

## 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: 617-049 Date Received: 6/27/2017  
Application Accepted by: SP Fee: \$ 960 (in conjunction with rezoning)  
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 3001 Bethel Road, Columbus, Ohio Zip: 43220

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: 590-213690

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

Current Zoning District(s): CPD

Area Commission or Civic Association: Northwest Civic Association

Proposed Use or reason for Council Variance request:

To allow development standard divergences with companion rezoning to AR-2

Acreage: 2.43 +/-

#### 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: 3001 Bethel Road Ltd. Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: The Windsor Co., 1430 Collins Road, NW City/State: Lancaster, Ohio Zip: 43130

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@uhlawfirm.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**

**Parcel Numbers to be included  
In Rezoning Application  
Preferred Bethel Road**

- 590-213705
- 590-213703
- 590-213704
- 590-213702
- 590-213701
- 590-213707
- 590-213706
- 590-213700
- 590-213698
- 590-213696
- 590-213699
- 590-213697
- 590-213693
- 590-213692
- 590-213691
- 590-213694
- 590-213689
- 590-213695
- 590-213690
- 590-213688

CV 17-049

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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 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

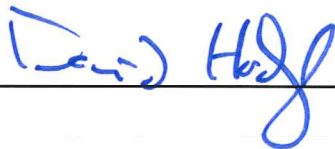
**List all sections of Code to be varied and explain your reasoning as to why this request should be granted.**

**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



Date

6/27/17

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## **Statement of Practical Difficulty**

**3001 Bethel Road**

**June 27, 2017**

The applicant, Preferred Living, files this Council Variance request in conjunction with, and as a companion to, a Rezoning Application requesting rezoning of the property from the CPD – Commercial Planned Development District, to the AR-2, Apartment Residential District. The existing zoning of the property provides for apartment residential development above specified commercial uses. The property is presently developed with office condominium uses which are demonstrably not the highest and best use of the property. The applicant therefore seeks to develop the property with apartment residential without commercial uses on the first floor.

The property to the east is zoned in the CPD – Commercial Planned Development District and is developed with a Giant Eagle regional grocer. Properties to the northeast are zoned C-4 and CPD Commercial for general commercial uses, to the north is the Mayfair Village Nursing Home zoned in the I – Institutional District, and the property to the south and west is multi-family zoned in the AR-12 District.

In terms of its existing CPD zoning, the intense commercial uses to the north and east, the nursing center to the north, and the apartment residential to the south and west this proposal is an appropriate intensity transitional zoning from the intensity to the east to lower intensities to the west.

The applicant requests the following variances:

C.C. 3333.18 Building lines.

This section requires a building setback of 25 feet, the applicant proposes a setback of 10 feet.

C.C. 3333.25 Perimeter yard.

This section requires a perimeter yard of 25 feet around the side and rear, the applicant proposes 5 feet.

These variance are appropriate given the surrounding relevant circumstances and will not be detrimental to any area property.

Developing this property to achieve the desired aesthetic as articulated in the Residential Design Guidelines of The Northwest Plan for multi-family drive the need for relaxation of certain development standards. As presently zoned, side are year yard setbacks are not a consideration.

Most importantly this development will not seriously affect any adjoining property or the general welfare of residents or owners in this area. This variance request, and its companion rezoning, are appropriate request. The applicant respectfully requests approval of its requests.

CU17-049

Preferred Living

By:

Signature of Applicant:

David H. H. H.

Date:

June 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: CU 17-049

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 3001 Bethel Road, Columbus, Ohio 43220

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) 3001 Bethel Road Ltd.

The Windsor Co.

