

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: CN17-051 Date Received: 7/25/17
Application Accepted by: KP + MM Fee: \$1740
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1111 Mediterranean Avenue, Columbus, Ohio Zip: 43229

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: 010-200010-00

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

Current Zoning District(s): C-3

Area Commission or Civic Association: Northland Community Council

Proposed Use or reason for Council Variance request:
Shared Living Facility and Hotel / Motel

Acreage: 1.32

APPLICANT:

Name: SPS Hospitality, LLC Phone Number: (614) 327-3137 Ext.: _____

Address: 3958 Brown Park, #B City/State: Hilliard, OH Zip: 43026

Email Address: darshan@darpanmgt.com Fax Number: (614) 887-8454

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

Name: SPS Hospitality, LLC Phone Number: (614) 327-3137 Ext.: _____

Address: 3958 Brown Park, #B City/State: Hilliard, OH Zip: 43026

Email Address: darshan@darpanmgt.com Fax Number: (614) 887-8454

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

Name: Sanjay K. Bhatt, Esq. Phone Number: 614-222-4900 Ext.: _____

Address: 2935 Kenny Road, Suite 225 City/State: Columbus, OH Zip: 43221

Email Address: bhattlawoffice@gmail.com Fax Number: 614-335-5080

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [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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STATEMENT OF HARDSHIP

Application Number: CV17-051

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 the attached Statement of Hardship

Signature of Applicant



Date

7/24/17

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Introduction:

The subject property is located at 1111 Mediterranean Avenue, City of Columbus, Franklin County, Ohio – Parcel Number: 010-200010-00.

In 1998, the then owner constructed a four (4) story and seventy (70) room hotel/motel on the subject property. The property was also improved with a parking lot with seventy-five (75) parking spaces thereon.

The subject property was used and operated as a hotel/motel, commencing sometime in the year 2000. In September 2004, SPS Hospitality purchased the property and continued its use as a franchised hotel.

In June 2015, the subject property was leased to YWCA. YWCA's downtown facilities were undergoing improvements, and pursuant to and in accordance with a duly issued temporary license, YWCA operated the subject property as a Shared Living Facility for women in transition.

That use lasted for approximately eighteen (18) months, and upon completion of its facilities, the lease with YWCA ended in December, 2016.

SPS Hospitality would like to continue the use of the subject property as a Shared Living Facility, with a lease to Columbus Housing Network, supported by Columbus Metropolitan Housing Authority and Community Shelter Board. Upon expiration of the lease, which is likely to be extended by CHN for an extended period, the Applicant wants to and will have to return to the use as a hotel/motel.

The Problem:

The subject property is located in a C-3, Commercial District. Prior to the 2008 amendments, a hotel use was permitted for C-3 zoning. However, the current uses outlined in 3355.03 for C-3, Commercial District, does not include hotel/motel, nor does it include the use as a Shared Living Facility.

While SPS Hospitality and YWCA were able to secure a temporary use for the subject property as a Shared Living Facility, such continued use for a lease with Columbus Housing Network, supported by CMHA and CSB, cannot continue without the requested variance.

Since 2008, the subject property and about ten (10) other hotel property owners in this C-3 zoned area have continued to use their respective property as a hotel/motel – a non-conforming use – given the 2008 change in the C-3 zoning uses.

The subject property consists of a building approximately 32,000 square feet. While seventy-five (75) parking spaces are sufficient for the hotel use, the use of the shared living facility requires eighty (80) parking spaces. It should be noted that a majority of the transient occupants utilizing the subject property as a Shared Living Facility do not have personal automobiles, and there is no anticipated issue with an overflow given the current number of parking spaces.

The Solution:

For its use as a hotel / motel or Shared Living Facility, the subject property structure and improvements meet the requirements of Columbus Building Code, State Fire Marshall requirements, and the requirements of the Columbus Housing Network, the Community Shelter Board, and the Columbus Metropolitan Housing Network.

With a variance, SPS Hospitality, with a lease to, Columbus Housing Network, will be able to continue the use of the subject property as a Shared Living Facility.

