

**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  
AND ZONING SERVICES

OFFICE USE ONLY

Application Number: CV16-014 Date Received: 3-1-16

Application Accepted by: TD Fee: \$1,040

Comments: Assigned to Tim Dietrich; 614-645-6665; tdietrich@columbus.gov  
Shanon Pine; 614-645-2268; spine@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes only): 3342<sup>w</sup> Henderson Road Zip: 43220

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: 580-132243, 580-220898, 590-132244

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

Current Zoning District(s): L-AR-12 (Z16-013) pending

Area Commission or Civic Association: Northwest Civic Association

Proposed Use or reason for Council Variance request:

Sixteen (16) detached single-family dwellings (condominiums)

Acreage: 3.6 +/-

**APPLICANT:**

Name: 3342 Henderson Road LLC c/o Phone Number: 614-947-8600 Ext.: --  
Donald Plank, Plank Law Firm

Address: 145 E Rich Street, FL 3 City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

Name: 3342 Henderson Road LLC C/O Phone Number: 614-947-8600 Ext.: --  
Donald Plank, Plank Law Firm

Address: 145 E Rich Street FL 3 City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

Name: Donald Plank, Plank Law Firm Phone Number: 614-947-8600 Ext.: ---

Address: 145 E Rich Street, FL 3 City/State: Columbus Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

APPLICANT SIGNATURE Donald Plank attorney

PROPERTY OWNER SIGNATURE Donald Plank attorney

**ATTORNEY/ AGENT SIGNATURE** Donald Plank

*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

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-014

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank  
of (1) MAILING ADDRESS Plank Law Firm 145 E Rich St Fl 3 Columbus, Ohio 43215

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 3342 West Henderson 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) 3-1-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) 3342 Henderson Road LLC  
C/o Donald Plank, Plank Law Firm  
145 E Rich Street, FL 3  
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front application)

3342 Henderson Road LLC  
c/o Donald Plank 614-947-8600

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR  
OR CONTACT PERSON AND ADDRESS

(5) Northwest Civic Association  
c/o Rosemarie Lisko  
1035 Stoney Creek Road, Columbus, OH 43235

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

Donald Plank

Sworn to before me and signed in my presence this 26th day of February, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018  
My Commission Expires

Notary Seal Here



Stacey L. Danza  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

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

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**EXHIBIT A, Public Notice**  
**3342 W. Henderson Road**  
**CV16-014**  
**January 19, 2016**

**APPLICANT**

3342 Henderson Road LLC  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

3342 Henderson Road LLC  
c/o Donald Plank  
Plank law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY**

Donald Plank, Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

Northwest Civic Association  
c/o Rosemarie Lisko  
1035 Stoney Creek Road  
Columbus, OH 43235

**PROPERTY OWNERS WITHIN 125 FEET**

Patricia and Heath A. Von Staden  
5116 Chevy Chase Court  
Columbus, Ohio 43220

Carolyn C. Frederick  
5128 Chevy Chase Court  
Columbus, Ohio 43220

John D. & Sally A. Ellis  
5152 Chevy Chase Court  
Columbus, Ohio 43220

Michael P. Mahoney  
5170 Chevy Chase Court  
Columbus, Ohio 43220

Edward M. Miller, TR  
5199 Chevy Chase Court  
Columbus, Ohio 43220

Paula M. Brown, et al.  
4634 Kingston Court  
Columbus, Ohio 43220

Hamilton Square Limited Partnership  
555 Metro Place North, Suite 600  
Dublin, Ohio 43017

Matthew & Gretchen LaBuhn  
4905 Stonehaven Drive  
Columbus, Ohio 43220

Douglas N. Sheppard  
4917 Stonehaven Drive  
Columbus, Ohio 43220

Suhad Shtayyeh & Mansour Fitiyany  
4680 Bayford Court  
Columbus, Ohio 43220

Alice B. Emmons, TR  
4913 Stonehaven Drive  
Columbus, Ohio 43220

**3342 W. Henderson Road**  
**CV16-014**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 01/19/2016**

Charles Tzagournis  
2350 Lane Road  
Columbus, Ohio 43220

Robert C. Tenenbaum  
Carol C. Greentree  
4909 Stonehaven Drive  
Columbus, Ohio 43220

