THE CITY OF COLUMBÚS

DEPARTMENT OF BUILDING AND ZONING SERVICES

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

NLY	Application Number: CV17-022	Date R	eceived: 3/2	18/17		
SEO	Application Accepted by:	Fee:	\$1,6	60		
OFFICE USE ONLY	Application Accepted by: TO + KP Assigned Planner: Tim Dietich; 614-645-6665	; tediet	-nch@ lo	, Lubus.	90	
LOCAT	TION AND ZONING REQUEST:					
Certified	Address (for zoning purposes): 1080 Bryden Road, Columbus, O	hio		Zip: 4320	5	
If the st adoption Parcel N	ite is currently pending annexation, Applicant must show docum on of the annexation petition. fumber for Certified Address:010-028450	NO entation of Con				
	ck here if listing additional parcel numbers on a separate page.					
	Zoning District(s): Residential, R-3		No examelar consistence			
	mmission or Civic Association: Near East Area Commission					
	d Use or reason for Councial Variance request: xhibit 'B', Statement of Hardship					
Acreage:	0.62 +/-					
APPLION Name:	0.11.7.1.1.0	ber: <u>(614)</u> 947	'- 8600	Ext.:		
Address:	Plank Law Firm, 411 East Town Street, 2nd FloorCity/State:	Columbus, Ohi	0	Zip: 43215		
Email Ad	ddress:dplank@planklaw.comFa	ax Number:	(614) 228-1790			
PROPE Name:	ERTY OWNER(S) Check here if listing additional property owners Tersus Terra Energy, LLC c/o Ronald D. Wyss Phone Number	s on a separate po per: (419) 235	age -4566	Ext.:		
Address:	3686 CR 60City/State:	Ada, Ohio		45810 Zip:		
Email Ad	ldress: wyss@tersusterraenergy.com Fa	ax Number:				
	NEY / AGENT (Check one if applicable): Attorney Agent (A Donald Plank (Plank Law Firm) Phone Numb	TTORNEY FOR oer:(614) 947-	9600	Ext.:		
Address:	411East Town Street, 2nd FloorCity/State:	Columbus, Ohio		43215 Zip:		
Email Ad	ldress: dplank@planklaw.com Fa	ax Number:(6	14) 228-1790			
SIGNAT	<u>'URES</u> (All signatures must be provided and signed in blue ink)	. 1				
APPLICA	INT SIGNATURE & Joseph Regule, a	Storney				
PROPERTY OWNER SIGNATURE Level / Land per gullionly						
ATTORNEY AGENT SIGNATURE MALA MOUNT						
City stuff i	ure attests to the fact that the attached application package is complete and accurate review of this application is dependent upon the accuracy of the information provided by me/my firm/etc, may delay the review of this application	to the best of my ki	nowledge/I unders curate or inadequa	tand that the te information		



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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 conjuction 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):

See Exhibit 'B'

Signature of Applicant Date 3/27/17

Exhibit B

Statement of Hardship

<u>CV17-</u> <u>O-2</u>, 1080 Bryden Road, Columbus, OH 43205

The 0.622 +/- acre undeveloped site is located at the northwest corner of Bryden Road and S. Ohio Avenue. The site is zoned R-3, Residential. Residential uses in the area include a broad range of uses including single-family, two-family, multi-family uses. An 51 dwelling unit apartment building was previously located on the site. Applicant proposes a fifteen (15) dwelling unit condominium building with unit sizes of 1,300 square feet to 2,100 square feet. All units will be market rate units for sale. The building is designed to provide a two (2) car garage for every unit and all parking is designed to be accessed from internal court yards or East Chapel Street (16'), the alley to the north of the site, or from the alley. Applicant's site plan and building renderings are submitted with this application. The proposed use is compatible with the area and will provide homeownership choices for the community.

The site is located in the Near East Area Commission and is part of the Near East Area Plan ("Plan") area. The Plan encourages a mix of land uses, development of new housing that is architecturally compatible, and increased home ownership. The proposed development addresses all three (3) recommendations. The site is also in the Bryden Road Historic District. The proposed development will also be reviewed by the Historic Resources Commission (HRC), including architectural review.

Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and not also need variances. Applicant has a practical difficulty with compliance to develop the property in a comprehensive, coordinated way, as proposed.

