

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: CV17-044 Date Received: 5/24/17

Application Accepted by: SP Fee: \$1280

Comments: Assigned to Shannon Rine, 614-645-2208 in conjunction with
SPine@columbus.gov rezoning

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 6261 Wright Road Zip: 43110

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 - 274898 (portion)

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

Current Zoning District(s): R, NC, - CPO (Pending)

Area Commission or Civic Association: Greater South East Area Commission

Proposed Use or reason for Council Variance request:

To permit a dog shelter with outside runs in
the R CPO district and upon rezone the

Acreage: 6.39

APPLICANT:

Name: Homewood Corporation Phone Number: 614 560 1488 Ext.: —

Address: 2700 E Dublin Granville Rd City/State: Cols, Ohio Zip: 43231

Email Address: Laura @ ComekLaw.com Fax Number: —

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

Name: George A. Skestos, Jr. Phone Number: — Ext.: —

Address: c/o Laura Macgregor Comek, Esq City/State: — Zip: —

Email Address: Same as Below Fax Number: —

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

Name: Laura Macgregor Comek, Esq Phone Number: 614 560 1488 Ext.: —

Address: 300 E. Broad St. Suite 450 City/State: Cols, Ohio Zip: 43231

Email Address: Laura @ ComekLaw.com Fax Number: —

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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Department of Building & Zoning Services

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

CV17-044

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:

Please See attached

Signature of Applicant

Date

5-15-17

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Please make checks payable to the Columbus City Treasurer

STATEMENT OF HARDSHIP (COMPANION COUNCIL VARIANCE)

APPLICATION: CV17- 044
PROPERTY ADDRESS: 6261 Wright Road
PROPERTY SIZE: 75.7 +/- Acres
CURRENT DISTRICT: TND (NC, NE) and R, Rural,
PROPOSED DISTRICTS: PENDING
PUD-8, Planned Unit Development
CPD, Commercial Planned Development
OWNER: George A. Skestos, Tr.
APPLICANT: Homewood Corporation
c/o Laura MacGregor Comek, Esq.
Laura MacGregor Comek Law, LLC
300 E. Broad St., Ste 450
Columbus, OH 43215
laura@comeklaw.com

DATE OF STATEMENT: May 24, 2017
SPECIAL PERMIT CODE: 3389.032 Animal Shelter/Kennel

Introduction: The subject property site ("Site") was annexed in 2001, and a large portion of the annexed territory was zoned TND (residential) back in 2001. The 6 +/- acres at the corner of Gender and Wright Roads retained the R Rural zoning.

The entire 75 +/- acre tract is currently being rezoned, and the 6 +/- acres of R Rural is planned for CPD Commercial Development with C4 and C5 commercial uses.

The zoning received preliminary approvals from City staff and Greater South East Area Commission, pending a final traffic study review (which has been submitted).

The Site is bordered on the west by Gender Road and across Gender Rd by a large unincorporated area with housing, World Harvest Church to the northwest, unincorporated single family lots and R Rural, metro parks to the north, by R Rural to the east and to the south by PUD 8.

The overall Site has approximately 20 acres of open space/parkland (not including storm water management areas) for both active and passive recreational opportunities for the residential development areas.

Recently, while finalizing the zoning process, the owner and applicant thought to consider a specific use, a charitable project, within a portion of the proposed CPD Commercial Development, specifically a private dog shelter.

The dog shelter use is a permitted commercial use, however, the outside dog runs are only permitted in the M or MI district – thus a Council Variance is needed.

Also, dog runs outdoors require a special permit, which application was filed contemporaneous herewith.

Attached to this application for Council Variance is:

1. a copy of the zoning site plan,
2. landscape detail plan,
3. concept site plan, and
4. zoning text with conditions for landscaping, development standards for fencing, etc.
5. Also attached is the concept building rendering.

The Applicant has committed to these plans. They are referred to as concept because they are subject to minor revisions and alterations that might be determined through final design and engineering. However, the applicant has done preliminary engineering and preliminary architectural plans, such that these concepts substantially reflect the layout and design of the proposed private dog shelter.

DOG SHELTER CONCEPT:

The proposed dog shelter will be private, not open to the public. The owner/applicant are working with the Capital Area Humane Society (CAHS) to establish this facility as a 'holding location' for dogs and stray litters that are routinely received (mostly from south and south east Ohio).

Functionally, the purpose of this shelter is to perform preliminary operations on new dogs. They are quarantined for a period of time. During that time – AVERAGE STAY IS 5 DAYS – they are evaluated for general health issues, general immunization and spay/neutering, behavioral issues/adoptability. They are then taken to the CAHS for adoption.

The benefit to CAHS is space and timing. In short, the initial evaluations and quarantine functions are difficult to accommodate with the adoption function/process. In short, quarantined dogs take up space that could be used for dogs that are ready to adopt. Adding this preliminary evaluation site will allow the CAHS to function more effectively with the end result to have more, healthy dogs adopted !

Then entire process is dog-centric. The CAHS staff will be overseeing the functional operations of the location. There are between 10-15 employees total. There are 3-4 shipments per week of dogs.