While SPS Hospitality anticipates a long term lease and use of the subject property as a Shared Living Facility by Columbus Housing Network, in the event of lease termination, SPS Hospitality would like to return the use of the subject property to that of a hotel/motel.

Requested Variances:

The subject property is presently zoned C-3, Commercial District. The Applicant is requesting a use variance to permit the property to be used as a "Shared Living Facility", as defined in Section 3303.19 of the City of Columbus Code, and to be used a hotel/motel, as defined in Section 3303.08.

The Applicant is also requesting a variance to allow the use as a Shared Living Facility, with the current number of parking spaces of seventy-five (75), instead of the required eighty (80).

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: CV17-051

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Darshan Shah, Manager of SPS Hospitality, LLC

of (1) MAILING ADDRESS 3958 Brown Park, #B, Hilliard, OH 43026

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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1111 Mediterranean Avenue, Columbus, Ohio 43229

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

(4) SPS Hospitality, LLC

AND MAILING ADDRESS

3958 Brown Park Drive, #B

Hilliard, OH 43026

APPLICANT'S NAME AND PHONE #

SPS Hospitality, LLC

(same as listed on front application)

614-327-3137

AREA COMMISSION OR CIVIC GROUP

(5) Northland Community Council

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

Dave Paul, P.O. Box 297836, Columbus, OH 43229

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)

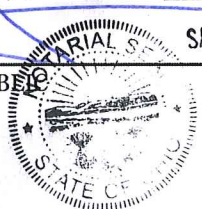
☐ Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT

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

(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



SAMI K. BHATT, ESQ.
ATTORNEY AT LAW
NOTARY PUBLIC My Commission Expires
JULY 31, 2017
Sec 147.03 O.R.C.

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

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APPLICANT

SPS Hospitality, LLC
1111 Mediterranean Ave
Columbus, OH 43229

PROPERTY OWNER

SPS Hospitality, LLC
Darpan Mgmt., Inc.
3958 Brown Park Drive #B
Hilliard, OH 43026

ATTORNEY

Sanjay K. Bhatt, Esq.
2935 Kenny Road,
Suite 225
Columbus, OH 43221

**AREA COMMISSION OR
NEIGHBORHOOD GROUP**

Northland Community Council
c/o Dave Paul
P.O. Box 297836
Columbus, OH 43229

AXS Opportunity Fund, LLC
6124 Busch Blvd.
Columbus, OH 43229

DDSJ, LLC
1100 Mediterranean Avenue
Columbus, OH 43229

Columbus Belgravia, LLC
6125 Zumstein Drive
Columbus, OH 43229

Northland Hotel, Inc.
1070 E. Dublin-Granville Rd.
Columbus, OH 43229

Zumstein R. William SU, TR.
8483 Olde Worthington Road
Westerville, OH 43082

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Scott Messer, Director

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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 Number: CV17-051

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Darshan Shah, Manager of SPS Hospitality, LLC
of (COMPLETE ADDRESS) 3958 Brown Park Drive, #B, Hilliard, OH 43026

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. Prakash Patel 5668 Hillcoat Drive Hilliard, OH 43026	2. Vibhakar Shah 4581 Huntwicke Drive Hilliard, OH 43026
3. Jayendra Patel 6 Darren Court East Brunswick, NJ 08816	4. Darshan Shah 4834 Britton Farms Drive Hilliard, OH 43026

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

SIGNATURE OF AFFIANT

[Signature]

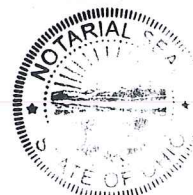
Sworn to before me and signed in my presence this 24th day of JULY, in the year 2017

[Signature]

SIGNATURE OF NOTARY PUBLIC

NO - EXP.
My Commission Expires

Notary Seal Here



SANJAY K. BHATT, ESQ.
ATTORNEY AT LAW
NOTARY PUBLIC
STATE OF OHIO
Sec 147.03 O.R.C.

