

## 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: CV17-020

Date Received: 3/28/2017

Application Accepted by: SP

Fee: \$2000 (in conjunction w/ rezoning)

Assigned Planner: Shannon Pine, 614-645-2200, spine@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 7000 Bent Tree Boulevard, Columbus, Ohio Zip: 43235

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: 590-208808

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

Current Zoning District(s): CPD (Pending LAR-2)

Area Commission or Civic Association: Far Northwest Coalition

Proposed Use or reason for Council Variance request:

Please see attached Statement of Hardship.

Acreage: 16.7 +/-

#### 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: Andersons Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: P.O. Box 119 City/State: Maumee, Ohio Zip: 43537

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] Hodge -- Harney

PROPERTY OWNER SIGNATURE By: [Signature] Hodge attorney for applicant

ATTORNEY / AGENT SIGNATURE [Signature] Hodge

*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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CV17-020

### 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

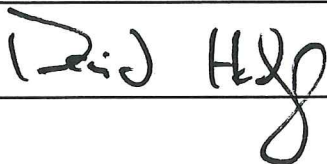
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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

3/28/17

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CW17-020

## Statement of Hardship

### 7000 Bent Tree Boulevard

The subject property was formerly the Anderson's location on the northwest side of Columbus. The recent announcement that Anderson's was vacating this and another Columbus location generated interest in this property due to its location, and further due to the fact that this neighborhood was recently studied and the applicable land use recommendations modified in the December 2016 update of The Northwest Plan. That newly adopted plan recommends the subject property for mixed-use redevelopment at a residential density not to exceed 45 dwelling units an acre. Further, the plan makes the following recommendations:

Mixed Use 2 provides a "Density Guideline" of Less than 45 du/acre and states:

"Commercial classification with residential uses supported. Development may include a mix of uses on one site (for example, residential units located either above and/or next to the commercial uses), or it may include only one use per site. The designation does not require a mix of uses, but instead promotes mixed use development where it is a viable development scenario."

The Northwest Plan further provides:

- Neighborhoods within the area should have a mix of uses that provide a variety of housing types, neighborhood services and employment.
- Higher density residential development should be located on the primary commercial and mixed-use corridors.
- Mixed-use development should be located along primary corridors or within established commercial centers. Focusing higher density residential development in these areas will strengthen existing retail, promote more walkable neighborhood centers, and reduce development pressure in other areas of the Northwest where lower density development is preferred.

#### Mixed Use 2 – Less than 45 du/acre

This classification is the most intense use in the planning area. It is similar to the Mixed Use 1 classification, but supports residential densities less than 45 du/acre. This classification supports a mix of land uses, including commercial (retail, office, hotel), institutional, and/or multifamily residential. Development may include a mix of uses on one site (for example, residential units located either above or next to commercial uses) or only one use per site. Mixed Use 2 areas are the commercial hubs and corridors of the area, as well as existing large shopping centers. Areas recommended for this designation include the existing retail centers on SR 161 as Sawmill Road and south of Bethel Road at Olentangy River Road. Within areas designated Mixed Use 2, the following applies:

1. The designation does not require a mix of uses, but instead promotes mixed use development where it is a viable scenario.
2. Proposal should follow the Residential and/or Commercial Design Guidelines, as appropriate.

Among the Design Principles are:

- High-quality development attracts business investment and promotes the economic vitality of commercial areas, while minimizing adverse impacts to adjacent residential neighborhoods.
- Neighborhoods should have interconnected street and sidewalk systems providing connections to existing and future residential, commercial, and recreational areas.
- Parking should be balanced with the goal of reducing development's impact on the natural environment, as well as the goal of creating walkable and bikeable neighborhoods and encouraging the use of transit.
- The primary façade on the ground level of multifamily buildings should include entrances, stoops, porches, balconies or other features to contribute to street activity.
- Multifamily buildings should incorporate building articulation through the use of bays, balconies, cornice lines, and varying rooflines.
- Variation in building design is encouraged for multifamily developments with multiple buildings.
- Building height transitions should be used to create scale and massing compatible with surrounding uses.
- Setbacks of higher stories from the front façade should be considered for taller buildings to lessen their visual impact.
- Multifamily development should include useable open space as described in the Open Space guidelines.
- Multifamily development should face public streets and open space. Parking lots should be placed behind, or, if necessary, next to buildings.