1430 Collins Road NW

Lancaster, Ohio 43130

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) Northwest Civic Association, John Ehlers

5222 Brynwood Drive

Columbus, Ohio 43220

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

June

in the year

2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



This Affidavit expires in 60 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:**

3001 Bethel Road Ltd.  
The Windsor Co.  
1430 Collins Road, NW  
Lancaster, Ohio 43130

**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/CIVIC  
ASSOCIATION:**

John Ehlers  
c/o Northwest Civic Association  
5222 Brynwood Drive  
Columbus, Ohio 43220

**SURROUNDING PROPERTY  
OWNERS:**

Alma Wang Yin, Tr.  
or current occupant  
691 Brice Road  
Reynoldsburg, Ohio 43068

Inland Western Columbus  
Sawmill LLC  
or current occupant  
2901 Butterfield Road  
Oak Brook, Illinois 60523

Neng You Zheng and Qing Ye  
or current occupant  
5336 Shiloh Drive  
Columbus, Ohio 43220

Carl Allen  
or current occupant  
5338 Shiloh Drive  
Columbus, Ohio 43220

Lari and Travis Shaw  
or current occupant  
7799 Polo Lane  
Powell, Ohio 43065

Ayser and Ala Hamoudi  
or current occupant  
3125 Lilly Mar Court  
Dublin, Ohio 43017

Louis and Marie Gravenese  
or current occupant  
5344 Shiloh Drive  
Columbus, Ohio 43220

Jaleh Su Hojat, Tr.  
or current occupant  
225 Country Lane  
Gallipolis, Ohio 45631

TMD Realty, Inc.  
or current occupant  
5223 Godown Road  
Columbus, Ohio 43235

Ohio Realty LLC  
or current occupant  
21 Colonial Court  
Freehold, New Jersey 07728

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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 #

CU 17-049

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. 3001 Bethel Road Ltd. The Windsor Co. 1430 Collins Road NW Lancaster, Ohio 43130	2. Preferred Living 750 Communications Parkway Columbus, Ohio 43214
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

27th

day of

June

, in the year

2017

SIGNATURE OF NOTARY PUBLIC

Kimberly R. Grayson

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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## EXHIBIT A

### DESCRIPTION OF SHILOH STATION – OFFICE PARK ON BETHEL ROAD, COLUMBUS, OHIO FOR ISAACS ENTERPRISES

Situated in the State of Ohio, County of Franklin, City of Columbus, in Lot No. 1, Quarter Township 2, Township 1 North, Range 19 West, United States Military Lands, and being a portion of a 6.517 acre tract of land conveyed to Paul D. Isaacs, Trustee, by deed of record in Official Record 2794, Page A 01, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning, for reference, at a point in the centerline of Bethel Road and at the northeast corner of said 6.517 acre tract, said point being N 88° 20' 41" W a distance of 940.71 feet from a point at the intersection of the centerline of Bethel Road with the centerline of Sawmill Road;

thence S 0° 43' 55" E along a portion of the east line of said 6.517 acre tract a distance of 40.03 feet to a point in the south line of Bethel Road and at the true place of beginning of the tract herein intended to be conveyed;

thence continuing S 0° 43' 55" E along a portion of the east line of said 6.517 acre tract a distance of 256.97 feet to a point;

thence N 88° 20' 41" W parallel with the centerline of Bethel Road and crossing a portion of said 6.517 acre tract a distance of 411.99 feet to a point;

thence N 0° 43' 55" W parallel with the east line of said 6.517 acre tract a distance of 256.97 feet to a point in the south line of Bethel Road;

thence S 88° 20' 41" E along the south line of Bethel Road and parallel with and 40.00 feet southerly by perpendicular measurement from the centerline of Bethel Road and from the north line of said 6.517 acre tract a distance of 411.99 feet to the true place of beginning;

containing 2.428 acres of land, more or less, and being subject to all easements and restrictions of record.

The above description was prepared by Richard J. Bull, Ohio Surveyor No. 4723, of C.F. Bird & R. J. Bull, Ltd., Consulting Engineers & Surveyors Worthington, Ohio, from a field survey by others in July, 1982.

