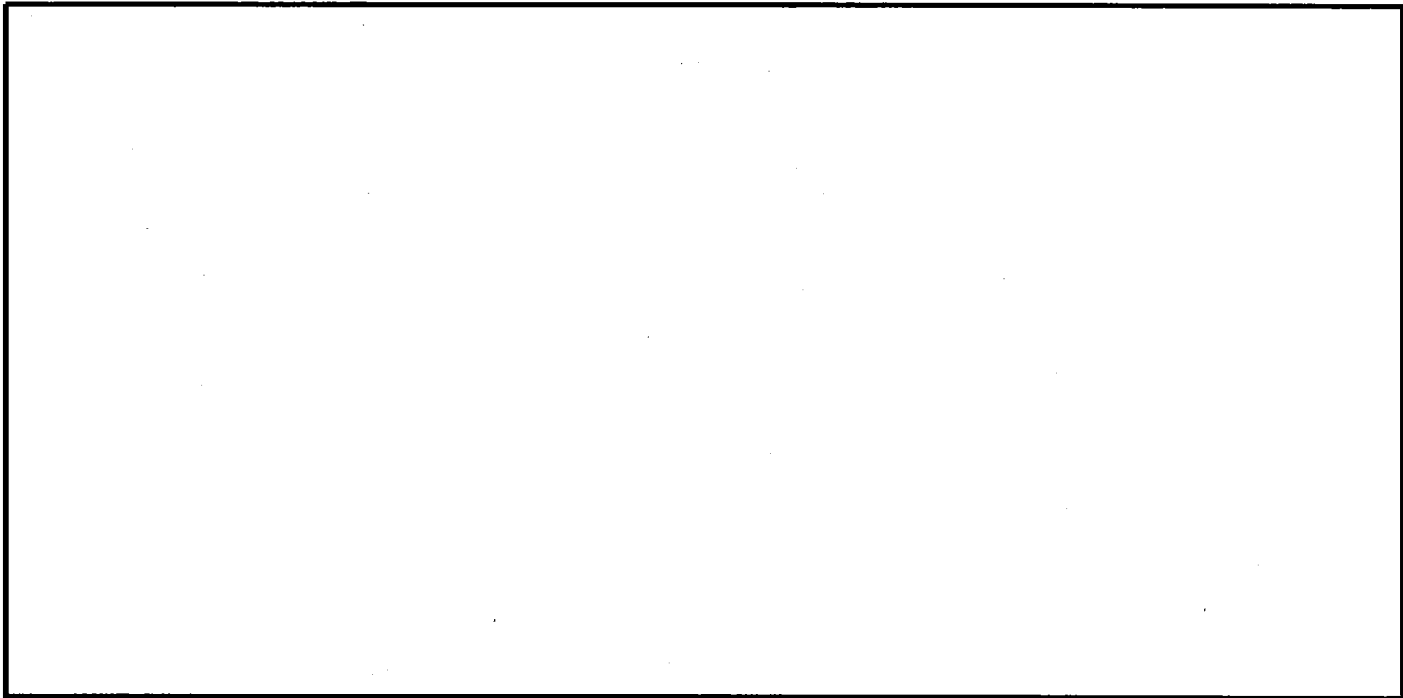
**PENDING ZONING ACTION**

**Zoning:** N/A

**Board of Zoning Adjustment (BZA):** N/A

**Council Variance:** N/A

**Graphic Commission:** N/A



**Board of Zoning Adjustment Application**

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

OFFICE USE ONLY

Application Number: BZA15-138 Date Received: 15 DEC 2015  
Application Accepted by: JF Fee: \$1900  
Commission/Civic: \_\_\_\_\_  
Existing Zoning: \_\_\_\_\_  
Comments: \_\_\_\_\_

**TYPE(S) OF ACTION REQUESTED** (Check all that apply):

- Variance
- Special Permit

Indicate what the proposal is and list applicable code sections:

A variance request to C.C. Section 3332.26, minimum side yard permitted from 7.5 feet to 4 feet. And, a special permit for the expansion of a non-conforming use under C.C. 3391.07 and C.C. 3307.06(B).