To deliver a development consistent with the Design Guidelines of The Northwest Plan, the following variances are necessary, strict compliance with the Zoning Code would promote a redevelopment inconsistent with the newly adopted Land use plan:

C.C. 3312.27 Parking setback line.

Because this property is surrounded on three sides by public streets, the setback requirement differs from location to location. To provide for a redevelopment consistent with the planning principles of The Northwest Plan a variance is necessary to provide a parking setback of 5 feet.

C.C. 3333.18 Building lines.

Similar to the parking setback line variance, this property is surrounded on three sides by public streets which require different setbacks. For uniformity, and to develop consistent with the principles of The Northwest Plan a variance is necessary to provide a building setback of 5 feet.

C.C. 3333.255 Perimeter yard.

To allow flexibility in layout consistent with planning recommendations to introduce various housing product types, and the likelihood of these individual product types being an individual development on individual parcels in the midst of the overall creation of a neighborhood, this variance is necessary for finance reasons, among others.

The applicant's goal is to redevelop a vacant big box retail site in a manner that is perfectly consistent with a very recently adopted land use plan. The Code, as written, does not allow for redevelopment consistent with the land use plan's design principles. This unusual and practical difficulty, and unusual hardship in carrying out the zoning district provisions are conditions which warrant the approval of variances concurrent to a rezoning request. This, presently, is the Columbus mechanism for providing "planned development" as no other mechanism is presently available.

Redevelopment of this property, as proposed with this council variance in conjunction with the rezoning of the property, consistent with a newly adopted land use plan, will not seriously affect any adjoining property or the general welfare. On the contrary, these variances will allow the property to develop precisely as City leaders envisioned at the end of 2016.



**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

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

**AFFIDAVIT** (See instruction sheet)

Application Number: CV17-020

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 7000 Bent Tree Boulevard, Columbus, Ohio 43235

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 3/28/2017

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Andersons

P.O. Box 119

Maumee, Ohio 43537

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) Far Northwest Coalition

c/o John Murley  
3607 Waterbury Ln.  
Powell, OH 43235

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 David Hodge

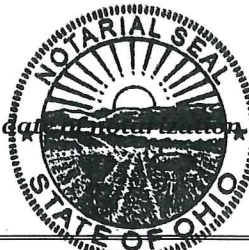
Sworn to before me and signed in my presence this 28th day of March, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC Kimberly R. Grayson

1-11-2021  
My Commission Expires

Notary Seal Here

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



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

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**PROPERTY OWNER:**

Andersons  
P.O. Box 119  
Maumee, Ohio 43537

017-020

**APPLICANT:**

Preferred Living  
750 Communications Parkway  
Columbus, Ohio 43214

**ATTORNEY:**

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

**AREA COMMISSION:**

Far Northwest Coalition  
c/o John Murley  
3607 Waterbury Lane  
Powell, Ohio 43235

**SURROUNDING PROPERTY OWNERS:**

Linworth United Methodist Church  
7070 Bent Tree Boulevard  
Columbus, Ohio 43235

AERC Saw Mill Village, Inc.  
5025 Swetland Court  
Richmond Heights, Ohio 44143

State of Ohio Department of  
Natural Resources  
2045 Morse Road  
Columbus, Ohio 43229

AH Ohio-Columbus Owner  
c/o Flanagan BLC  
6737 W. Washington St., Ste. 2300  
Milwaukee, Wisconsin 53214

Sun Center Limited LLC  
3622 West Dublin Granville Road  
Columbus, Ohio 43235

Morso Holding Co.  
3 Limited Parkway  
Columbus, Ohio 43230

Robert Gordon  
or current resident  
6823 Meadow Creek Drive, #101  
Columbus, Ohio 43235

Carolyn Dick  
or current resident  
6823 Meadow Creek Drive, #102  
Columbus, Ohio 43235

Syed Rashid and Zaki Soobia  
or current resident  
6823 Meadow Creek Drive, #205  
Columbus, Ohio 43235

Robert and Sandra McCall  
or current resident  
6823 Meadow Creek Drive, #206  
Columbus, Ohio 43235