The site layout controls the operations. There is gated access only for staff and shipments. Again, this site is NOT open to the public. Dogs are transported in shuttles, and are loaded / unloaded INDOORS.

There are designated (fenced) play areas for ON LEASH activities, where green space, trees and other landscape features are provided.

Regarding dog runs, it is important that dogs be let to run without leashes for exercise and monitoring of behaviors. These runs are completely screened by walls (100% opacity). There are not enclosed, so that they dogs get outside time/exercise. There are 5 on each side of the building. Again, all activities are dog centric and monitored, such that there are no dogs un attended.

This location will not have signage, will be fenced (decorative metal fence 6 feet high with complementary 4 foot horse fencing (meshed) around the green on leash play areas).

In addition, there is extensive landscaping proposed. There are street trees continuous along the Wright Road frontage and along the commercial access drive from Wright Road into the CPD area. As between the commercial and residential sub areas, there are 3 evergreens and 2 deciduous trees per 100 feet. There is a residential setback built into the plan, in addition to the commercial setback area.

All animal waste materials are stored indoors and get private pick ups 2-3 times per week.

Regular municipal trash will be located in a dumpster and screened per code.

Other than the 10 outdoor dog runs (5 each side of the building), which are monitored, the site operates like a C4 commercial use, with significantly reduced traffic impacts (reduced from any commercial use of this same size/scale).

Lighting, is planned for compatible styling, cut off down in type and not more than 14 feet where within 50 feet of the residential area. Lighting will be limited.

SUPPORT –CRITERIAL FOR APPROVAL

In short, the Columbus City Code contains general requirements that outdoor dog runs be located in the M or M district, and that they receive a special permit.

The factors to be considered for a Council Variance include:

1. Is the variance substantial?

Response: This variance is not substantial when taken in context. The alternative would be to seek rezoning of 3 acres to the M district adjacent to residential, which

is seen as unnecessary and not intended to introduce industrial uses to the area. IN fact, the use of dog shelter is permitted in the commercial CPD, it is only the limited outdoor runs that trigger the variance. As set forth below, the runs are only 10 (5 each side of building), are 100% opaque, are more than 50 feet from residential units and are buffered by significant landscaping inside decorative fencing. The business operation reflects 'best practices' in animal care and is dog centric.

2. Does the variance alter the essential character of the area?

Response: Interestingly, this area retains a certain rural character, especially along Wright Road, and despite the build up of residential and commercial areas along Gender Road. The proposed building has a 'barn' appearance.

3. Is there an adverse effect on adjacent property owners?

Response: We believe that the building, use, private nature of access and operations do not have an adverse effect on adjacent owners. This use is actually a buffer between residential units and commercial to the east and south. To the north, this is a rural area, such that the barn use and front door (residential looking building) is presented. Parking is to the rear, and otherwise the street scape is created through the zoning.

4. Is there an adverse effect on the delivery of governmental services?

Response: There is no effect on governmental services. The uses (commercial) require private refuse.

5. Did the owner/applicant purchase the property with knowledge of the limitations?

Response: yes, and this effort is intended to create compatibility among uses, including small scale outdoor areas for the dogs.

6. Can the variance request be obviated?

Response: No, the outdoor activity (albeit limited in area) is important for good dog/animal care and healthy exercise activities.

Here, the owner/applicant seeks approval of the special permit, and has filed a companion Council Variance to allow the outdoor runs in the future CPD district.

This request is not significant and will not result in a detriment to the public good. The context here is intense commercial uses that abut residential. This use will be somewhat of a buffer between those uses and will include heightened development standards, discussed below.

Also, given the care/structure of functional operations proposed for this facility, this investment will be almost anonymous in the landscape as between commercial and residential. There are only 10 runs, 5 on each side of the building. They are completely screened from view. The dogs are monitored and scheduled for evaluations, scheduled for exercise time. There are no unattended animals. There is additional landscaping, setbacks and decorative fencing.

[Contrast this use with typical commercial activity, including parking, loading and unloading, differing hours of operation and on site activities. Those are not present with this use/facility]

The facility in general is private, so there are no public visitors, no public access and no unauthorized persons on site, access being ONLY from a secure gated access point.

This request has no effect on the delivery of governmental services. The unique features of a dog shelter require private trash services. Again, the site has low traffic and is seen as a reduction in traffic from typical commercial uses.

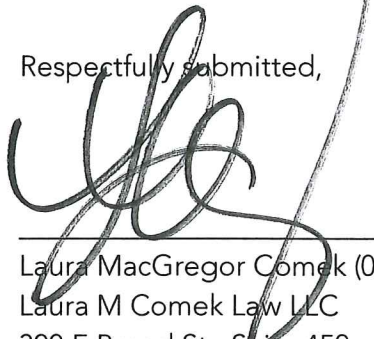
The area retains a rural character, despite the significant build up of Gender Road. This site is incorporated into the overall zoning plan, and includes a building rendering that retains the rural character, while still fronting the road (parking to road) and is seamlessly incorporated into the landscape/street scape.