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Richard J. Bull  
Ohio Surveyor 4723

CU 17-049

# 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: SHILOH STATION CONDOS, 20 PRACELS

Zoning Number: 3001

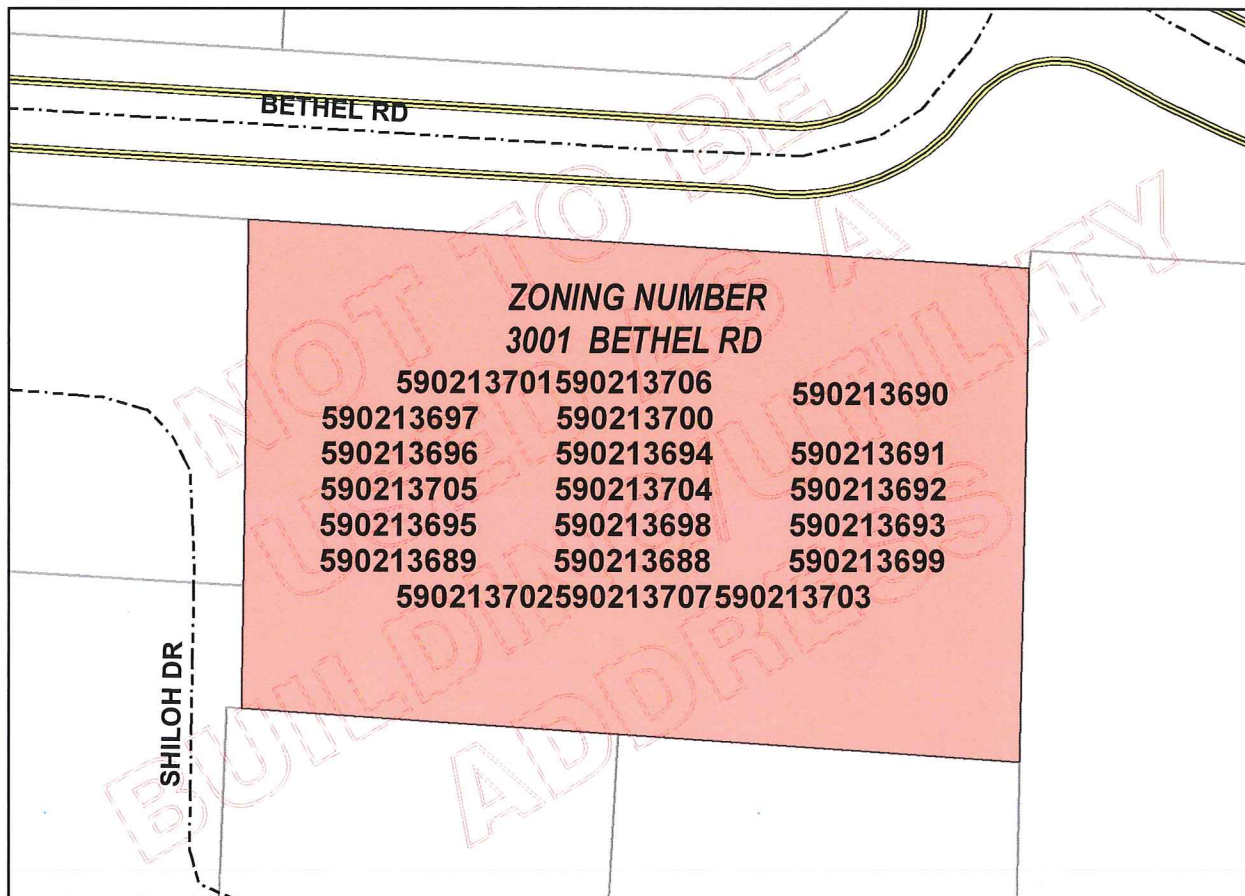
Street Name: BETHEL RD

Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE (DAVID HODGE)