Kathleen Sell  
or current resident  
6823 Meadow Creek Drive, #309  
Columbus, Ohio 43235

Jody Oberholtzer, Tr.  
or current resident  
6823 Meadow Creek Drive, #310  
Columbus, Ohio 43235

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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 #

CV17-020

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	2. Andersons P.O. Box 119 Maumee, Ohio 43537
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

March

, in the year

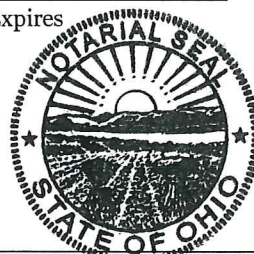
2017

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

1-11-2021

Notary Seal Here



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

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# City of Columbus Zoning Plat



## ZONING NUMBER

CW17-020

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: 590208808

Zoning Number: 7000

Street Name: BENT TREE BLVD

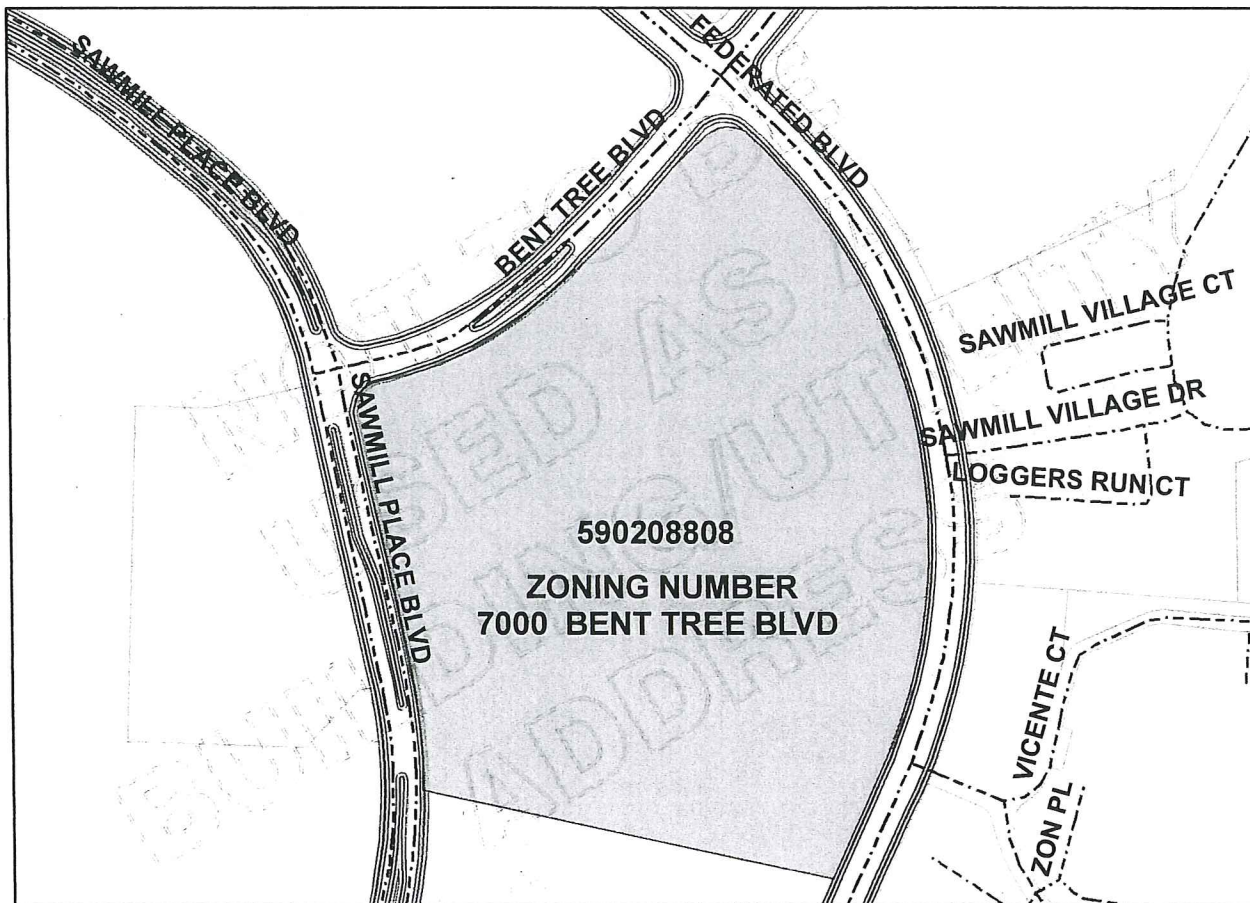
Lot Number: 4

Subdivision: SAWMILL PL

Requested By: UNDERHILL & HODGE, llc (DAVID HODGE)