The dog runs are ancillary to overall functions of the shelter. All activities are supervised and the operation is a MUCH NEEDED community service.

Lighting will not encroach neighboring properties and the main hours of operation are 7-6 pm, with 24 hour presence by reduced staff to retain supervision and care for the dogs.

For these reasons, the owner and applicant respectfully request approval of the Council Variance to permit the dog shelter with outside runs in the CPD district.

Respectfully submitted,



Laura MacGregor Comek (0070959)

Laura M Comek Law LLC

300 E Broad St., Suite 450

Columbus, Ohio 43215

Ph. 614.560.1488

Email. laura@comeklaw.com

Attorney for Owner and Applicant

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: CV17-044

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Laura MacGregor Corneli, Esq

of (1) MAILING ADDRESS 300 E. Broad St., Suite 450

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 6261 Wright Road, Columbus, Ohio 43110

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 5/24/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) George A. Svestos, Tr. c/o Laura MacGregor Corneli, Esq
300 E. Broad St., Suite 450
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Homewood Corporation
614 560 1488

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Greater South East Area Commission
c/o Lisa Schacht, Zoning Chair
2500 Crescent Dr. Columbus, Oh 43232

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 24th day of MAY, in the year 2017

Rev. Marian R. Geer

(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



Marian R. Geer
Notary Public, State of Ohio
My Commission Expires 11-02-18

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

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Please make checks payable to the Columbus City Treasurer

Nicholas Ney
Or Current Resident
4625 Gender Rd
Canal Winchester, OH 43110

World Harvest Church
Scott Lee
Or Current Resident
PO Box 38
Brice, OH 43109-0038

William and Joyce Welch
Or Current Resident
6130 Wright Rd.
Canal Winchester, OH 43110

James and Anna Wright
Or Current Resident
4624 Gender Rd.
Canal Winchester, OH 43110

Tiger Construction Inc.
Or Current Resident
650 Winchester Pike
Canal Winchester, OH
43110

World Harvest Church Inc.
Or Current Resident
4647 Gender Road
Canal Winchester, OH 43110

Rick J Thacker
Or Current Resident
6190 Wright Rd.
Canal Winchester, OH 43110

Paul and Nancy Edwards
Or Current Resident
6200 Wright Rd.
Canal Winchester, OH 43110

Larry A Schirm Tr
Or Current Resident
15086 Long Run Rd.
Laurelville, OH 43135-9543

Barry and Carmen Conrad
Or Current Resident
6240 Wright Rd.
Canal Winchester, OH 43110

Tiger Construction Inc.
Or Current Resident
4920 Gender Road
Canal Winchester, OH 43110

Greater SE Area Commissioners
Lisa Schact, Zoning Chair
2500 Cresent Drive
Columbus, Ohio 43232

Franklin Advancement LLC
Or Current Resident
6180 Wright Rd.
Canal Winchester, OH 43110

James and Mary Livingston
Or Current Resident
6150 Wright Rd.
Canal Winchester, OH 43110

Board of Metro Parks Commissioners
Or Current Resident
1069 W. Main St.
Westerville OH 43081-1181

Gina R. Blair
Or Current Resident
6166 Wright Rd.
Canal Winchester, OH 43110

Larry A Schirm
Or Current Resident
6210 Wright Road
Canal Winchester, OH 43110

Laura MacGregor Comek, Esq.
300 E. Broad St., Suite 450
Columbus, OH 43215

CV17-044

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Department of Building & Zoning Services

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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 # CV17-044

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Laura Macgregor Cornick, Esq.
of (COMPLETE ADDRESS) 300 E. Broad St. Suite 450 Columbus, Oh 43215
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. <u>George A. Skestos, Tr.</u> <u>c/o Laura Macgregor Cornick, Esq.</u> <u>300 E. Broad St. Suite 450</u> <u>Columbus, Ohio 43215</u> <u>ph. 614 520 1488</u>	2. <u>Homewood Corp</u> <u>2700 E Dublin Granville Rd</u> <u>Columbus, Ohio 43231</u> <u>#ees: 30</u> <u>614 898 2700</u>
3.	

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 24th day of May, in the year 2017

Marian R. Geer
SIGNATURE OF NOTARY PUBLIC



Notary Seal Here
Marian R. Geer
Notary Public, State of Ohio
My Commission Expires 11-02-18

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City of Columbus Zoning Plat