Charlene M. Peters  
4939 Stonehaven Drive  
Columbus, Ohio 43220

Michael B. & Elizabeth C. Cleary  
3400 W. Henderson Road  
Columbus, Ohio 43220

Timothy L. and Joyce L. Freund  
3401 Woodview Place  
Columbus, Ohio 43220

3342 W. Henderson Road  
3100 Tremont Road, Suite 200  
Columbus, Ohio 43220

**ALSO NOTIFY**

3342 Henderson Road, LLC  
3100 Tremont Road, Suite 200  
Columbus, Ohio 43220

David B. Perry  
David Perry Company, Inc.  
145 E Rich Street, FL 3  
Columbus, OH 43215

3342 W. Henderson Road  
CV16-014  
Exhibit A, Public Notice  
Page 2 of 2, 01/19/2016

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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 # CV16-014

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, Ohio 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. 3342 Henderson Road LLC 3100 Tremont Road, Suite 200 Columbus, Ohio 43220 # Columbus Based Employees: 0 Contact: Mark Catalano 614-273-0553</p>	<p>2. -----</p>
<p>3. -----</p>	<p>4. -----</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 26th day of February, in the year 2016

Stacey L. Danza  
SIGNATURE OF NOTARY PUBLIC

11-5-2018  
My Commission Expires

Notary Seal Here

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**Stacey L. Danza**  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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**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 Plank*

Date

*2/26/16*

**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

#### CV16- 014 , 3342 W. Henderson Road

Rezoning application Z16- 013 is pending to rezone the 3.6 ac site from RR, Restricted Rural Residential District L-AR-12, Apartment Residential District. This variance application is submitted for variances to certain applicable site development standards of the AR-12 district as a companion application to the pending rezoning. The site plan titled "3342 W. Henderson Road, Zoning Site Plan", hereafter "Site Plan", is the development plan for the site for development of sixteen (16) detached single family dwellings.

The Northwest Plan (2007) doesn't make any specific recommendation for this site. The site is an infill site. The proposed use (detached single family condominiums) and density (4.5 DU/acre) is appropriate for the site and area.

Applicant has a hardship and practical difficulty to comply with applicable code standards due to the physical characteristics related to the site being an infill site with two (2) street frontages, a substantial W. Henderson Road right of way take, and a Stream Corridor Protections Zone (SCPZ) area for Slate Run on the property. Street dedication is impractical for the site given the size of the site and physical characteristics of the site. The proposed single family condominium development is an appropriate land use and density for the area.

Applicant requests the following variances:

1. Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, to permit sixteen (16) detached single family dwellings.
2. Section 3333.16, Fronting, to permit individual detached single family dwellings to not front directly on a public street, while the site fronts on two (2) public streets and the proposed internal private street provides frontage and vehicular access for the detached single family dwellings that don't directly abut a public street.
3. Section 3333.18, Building Lines, to reduce the W. Henderson Road building setback line from 60' (Columbus Thoroughfare Plan) to ten (10) feet, net of right of way dedication (50'), and to reduce the Chevy Chase Court building setback line from 25' to ten (10) feet.
4. 3333.255, Perimeter yard, to reduce perimeter yard from 25' to 20' building setback for three (3) single family dwellings along the north property line and to permit a patio in the 20' north perimeter yard.