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EXHIBIT A

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING A PART OF QUARTTER TOWNSHIP 4, TOWNSHIP 2, RANGER 18, UNITED STATES MILITARY LANDS, BEING A 1.332 ACRES TRACT OF LAND OUT OF THAT ORIGINAL 30 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO ROBER C. ZUNSTEIN, OF RECORD IN DEED BOOK 1430, PAGE 3 (ALL REFERENCES HEREIN BEING TO THE RECORDS LOCATED IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO), SAID 1.332 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN IN THE WESTERLY LINE OF SAID ORIGINAL 30 ACRE TRACT, IN THE EASTERLY LINE OF THAT 4 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO COUNTRY INNS INTERNATIONAL, OF RECORD IN DEED BOOK 3291, PAGE 145, AND AT THE NORTHWESTERLY CORNERS OF THAT ORIGINAL 1.243 ACRES TRACT OF LAND AS DESCRIBED IN A DEED TO ROBERT C. ZUMSTEIN OF RECORD IN DEED BOOK 3704, PAGE 171;

THENCE NORTH 2 DEG. 42' 05" EAST, ALONG SAID WESTERLY AND EASTERLY LINES AND ALONG A PORTION OF THE EASTERLY LINE OF THAT 56.964 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO THE CONTINENT DB 326, PAGE 128, OF RECORD IN DEED BOOK 3645, PAGE 653, A DISTANCE OF 176.89 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF MEDITERRANEAN AVENUE, 60 FEET IN WIDTH, AS DELINEATED UPON THE PLAT "DEDICATION OF MEDITERRANEAN AVENUE, ZUMSTEIN DRIVE AND EASEMENT", OF RECORD IN PLAT BOOK 60, PAGE 91,

THENCE SOUTH 87 DEG. 16' 03" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 130.42 FEET TO A POINT OF CURVATURE;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE WITH THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 255.00 FEET, A CENTRAL ANGLE OF 30 DEG. 32' 10", THE CHORD OF WHICH BEARS NORTH 77 DEG. 27' 52" EAST, A CHORD DISTANCE OF 134.30 FEET TO A POINT OF CURVATUR;

THENCE WITH THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 35.00 FEET, A CENTRAL ANGLE OF 102 DEG. 02' 29", THE CHORD OF WHICH BEARS SOUTH 66 DEG. 46' 53" EAST, A CHORD DISTANCE OF 54.42 FEET TO A POINT OF COMPUND CURVATION IN THE WESTERLY RIGHT-OF-WAY LINE OF ZUMSTEIN DRIVE, 30 FEET IN WIDTH, AS DELINEATED UPON SAID PLAT "DEDICATION OF MEDITERRANEAN AVENUE, ZUMSTEIN DRIVE AND EASTEMENTS";

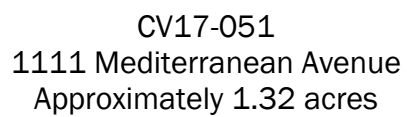
THENCE ALONG SAID RIGHT-OF-WAY LINE WITH THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 110.00 FEET, A CENTRAL ANGLE OF 24 DEG. 37' 33", THE CHORD OF WHICH BEARS SOUTH 3 DEG. 26' 58" EAST, A CHORD DISTANCE OF 46.92 FEET TO THE POINT OF TANGENCY;

THENCE SOUTH 8 DEG. 51' 49" WEST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 147.25 FEET TO A POINT IN THE NORTHERLY LINE OF THE AFOREMENTIONED ORIGINAL 1.243 ACRE TRACT;