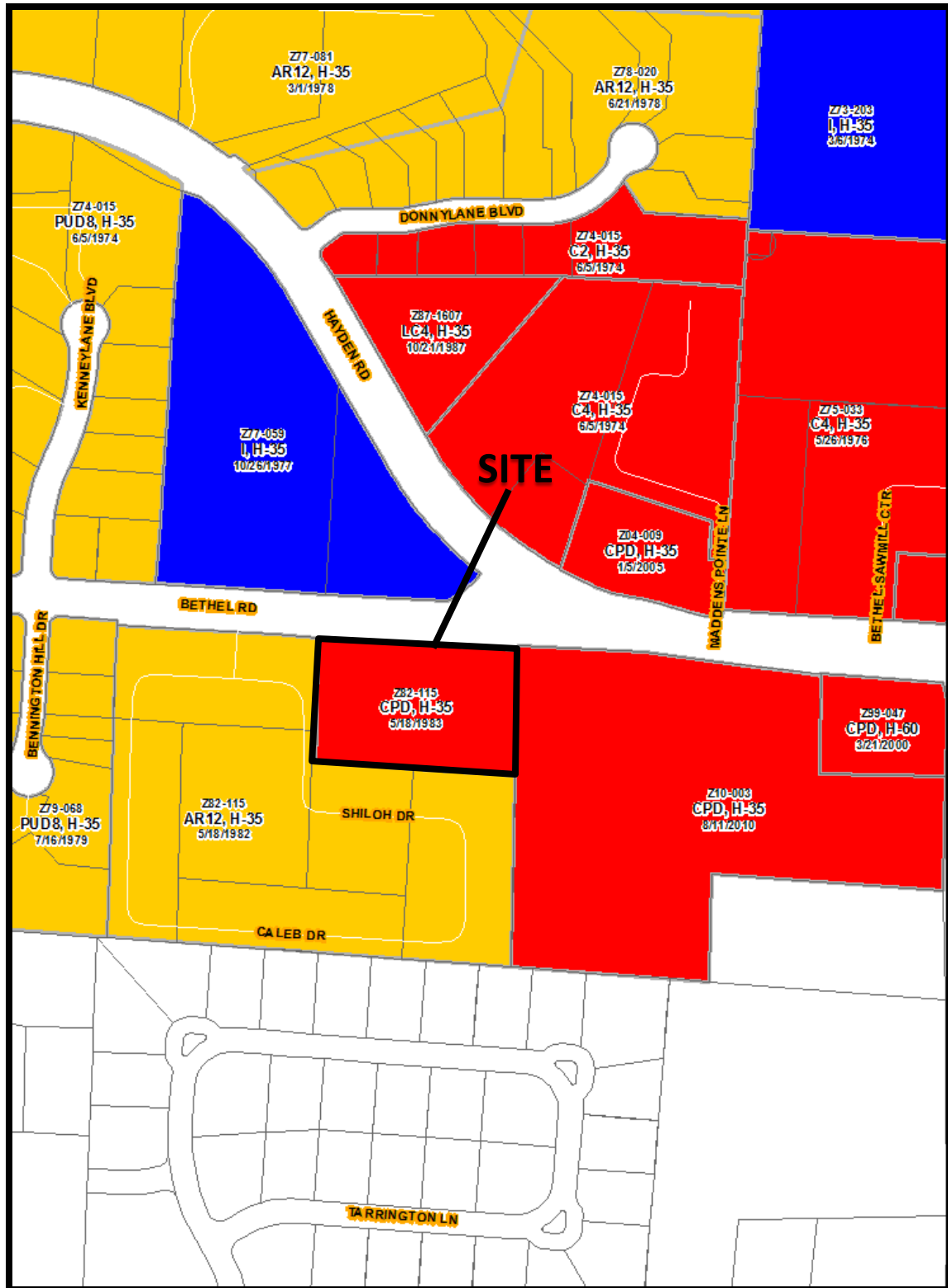
Issued By: *Adyana Amariam* Date: 6/15/2017



