

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

OFFICE USE ONLY

Application Number: CV16-042 Date Received: 5/31/16
Application Accepted by: MM + TD Fee: \$2720
Comments: Assigned to Michael Maret; 614-645-2749; mj Maret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 5560 Chantry Drive Zip: 43232

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: 010-274088

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

Current Zoning District(s): L-AR-12

Area Commission or Civic Association: Far East Area Commission

Proposed Use or reason for Council Variance request:

medical suite use not permitted for current zoning

Acreage: 7.234

APPLICANT:

Name: Christopher Bruzzese Phone Number: 614-221-1110 Ext.: _____

Address: 1398 Goodale Blvd. City/State: Columbus OH Zip: 43212

Email Address: cbruzzese@berardipartners.com Fax Number: 614-221-0831

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

Name: Chantry Place Housing L.P. Phone Number: 614-451-2151 Ext.: _____

Address: 2335 North Bank Drive City/State: Columbus OH Zip: 43220

Email Address: jphillips@nationalchurchresidences.org Fax Number: _____

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

Name: Christopher Bruzzese Phone Number: 614-221-1110 Ext.: _____

Address: 1398 Goodale Blvd. City/State: Columbus OH Zip: 43212

Email Address: cbruzzese@berardipartners.com Fax Number: 614-221-0831

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

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

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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:

The subject property is a 100 unit apartment project owned by National Church Residences, the largest provider of housing for the elderly in the country offering affordable housing in numerous states. One component of their mission is to provide housing with services. As such they have been adding Medical Office Suites to many of their facilities thereby providing medical consultation / services to their residents. For this particular project, the existing zoning classification of L-AR-12, Limited Apartment Residential does not allow a Medical Office. That said there are many providers of housing within the City of Columbus with a variety of facilities that offer various forms of assistance with their multi-family properties including infirmaries, medical dispensaries, on site staff consultation, common dining facilities, on site occupational or physical therapy, etc. which have required Council Variances also. It is further noteworthy, that under the Ohio Building Code a Medical Office Suite Use is classified as "B" - or Business; and that the current Club House Building within which this use is proposed was constructed and is currently classified for Business occupancy. Finally, since the proposed facility will solely be providing services for those residents on site, there will be no added parking load to the project. Considering these facts and the ever increasing trend of providing housing with services; together with the many precedents of similar Council Variances for this type of use; and the inconsequential nature of the proposed use, this proposal will not adversely affect the surrounding properties and should be approved.



Signature of Applicant _____

5/31/2016

Date _____

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AFFIDAVIT (See instruction sheet)

Application Number: CV16-042

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Christopher Bruzzese
of (1) MAILING ADDRESS 1398 Goodale Blvd., Columbus OH 43212

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 5560 Chantry Drive

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) Chantry Place Housing LP
2335 North Bank Drive
Columbus OH 43220

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

Christopher Bruzzese
614-221-1110

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

(5) Far East Area Commission
Larry Marshall
614-619-3278

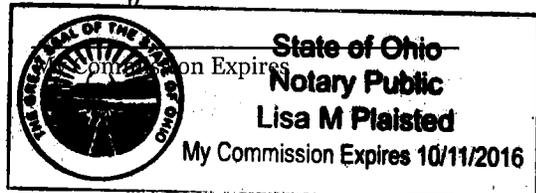
and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List** or the **County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries 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 31 day of May, in the year 2016

Rev [Signature]
(8) SIGNATURE OF NOTARY PUBLIC



Notary Seal Here

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

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CV16-042

APPLICANT

PROPERTY OWNER

AREA COMMISSION

Christopher Bruzzese
Berardi + Partners, Inc.
1398 Goodale Blvd.
Columbus, OH 43212

Chantry Place Housing LP
2335 North Bank Drive
Columbus, OH 43220

Far East Area Commission
Jennifer Chamberlin
696 Cedar Run Drove
Blacklick, OH 43004

