

Department of Building & Zoning Services

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

OFFICE USE ONLY

Application Number: CV16-019 Date Received: 3-4-16

Application Accepted by: TD Fee: _____

Comments: Assigned to Shannon Pine; 614-645-2208; Spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 5322 Avery Road Zip: 43016

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: 010-218951 and 010-218952

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

Current Zoning District(s): Proposed zoning CPD, L-AR-1

Area Commission or Civic Association: _____

Proposed Use or reason for Council Variance request:
Office/Residential. See attached list.

Acreage: 12.9±

APPLICANT:

Name: Village Communities Phone Number: (614) 540-2400 Ext.: _____

Address: 470 Olde Worthington Road, Suite 100 City/State: Westerville, OH Zip: 43082

Email Address: _____ Fax Number: _____

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

Name: Bruce D Bergmann TR Phone Number: _____ Ext.: _____

Address: 5322 Avery Road City/State: Dublin, OH Zip: 43016

Email Address: _____ Fax Number: _____

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

Name: Jeffrey L. Brown, c/o Smith & Hale LLC Phone Number: (614) 221-4255 Ext.: _____

Address: 37 West Broad Street, Suite 460 City/State: Columbus, OH Zip: 43215

Email Address: jlbrown@smithandhale.com Fax Number: (614) 221-4409

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

APPLICANT SIGNATURE Village Communities By: _____

PROPERTY OWNER SIGNATURE Bruce D Bergmann TR By: _____

ATTORNEY / AGENT 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

Council Variance Request

Section 3353.09 C-2 district setback lines

Section 3333.16 Building lines: To reduce the building setback from proposed Tuttle Crossing Boulevard from 80 feet to 25 feet for both subareas.

Section 3333.16 Fronting: To permit a tax parcel without frontage on a public street (Avery Road.)

edwards.avery.cv1request
3/3/16 S:docs (lms)

Cv16-019

Council Variance Application

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

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 attached sheet

Signature of Applicant _____ Date _____

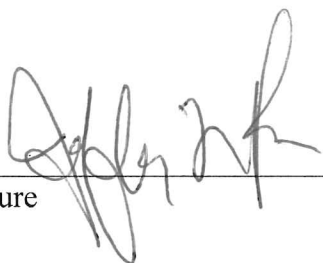
PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer

Statement of Hardship

The applicant wants to reduce the building setback for the residential and office subareas proposed along Tuttle Crossing Boulevard from 80 to 25 feet and to permit a residential tax parcel without street frontage. Given the depth of the site and the fact that the frontage piece is proposed for office development, the residential portion of the site will not have frontage on a public street until the proposed Tuttle Crossing Boulevard is dedicated. An access easement will be provided to reach Avery Road.

The granting of the frontage and setback variances 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 nor seriously affect any adjoining property.

Signature

A handwritten signature in black ink, appearing to be "Stephen R. K.", written over a horizontal line.

Date

3/3/16

Council Variance Application

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

AFFIDAVIT (See instruction sheet)

Application Number: CU16-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeffrey L. Brown

of (1) MAILING ADDRESS 37 West Broad Street, Suite 460, 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 the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 5322 Avery 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) 3-4-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Bruce D Bergmann TR
5322 Avery Road
Dublin, OH 43016

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

Village Communities
(614) 540-2400

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

(5) _____

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

Sworn to before me and signed in my presence this 3rd day of March, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

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

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

APPLICANT

Village Communities
470 Olde Worthington Road, Suite 100
Westerville, OH 43082

PROPERTY OWNER

Bruce D Bergmann TR
5322 Avery Road
Dublin, OH 43016

ATTORNEY

Jeffrey L. Brown
Smith & Hale LLC
37 West Broad Street, Suite 460
Columbus, OH 43215

**SURROUNDING PROPERTY
OWNERS**

City of Dublin Ohio
5200 Emerald Parkway
Dublin, OH 43017

Angelo J Dallas TR, et al.
3297 Smiley Road
Hilliard, OH 43026

Wilcox-Tuttle Limited Partnership
495 South High Street, Suite 150
Columbus, OH 43215