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

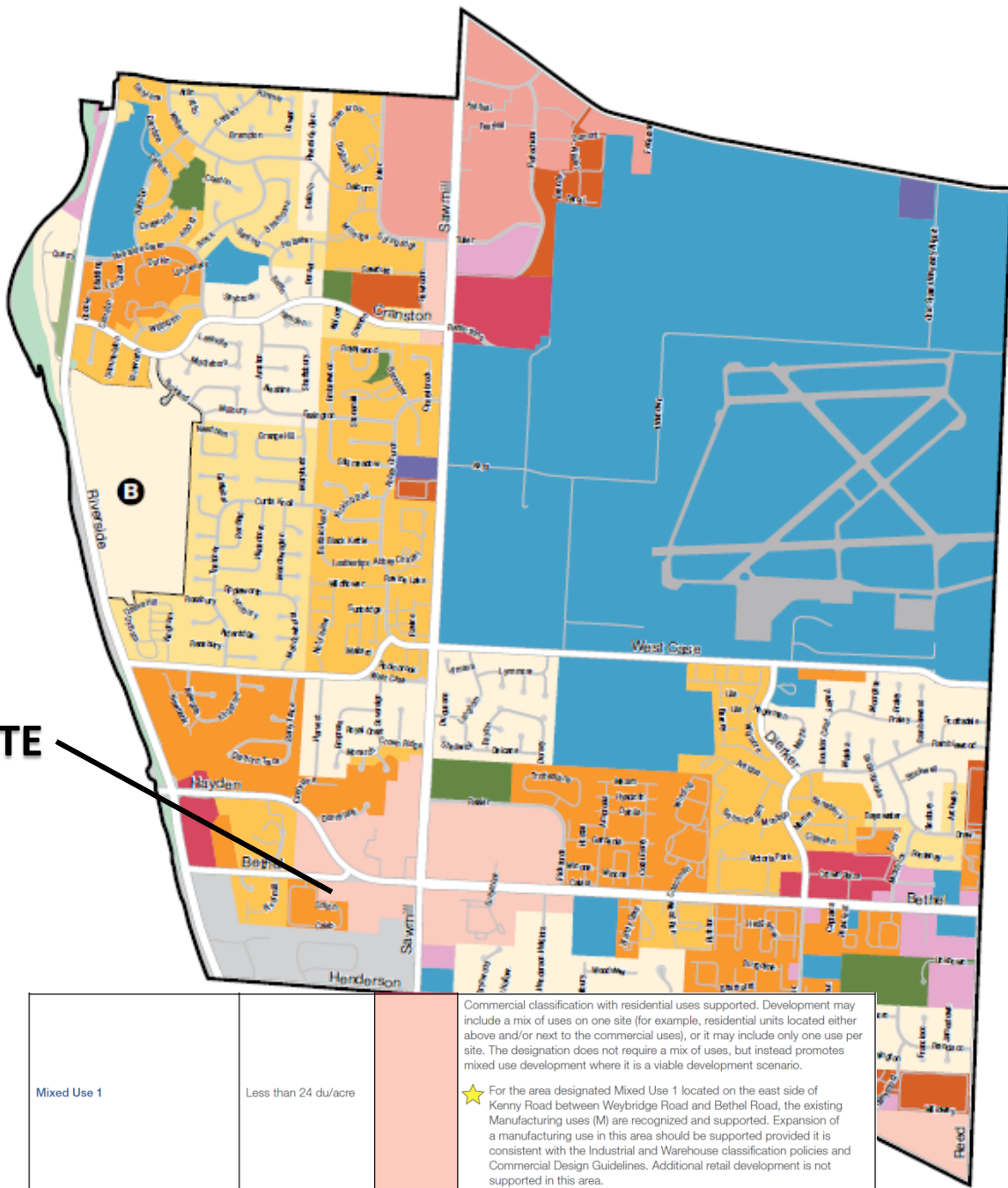
SCALE: 1 inch = 100 feet

GIS FILE NUMBER: 94840



CV17-049  
3100 Bethel Road  
Approximately 2.43 acres

**SITE**



*The Northwest Plan (2016) – “Mixed Use 1” Recommended*

CV17-049  
3100 Bethel Road  
Approximately 2.43 acres





CV17-049  
3100 Bethel Road  
Approximately 2.43 acres