Applicant requests variances from the following sections of the Columbus Zoning Code:

- 1). Section 3332.035, R-3 Residential District, to permit development of the site with fifteen (15) condominiums, as depicted on the Site Plan.
- 2). Section 3312.13, Driveway, to reduce two-way driveway width from 20 feet to sixteen (16) feet for two (2) driveways for vehicular access to garages.
- 2). Section 3332.21(C)(D), Building Lines, to reduce the Bryden Road and S. Ohio Avenue building setback lines from 30 feet and 18 feet to 24 feet and 14 feet, respectively.
- 3). Section 3332.27, Rear Yard, to reduce the rear yard from 25% to 7% as the area north of the north façade, adjacent to East Chapel Street (16'), while the site design has large internal courtyards that will function as rear yard area for the residents.

THE CITY OF COLUMBUS ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING AND ZONING SERVICES

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

AFFIDAVIT (See instruction sheet)		Application Number:	CV17-022				
STATE OF OHIO COUNTY OF FRANKLIN							
Being first duly cautioned and sworn (1) NAME Donald Plank (Plank Law Firm)							
of (1) MAILING ADDRESS 411 East Town Street,	2nd	Floor, Columbus, Ohio 43215					
deposes and states that (he/she) is the applicant, agent,							
name(s) and mailing address(es) of all the owners of red							
(2) per ADDRESS CARD FOR PROPERTY 1080 B	ryde	n Road, Columbus, Ohio 4320)5				
for which application for a rezoning, variance, special po	ermit	t or graphics plan was filed with th	ne Department of Building and				
Zoning Services, on (3) 3/2x/17							
(THIS LIN)	E TO I	BÉ FILLED OUT BY CITY STAFF)					
SUBJECT PROPERTY OWNERS NAME ((4)	Tersus Terra Energy, LLC					
AND MAILING ADDRESS	_	c/o Ronald D. Wyss					
	_	3686 CR 60					
	_	Ada, Ohio 45810					
APPLICANT'S NAME AND PHONE #		Gallas-Zadeh Development, LLC					
(same as listed on front application)	-	c/o Donald Plank (614) 947-8600					
(came as noted on none appreation)	-	Name Front Amor Commission	Historia Bassassina Office				
AREA COMMISSION OR CIVIC GROUP ((5) -	Near East Area Commission	Historic Preservation Office				
AREA COMMISSION ZONING CHAIR		c/o Annie-Ross Womack	City of Columbus c/o Randy Black				
OR CONTACT PERSON AND ADDRESS	_	874 Oakwood Avenue	50 W Gay Street, Fourth Floor				
		Columbus, Ohio 43206	Columbus, Ohio 43215-9031				
and that the attached document (6) is a list of the name	es an	d complete mailing addresse	s, including zip codes, as shown on				
the County Auditor's Current Tax List or the Cou	ınty'	Treasurer's Mailing List , of al	ll the owners of record of property				
within 125 feet of the exterior boundaries of the prope	erty f	or 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 e	event the applicant or the property	y owner owns the property contiguous to				
the subject property (7)							
☐ Check here if listing additional property owners on	a can	arata naga					
oncek here it fishing additional property owners on	a sep	arate page.					
	1	1 1 /					
(8) SIGNATURE OF AFFIANT / Journal	de	- Manie					
Sworn to before me and signed in my presence this	ith	day of March, in	n the year2017				
Barbara a. Bainter AUGUST 3, 2020							
(8) SIGNATURE OF NOTARY PUBLIC		My Commission Expire					
Notary Seal Here BARBARA A PAINTER Notary Public, State of Ohio My Commission Expires AUGUST 3, 20 70 My Commission Expires Six (6) months after the date of notarization.							