SURROUNDING PROPERTY OWNERS

TMM Enterprises LLC
PO Box 569
Poca, W. Va. 25159

Phyllis L. Snedegar
4608 Central College Road
Westerville, OH 43081

O'Driscoll Properties
5515 Chantry Drive
Columbus, OH 43232

2560 Park Crescent LLC
5880 Scarborough Blvd.
Columbus OH 43232

Board of Education
270 East State Street
Columbus OH 43215

Columbus Chantry Properties LLC
2202 Niles Cortland Road
Cortland, OH 44410

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 # CV16-042

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Christopher J Bruzzese
of (COMPLETE ADDRESS) 1398 Goodale Blvd., Columbus OH 43212

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

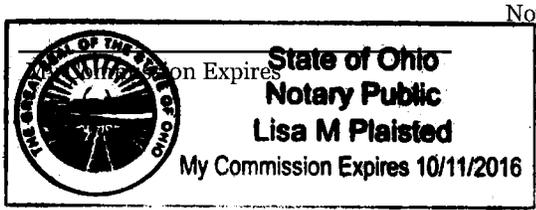
1. Chantry Place Housing LP 2335 North Bank Drive Columbus, OH 43220 Jeffrey Phillips, 614-451-2151	2.
3.	4.

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 31 day of May, in the year 2016

[Signature]
SIGNATURE OF NOTARY PUBLIC



PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
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Please make checks payable to the Columbus City Treasurer



200412290293273

Page 6 \$52.00 T20040109807
12/29/2004 3:49PM EXPORTER WRIG
Robert G. Montgomery
Franklin County Recorder

PARTNERSHIP	
GENERAL WARRANTY DEED	FILING DATE 10-20-1997
(Sections 5302.05 and 5302.06 Ohio Revised Code)	Instrument # 199710200122776
	RECORDER

CV16-042

COLUMBUS LAND INVESTMENT COMPANY, an Ohio general partnership, Grantor, of Franklin County, Ohio, successor by merger to Western Land Investment Company, for valuable consideration paid, grants, with general warranty covenants, to **CHANTRY PLACE HOUSING LIMITED PARTNERSHIP**, an Ohio limited partnership, Grantee, whose tax mailing address is 7335 North Bank Drive, Columbus, Ohio 43220 the following REAL PROPERTY: Situated in the State of Ohio, County of Franklin, and City of Columbus:

Being the 7.234 acre tract of land described in Exhibit "A" attached hereto and made a part hereof and the 4.558 acre tract of land described in Exhibit "B" attached hereto and made a part hereof.

Subject to real estate taxes and assessments, zoning ordinances, public rights-of-way, and easements, conditions, covenants and restrictions, if any, of record.

Prior Instrument Reference: Deed Book 3003, Page 446 of the Franklin County Recorder's Office.

Executed this 22 day of December, 2004.

Columbus Land Investment Company,
an Ohio general partnership

DESCRIPTION VERIFIED	
DEAN C. RINGLE, P.E., P.S.	
BY: _____	
DATE: _____	

By: Donald W. Kelley
Donald W. Kelley, Managing Partner

By: Robert J. Weiler
Robert J. Weiler, Managing Partner

STATE OF OHIO
COUNTY OF FRANKLIN, ss:

The foregoing instrument was acknowledged before me this 22 day of December, 2004, by Donald W. Kelley, Managing Partner and Robert J. Weiler, Managing Partner of Columbus Land Investment Company, an Ohio general partnership, on behalf of the partnership.



ALAN G. PARROTT
Notary Public, State of Ohio
My Commission Expires 11/16/2009

This instrument prepared by:
Timothy M. Kelley, Attorney at Law
250 E. Broad Street, Columbus, Ohio 43215

3545 Notary State of Ohio

CONVEYANCE TAX
\$ <u>608.30</u>
JOSEPH W. TESTA
FRANKLIN COUNTY AUDITOR

TRANSFERRED

DEC 29 2004

JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

PORTER WRIGHT BOX - CIA

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EXHIBIT A

December 1, 2004

12-28-04
 NONE
Wm Shook

7.234 ACRE TRACT

Situated in the City of Columbus, County of Franklin, State of Ohio; also being located in Half Section 46, Section 26, Township 12, Range 21, Refugee Lands, and being part of those lands as conveyed to Western Land Investment Company as described in Deed Book 3003, Page 446, Parcel No. 1, and being more particularly described as follows:

