

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: CV17-014 Date Received: 2/27/16

Application Accepted by: SP Fee: \$1200 -

Assigned Planner: Sharon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 5284 Avery Road, Dublin, Ohio 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: 010-265637

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

Current Zoning District(s): R - Residential - Pending L-AR-1 (Z16-077)

Area Commission or Civic Association: N/A

Proposed Use or reason for Council Variance request:

Please see attached statement.

Acreage: 7.0 +/- acres

APPLICANT:

Name: Preferred Living Phone Number: 614.901.2400 Ext.:

Address: 750 Communications Parkway City/State: Columbus, Ohio Zip: 43214

Email Address: Fax Number:

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

Name: Hilliard United Pentecostal Church Phone Number: Ext.:

Address: 5284 Avery Road City/State: Dublin, Ohio Zip: 43016

Email Address: Fax Number:

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

Name: David Hodge, Underhill & Hodge LLC Phone Number: 614.335.9320 Ext.:

Address: 8000 Walton Parkway, Suite 260 City/State: New Albany, Ohio Zip: 43054

Email Address: david@uhlfirm.com Fax Number: 614.335.9329

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

APPLICANT SIGNATURE By: [Signature]

PROPERTY OWNER SIGNATURE By: [Signature]

ATTORNEY / AGENT SIGNATURE [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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CV17-014

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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

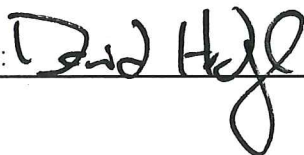
PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

Please see attached Statement of Hardship.

Signature of Applicant

By:



Date

2/27/17

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Statement of Hardship

5284 Avery Road

The applicant, Preferred Living, is in the process of rezoning the subject property from the R-Rural district, to the L-AR-1 district, to accommodate redevelopment from the current religious use, to a multi-family residential neighborhood. The rezoning request is pending by Application Z16 – 077 and with that request the applicant is committing to a Site Plan which was achieved through a collaborative process with the City of Columbus Planning Division. The variances requested are necessary primarily due to a requirement that the applicant dedicate / donate 50 feet of its frontage to the City of Columbus for future road improvements.

The following variances are requested:

C.C. 3312.27 – Parking setback line, to reduce the parking setback from 25 feet to 20 feet.

C.C. 3333.18 – Building lines, to reduce the building setback from 80 feet to 33 feet.

But for the fact that the applicant is dedicating a significant amount of right-of-way along Avery Road, these variances would not be necessary.

This unusual and practical difficulty will not seriously affect any adjoining property, or the general welfare. The right-of-way dedication provides for future infrastructure improvements, at no cost to the City, and further will allow this property in a manner consistent with land use recommendations, and with adjacent properties.

The applicant respectfully requests the approval of these variances, to allow an appropriate redevelopment of the property.

Signature of Applicant:

David H. H.

Date:

February 27, 2017

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV17-014

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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 5284 Avery Road, Dublin, Ohio 43016

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/27/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Hilliard United Pentecostal Church

5284 Avery Road

Dublin, Ohio 43016

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

Preferred Living

614.901.2400

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

(5) N/A

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)

☒ 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 27th day of February in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

1-11-2021
My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON

Notary Public, State of Ohio

My Commission Expires

January 11, 2021

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C017-014

PROPERTY OWNER:

Hilliard United Pentecostal
Church
5284 Avery Road
Dublin, Ohio 43016-9708

APPLICANT:

Preferred Living
750 Communications Parkway
Columbus, Ohio 43214

ATTORNEY:

David Hodge, Esq.
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

SURROUNDING PROPERTY OWNERS:

Edwards Avery Road LLC
495 South High St., Suite 150
Columbus, Ohio 43215

Pines at Tuttle Crossing LP
5303 Wilcox Road
Dublin, Ohio 43016

Avery Place 2 Limited
169 South Liberty Street
Powell, Ohio 43065

William and Jacquelyn Riddle
or current occupant
5140 Autumn Fern Drive
Dublin, Ohio 43016

John and Mary Germaine, Tr.
or current occupant
5146 Autumn Fern Drive
Dublin, Ohio 43016

Howard and Eleanor Geyer
or current occupant
5150 Autumn Fern Drive
Dublin, Ohio 43016

Pablo and Maria Pons
or current occupant
5156 Autumn Fern Drive
Dublin, Ohio 43016