Z16-\_\_\_\_\_  
3342 W Henderson Road

**ZONING DESCRIPTION**  
**3.6 ACRES**

Situate in the State of Ohio, County of Franklin, City of Columbus, in Quarter Township 1, Township 1, Range 19, United States Military Lands, being part of the 3.615 acre tract conveyed to 3342 Henderson Rd. LLC in Instrument Number 201510060141288 and all of the 0.461 acre tract conveyed to 3342 Henderson Rd. LLC in Instrument Number 201510060141277, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

Commencing at the southeast corner of Lot 11 of Slate Run Woods as is numbered and delineated on the recorded plat thereof of record in Plat Book 49, Page 65, said point also being in the west line Chevy Chase Court;

Thence along part of the south line of said Lot 11, Westerly, 10 feet to the northeast corner of said 3.615 acre tract, being the **TRUE POINT OF BEGINNING** of the parcel herein intended to be described;

Thence along part of the east line of said 3.615 acre tract, along the east line of said 0.461 acre tract and along the west line of Chevy Chase Court, Southerly, 449 feet;

Thence across part said 3.615 acre tract, Northwesterly, 300 feet;

Thence continuing across part of said 3.615 acre tract, Westerly, 151 feet to the west line of said 3.615 acre tract;

Thence along part of the west line of said 3.615 acre tract, Northerly, 317 feet to the northwest corner of said 3.615 acre tract;

Thence along the north line of said 3.615 acre tract, Easterly, 426 feet to the **TRUE POINT OF BEGINNING, CONTAINING 3.6 ACRES, MORE OR LESS.**

This description is for zoning purposes only and is not intended to be used for transfer of property.

Paul T. Dinan PS 7312

\_\_\_\_\_  
Date

CV16-014



# City of Columbus Zoning Plat



## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 580132243, 580220898, 590132244

Zoning Number: 3342

Street Name: W HENDERSON RD

Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Adyana Umariani*

Date: 1/19/2016



JAMES D. YOUNG, P.E., ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 150 feet