Commencing at the intersection of the centerline of Park Crescent (80' wide right-of-way) and the centerline of Chantry Drive (80' wide right-of-way); thence

Along the centerline of Park Crescent North 30°37'24" East, three hundred twenty-two and sixty-two one-hundredths feet (322.62') to a point; thence

Along a line measured at a right angle to the centerline of Park Crescent, South 59° 22' 36" East, forty and zero one-hundredths feet (40.00') to a 1" iron pipe found along the easterly line of Park Crescent, said point being the southwesterly corner of a 4.702 acre tract, lands as conveyed to H. Bert Lindsay as described in Official Record 34953 Page F-20, said point also being the **True Point of Beginning**, and from said beginning point running thence,

Along the southerly line of said 4.702 acre tract, South 59° 21' 49" East, five hundred twenty and sixty-three one-hundredths feet (520.63') to a 3/4" iron pipe found, said point being the southeasterly corner of said Lindsay, said point being the southerly-most corner of a 6.673 acre tract, lands as conveyed to The Board of Education of the City School District of Columbus, Ohio as described in Deed Book 3044 Page 431; thence,

Along the southerly line of said 6.673 acre tract, South 86° 10' 30" East three hundred ninety-nine and eighty one-hundredths feet (399.80') to an iron pin set, said point being the southeasterly corner of said 6.673 acre tract, said point also being along the westerly line of a 20.215 acre tract, lands as conveyed to Columbus Chantry Properties LLC as described in Instrument No. 200406250147824, said point also being along the division line between Half Section 45 and Half Section 46; thence,

Along a portion of the westerly line of said 20.215 acre tract, also being along the division line between Half Section 45 and Half Section 46, South 03° 49' 42" West, three hundred ninety-five and seventy-two one-hundredths feet (395.72') to an iron pin set, said point being the southwesterly corner of said 20.215 acre tract, said point also being along the division line between Half Section

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45 and Half Section 46, said point also being along the northerly line of Chantry Drive; thence, the following four courses along the northerly line of Chantry Drive,

North 86° 10' 30" West fifty-three and fifty-four one-hundredths feet (53.54') to an iron pin set at a point of curvature; thence,

Along a curve to the right having an arc length of 371.84', a radius of 795.00', a delta angle of 26° 47' 54", and a chord that bears North 72° 46' 33" West for a distance of three hundred sixty-eight and forty-six one-hundredths feet (368.46') to a point witnessed by a 1" iron pipe bearing South 41° 15' 45" East 0.78' from said point; thence,

North 59° 22' 36" West, five hundred sixty-nine and sixty-seven one-hundredths feet (569.67') to an iron pin set at a point of curvature; thence,

Along a curve to the right having an arc length of 125.66', a radius of 80.00', a delta angle of 90° 00' 00", and a chord that bears North 14° 22' 36" West for a distance of one hundred thirteen and fourteen one-hundredths feet (113.14') to an iron pin set, said point being along the easterly line of Park Crescent; thence,

Along the easterly line of Park Crescent North 30° 37' 24" East, two hundred two and sixty-two one-hundredths feet (202.62') to the point of beginning containing 7.234 acres of land, more or less.

All iron pins set are 30" long, 5/8" diameter rebar with plastic identifier caps stamped "KLEINGERS & ASSOC".

Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

The above description was prepared by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on an actual field survey performed by Kleingers & Associates in November, 2004.

Basis of bearings of the above-described courses is the centerline of Chantry Drive as delineated in Plat Book 46 Page 52.

