

## 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: CV16-031 Date Received: 4/27/16

Application Accepted by: SP & MM Fee: \$1920

Comments: Assigned to James Burdin; JEBurdin@columbus.gov; 614-645-1341  
Shanum Pine; spine@columbus.gov; 614-645-2209

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1700 E. Dublin Granville Road Zip: 43229

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: 010-000383-00

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

Current Zoning District(s): C-4

Area Commission or Civic Association: N/A Northland Community Council

Proposed Use or reason for Council Variance request: See attached.

Acres: 2.61

#### APPLICANT:

Name: Heritage Day Health Centers Phone Number: 614-273-3806 Ext.: \_\_\_\_\_

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

Email Address: mbierlein@nationalchurchresidences.org Fax Number: 614-451-0351

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

Name: Same as applicant Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

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

Name: Scott North Phone Number: 614-227-2087 Ext.: \_\_\_\_\_

Address: 41 South High Street, Suite 2900 City/State: Columbus/Ohio Zip: 43215

Email Address: snorth@porterwright.com Fax Number: 614-227-2100

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

APPLICANT SIGNATURE [Signature] [Signature] [Signature]

PROPERTY OWNER SIGNATURE Same as applicant

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**

THE CITY OF  
**COLUMBUS**

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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CV16-031

### 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.

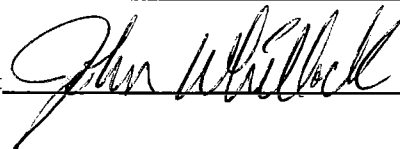
**I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance requested as detailed below:**

The site currently contains an Adult Day Care Center owned and run by the Applicant. Applicant seeks to develop a portion of the parcel with an up to 70 unit permanent supportive housing facility. The proposed development would contain residential units on the ground floor as well as space for on-site services. Additionally, the development would have access to services at the Adult Day Care Center.

The current zoning district (C-4) permits residential use above otherwise permitted uses within the district. Given the cumulative extent of services to be offered at the development as well as through the Adult Day Care Center, Applicant is requesting a variance to allow for the conditional use of ground floor residential on the property.



Signature of Applicant



Date

4/26/16

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-031

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Matthew Bierlein

of (1) MAILING ADDRESS 2335 North Bank Dr., 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 1700 E. Dublin Granville Road, Columbus, OH 43229

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 4-27-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Heritage Day Health Centers

2335 North Bank Dr.

Columbus, OH 43220

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

Heritage Day Health Centers

614-273-3806

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

(5) Northland Community Council

P.O. Box 297836

Columbus, OH 43229

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 26<sup>th</sup> day of April, in the year 2016

Rev Megan Kelley  
(8) SIGNATURE OF NOTARY PUBLIC

NONE  
My Commission Expires



Here  
Megan C. Kelley, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 A.C.

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

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Please make checks payable to the Columbus City Treasurer

1700 E Dublin Granville Rd  
Council Variance Application  
Mailing Labels

CV16-031

HK New Plan Karl Plaza LP  
P.O. Box 4900  
Dept 124  
Scottsdale, AZ 85261-4900

Heritage Day Health Center  
3341 Livingston Ave.  
Columbus, OH 43227

Reese & Co. LLC  
C/O Schneider Link LLP  
P.O. Box 123  
Hilliard, OH 43026

National Church Residences  
2335 North Bank Dr.  
Columbus, OH 43220

Christopher V. Maurer  
1709 Durbridge Rd.  
Columbus, OH 43229

Scott North  
Porter Wright  
41 South High Street  
Suite 2900  
Columbus, OH 43215

Sharon Woods Baptist Church  
1729 Durbridge Rd  
Columbus, OH 43229

Northland Community Council  
P.O. Box 297836  
Columbus, OH 43229

Barnes Properties Investments, LLC  
11300 Thronbrook Dr.  
Galena, OH 43021

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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 # CV16-031

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) John Whitlock

of (COMPLETE ADDRESS) 2335 North Bank Dr., 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

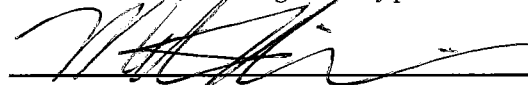
1. Heritage Day Health Centers 2335 North Bank Dr. Columbus, OH 43220 Matthew Bierlein (614-273-3806)	2. National Church Residences 2335 North Bank Dr. Columbus, OH 43220 Matthew Bierlein (614-273-3806) Approximately 375 Columbus employees (including subsidiary companies)
3.	4.