Gary and Angela Warchock
or current occupant
5160 Autumn Fern Drive
Dublin, Ohio 43016

John and Barbara Gates, Tr.
or current occupant
5166 Autumn Fern Drive
Dublin, Ohio 43016

Michael and Karen German
or current occupant
5170 Autumn Fern Drive
Dublin, Ohio 43016

Stephen and Patricia Kranz
or current occupant
5176 Autumn Fern Drive
Dublin, Ohio 43016

Craig and Candace Franz
or current occupant
4776 Coltvew
Hilliard, Ohio 43026

Donna and Mike Giannantonio
or current occupant
5186 Autumn Fern Drive
Dublin, Ohio 43016

Eric and Michelle Michel
or current occupant
5190 Autumn Fern Drive
Dublin, Ohio 43016

Sharon Everett
or current occupant
5196 Autumn Fern Drive
Dublin, Ohio 43016

Paul and Polly Ann Zeigler
or current occupant
5181 Vinings Boulevard
Dublin, Ohio 43016

Harumi Thatcher
or current occupant
4605 Stoneworth Drive
Hilliard, Ohio 43026

Momin Durrani
or current occupant
5189 Vinings Boulevard
Dublin, Ohio 43016

William E. Radebaugh, III
or current occupant
5193 Vinings Boulevard
Dublin, Ohio 43016

Joon and Aesook Kim
or current occupant
5155 Vinings Boulevard
Dublin, Ohio 43016

CW-014

Yoshiko Tuttle
or current occupant
4997 Common Market Place
Dublin, Ohio 43016

Chih Pin Hsu and
Ya-Mei Chen
or current occupant
5281 Turnberry Creek Lane
Howard, Ohio 43026

Abdul Nasir Qazi
or current occupant
7416 Maynooth Drive
Dublin, Ohio 43017

Gary and Frances Levitt
or current occupant
5171 Vinings Boulevard, #B
Dublin, Ohio 43016

Khaled and Heyam Jaber
or current occupant
5175 Vinings Boulevard, #B
Dublin, Ohio 43016

Donna Vallery
or current occupant
5149 Vinings Boulevard, #B
Dublin, Ohio 43016

Katherine Keller
or current occupant
5151 Vinings Boulevard
Dublin, Ohio 43016

Gregory and Cheryl Jordan
or current occupant
5231 Avery Road
Dublin, Ohio 43016

Daniel and Susan Myher
or current occupant
5235 Avery Road
Dublin, Ohio 43016

Elizabeth Baltes-Spring
or current occupant
3590 Sterling Park Circle, Apt. C
Grove City, Ohio 43123

Jason and Heather Loudenslager
or current occupant
8534 East Kemper Road
Cincinnati, Ohio 45249

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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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 #

CV17-014

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge

of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

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. Preferred Living 750 Communications Parkway Columbus, Ohio 43214 (614.901.2400 ___ Columbus based employees	2. Hilliard United Pentecostal Church 5284 Avery Rd. Dublin, OH 43016
3.	4.

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

SIGNATURE OF AFFIANT

David Hodge

Sworn to before me and signed in my presence this

28th

day of

February

, in the year

2017

SIGNATURE OF NOTARY PUBLIC

Kimberly R. Grayson

1-11-2021

My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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CV17-014

Legal Description

Situated in the State of Ohio, County of Franklin, Township of Washington, Virginia Military Survey No. 3012 and being 7.000 acres out of an 18.255 acre tract transferred to Sue A. and Harry D. Brockmeyer by Official Record 00422 J02, Recorder's Office, Franklin County, Ohio, said 7.000 acre tract being more particularly described as follows:

Beginning at a railroad spike in the centerline of Avery Road at the northwesterly corner of the said 18.255 acre tract, also being the southwesterly corner of the Lester T. and Marian S. Porter tract; thence from the place of beginning;

North 83° 55' 46" East, a distance of 1001.09 feet along the northerly line of the said 18.255 acre tract and the southerly line of the said Porter tract to a stone with a cross being the northeasterly corner of the said 18.255 acre tract and the northwesterly corner of the William E. Pethel 25 acre tract;

Thence South 05° 22' 53" East, a distance of 365.25 feet along the easterly line of the said 18.255 acre tract and the westerly line of the said 25 acre tract to an iron pin;

Thence North 88° 20' 40" West, a distance of 1071.49 feet across said 18.255 acre tract to a railroad spike (passing an iron pin in the easterly right-of-way line of said Avery Road at 1041.06 feet) in the centerline of said Avery Road and the westerly line of the said 18.255 acre tract;

Thence North 10° 19' 21" East, a distance of 230.55 feet along the centerline of said Avery Road and the westerly line of the said 18.255 acre tract to the Place of Beginning. CONTAINING 7.000 acres of land, subject however, to all legal easements and rights-of way.