Pines at Tuttle Crossing III LLC
169 South Liberty Street
Powell, OH 43065

Orchard at Wilcox Ltd
495 South High Street, Suite 150
Columbus, OH 43215

AR Associates
5510 Ashford Road
Dublin, OH 43017

Avery Brooke LLC
400 South 5th Street, Suite 400
Columbus, OH 43215



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: 010218951, 010218952

Zoning Number: 5322

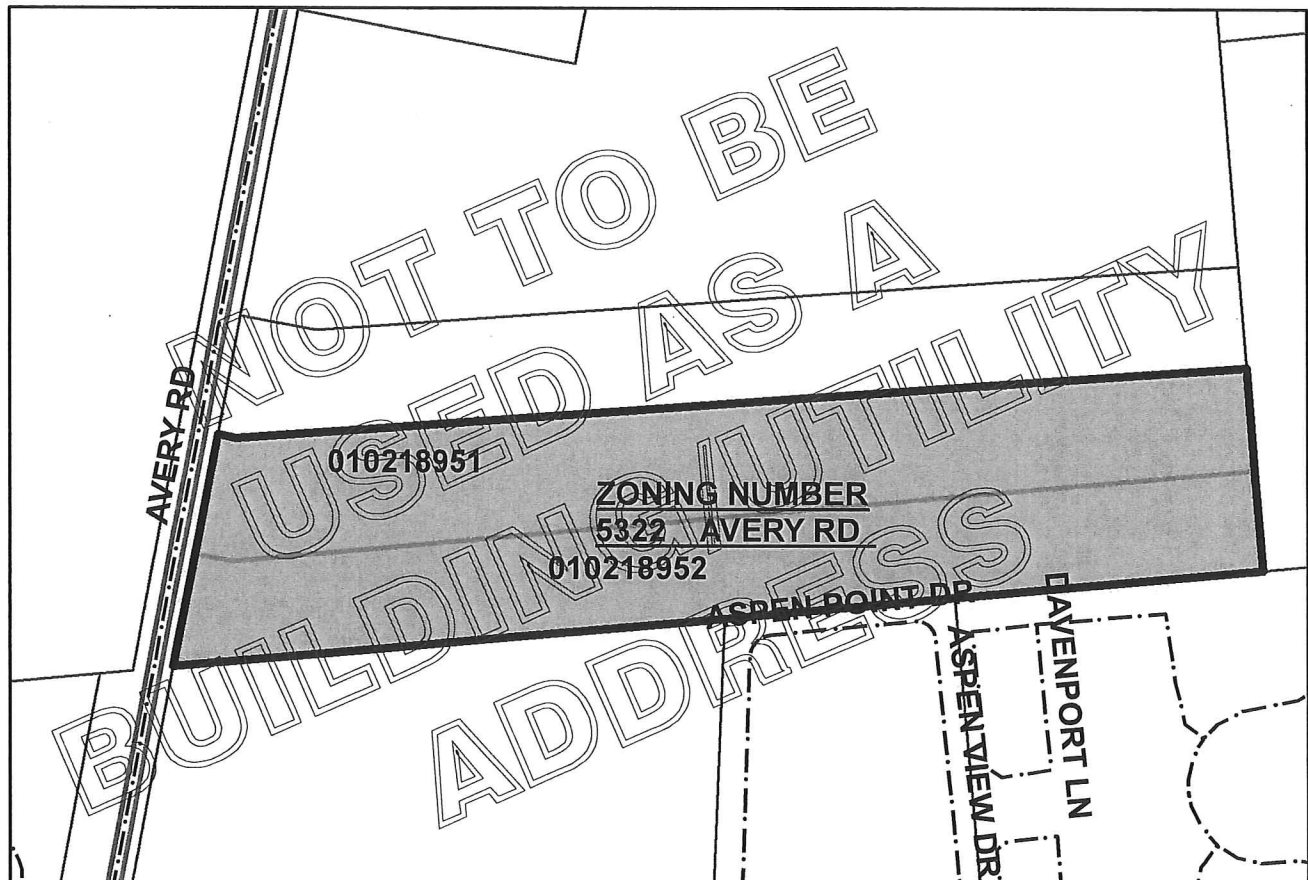
Street Name: AVERY RD

Lot Number N/A

Subdivision: N/A

Requested By: VORYS, SATER, SEYMOUR & PEASE (DEANNA R. COOK)

Issued By: *Deanna Whisman* Date: 2/26/2014



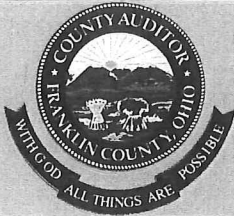
SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 17743