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

SIGNATURE OF AFFIANT

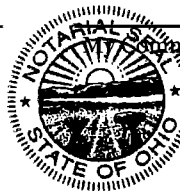


Sworn to before me and signed in my presence this 26 day of April, in the year 2016



SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



MATTHEW BIERLEIN, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

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Legal Description

C 016-031

Situate in the County of Franklin, State of Ohio, City of Columbus, being located in Quarter Township 4, Township 2, Range 18, United States Military Lands, and being 3.223 acres of the Davis Investment Co., 10.306 acre tract of record in Deed Book 2768, Page 326, all references being to records of the Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point in the centerline of Dublin-Granville Road, (State Route No. 161), that is North 87 deg. 36' 30" West, 108.98 feet from the southeasterly corner of the said Davis Investment Co., 10.306 acre tract;

Thence, along the centerline of the said Dublin-Granville Road, North 87 deg. 35' 30" West, 260.0 feet to a point;

Thence, North 2 deg. 24' 30" East (passing an iron pin at 110 feet), 540.0 feet to an iron pin in the northerly line of the said Davis Investment Co., 10.306 acre tract, being also in the southerly line of Lot No. 8 of "SHARON WOODS SECTION NO. 1" of record in Plat Book 40, Pages 14 and 15;

Thence, along the northerly line of the said Davis Investment Co., 10.306 acre tract, being also the southerly lines of Lot Nos. 1, 2 and 3, and Reserve "B" of the said "SHARON WOODS SECTION NO. 1", South 87 deg. 35' 30" East, 260.0 feet to an iron pin that is North 87 deg. 35' 30" West, 105.0 feet from an iron pin at the northeasterly corner of the said 10.306 acre tract;

Thence, South 2 deg. 24' 30" West, (passing an iron pin at 437.7 feet), 540.0 feet to the place of beginning, containing 3.223 acres, more or less, LESS AND EXCEPTING THEREFROM A PORTION OF THE FOLLOWING DESCRIBED PROPERTY (TRACT I AND TRACT II)

TRACT I

Commencing at a point on the owner's westerly property line, said point being 75.00 feet left of centerline survey Station 639 plus 89.82, said point also being a point on the proposed northerly limited access right of way line for State Route 161;

Thence leaving the owner's westerly property line and continuing along the line above mentioned northerly limited access right of way line South 79 degrees 01 minutes 54 seconds East a distance of 111.21 feet to a point;

Thence South 86 degrees 48 minutes 53 seconds East a distance of 854.01 feet to a point on the owners easterly property line;

Thence leaving the above mentioned northerly limited access right of way line and continuing along the owner's easterly property line South 03 degrees 04 minutes 23 seconds West a distance of 60.00 feet to a point at the owner's southeasterly property corner;

Thence along the owner's southerly property line North 86 degrees 48 minutes 53 seconds West a distance of 964.22 feet to a point at the owner's southwesterly property corner;

Thence along the owner's westerly property line North 03 degrees 07 minutes 07 seconds East a distance of 75.00 feet to the place of beginning, containing 1.348 acres, more or less, inclusive of the present road which occupies 0.664 of an acre, more or less.

## TRACT II

Commencing at a point on the owner's westerly property line, said point being 240.00 feet left of centerline survey Station 638 plus 09.63, said point also being a point on the proposed northerly right of way line for State Route 161;

Thence leaving the owner's westerly property line and continuing along the above mentioned northerly right of way line South 86 degrees 48 minutes 53 seconds East a distance of 170.37 feet to a point;

Thence South 50 degrees 47 minutes 15 seconds East a distance of 68.01 feet to a point;

Thence South 14 degrees 19 minutes 50 seconds East a distance of 99.67 feet to a point;

Thence South 86 degrees 48 minutes 53 seconds East a distance of 235.00 feet to a point;

Thence South 89 degrees 40 minutes 38 seconds East a distance of 100.12 feet to a point;

Thence South 86 degrees 48 minutes 53 seconds East a distance of 200.00 feet to a point;

Thence South 81 degrees 06 minutes 15 seconds East a distance of 100.50 feet to a point;

Thence South 86 degrees 48 minutes 53 seconds East a distance of 100.00 feet to a point;