GIS FILE NUMBER: 55155

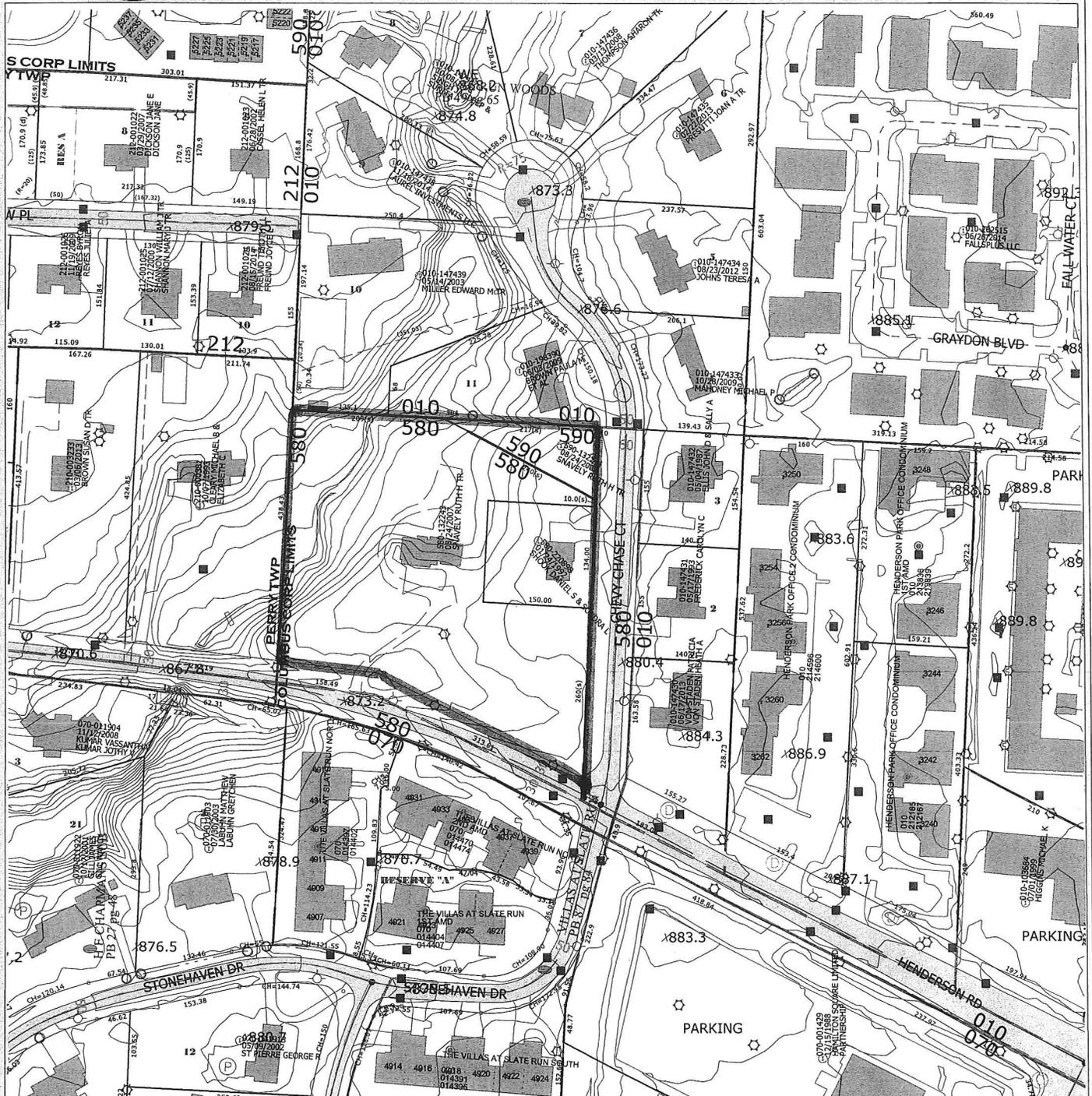
CV16-014



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: s

DATE: 1/19/16



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.

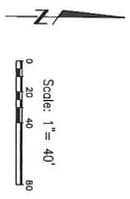
Real Estate / GIS Department

CV16-014



**SITE & BUILDING INFORMATION**

ADDRESS: 3342 W. Henderson Road
PID: 580-132243, 580-220998, 590-132244
TOTAL ZONING ACREAGE: 3.6 AC.
EXISTING ZONING: RR RESIDENTIAL (Z91-C29, 09/05/1992)
PROPOSED ZONING: L-AR-12 (216-)
PROPOSED VARIANCE: CV18-
HEIGHT DISTRICT: H-35
BUILDING HEIGHT: 30'±
PROPOSED USE: 16 DETACHED SINGLE FAMILY DWELLINGS (CONDOMINIUMS), EACH WITH 2 CAR GARAGE
DENSITY: 16 UNITS, 4.5 DU/ACRE
TOTAL REQUIRED SPACES: 16 DU @ 2.0 Spaces/DU = 32 Spaces
TOTAL PROVIDED SPACES: 32 Spaces
SETBACKS: AS NOTED
LOT COVERAGE: 20% ± BUILDING COVERAGE
FLOOD ZONE: "X"
PANEL NO.: 38048C0162K