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

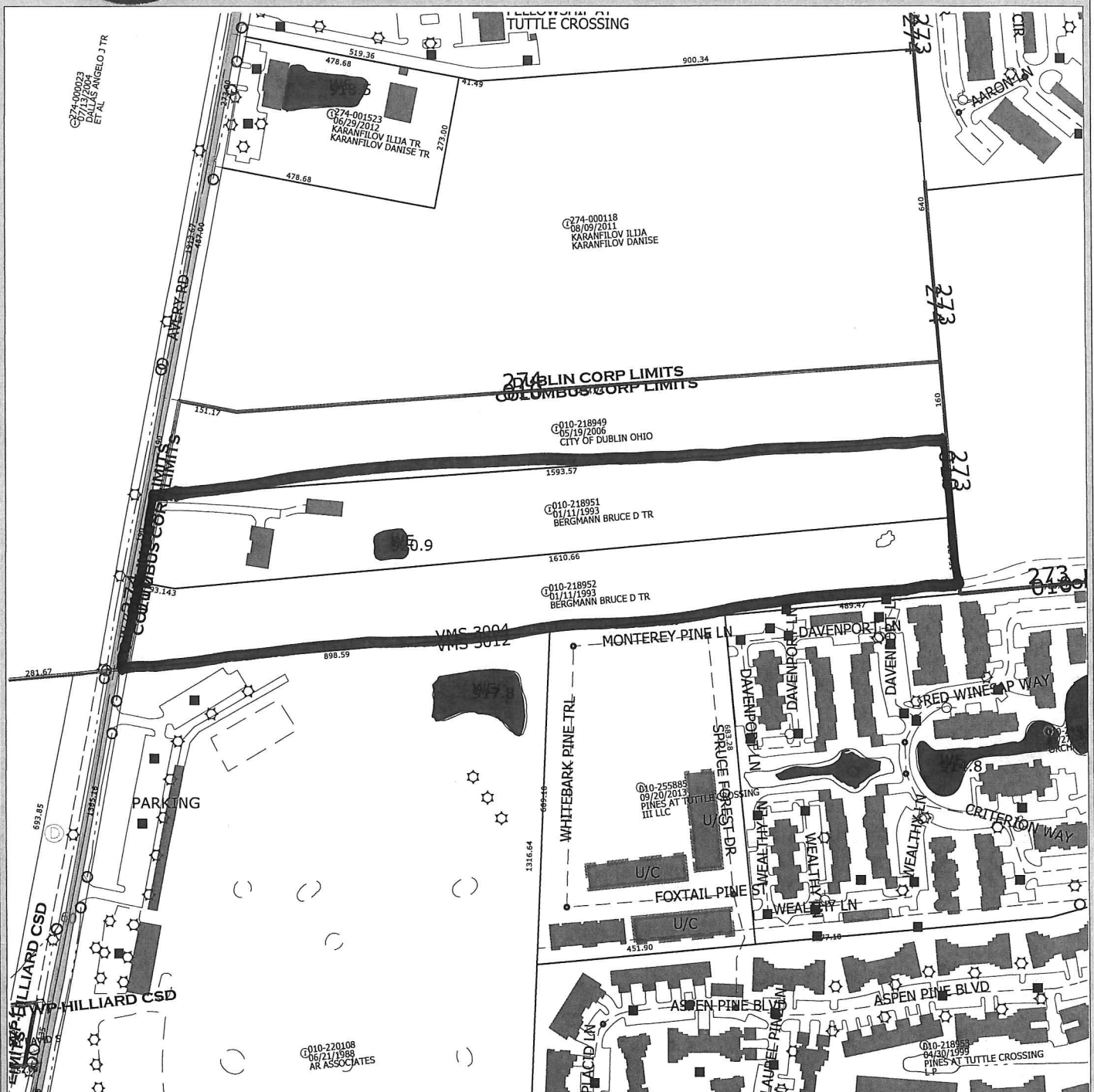
CU16-019



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: N

DATE: 2/29/16



Disclaimer

Scale = 300

Grid North

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

CU16-019

Council Variance Application

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

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 # CV16-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jeffrey L. Brown
of (COMPLETE ADDRESS) 37 West Broad Street, Suite 460, 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 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. Village Communities 470 Olde Worthington Road Westerville, OH 43082 Columbus based employees Joe Thomas - (614) 540-2400	2. Bruce D Bergmann TR 5322 Avery Road Dublin, OH 43016
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 3rd day of March, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