D-104.F
SAIT
7.234ac
OUT
OF
(010)
12/8/12

LOT SPLIT APPROVED
G.D. CLEGGERS
DATE: 12-28-04
CONDITIONS: NOOZ

Michael L. Keller Date
Professional Surveyor, Ohio License No. 7978

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EXHIBIT B

DEED
CITY OF COLUMBUS
DATE 12-28-04
CONDITIONS NONE

December 1, 2004

4.558 ACRE TRACT

Situated in the City of Columbus, County of Franklin, State of Ohio; also being located in Half Section 46, Section 26, Township 12, Range 21, Refugee Lands, and being part of those lands as conveyed to Western Land Investment Company as described in Deed Book 3003, Page 446, Parcel No. 1, and being more particularly described as follows:

Commencing at the intersection of the centerline of Park Crescent (80' wide right-of-way) and the centerline of Chantry Drive (80' wide right-of-way); thence,

Along the centerline of Chantry Drive, South 59°22' 36" East, six hundred eighty-nine and sixty-seven one-hundredths feet (689.67') to a point of curvature; thence,

Along a curve to the left having a length of 4.18', a radius of 835.00', a delta angle of 0° 17' 13", and a chord bearing South 59° 31' 12" West for a distance of 4.18' to a point; thence,

Along a line measured at a right angle to the centerline of Chantry Drive, South 30° 20' 11" West, forty and zero one-hundredths feet (40.00') to a point along the southerly line of Chantry Drive, said point witnessed by 5/8" iron pin found bearing South 46° 02' 27" East for a distance of 0.33', said point being the True Point of Beginning, and from said beginning point running thence,

Along the southerly line of Chantry Drive along a curve to the left having an arc length of 404.88', a radius of 875.00', a delta angle of 26° 30' 42", and a chord bearing South 72° 55' 10" East for 401.27' to a point of tangency, said point witnessed by a 1" iron pipe found bearing South 44° 46' 32" West for a distance of 0.59'; thence,

Along the southerly line of Chantry Drive, South 86° 10' 30" East, fifty-three and fifty-four one-hundredths feet (53.54') to an iron pin set, said point being the northwesterly corner of a 9.132 acre tract, lands as conveyed to Chantry Corporate Center, LLC as described in Instrument No. 20010610121600, said point also being along the division line between Half Section 45 and Half Section 46; thence,

Along the westerly line of said 9.132 acre tract, also being along the division line between Half Section 45 and Half Section 46, South 03° 49' 41" West, four hundred sixty and eighty-seven one-hundredths feet (460.87') to a 1" iron pipe found, said point being the

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southwesterly corner of said 9.132 acre tract, said point also along the northerly railroad right-of-way line (formerly T. & O.C. Railroad); thence,

Along the northerly railroad right-of-way line, North 59° 22' 36" West, seven hundred twenty-five and sixty-seven one-hundredths feet (725.67') to a 1" pipe found, said point being the southeasterly corner of a 1.500 acre tract, lands as conveyed to TMM Enterprises LLC as described in Instrument No. 200101160010105; thence,

Along a portion of the easterly line of said 1.500 acre tract, North 30° 37' 24" East, one hundred twenty-eight and twenty-seven one-hundredths feet (128.27') to a 1/2" iron pin found, said point being along the easterly line of said 1.500 acre tract, said point also being the southwesterly corner of a 0.303 acre tract, lands as conveyed to New Par as described in Official Record 34153 Page C-15; thence,

Along the southerly line of said 0.303 acre tract, South 59° 22' 36" East, eighty and zero one-hundredths feet (80.00') to a 1/2" iron pin found, said point being the southeasterly corner of said 0.303 acre tract; thence,

Along the easterly line of said 0.303 acre tract, North 30° 37' 24" East, one hundred sixty-five and one one-hundredths feet (165.01') to the point of beginning containing 4.558 acres, more or less.

All iron pins set are 30" long, 5/8" diameter rebar with plastic identifier caps stamped "KLEINGERS & ASSOC".

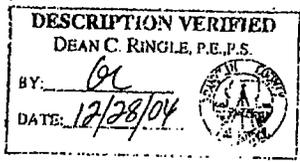
Subject to any easements, restrictions, covenants, ordinances, or agreements of record.

The above description was prepared by Michael L. Keller, Professional Surveyor, Ohio License No. 7978, based on an actual field survey performed by Kleingers & Associates in November, 2004.

