

Content

Z09-040
12/2/2010
GPD, LLC

010111561

WILLIAMS RD

Identify

Clear

Parcels

① PARCEL_ID: 010111561
OWNER_NAME: HEJDUK FAMILY INVESTMENT LLC

798
12/2/2010
GPD, LLC

010111538

010111030 010111520 010111519 010111518

WILLIAMS RD

Board of Zoning Adjustment Application

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

BZA16-023
3444 S. HIGH ST.

OFFICE USE ONLY

Application Number: BZA16-023 Date Received: 16 FEB. 2016
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:

See Exhibit "B"

LOCATION

Certified Address: 3444 S. High Street City: Columbus Zip: 43207

Parcel Number (only one required): 010-111561, 010-111433

APPLICANT (If different from Owner):

Applicant Name: Pavilion Development Company Phone Number: 614-947-8600 Ext.: ----
C/o Donald Plank

Address: Plank Law Firm, 145 E Rich St, 3rd Floor 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: Hejduk Family Investment, LLC Phone Number: 614-947-8600 Ext.: ----

Address: Plank Law Firm C/o Donald Plank City/State: Columbus, Ohio Zip: 43215
145 E Rich Street, Floor 3

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, Floor 3 City/State: Columbus, OH 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

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

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BZA16-023
3444 S. HIGH ST.

AFFIDAVIT

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 3444 S. High Street
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
AND MAILING ADDRESS

(4) Hejduk Family Investment, LLC
C/o Donald Plank
Plank Law Firm
145 E Rich Street, Floor 3
Columbus, Ohio 43215
Pavilion Development Company
C/o Donald Plank, 614-947-8600

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

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

(5) Far South Columbus Area Commission
C/o Becky Wolcott
723 Ivorton Road South, Columbus, OH 43207

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
<u>See Exhibit "A"</u>		

☐ (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 15th day of February, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC

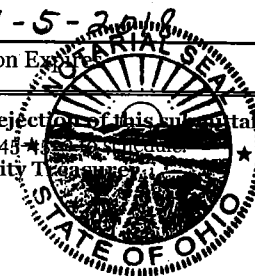
Stacey L. Danza

My Commission Expires

11-5-2018

Notary Seal Here

PLEASE NOTE: Incomplete information will result in the rejection of this application.
Applications must be submitted by appointment. Call 614-645-7433.
Please make checks payable to the Columbus City Treasurer.



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018
tmt 12/15

THE CITY OF
COLUMBUS
 ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
 AND ZONING SERVICES

Board of Zoning Adjustment Application

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

STATEMENT OF HARDSHIP

APPLICATION #

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. Special circumstances or conditions apply to the subject property that do not apply, generally, to other properties in the same zoning district.
 2. The special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. The special circumstances or conditions make 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.
 4. The grant of a 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.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

See Exhibit "B"

Signature of Applicant

Donald Rank

Date

2/15/15

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EXHIBIT B

Statement of Hardship

3444 S High Street, Columbus, OH 43207

BZA16-_____

The 0.63 acre +/- site is zoned C-4, Commercial and is located at the southeast corner of South High Street and Williams Road. The site was formerly developed for many years with a restaurant (Ohio Deli and Restaurant), but the building was destroyed by fire at the end of 2014.

Applicant proposes to develop the site with a restaurant. Site development is depicted on the submitted site plan. The site has been zoned C-4, Commercial since 1959. The site is part of the South High Street arterial corridor. The following is the size, zoning and use for the four (4) corners of the S High Street and Williams Road intersection:

Corner Location: S. High Street/Williams Road	PID	Zoning	Parcel Size	Use
Northeast corner	010-113911	C-4	1.90 acres	CVS Drugstore
Northwest corner	010-112488	C-4	14.83 acres	Non-conforming mobile home park
Southwest corner	010-011587	C-4	1.91 acres	Walgreens Drugstore
Southeast corner	010-111561 010-111433	C-4	0.63 acres (1)	Proposed restaurant

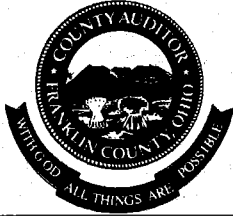
(1) Prior to City of Columbus right of way take.

The land area of two (2) corners developed with drug stores are three (3) times the size of the southeast corner (subject parcel). The parcel is shallower at the north property line than the south property line due to the angle of the S. High Street right of way. The City of Columbus Thoroughfare Plan (CTP) designates South High Street and Williams Road as 6-2-D and 4-2 arterial rights-of-way, respectively. Due to the right-of-way dedication requirements of Section 4309.17, Right-of-Way Requirement, of the Traffic Standards Code (Chapter 4309, Columbus City Code), the City of Columbus will take right-of-way from the subject site in conjunction with the Site Compliance Plan for the proposed restaurant. The City of Columbus established the South High Street Community Commercial Overlay (CCO) in 2010, thereby rendering many existing developed properties non-conforming to the CCO. The requirements of the CTP and the CCO render this site undevelopable for uses appropriate to an arterial intersection without variances from code requirements, as cited. Applicant has a hardship and practical difficulty with code compliance for redevelopment of the site. The practical difficulty, economic hardship and other hardships unique to this property warrant approval of the requested variances.

Applicant requests a variance from the following Sections:

- 1) 3372.04.704, Setback requirements, to reduce the S High Street building setback line from 25 feet to 14 feet, to increase the Williams Road building setback from 25 feet to 48 feet; to reduce the South High Street and Williams Road parking setback from 25 feet to 0 feet, respectively, in anticipation of right of way dedication on both streets.
- 2) 3372.705, Building design standards, to reduce the width of the principal building on the primary frontage (S. High Street) from 60% of the lot width to 37% of the lot width.
- 3) 3372.706, Graphics, to reduce the ground sign setback from 15 feet to 4 feet, from the existing west (S. High Street) property line.
- 4) 3372.709, Parking and circulation, to permit parking, stacking and circulation aisles between the building and the S. High Street and Williams Road right of way.

2/16/2016



CLARENCE E MINGO II
FRANKLIN COUNTY AUDITOR

MAP ID: N

DATE: 2/10/16



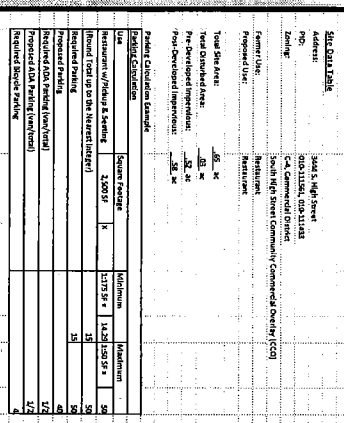
Disclaimer

Scale = 250



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



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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) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich St., FL 3 Columbus, Ohio 43215
deposes and states that he (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

Hejduk Family Investment, LLC

5831 Rathrock Court

(Eric A. Hejduk, Managing Member)

Galloway, Ohio 43119

Pavilion Development Company

5605 Carnegie Blvd., Suite 110

(Michael E. McDonald, PE)

Charlotte, NC 28209

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 15th day of February, in the year 2016

SIGNATURE OF NOTARY PUBLIC

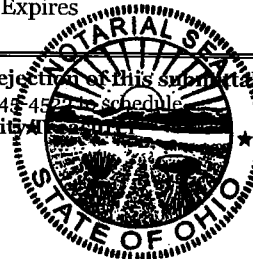
Stacey L. Danza

My Commission Expires

11-5-2018

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Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-5-2018