Thence South 89 degrees 40 minutes 38 seconds East a distance of 100.12 feet to a point;

Thence South 84 degrees 09 minutes 38 seconds East a distance of 53.99 feet to a point on the owner's easterly property line;

Thence leaving the above mentioned northerly right of way line and continuing along the owner's easterly property line South 03 degrees 04 minutes 23 seconds West a distance of 42.50 feet to a point on the proposed northerly limited access right of way line for State Route 161;

Thence leaving the owner's easterly property line and continuing along the above mentioned northerly limited access right of way line North 86 degrees 48 minutes 53 seconds West a distance of 854.01 feet to a point;

Thence North 79 degrees 01 minutes 54 seconds West a distance of 111.21 feet to a point on the owner's westerly property line;



Thence leaving the above mentioned northerly limited access right of way line and continuing along the owner's westerly property line North 03 degrees 07 minutes 07 seconds East a distance of 125.00 feet to a point;

Thence along the owner's southerly property line North 86 degrees 48 minutes 53 seconds West a distance of 180.00 feet to a point at the owner's southwesterly property corner;

Thence along the owner's westerly property line North 03 degrees 07 minutes 07 seconds East a distance of 40.00 feet to the place of beginning, containing 1.300 acres, more or less,

Leaving a net acreage of 2.610 acres, more or less.

A survey of this property was made by E.E. Maddy, Registered Surveyor No. 4965, Evans, Mechwart, Hambleton & Tilton, Inc.

RESERVING, HOWEVER, there from an easement for the purpose of constructing, operating and maintaining a storm sewer in the three following described strips of land:

Situated in the State of Ohio, County of Franklin, City of Columbus, being three strips of land, each being ten feet in width, in that 10.306 acre tract of land referred to as PARCEL NO. THREE and described in a deed to Davis Investment Co., of record in Deed Book 2768, Page 326, Recorder's Office, Franklin County, Ohio, the centerlines of said ten foot wide strips being described as follows:

#### STRIP "A"

Beginning, for reference, at the northeasterly corner of said 10.306 acre tract, the same being a corner of Sharon Woods, Section 1, the plat of the same, being shown of record in Plat Book 40, Pages 14 and 15, Recorder's Office, Franklin County, Ohio; thence North 87 deg. 35' 30" West, with the northerly line of said 10.306 acre tract, a distance of 377.00 feet to a point; thence South 2 deg. 24' 30" West, a distance of 12.50 feet to a point, thence South 87 deg. 36' 30" East, parallel with and 12.50 feet southerly from, as measured at right angles, the northerly line of said 10.306 acre tract, a distance of 12.00 feet to the true point of beginning;

#### STRIP "B"

Beginning, for reference, at the point of ending of above described Strip "A", thence South 87 deg. 36' 30" East, parallel with and 12.50 feet southerly from, as measured at right angles, the northerly line of said 10.306 acre tract, a distance of 10.00 feet to a point; thence South 47 deg. 26' 42" West, a distance of 14.13 feet to the true point of beginning;

Thence, from said true point of beginning, South 47 deg. 26' 42" West, a distance of 142.97 feet to a point;

Thence North 87 deg. 02' 16" West, a distance of 158.85 feet to the point of ending, said point of ending being located 206.32 feet northerly from, as measured at right angles, the centerline of State Route 161 (Dublin-Granville Road).

STRIP "C"

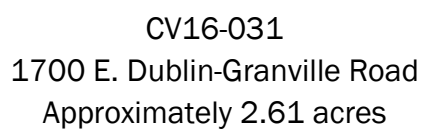
Beginning, for reference, at the point of ending of above described Strip "B"; thence South 87 deg. 02' 16" East, a distance of 158.85 feet to the true point of beginning;

Thence, from said true point of beginning, South 0 deg. 00' 04" West, a distance of 105 feet, more or less, to the point of ending in the existing northerly right-of-way line of said State Route No. 161.