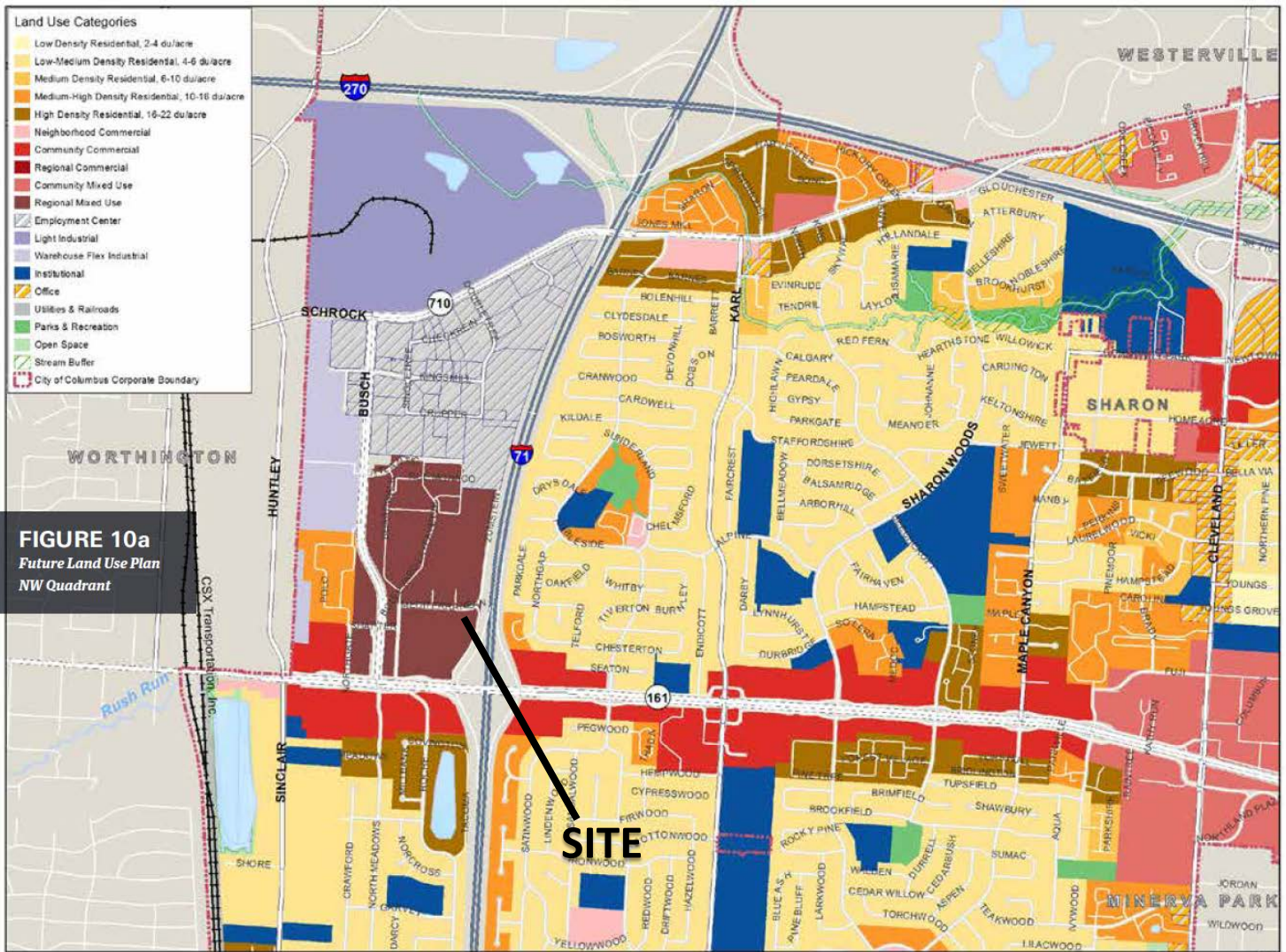
THENCE NORTH 87 DEG. 17' 55" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 300.18 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.332 ACRES OF LAND.

THE BEARING USED HEREIN CONFORM TO THE REFERENCED PLAT OF RECORD IN PLAT BOOK 60, PAGE 91.

THIS DESCRIPTON WAS PREPARED BY HOCKADEN AND ASSOCIATES, INC., CONSULTING ENGINEERS, FROM INFORMATION OBTAINED BY A FIELD SURVEY PERFORMED IN SEPTEMBER, 1983.