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

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

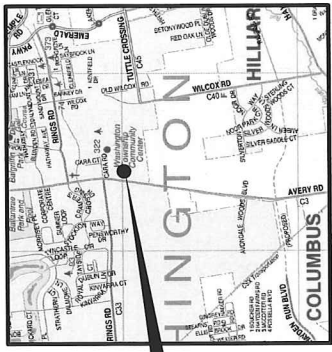
Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

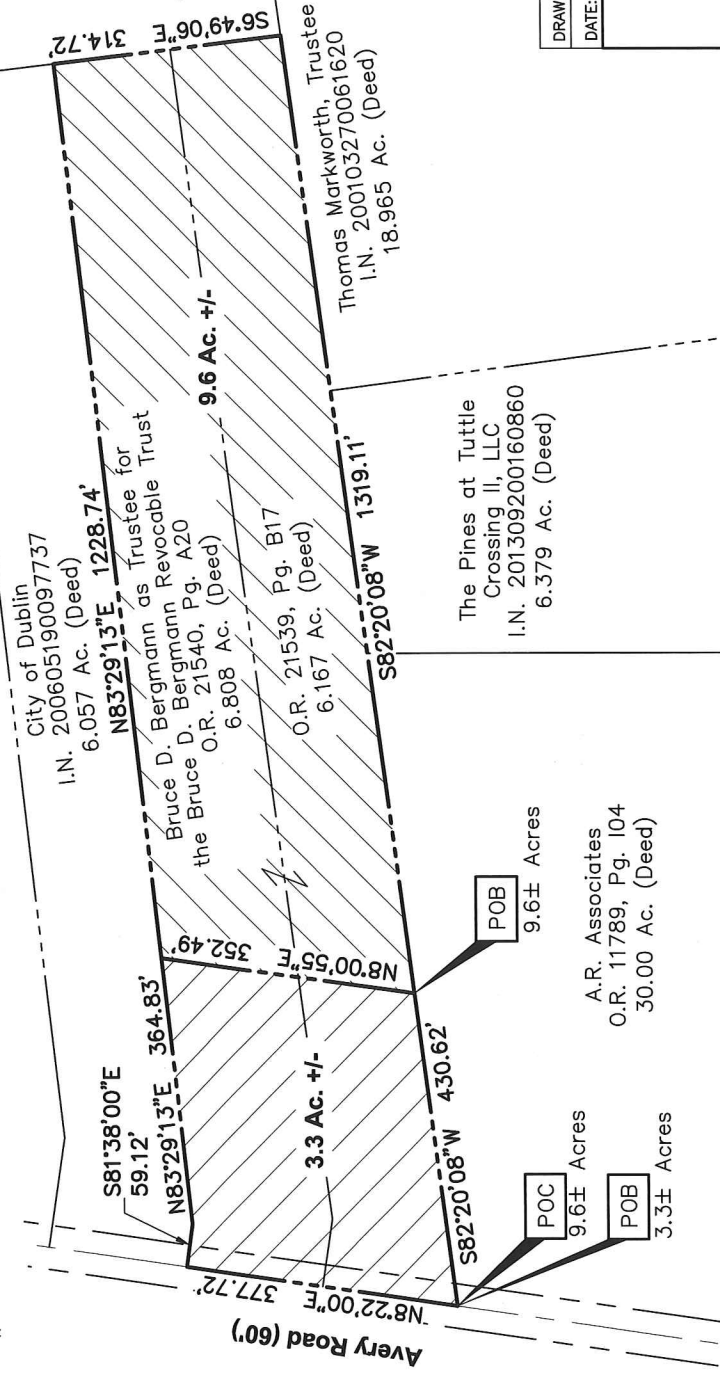
Zoning Exhibit

3.3 Acres +/- & 9.6 Acres +/-

VMS District 3004
City of Columbus, Franklin County, Ohio



SITE



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

DRAWN BY: JEP JOB NO.: 16-0119-128
DATE: 3/02/2016 CHECKED BY: JEP



ADVANCED
CIVIL DESIGN
ENGINEERS & SURVEYORS

422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

CV16-019

ZONING DESCRIPTION
3.3 +/- ACRES
EAST SIDE OF AVERY ROAD
SOUTH OF RINGS ROAD

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey District 3004, and being part of a 6.808 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21540, Page A20, and part of a 6.167 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21539, page B17 and being more particularly described as follows;