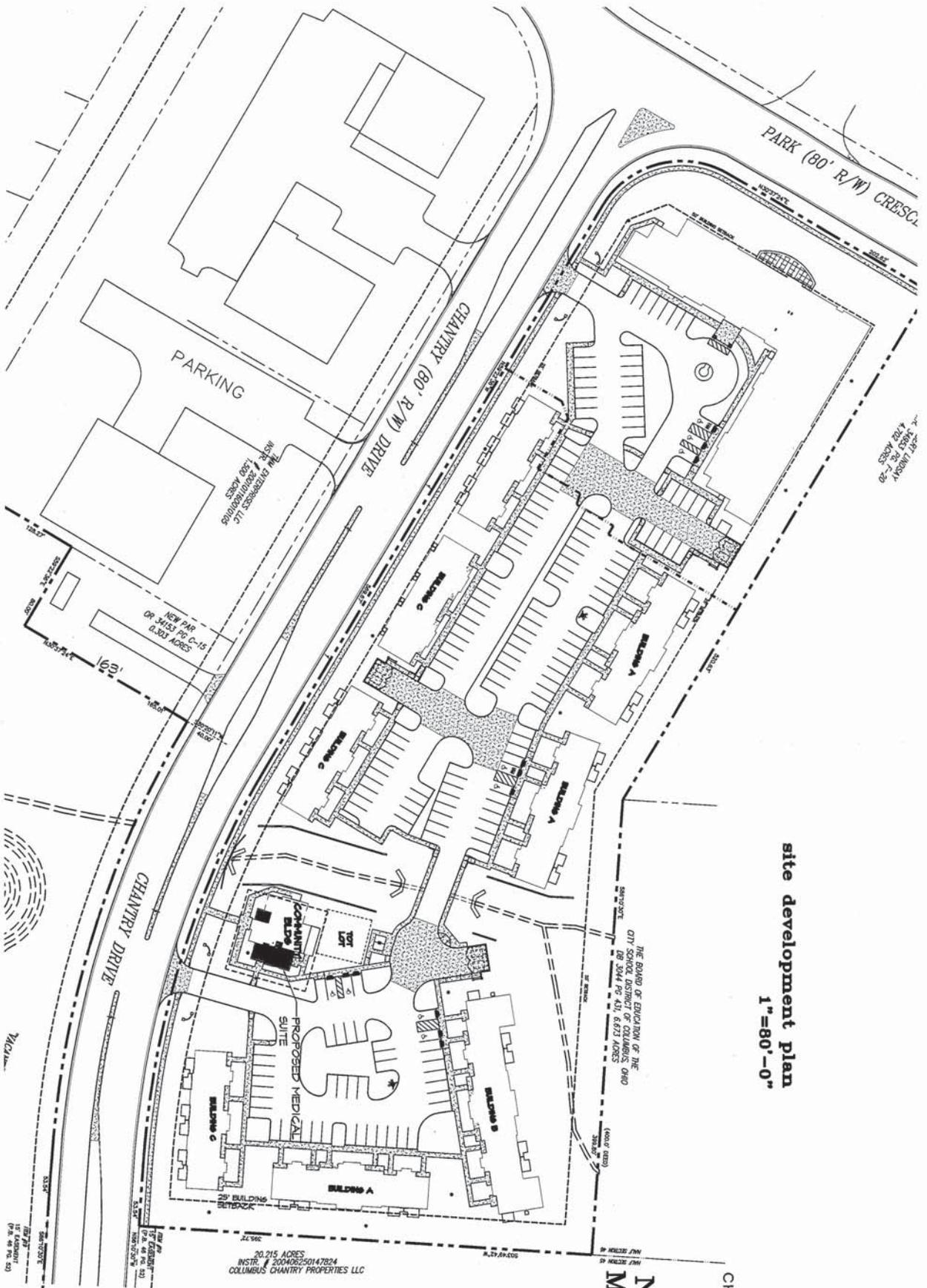
Basis of bearings of the above-described courses is the centerline of Chantry Drive as delineated in Plat Book 46 Page 52.