City of Columbus Zoning Plat



ZONING NUMBER

CV17-014

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: 010265637

Zoning Number: 5284

Street Name: AVERY RD

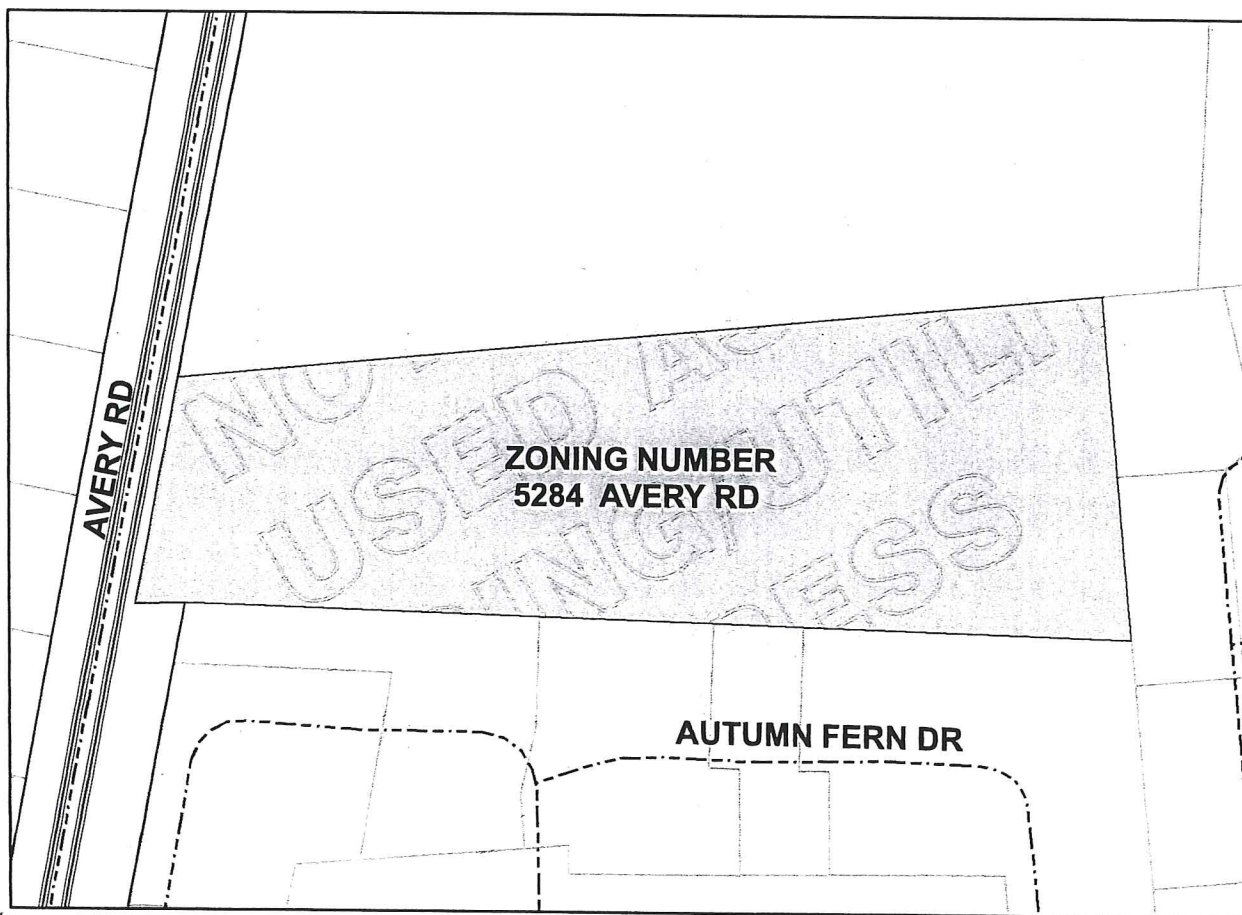
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE LLC. (DAVID HODGE)