Issued By: Adyana amariam

Date: 3/15/2017



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

SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 86840

February 19, 1986

CV17-020

DESCRIPTION OF 16.706 ACRES  
NORTH OF DUBLIN-GRANVILLE ROAD (S. R. 161)  
EAST OF SAWMILL ROAD  
COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 4, Township 2, Range 19, United States Military Lands, being 16.706 acres out of that original 165.495 acre tract of land as described in a deed to JMB/Federated Realty Associates, Ltd., of record in Official Records Volume 5550, Page G-08 (all references herein being to the records located in the Recorder's Office, Franklin County, Ohio), said 16.706 acres being more particularly described as follows:

Beginning at an iron pin found in the westerly right-of-way line of Federated Boulevard, 75.00 feet in width, as shown and delineated upon the plat "DEDICATION OF FEDERATED BOULEVARD", of record in Plat Book 64, Pages 19 and 20, said iron pin being at the southerly end of Curve Number 19 of said plat and located 35.00 feet westerly of the centerline of said Federated Boulevard (an original property line of said original 165.495 acre tract);

Thence South  $25^{\circ} 30' 10''$  West, along said westerly right-of-way line, a distance of 174.21 feet to an iron pin set;

Thence through said original 165.495 acre tract the following six courses:

1. North  $77^{\circ} 21' 13''$  West, a distance of 674.13 feet to an iron pin set;
2. With the arc of a curve to the left, having a radius of 931.00 feet, a central angle of  $30^{\circ} 59' 05''$ , the chord of which bears North  $10^{\circ} 47' 14''$  West, a chord distance of 497.36 feet to an iron pin set at a point of reverse curvature;
3. With the arc of a curve to the right, having a radius of 50.00 feet, a central angle of  $85^{\circ} 15' 50''$ , the chord of which bears North  $16^{\circ} 21' 08''$  East, a chord distance of 67.73 feet to an iron pin set at the point of tangency;
4. North  $58^{\circ} 59' 03''$  East, a distance of 66.44 feet to an iron pin set at a point of curvature;
5. With the arc of a curve to the left, having a radius of 1831.00 feet, a central angle of  $18^{\circ} 13' 54''$ , the chord of which bears North  $49^{\circ} 52' 06''$  East, a chord distance of 580.17 feet to an iron pin set;
6. North  $48^{\circ} 36' 42''$  East, a distance of 65.82 feet to an iron pin set at the westerly end of Curve Number 16 as delineated upon the aforementioned plat of Federated Boulevard;

Thence with the arc of said Curve (to the right), having a radius of 50.00 feet, a central angle of  $92^{\circ} 48' 47''$ , the chord of which bears North  $87^{\circ} 09' 32''$  East, a chord distance of 72.42 feet to an iron pin set at a point of compound curvature (the northerly end of aforementioned Curve Number 19);

Description of 16.706 Acres  
February 19, 1986  
Page Two

Thence with the arc of said Curve Number 19 (to the right), having a radius of 865 feet, a central angle of  $71^{\circ} 56' 14''$ , the chord of which bears South  $10^{\circ} 27' 57''$  East, a chord distance of 1,016.10 feet to the place of beginning and containing 16.706 acres of land.

Bearings herein conform to those of the referenced plat "DEDICATION OF FEDERATED BOULEVARD", of record in Plat Book 64, Pages 19 and 20.

Iron pins set consist of a 1" O.D. iron pipe, 30" long with a plastic cap in the end stamped "M-E BLDG CONSULTANTS".