**LOCATION**

Certified Address: 3877 Refugee Road City: Columbus, Ohio Zip: 43232

Parcel Number (only one required): 010-248983

**APPLICANT** (If different from Owner):

Applicant Name: Abe Damen Phone Number: 614.374.1966 Ext.: \_\_\_\_\_

Address: 4755 Refugee Road City/State: Columbus, Ohio Zip: 43232

Email Address: aldamenabe@gmail.com Fax Number: \_\_\_\_\_

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

Name: N&G Takhar Oil LLC Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: 4365 Lisa Drive City/State: Tipp City, Ohio Zip: 45371

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

Name: David Hodge Phone Number: 614.335.9324 Ext.: \_\_\_\_\_

Address: Underhill Yaross & Hodge LLC, 8000 Walton Parkway, Suite 260 City/State: New Albany, Ohio Zip: 43054

Email Address: david@underhillyaross.com Fax Number: 614.335.9329

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

APPLICANT SIGNATURE Abe Damen By: [Signature]

PROPERTY OWNER SIGNATURE N&G Takhar Oil LLC By: [Signature]

ATTORNEY / AGENT SIGNATURE [Signature]

**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**

**Board of Zoning Adjustment Application**

DEPARTMENT OF BUILDING  
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757 Carolyn Avenue, Columbus, Ohio 43224  
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**AFFIDAVIT**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge  
of (1) MAILING ADDRESS Underhill Yaross & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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 3877 Refugee Road

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) N&G Takhar Oil LLC  
AND MAILING ADDRESS 4365 Lisa Drive  
Tipp City, Ohio 45371

APPLICANT'S NAME AND PHONE # (5) Abe Damen  
(same as listed on front application) 614.374.1966

AREA COMMISSION OR CIVIC GROUP (5) N/A  
AREA COMMISSION ZONING CHAIR \_\_\_\_\_  
OR CONTACT PERSON AND ADDRESS \_\_\_\_\_

and that the following 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:

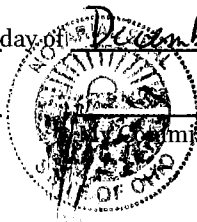
| (6) PROPERTY OWNER NAME   | (6a) PROPERTY ADDRESS | (6b) PROPERTY OWNER MAILING ADDRESS |
|---------------------------|-----------------------|-------------------------------------|
| Please see attached list. |                       |                                     |
| _____                     | _____                 | _____                               |
| _____                     | _____                 | _____                               |
| _____                     | _____                 | _____                               |

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

(8) SIGNATURE OF AFFIANT David Hodge

Sworn to before me and signed in my presence this 14th day of December, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC Aaron L. Underhill



AARON L. UNDERHILL  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
Commission Expires 12/31/17  
Section 147.02 R.C.

Notary Seal Here

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**Statement of Hardship**

**3877 Refugee Road**

The subject property is located on Refugee Road, along the south side of the street, east of Courtright Road. This property is zoned R, Rural, and is currently developed with a building used as a Swifty Service Station.

The applicant, Abe Damen is requesting a variance to City Code 3332.26 (minimum side yard permitted) to reduce the side yard to 4 feet along the east property line. To effectuate the applicant's plan, the following variance is necessary:

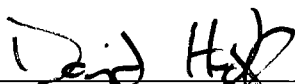
3332.26      To reduce the side yard to 4 feet along the west property line, which is less than the minimum seven and one-half feet side yard required. The side yard is already 2.5+/- feet on the west property line.

This marginal reduction to the side yard will allow for a more functional addition, and the ability to provide a better defined parking area.

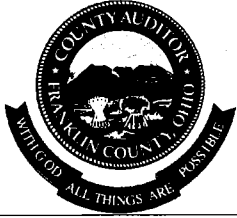
This special circumstances apply to the subject property that do not apply, generally, to other properties in the same zoning district. The property has a rural zoning, and a commercial development. In addition, the special condition is not the result of the actions of the property owner or applicant. The property has not been zoned since it was annexed to the City of Columbus. The special condition makes it necessary that a variance be granted to preserve a substantial property right of the applicant, which is possessed by owners of other property in the same zoning district. While the applicant does request variance(s), they are to the R district, and the developer commits to perimeter buffering to soften its perimeter for the eventuality of development of surrounding property. Currently the surrounding property is undeveloped. Finally, the grant of this variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.