ZONING NUMBER

CV17-044

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: 010274898, 010265712

Zoning Number: 6261

Street Name: WRIGHT RD

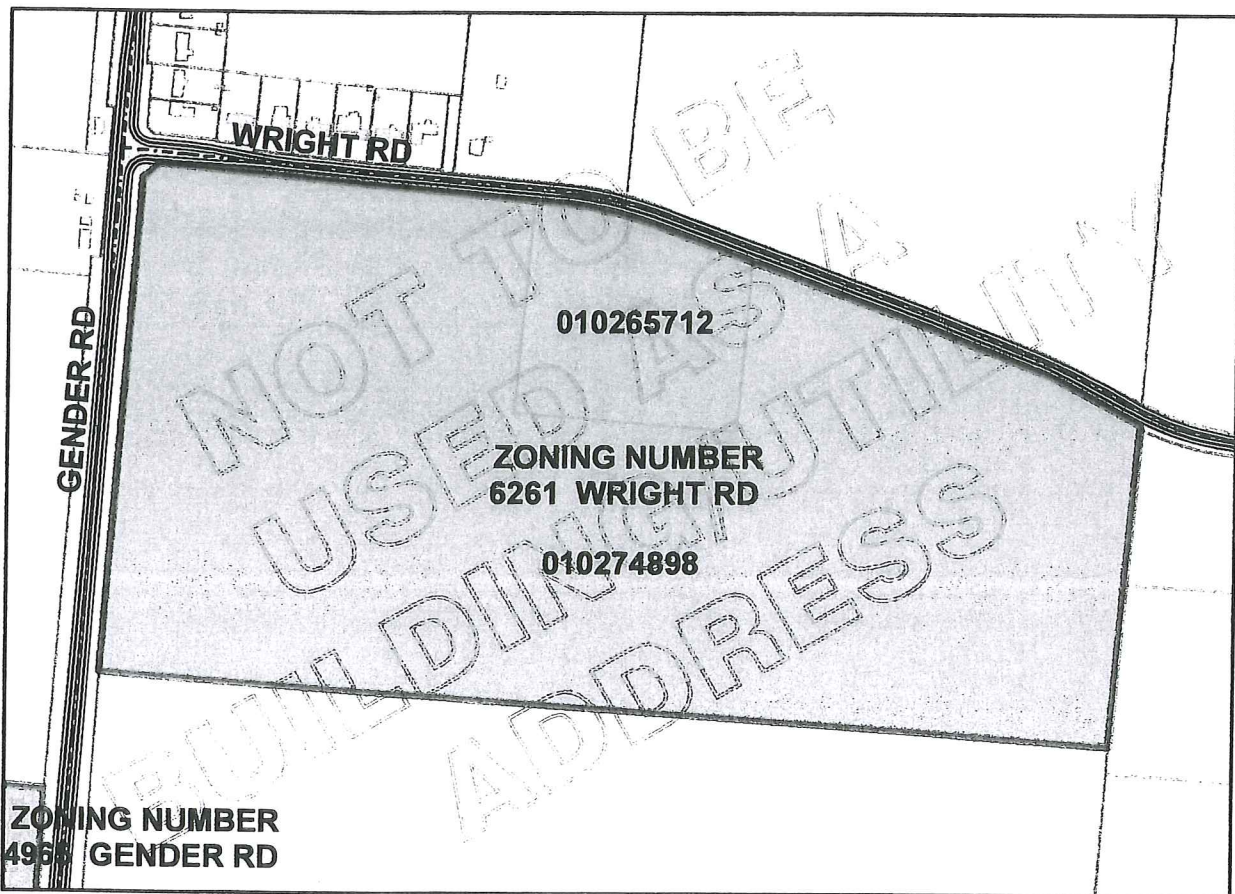
Lot Number: N/A

Subdivision: N/A

Requested By: LAURA M COMEK LAW LLC (LAURA COMEK)

Issued By: *Ladyana Amarian*

Date: 8/24/2016



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

SCALE: 1 inch = 500 feet

GIS FILE NUMBER: 72439

CV17-044

ZONING DESCRIPTION
SUBAREA 1
6.52 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, in Section 12, Township 11, Range 21, Congress Lands, being part of that tract of land conveyed to George A. Skestos Jr. IRT One by deed of record in Instrument Number 201402130018764 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

BEGINNING at a northwesterly corner of said Skestos tract, in the southerly right-of-way line of Wright Road;

Thence South $84^{\circ} 38' 24''$ East, with said southerly right-of-way line, a distance of 300.00 feet to a point;

Thence North $05^{\circ} 25' 56''$ East, crossing the right-of-way of said Wright Road, a distance of 50.00 feet to a point in the centerline of said Wright Road;

Thence South $84^{\circ} 38' 24''$ East, with said centerline, a distance of 221.92 feet to a point;

Thence crossing said Skestos tract the following courses and distances:

South $04^{\circ} 19' 34''$ West, a distance of 431.12 feet to a point;

South $49^{\circ} 19' 34''$ West, a distance of 170.83 feet to a point;

North $85^{\circ} 40' 26''$ West, a distance of 284.85 feet to a point;

North $04^{\circ} 19' 34''$ East, a distance of 25.41 feet to a point; and

North $85^{\circ} 37' 16''$ West, a distance of 156.50 feet to a point in the easterly right-of-way line of Gender Road;