Beginning at southwest corner of said 6.167 acre tract, the northwest corner of a 30.00 acre tract as conveyed to A.R. Associates in Official Record 11789, page I04, being in the centerline of Avery Road (60' wide), and being the **TRUE POINT OF BEGINNING** for land herein described as follows;

Thence with the west line of said 6.167 acre tract, the west line of said 6.808 acre tract, and the centerline of Avery Road, **N 08° 22' 00" E, 377.72 feet** the northwest corner of said 6.808 acre tract and the southwest corner of a 6.057 acre tract as conveyed to the City of Dublin in Instrument Number 200605190097737;

Thence with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **S 81° 38' 00" E, 59.12 feet** to an angle point in said north and south line;

Thence continuing with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **N 83° 29' 13" E, 364.83 feet**;

Thence crossing said 6.808 acre tract and said 6.167 acre tract, **S 08° 00' 55" W, 352.49 feet** to the south line of said 6.167 acre tract and the north line of said 30.00 acre tract;

Thence with the south line of said 6.167 acre tract and the north line of said 30.00 acre tract, **S 82° 20' 08" W, 430.62 feet** to the **TRUE POINT OF BEGINNING**, containing **3.3 +/- acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on March 02, 2016 and is based on existing Franklin County Records.

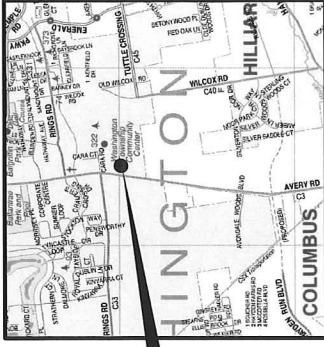
This description is not to be used for the transfer of land.

ADVANCED CIVIL DESIGN, INC.