A special permit is requested to expand a nonconforming use, as the property is zoned R, Rural but is and has continuously been used as a gas station and convenience store. When the property was annexed to the City, it went into the default R classification and has not since been zoned. The standards of City Code 3307.06 are met as follows. The expansion of the nonconforming use can be granted without substantial impairment of the general purpose and intent of the underlying zoning district, and without significant incompatibility with the general character of the neighborhood. Finally, this expansion of a nonconforming use shall not exceed fifty (50) percent of the total floor area of the original nonconforming use occupied.

Abe Damen

By: 

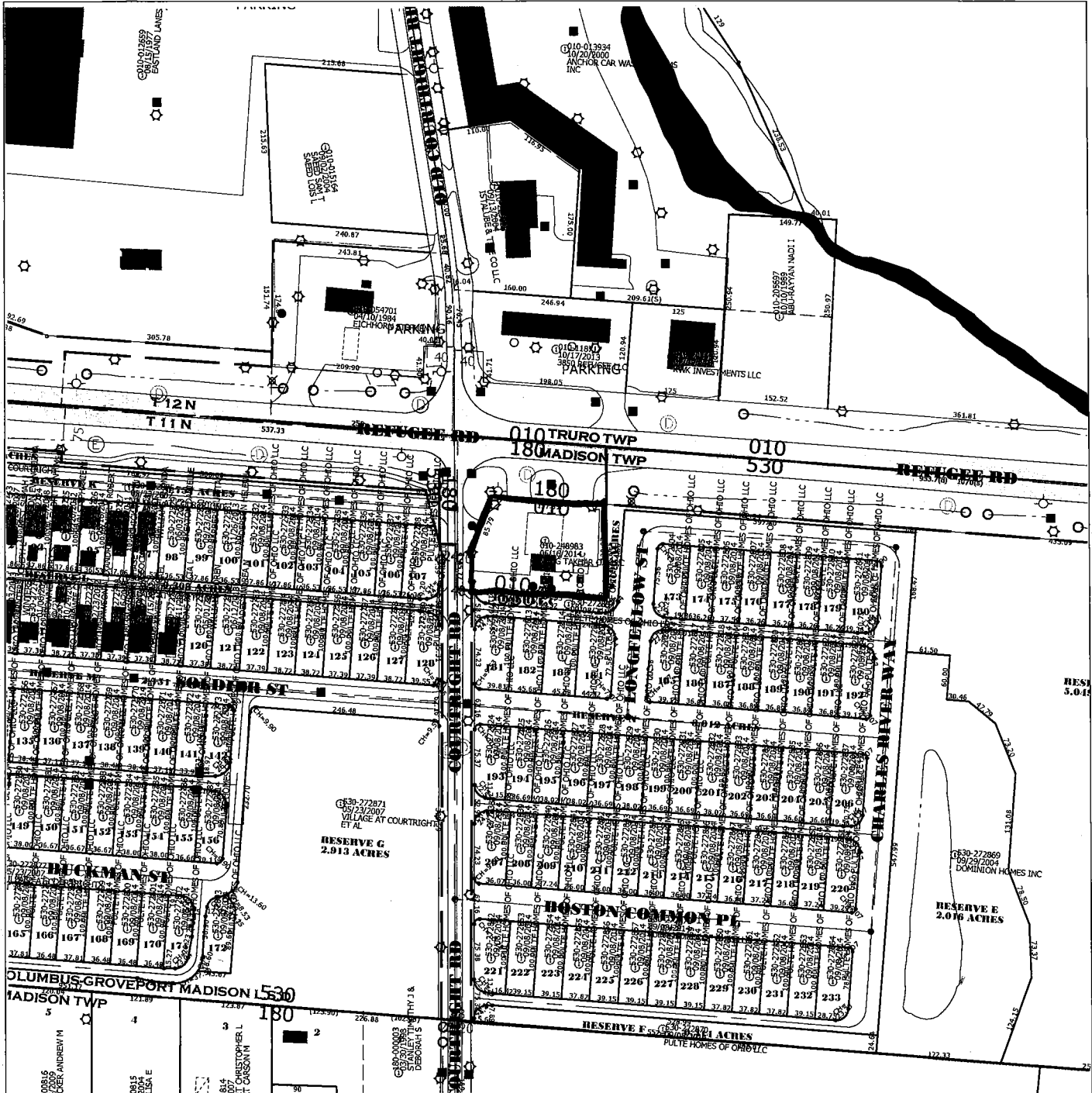
Date: 12/14/2015



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 12/4/15



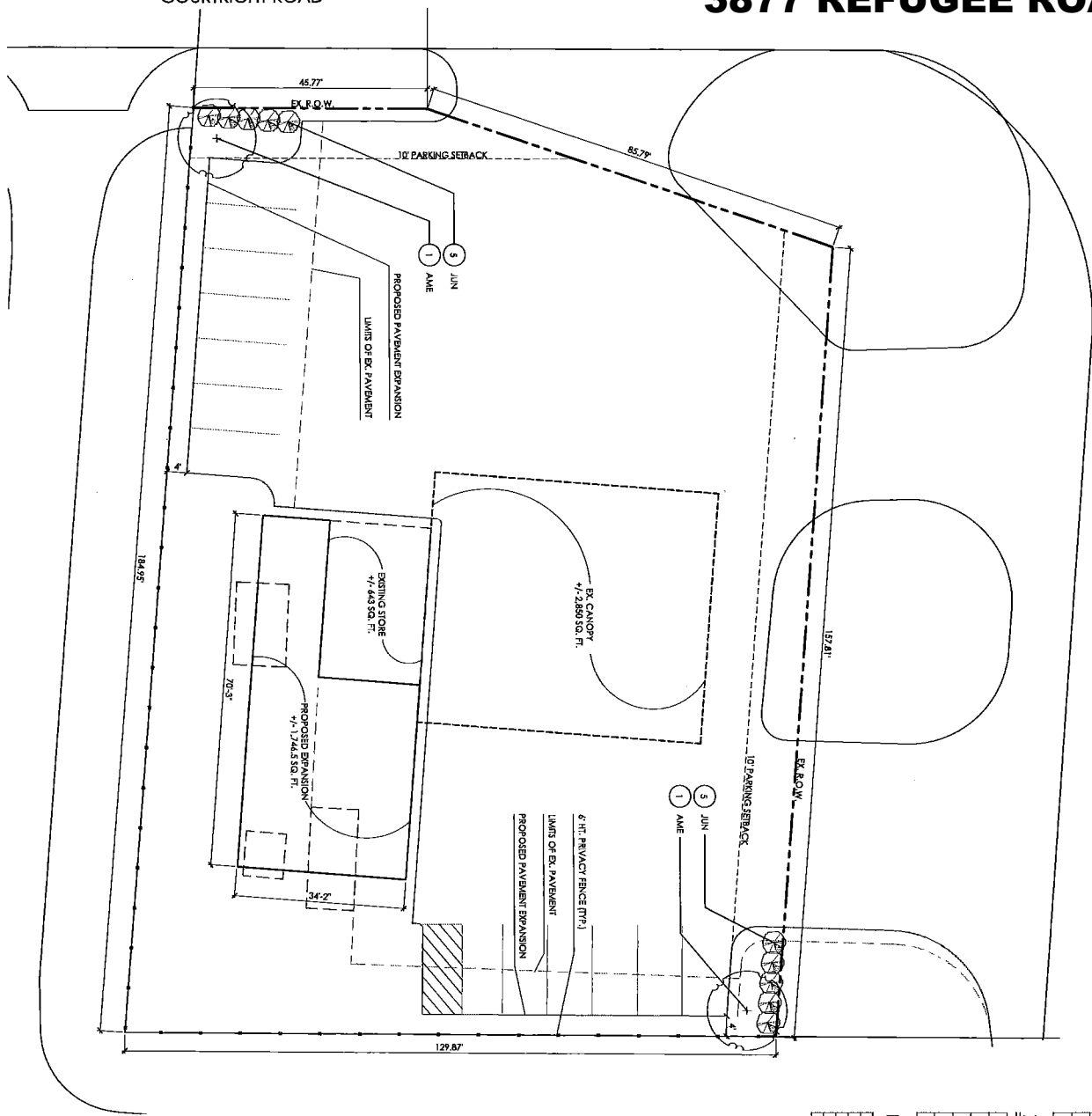
Disclaimer

Scale = 200



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.

COURTRIGHT ROAD



REFUGEE ROAD

**SITE DATA**

|  |                            |
|--|----------------------------|
| TOTAL ACRES                            | +/- 0.217 ACRES            |
| PROPERTY CLASS                         | C - COMMERCIAL             |
| REQUIRED PARKING - (1,720 SF [RETAIL]) | +/- 1,744.5/280 = 7 SPACES |