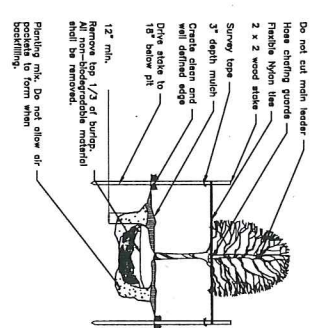
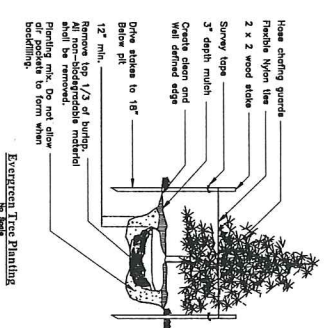
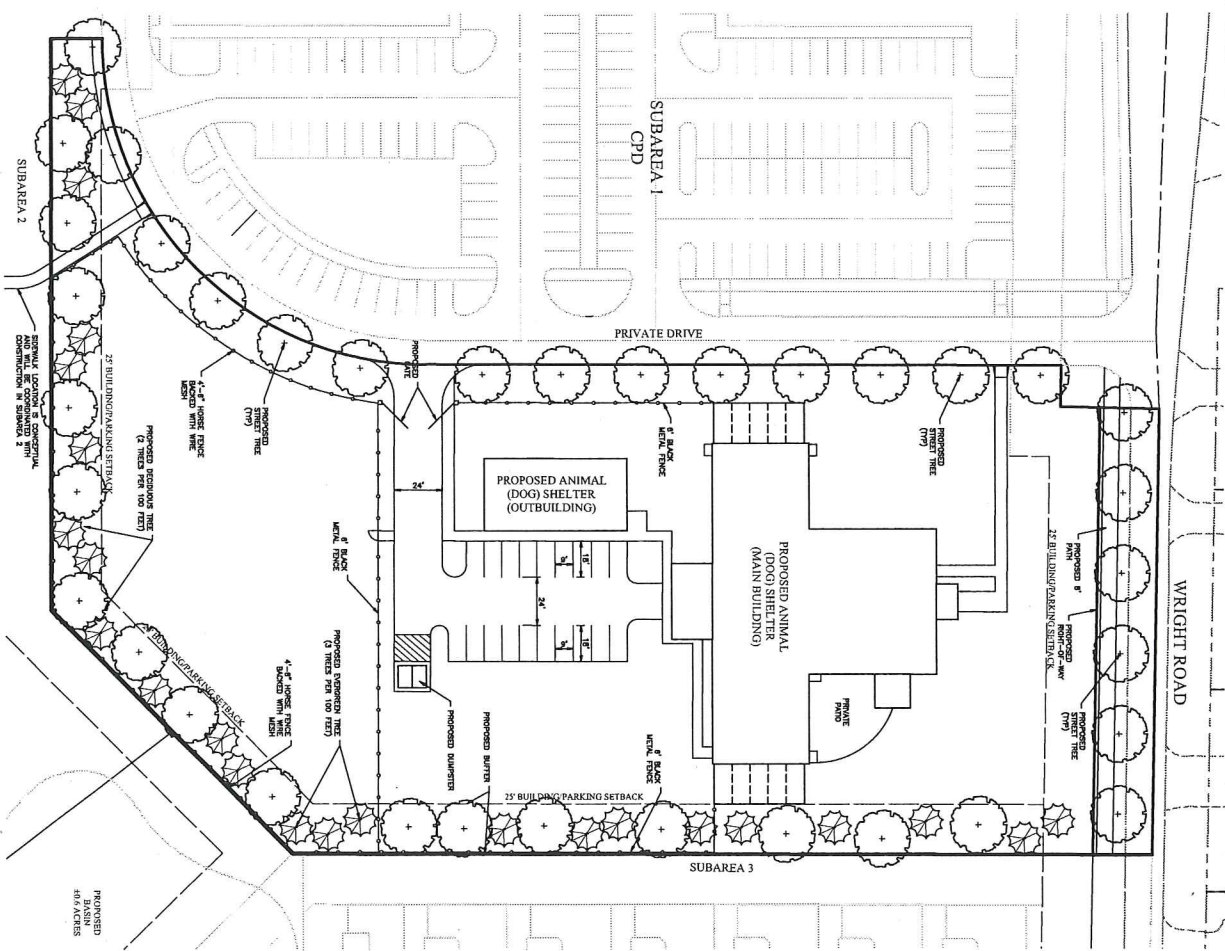
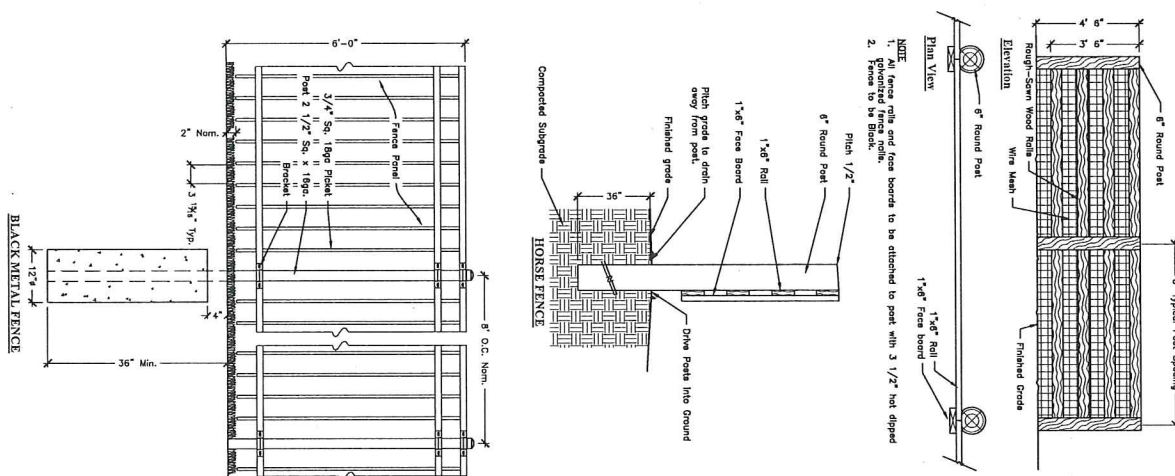
Thence North $04^{\circ} 19' 34''$ East, with said easterly right-of-way line, a distance of 450.25 feet to a point;