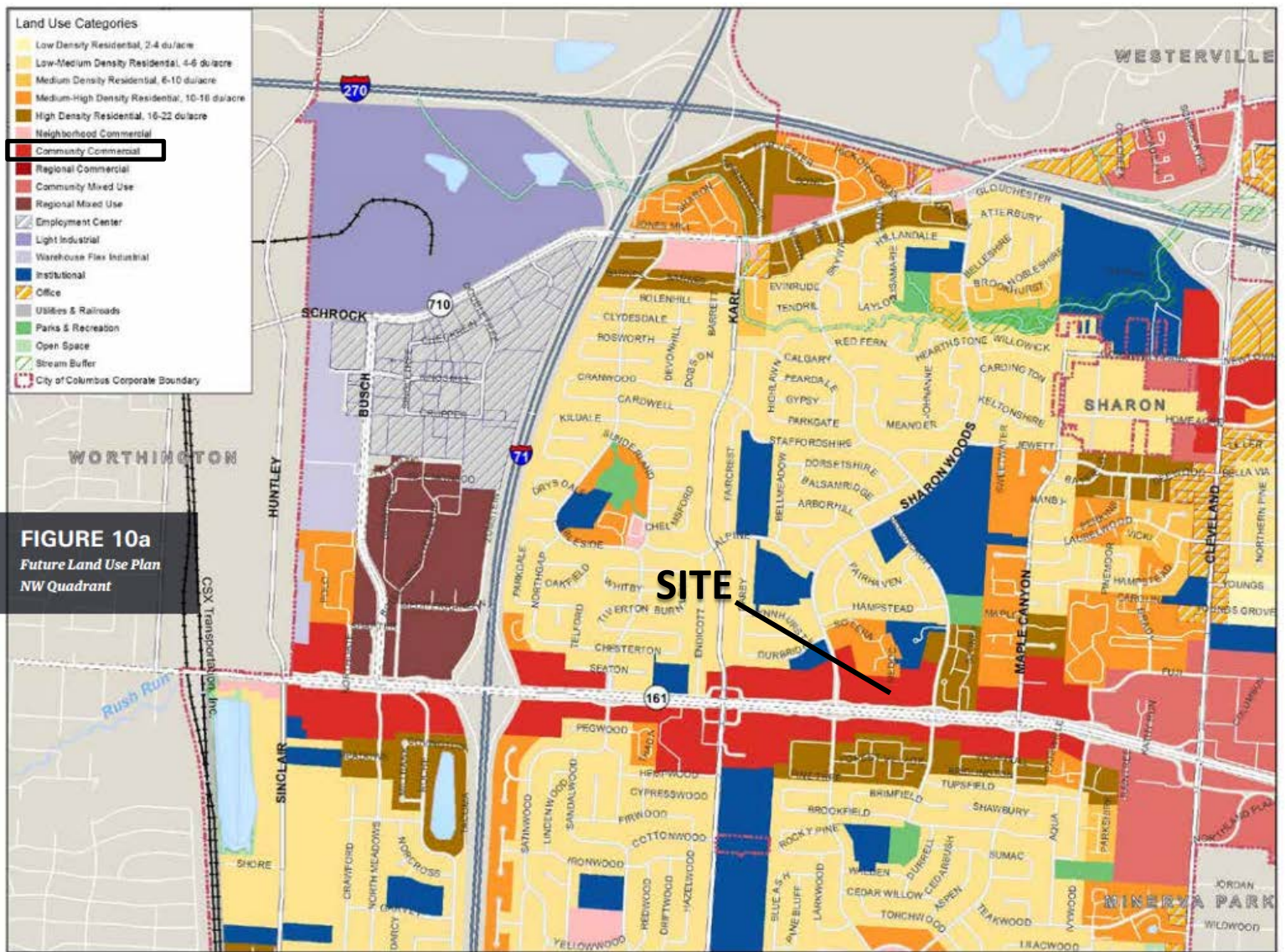
It is intended that the easterly and westerly lines (ends) of above described Strip "A" and Strip "B" be coincident with the easterly and westerly boundary lines, respectively, of the premises herein conveyed; together with the rights of ingress and egress.

RESERVING ALSO, a non-exclusive easement for the construction, operation and maintenance of all utilities, both public and private, above and beneath the surface of the ground, said easement being a 25 foot wide strip of land along the entire northerly side of the herein conveyed premises, the northerly side of such 25 foot wide strip of land being coincident with the northerly line of the premises herein conveyed; together with rights of ingress and egress.

Parcel No. 010-000383



Approximately 2.61 acres



CV16-031  
1700 E. Dublin-Granville Road  
Approximately 2.61 acres





CV16-031  
1700 E. Dublin-Granville Road  
Approximately 2.61 acres