EXHIBIT A, Public Notice 1080 Bryden Road CV17-022 March 30, 2017

APPLICANT

Gallas-Zadeh Development, LLC c/o Donald Plank (Plank Law Firm) 411 E Town Street, 2nd Floor Columbus, Ohio 43215

PROPERTY OWNER

Tersus Terra Energy, LLC c/o Ronald D. Wyss, Managing Member 3686 CR 60 Ada, Ohio 45810

ATTORNEY FOR APPLICANT

Donald Plank, Plank Law Firm 411 E Town Street, 2nd Floor Columbus, OH 43215

COMMUNITY GROUP

Near East Area Commission c/o Annie Ross-Womack 874 Oakwood Avenue Columbus, OH 43206

HISTORIC RESOURCES COMMISSION

Historic Preservation Office City of Columbus c/o Randy Black 50 W. Gay Street, Fourth Floor Columbus, Ohio 43215-9031

PROPERTY OWNERS WITHIN 125 FEET

First Presbyterian Congregational Church (or current occupant) 1101 Bryden Road Columbus, Ohio 43205-1821

Brian M. White(or current occupant) 1063 Bryden Road Columbus, Ohio 43205-1899

Frank J. and Marianne S. Macke (or current occupant)
370 Cooke Road East
Columbus, Ohio 43214

Jeremy R Young
Staci Wyss (or current occupant)
1062 Bryden Road
Columbus, Ohio 43205

Amanda J. and Michael J. Smith (*or current occupant*) 1085 Bryden Road Columbus, Ohio 43205

Marigold Hill, LLC (or current occupant) 41 South High Street Columbus, Ohio 43215

John A. Ingwersen (*or current occupant*) 1050 Bryden Road Columbus, Ohio 43205-1863

Tersus Terra Engergie, LLC (or current occupant)
3686 County Road 60
Ada, Ohio 45810-9702

D&S Properties (or current occupant) c/o F&W Properties, Inc. 854 East Broad Street Columbus, Ohio 43205-1100

Travis M. Moore (or current occupant) 1053 Bryden Road Columbus, Ohio 43205

Antoinette and Michael Drummond (or current occupant) 1056 Bryden Road Columbus, Ohio 43205

1080 Bryden Road CV17-022, 1080 Bryden Road Exhibit A, Public Notice Page 1 of 2 Jack A Debaar Joseph A Siefert (*or current occupant*) 789 Bryden Road Columbus, Ohio 43205-1722 Remyco, LLC (*or current occupant*) 8327 Fallgold Lane Westerville, Ohio 43082-8514 Rahel S Babb(*or current occupant*) 213 South Ohio Avenue Columbus, Ohio 43205

Roger Azabache Mendoza Kelly L Suhoza (*or current occupant*) 33 Auburn Avenue Columbus, Ohio 43205 WKND Properties Group, LLC(or current occupant)
6328 E Calle Del Norte
Scottsdale, AZ 85251-3030

Sallie D Gibson (or current occupant) 1067 Franklin Avenue Columbus, Ohio 43205-1319

Jason W Rosselot (or current applicant) 7043 Potter Road Matthews, NC 28104-0525 Stacy L. Haberstroh (*or current occupant*) 200 S 22nd Street Columbus, Ohio 43205

Matthew D. Adams (or current occupant)
9229 Robinhood Circle
Westerville, Ohio 43082

ALSO NOTIFY:

Dave Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

Tersus Terra Energy, LLC c/o Ronald D. Wyss 3686 County Road 60 Ada, Ohio 45810-9702 Jason Zadeh Gallas Zadeh Development, LLC 245 E. 1st Avenue Columbus, Ohio 43215 Gregg Gallas Gallas Zadeh Development, LLC 245 E. 1st Avenue Columbus, Ohio 43215

1080 Bryden Road CV17-022, 1080 Bryden Road Exhibit A, Public Notice Page 2 of 2

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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

THIS PAGE MUST BE FILLED OUT COMPLETELY AND	NOTARIZED. Do not indicate ' NONE ' in the space provided.
	APPLICATION # CU(7-022
being first duly cautioned and sworn (NAME)	s (Plank Law Firm)
of (COMPLETE ADDRESS) 411 East Town Street, 2nd Floo	
deposes and states that he he is the APPLICANT, AGENT, OR is a list of all persons, other partnerships, corporations or entities this application in the following format:	DULY AUTHORIZED ATTORNEY FOR SAME and the following having a 5% or more interest in the project which is the subject of
	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
 Tersus Terra Energy, LLC 3686 County Road 60 Ada, Ohio 45810-9702 # of Columbus Based Employees: 0 Contact: Ronald D. Wyss (419) 235-4566 	2. Gallas-Zadeh Development, LLC 245 East First Avenue, Columbus, OH 43215 # of Columbus Based Employees: 0 Contacts: Jason Zadeh (614) 545-3676 Gregg Gallas (614) 545-3679
3.	4.
Check here if listing additional property owners on a separa	te page.
Sworn to before me and signed in my presence this	of March, in the year 2017
SIGNATURE OF NOTARY PUBLIC	//-5-20/8 My Commission Expires Notary Seal Here
Stacey L. Danza Notary Public, State of Ohlo My Commission Expires 11-05-2018	