0-104-F
SPLIT
4.558ac
OUT
OF
(010)
126812

12-28-04
1092
WSD/Phoda



Michael L. Keller Date
Professional Surveyor, Ohio License No. 7978



site development plan
1"=80'-0"

**NCR Chantry
Medical Suite**

CHRISTOPHER J BRUZZE;
LICENSE # 7923
EXPIRATION DATE
12/31/2016

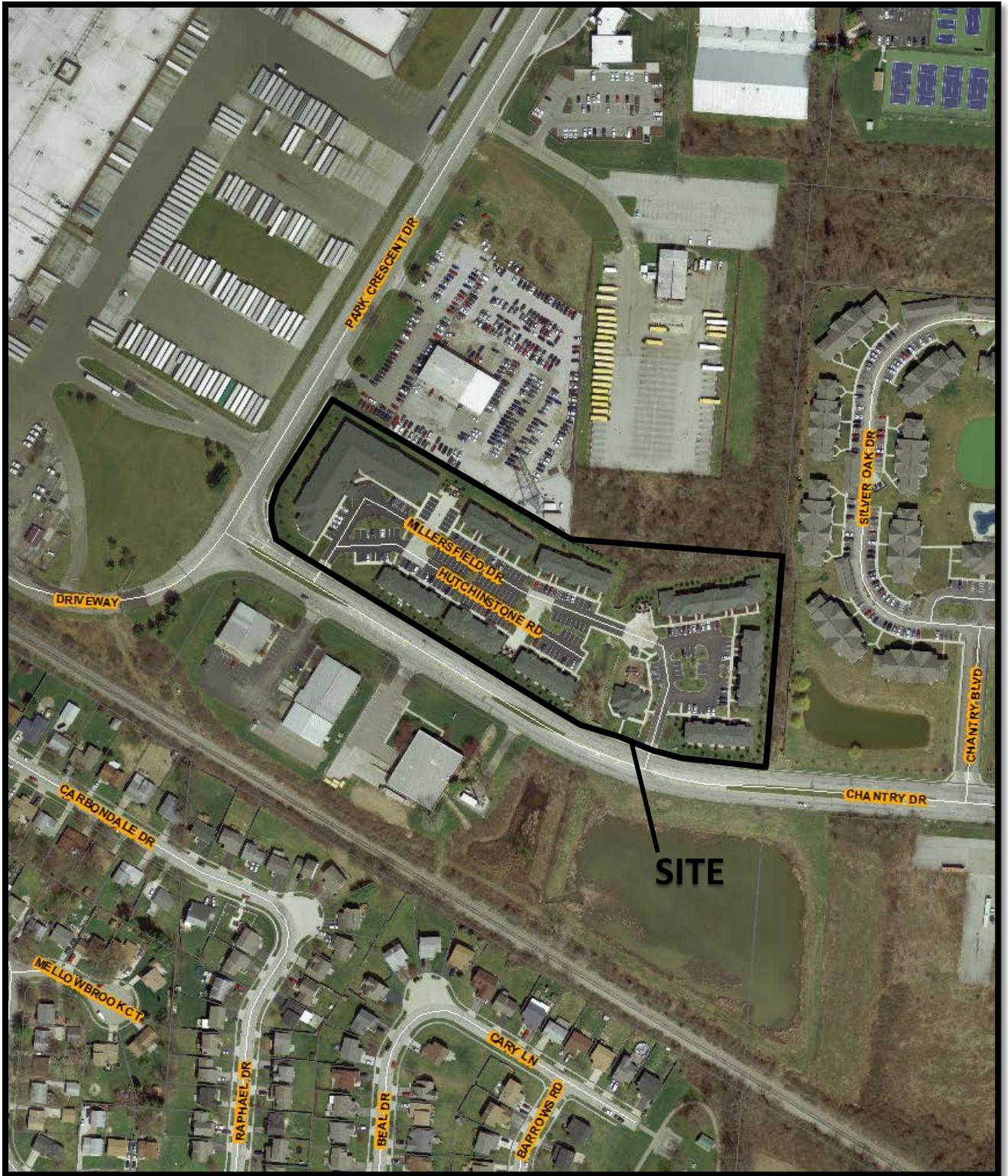


20.215 ACRES
INSTR. # 200406250147824
COLUMBUS CHANTRY PROPERTIES LLC

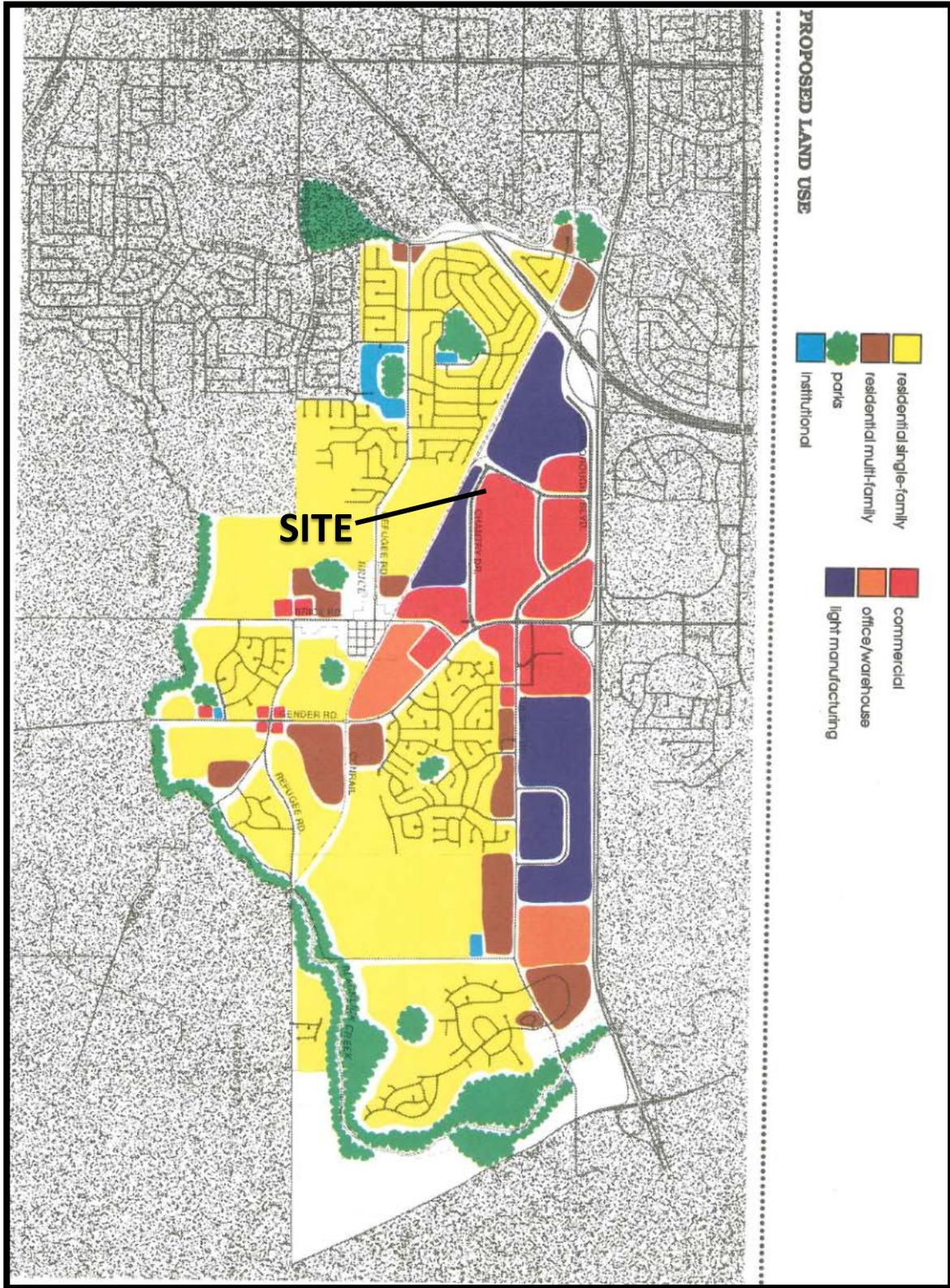
THE EXHIBIT
FILED IN THE OFFICE OF THE
CLERK OF COURTS
FOR THE COUNTY OF COLUMBUS, OHIO
ON 12/15/16 AT 10:53 AM
BY JESSICA L. HARRIS, CLERK