Thence North $52^{\circ} 14' 09''$ East, with said easterly right of way line, a distance of 53.02 feet to the POINT OF BEGINNING, containing 6.52 acres of land, more or less, of which 0.13 acre is located within the presently occupied right-of-way of Wright Road.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



CV17-044



BUFFER LEGEND
(1 EVERGREEN AND 2 DECIDUOUS
TREES PER 100 FEET ADJACENT TO
SUBAREA 2 & 3)

	DECIDUOUS TREE
	EVERGREEN TREE

Deciduous Tree Planting

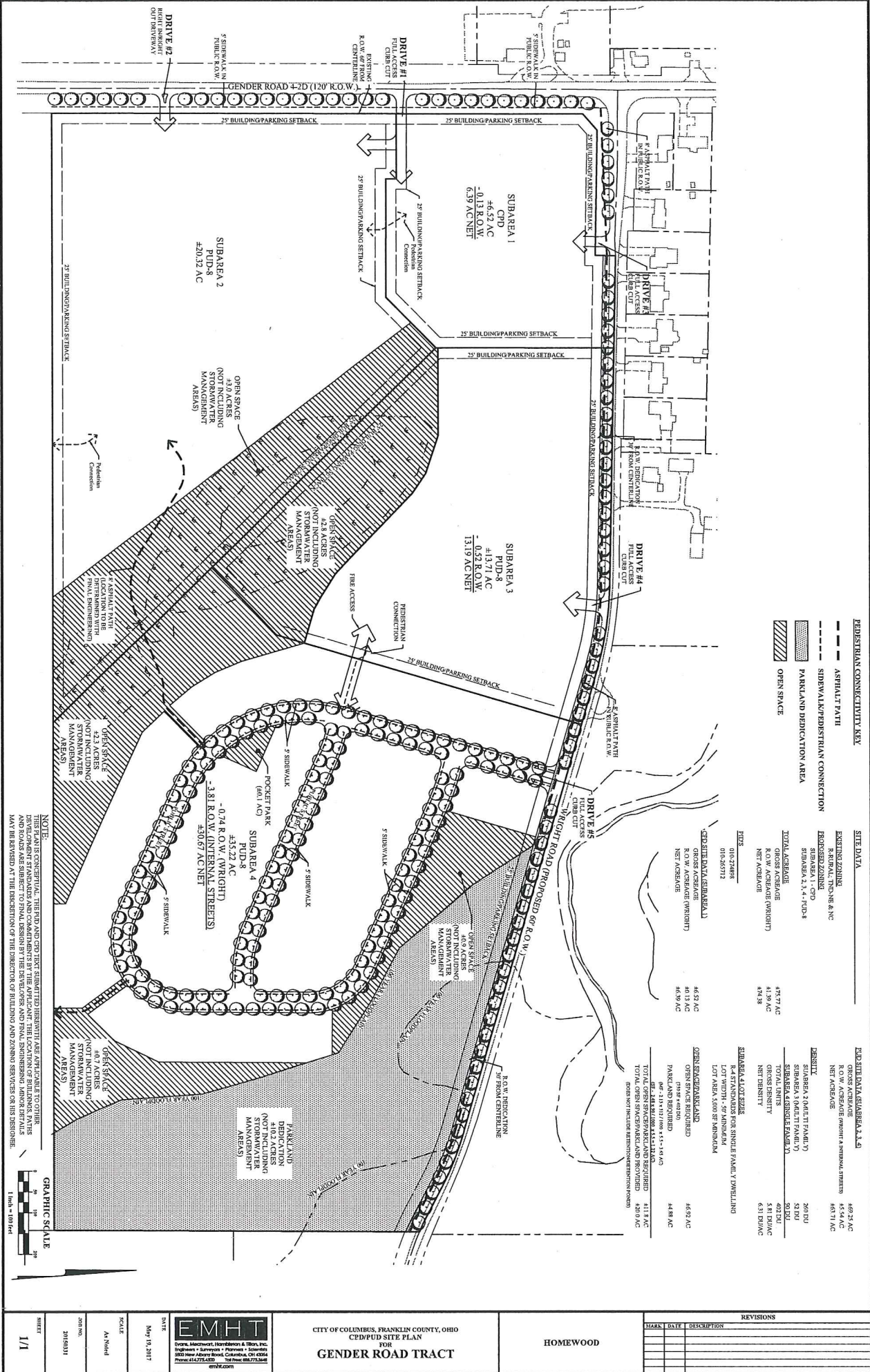
Evergreen Tree Planting
No Shovel

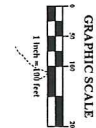
GRAPHIC SCALE

0 15 30

1 inch = 30 feet

DATE	SCALE	JOB NO.	 Evans, MacArthur, Hontela & Horn, Inc. 2001 New Albany Road, Columbus, OH 43264 Phone 614.775.6375 Fax 614.775.6444 emht@aol.com	CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO SITE PLAN ENLARGEMENT FOR GENDER ROAD TRACT ANIMAL (DOG) SHELTER	HOMEWOOD	REVISIONS		
						MARK	DATE	DESCRIPTION
May 15, 2017	1" = 30'	24858301						
1/1								