City of Columbus Zoning Plat



ZONING NUMBER

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: 010028450

Zoning Number: 1080

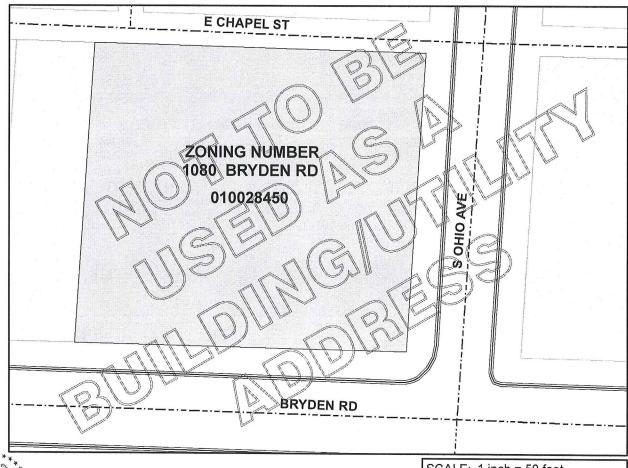
Street Name: BRYDEN RD

Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, LLC. (DAVE PERRY)

Issued By: _______ Date: 2/28/2017



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 83963

Zoning Description 0.62+/- Acre

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 118, 119, 120, and 121 in Hoffman and McGrew's Second Amended Addition as recorded in Plat Book 2, Page 200 as conveyed to Tersus Terra Energie, LLC in Instrument Number 201407290097573, and more particularly described as follows;

Beginning at the southeasterly corner of said Lot 118 at the right of way intersection of the northerly right of way line of Bryden Road (70' R/W) and westerly right of way line of Ohio Avenue (60' R/W), and being the **TRUE POINT OF BEGINNING** for the land herein described as follows;

Thence with the northerly right of way line of Bryden Road and the south line of said Lots 118, 119, 120, and 121, **N 90° 00′ 00″ W, 174.75+/- feet** to the southwest corner of said Lot 121 and the southeast corner of Lot 122 in Hoffman and McGrew's Second Amended Addition as conveyed to Elizabeth W. Walborn in Instrument Number 201702280027780;

Thence with the west line of said Lot 121 and the east line of said Lot 122, **N 00° 00′ 00″ E, 155.00+/- feet** to the northwest corner of said Lot 121 and the northeast corner of said Lot 122, and being in the southerly right of way line of an Alley 16 feet wide;

Thence with the southerly right of way line of said Alley 16 feet wide and the north line of said Lots 118, 119, 120, and 121, **N 90° 00′ 00″ E, 174.75+/- feet** to the northeast corner of said Lot 118 and the right of way intersection of the westerly right of way line of Ohio Avenue and the southerly line of said Alley 16 feet;

Thence with the westerly right of way line of Ohio Avenue and the east line of said Lot 118, **S 00° 00′ 00″ E, 155.00+/- feet** to the **TRUE POINT OF BEGINNING**, containing **0.62+/- acre** more or less.

The above description was prepared by Advanced Civil Design Inc. and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

This description is not to be used in the transfer of land.

ADVANCED CIVIL DESIGN INC.

 $Z:\label{eq:control_control_control} Z:\label{eq:control_control_control_control} Z:\label{eq:control_contro$

CV12-022

250-CUU

Conveyance

Mandatory- SO, OO

Permissive- SO, OO

CLARENCE E. MINGO II

FRANKLIN COUNTY AUDITOR

TRANSFERRED

JUL 29 2014

CLARENCE E. MINGO II AUDITOR FRANKLIN COUNTY, OHIO 201407290097573 Pgs: 2 \$28.00 T201400902

Terry J. Brown
Franklin County Recorder

AmeriTitle Box 1403058-OSRF

GENERAL WARRANTY DEED (By a Limited Liability Company)