Issued By: Adyana Amariam

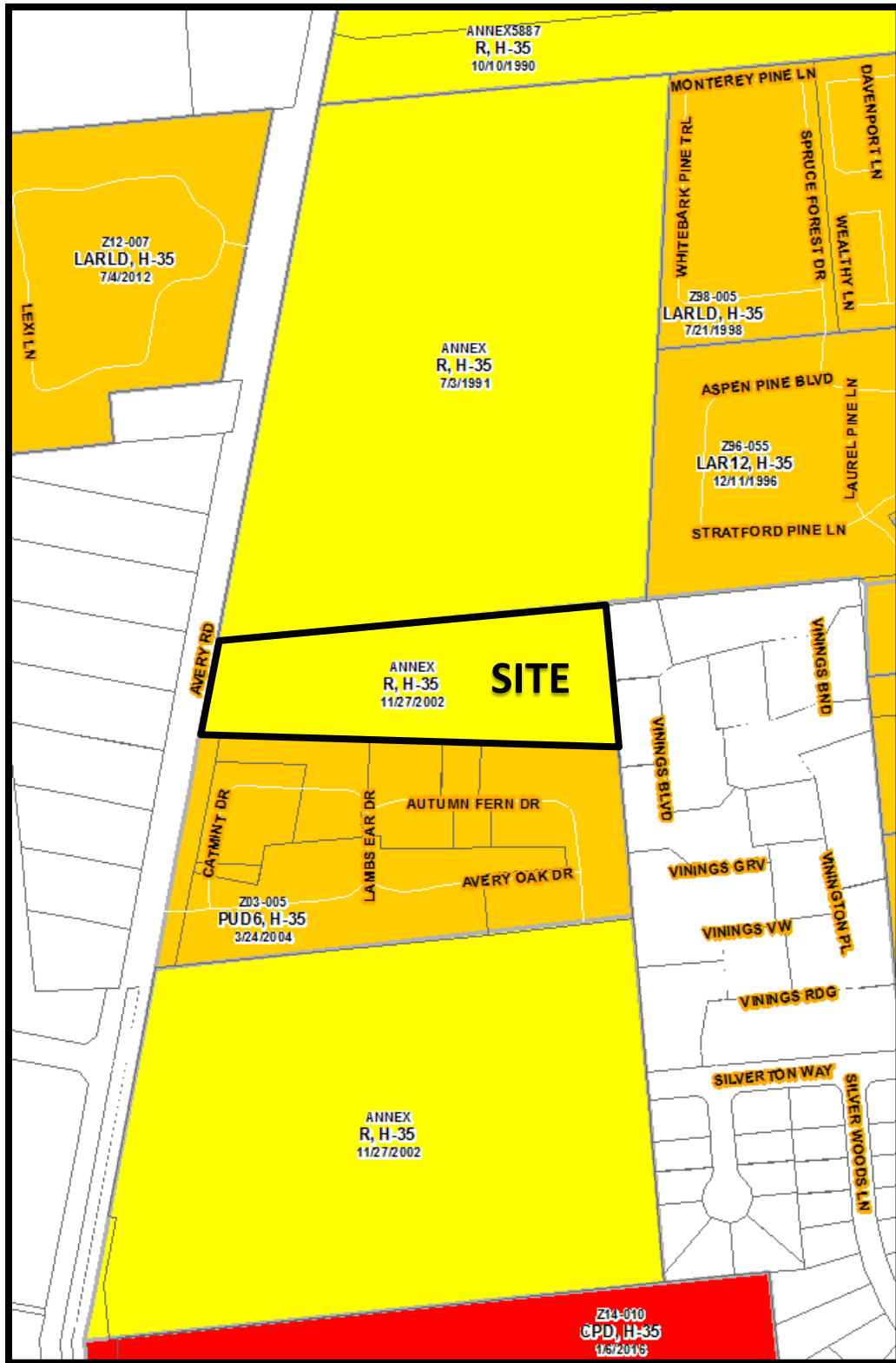
Date: 10/28/2016



FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 77875



CV17-014
5284 Avery Road
Approximately 7.0 acres
Pending L-AR-1



CV17-014
5284 Avery Road
Approximately 7.0 acres
Pending L-AR-1