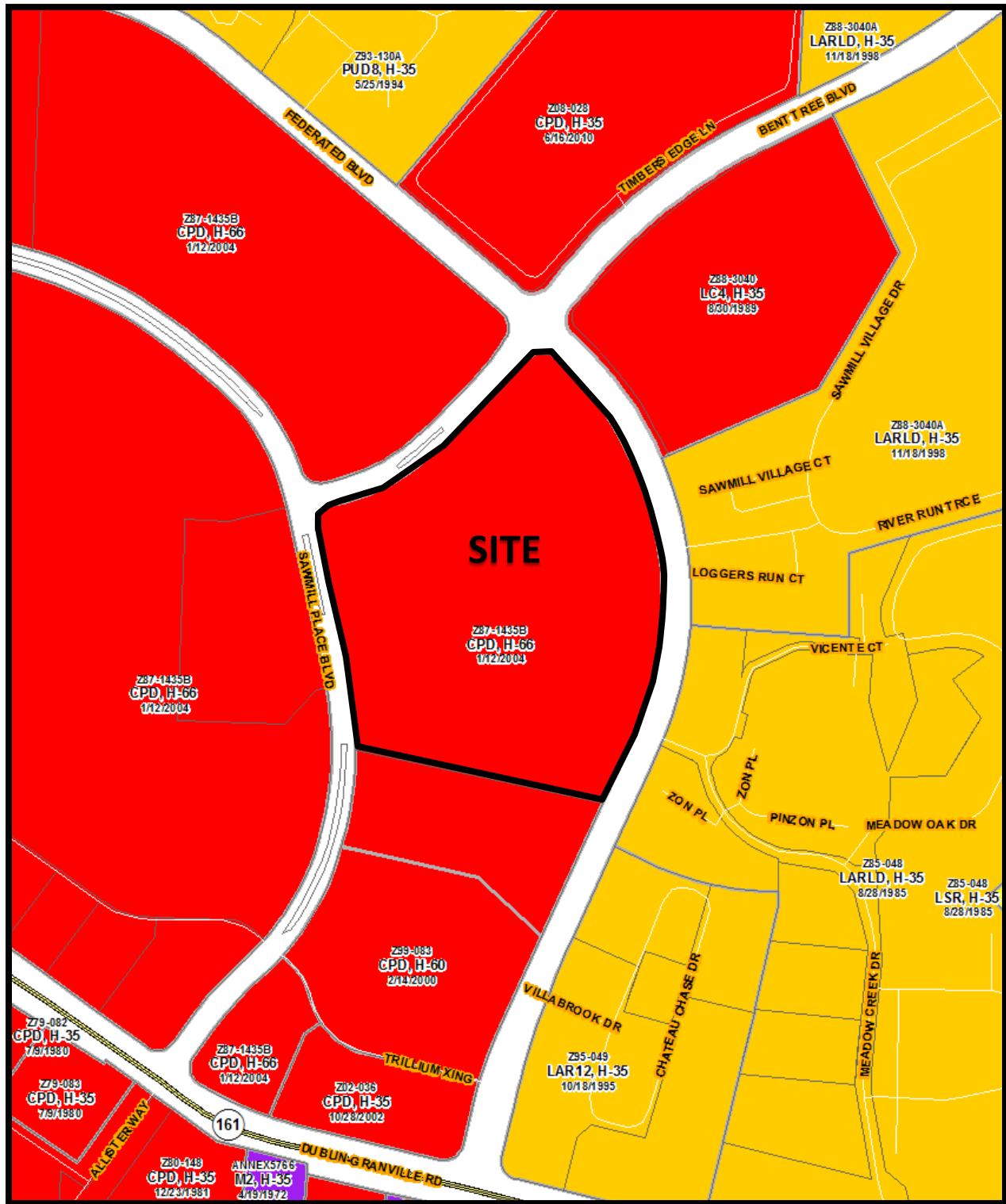
This description was prepared by M-E Building Consultants, Inc., Civil Engineering Division, from information obtained by an actual field survey.

M-E Building Consultants, Inc.  
Civil Engineering Division

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Robert S. Wynd  
Registered Surveyory No. 6872





CV17-020  
7000 Bent Tree Boulevard  
Approximately 16.71 acres



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7000 Bent Tree Boulevard  
Approximately 16.71 acres