EASMENT REFERENCE		REVISIONS	
CITY NO.	COUNTY RECORDS	NO.	DESCRIPTION
VOL.	PAGE		APPROVAL DATE

**E. P. FERRIS**  
ASSOCIATES  
INC.

Consulting Civil Engineers and Surveyors

CONTRACT:  
350 KING AVENUE  
COLUMBUS, OHIO 43212  
(614) 293-2989  
(614) 293-2982 (Fax)  
WWW.EPFFERRIS.COM

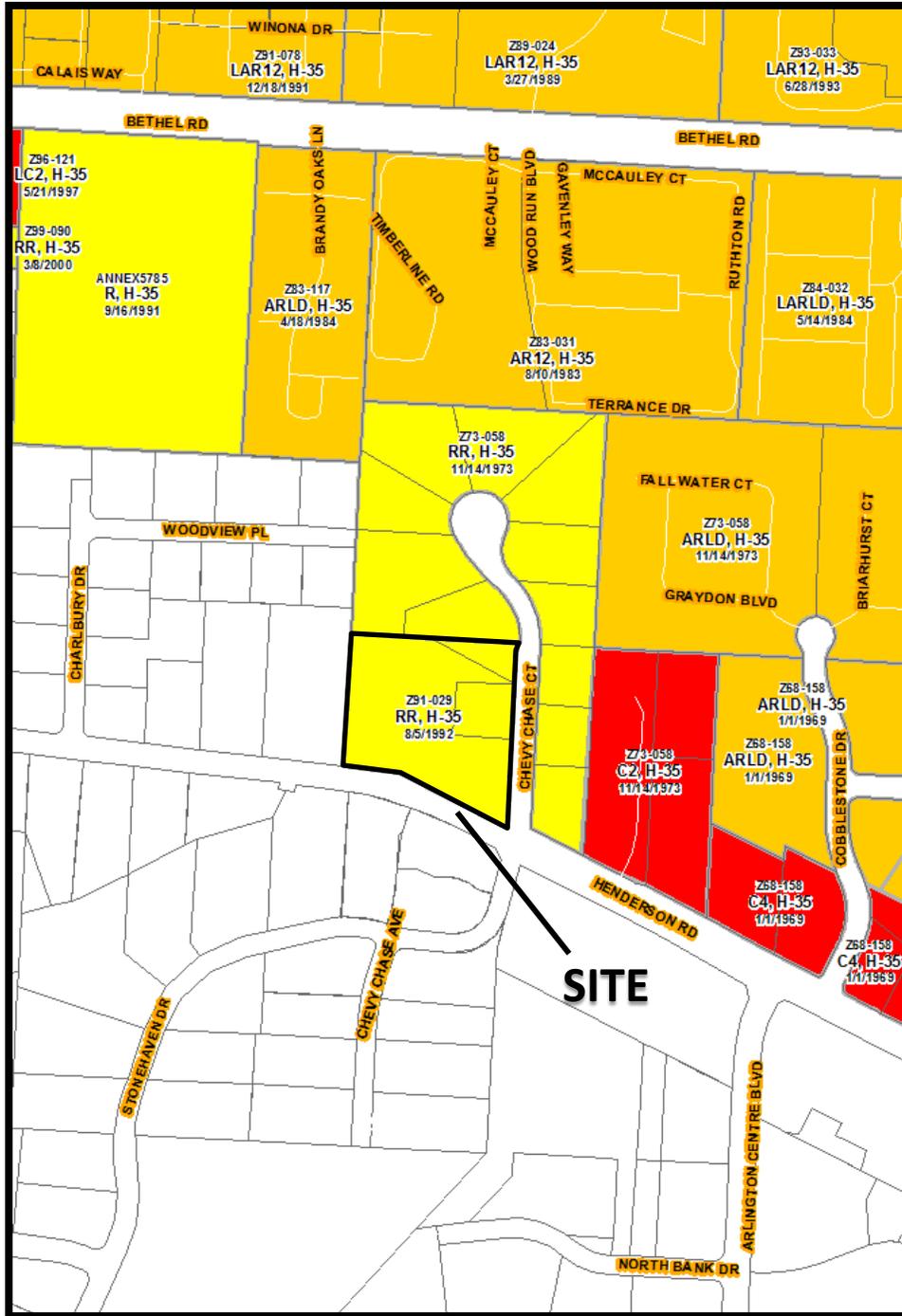
ZONING SITE PLAN  
Z16-013  
CV16-014

PROJECT TITLE:		3342 W. HENDERSON ROAD LLC.	
		3342 W. HENDERSON ROAD	
		COLUMBUS, OH	
OWNER:	CONTRACTOR:	SCALE: 1" = 40"	SHEET: 1/1
ARCHITECT:	ENGINEER:	CONTRACT DRAWING NO.:	RECORD PLAN NO.:
DATE:	DATE:		