Happy Day Investments, LLC, an Ohio limited liability co. (Grantor), for valuable consideration paid, grants with General Warranty Covenants, to Tersus Terra Energie, LLC an Ohio Limited Liability Company (Grantee), whose tax mailing address is 3660 Co. 2d 60

Ada Ohio 45810

, the following REAL PROPERTY:

Situated in the County of Franklin, State of Ohio and City of Columbus:

Being Lot Number One Hundred Eighteen (118), One Hundred Nineteen (119), One Hundred Twenty (120) and One Hundred Twenty-One (121) in HOFFMAN AND MCGREW'S SECOND AMENDED ADDITION, to the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 200, Recorder's Office, Franklin County, Ohio.

Tax Parcel Number: 010-028450

Property Address: 4 Vacant Lots on Bryden Road Columbus, OH 43205

Subject to all taxes after date hereof, conditions, restrictions, covenants, legal highways and easement of record, if any.

Prior Instrument of Reference: Instrument No. 200709040155724

Grantor has caused its name to be subscribed hereto by Eugene Myers III, being duly authorized by resolution, signed this 16th day of July, 2014.

GRANTOR:

Happy Day Investments, LLC, an Ohio Limited Liability Company

admity Company

gene Myers III, Sole Membe

State of Ohio, County of Franklin:ss

Be it remembered that on this 16th day of July, 2014, before me, a Notary Public in and for said County and State, personally appeared Eugene Myers III, Sole Member of Happy Day Investments, LLC, and an Ohio limited liability co., the Grantor(s) in the foregoing deed whose identity was either known to me or proven to me by satisfactory evidence, and who has/have signed the foregoing instrument and acknowledged the same as his/her/their voluntary act and deed, and the voluntary act and deed of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on the day and year aforesaid.

NOTARY PUBLIC

My Commission Expires

Gary R. Rader Notary Public, State of Ohio My Commission Expires 03-31-2019

THIS INSTRUMENT WAS PREPARED BY: Lisa J. Berger, esq.

Exhibit B

Statement of Hardship

<u>CV17- (クラン, 1080 Bryden Road, Columbus, OH 43205</u>

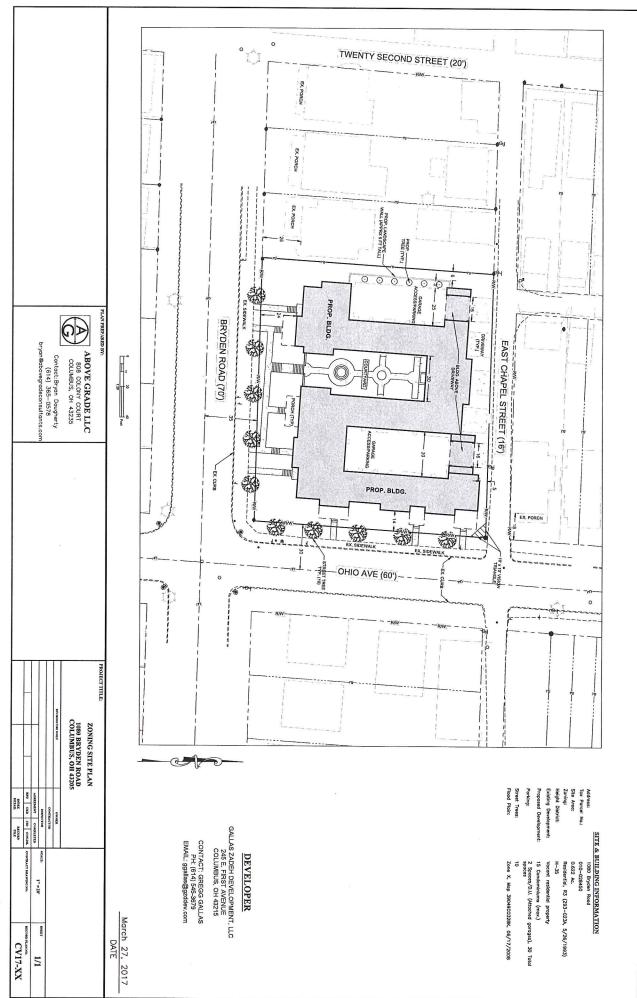
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JONES



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CV17-022 1080 Bryden Road Approximately 0.62 acres



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