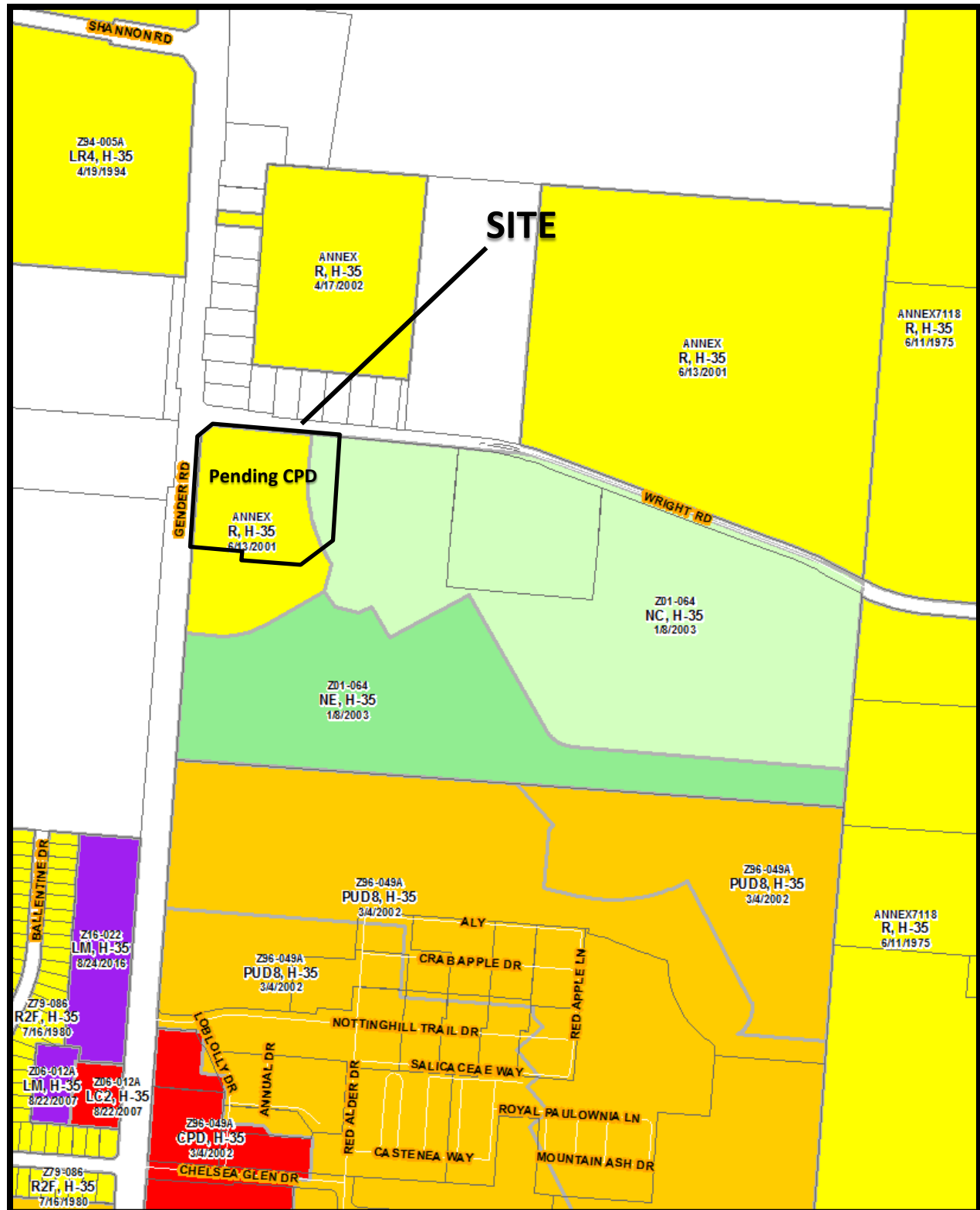




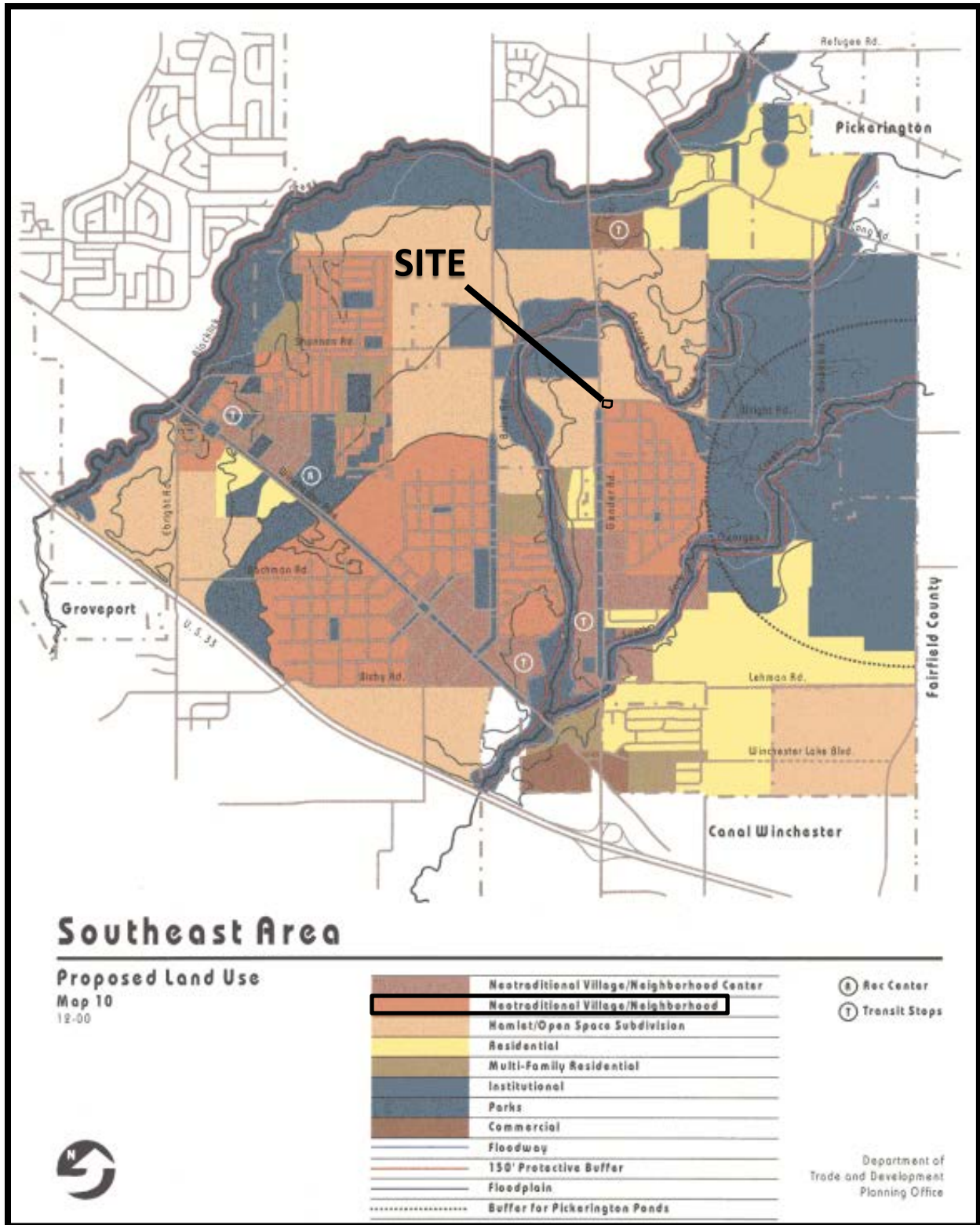
216-054 & 017-044

FINDING SUMMARY SHEET 2.4.1	
CRACK AVERAGE	467.24 AC
CRACK DEPTH AVERAGE	44.5 IN
CRACK WIDTH AVERAGE (PROJECT A MINIMUM WIDTH)	163.71 AC
NET AVERAGE	
DENSITY	
SUBAREA 1 (0.0171 PAVLTY)	266 DU
SUBAREA 2 (0.0000 PAVLTY)	0 DU
SUBAREA 3 (0.0000 PAVLTY)	90 DU
TOTAL UNITS	266 DU
GROSS DENSITY	
NET DENSITY	6.31 DENSITY
SUBAREA 4 LOT TYPES	
P-4 SINGLESTANDS FOR SINGLE FAMILY DWELLING	
LOT WIDTH - 50' MINIMUM	
LOT AREA - 5000 SF MINIMUM	
OPEN SPACE/PAVEMENT	
OPEN SPACE REQUIRED	467 AC
PAVING AND REQUIRED	448 AC
(79151 + 40170)	

[illegible]



CV17-044
6261 Wright Road
Approximately 6.39 acres



CV17-044
6261 Wright Road
Approximately 6.39 acres



CV17-044
6261 Wright Road
Approximately 6.39 acres