| PARKING PROVIDED                       | 13 SPACES                  |

**ZONING REQUIREMENTS**

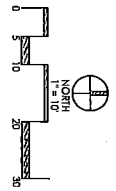
| 3871.0*                             | SCREENING ADJACENT RESIDENTIAL | REQUIRED               | PROVIDED |
|-------------------------------------|--------------------------------|------------------------|----------|
|                                     | 5 MIN. HT., 75% OPAQUE SCREEN  | 6' PRIVACY FENCE       |          |
| 3812.21 - LANDSCAPING AND SCREENING | 1 TREE/10 SPACES               | 2 TREES                |          |
|                                     | 3 MIN. HT., 75% OPAQUE SCREEN  | 3' HT. EVERGREEN HEDGE |          |

**PLANT LIST**

CONTRACTOR RESPONSIBLE FOR ALL PLANTS SHOWN ON PLAN

| QTY | HT. | BOTANICAL NAME                | COMMON NAME             | SIZE    | COND. |
|-----|-----|-------------------------------|-------------------------|---------|-------|
| 2   | AME | JANEAUCHER ROBIN HILL         | ROBIN HILL SERVICEBERRY | 2" CAL. | B&B   |
| 10  | JUN | JUNIPERUS CHINENSIS SEA GREEN | SEA GREEN JUNIPER       | 32" HT. | B&B   |

**PRELIMINARY**  
NOT FOR CONSTRUCTION



**REVISIONS**

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

**SITE PLAN**

**SWIFTY GAS STATION**  
3877 REFUGEE ROAD

PREPARED FOR  