Zoning Exhibit

3.3 Acres +/- & 9.6 Acres +/-

VMS District 3004
City of Columbus, Franklin County, Ohio



SITE

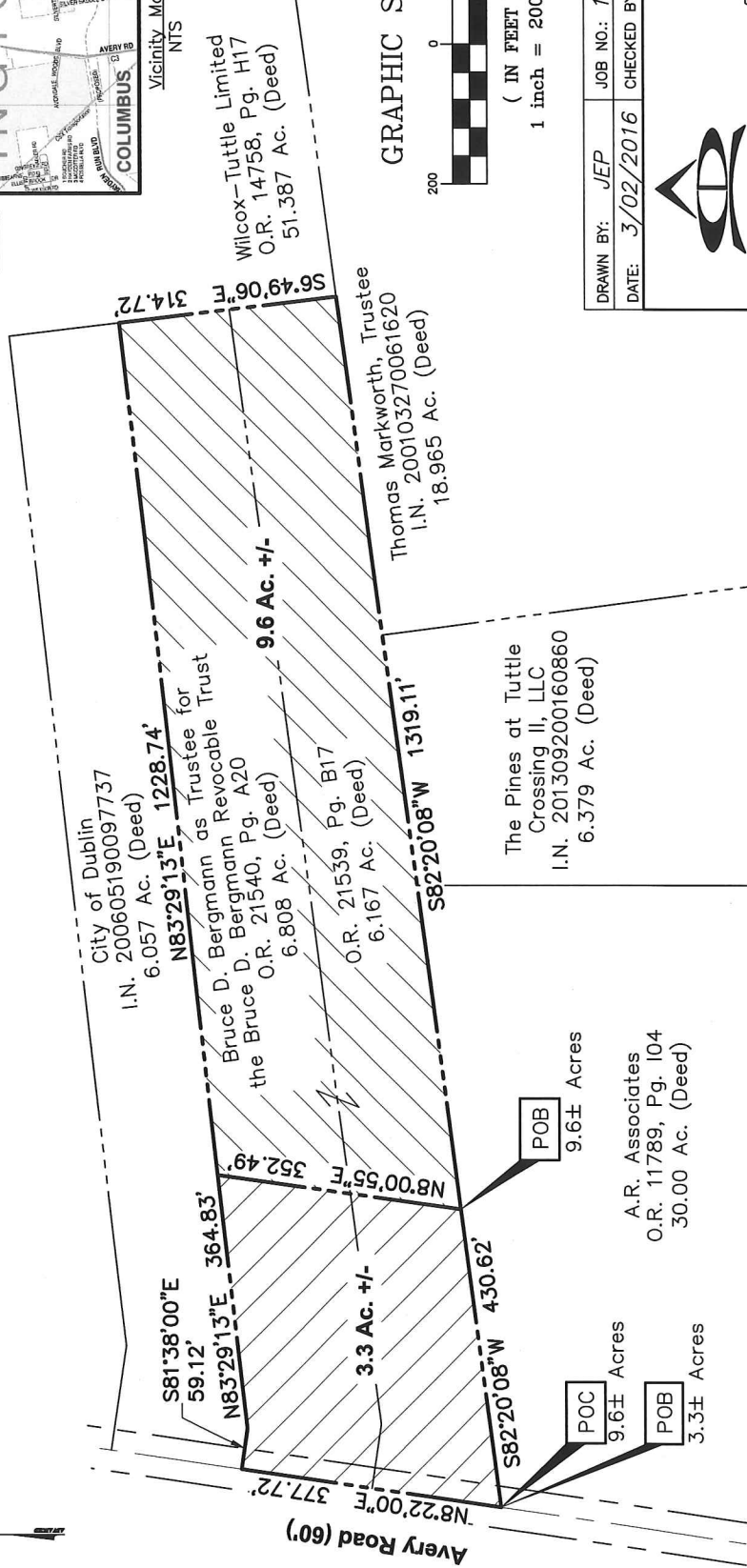
Vicinity Map
NTS

Wilcox-Tuttle Limited
O.R. 14758, Pg. H17
51.387 Ac. (Deed)

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



DRAWN BY: JEP
DATE: 3/02/2016
JOB NO.: 16-0119-128
CHECKED BY: JEP



ADVANCED
CIVIL DESIGN

ENGINEERS SURVEYORS

422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

CV16-019

ZONING DESCRIPTION
9.6 +/- ACRES
EAST SIDE OF AVERY ROAD
SOUTH OF RINGS ROAD

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Virginia Military Survey District 3004, and being part of a 6.808 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21540, Page A20, and part of a 6.167 acre tract as conveyed to Bruce D. Bergmann as Trustee for the Bruce D. Bergmann Revocable Trust in Official Record 21539, page B17 and being more particularly described as follows;

Commencing at southwest corner of said 6.167 acre tract, the northwest corner of a 30.00 acre tract as conveyed to A.R. Associates in Official Record 11789, page I04, and being in the centerline of Avery Road (60' wide);

Thence with the south line of said 6.167 acre tract and the north line of said 30.00 acre tract, **N 82° 20' 08" E, 430.62 feet** to the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence crossing said 6.167 acre tract and said 6.808 acre tract, **N 08° 00' 55" E, 352.49 feet** to the north line of said 6.808 acre tract and the south line of a 6.057 acre tract as conveyed to the City of Dublin in Instrument Number 200605190097737;

Thence with the north line of said 6.808 acre tract and the south line of said 6.057 acre tract, **N 83° 29' 13" E, 1228.74 feet** to the northeast corner of said 6.808 acre tract, the southeast corner of said 6.057 acre tract, and being in the west line of an original 51.387 acre tract as conveyed to Wilcox-Tuttle Limited in Official Record 14758, Page H17;