C1

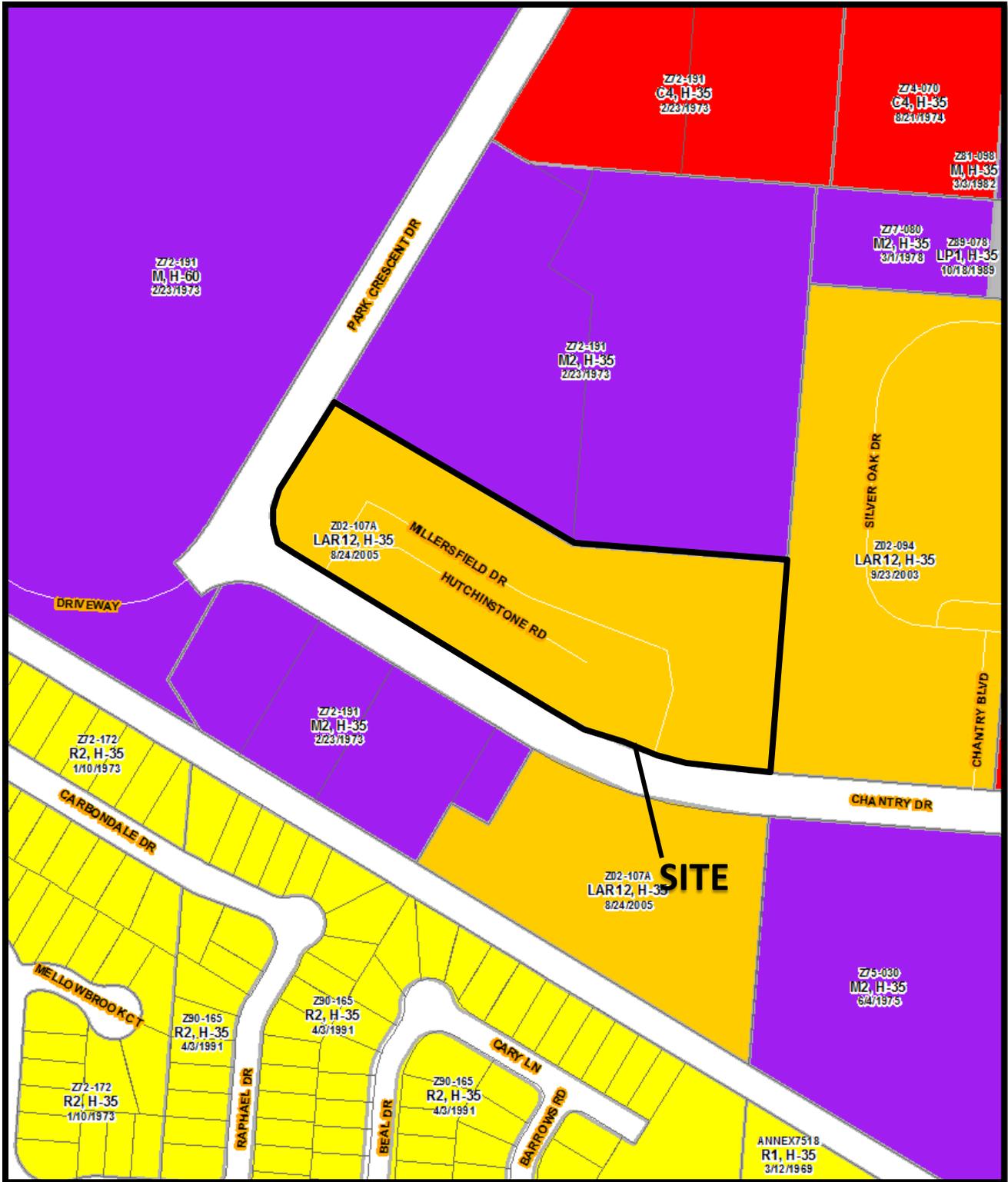
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CV16-042
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Approximately 7.23 acres



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