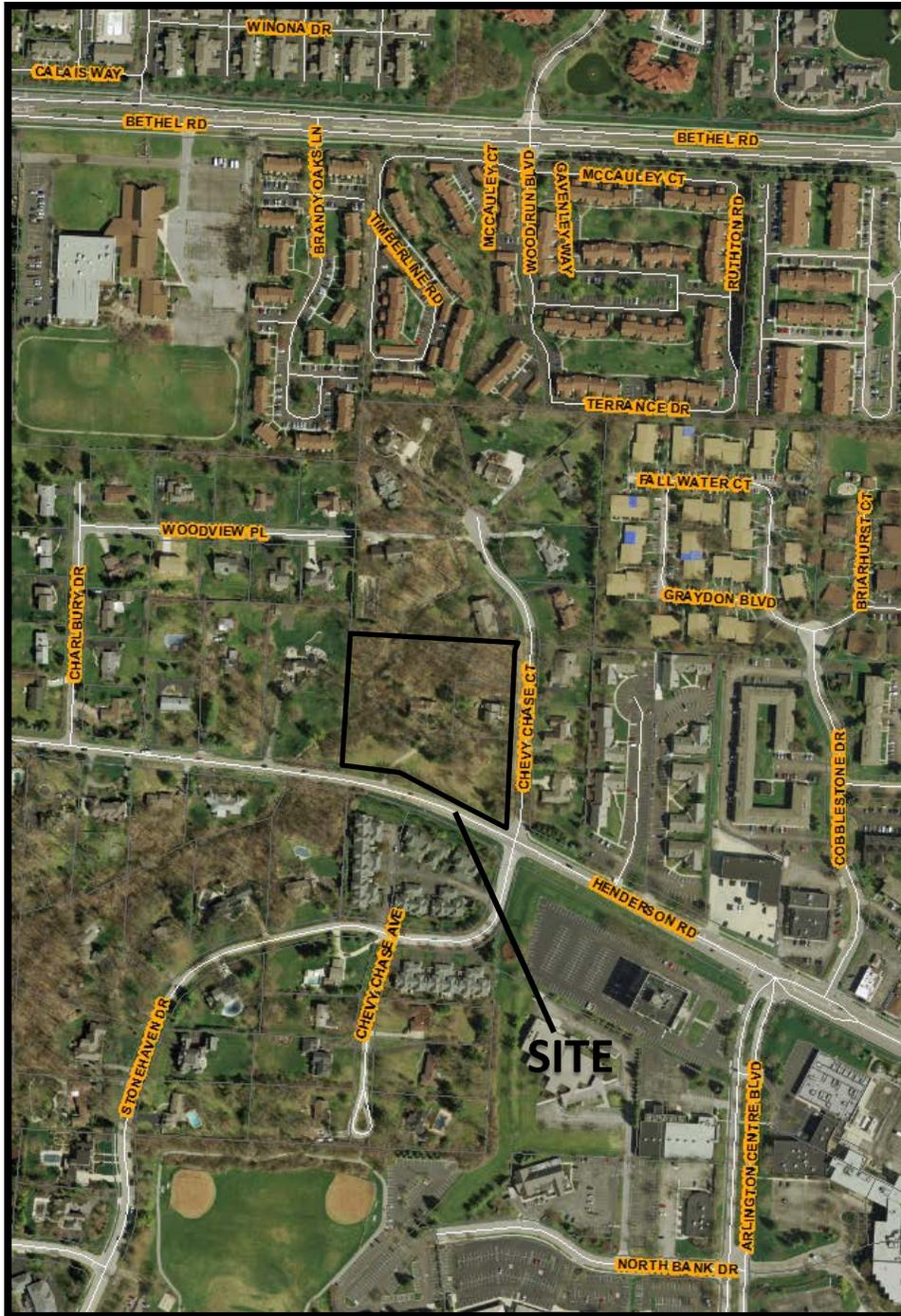
EP, FERRIS & ASSOCIATES INC

1094A04

03-01-2016



CV16-014  
 3342 West Henderson Road  
 Approximately 3.6 acres



CV16-014  
3342 West Henderson Road  
Approximately 3.6 acres