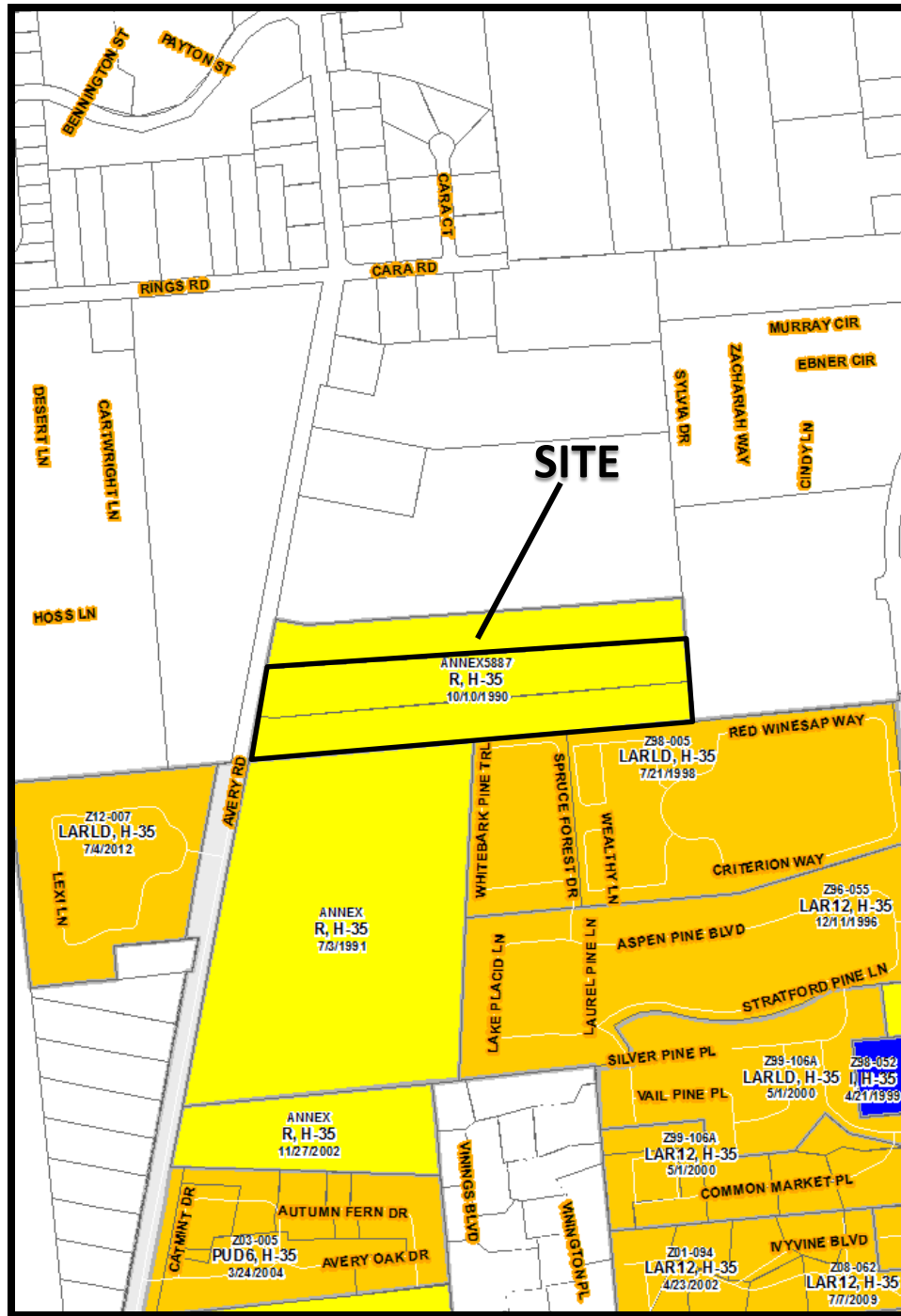
Thence with the east line of said 6.808 acre tract and said 6.167 acre tract, and also along the west line of said original 51.387 acre tract, **S 06° 49' 06" E, 314.72 feet** to the southeast corner of said 6.167 acre tract, the southwest corner of the remainder of said 51.387 acre tract, and being in the north line of an 18.965 acre tract as conveyed to Thomas Markworth, Trustee in Instrument Number 200103270061620;

Thence with the south line of said 6.167 acre tract, the north line of said 18.965 acre tract, the north line of a 6.379 acre tract as conveyed to The Pines at Tuttle Crossing II, LLC in Instrument Number 201309200160860, and the north line of said 30.00 acre tract, **S 82° 20' 08" W, 1319.11 feet** to the **TRUE POINT OF BEGINNING**, containing **9.6 +/- acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on March 02, 2016 and is based on existing Franklin County Records.

This description is not to be used for the transfer of land.

ADVANCED CIVIL DESIGN, INC.



CV16-019
5322 Avery Road
Approximately 12.9 acres



CV16-019
5322 Avery Road
Approximately 12.9 acres