**ABE AL-DAMEN**  
3877 REFUGEE ROAD  
COLUMBUS, OH 43232

**Paris Planning & Design**

LAND PLANNING & LANDSCAPE ARCHITECTURE  
243 N. 5th Street Columbus, OH 43215  
P (614) 427-1164 F (614) 427-1164 www.parisplanninganddesign.com

**EX-A**

|         |          |
|---------|----------|
| DATE    | 11/18/15 |
| PROJECT | 15129    |
| SHEET   |          |

**Board of Zoning Adjustment Application**

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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 # \_\_\_\_\_

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge  
of (COMPLETE ADDRESS) Underhill Yaross & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054  
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 and their mailing addresses:

**NAME**

**COMPLETE MAILING ADDRESS**

Abe Damen

4755 Refugee Road, Columbus, Ohio 43232

N&G Takhar Oil LLC

4365 Lisa Drive, Tipp City, Ohio 45371

SIGNATURE OF AFFIANT *David Hodge*

Sworn to before me and signed in my presence this 14<sup>th</sup> day of December, in the year 2015

*Arnon L. Underhill*  
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires \_\_\_\_\_



**ARNON L. UNDERHILL**  
**ATTORNEY AT LAW**  
Notary Public, State of Ohio  
My Commission Expires 12/31/16  
Section 147.02 (B.C.)

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