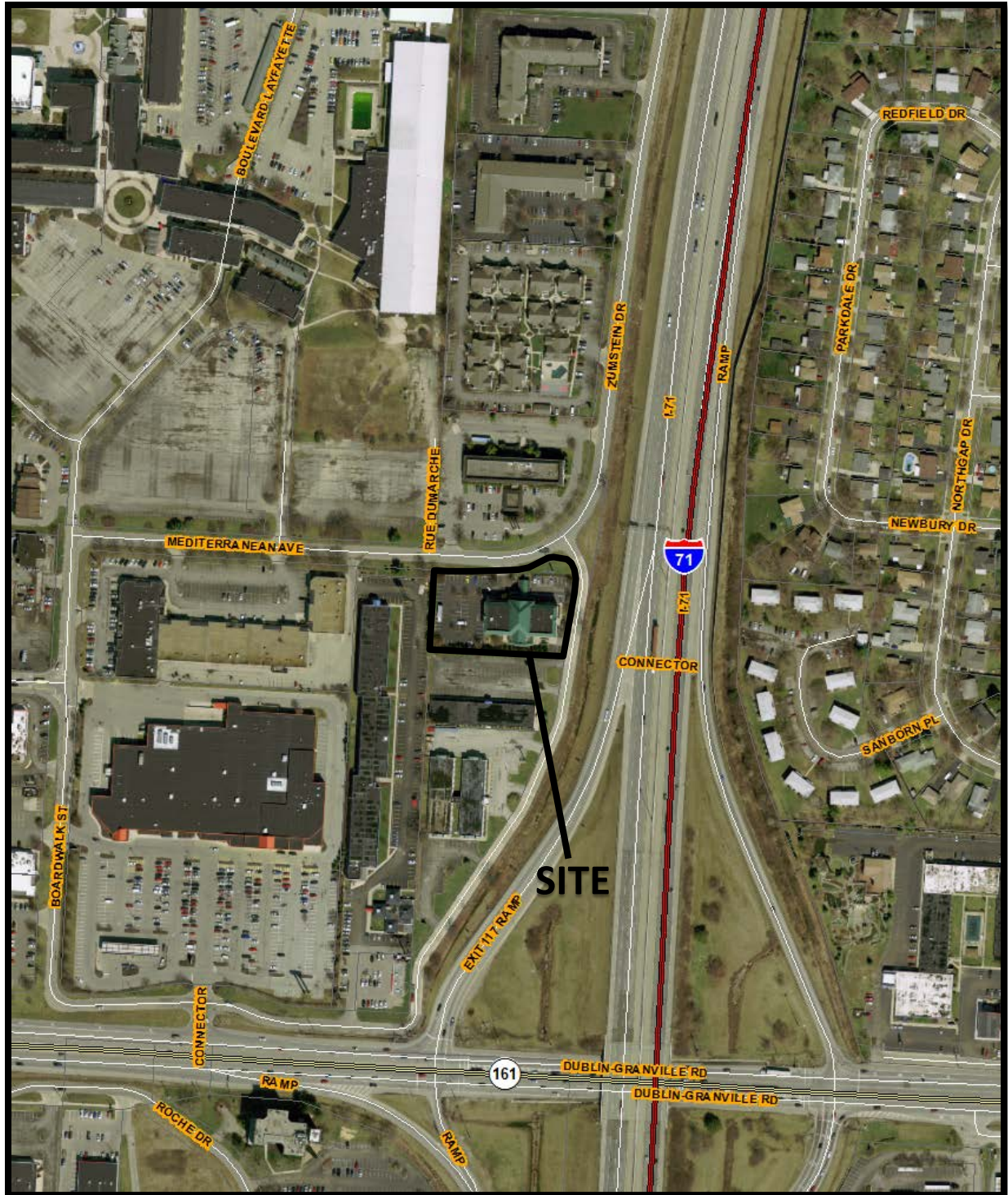
Approximately 1.32 acres



NORTHLAND | AREA PLAN - FUTURE LAND USE PLAN

Regional Mixed Use: Large scale shopping centers and regional malls, entertainment centers, big box retailers, and similar retail uses that have the potential to attract consumers from major portions of the city or the Central Ohio region. Office or institutional uses may also be appropriate. Also includes residential units located either above and/or next to the commercial, office, or institutional uses. Should be located at nodes on major arterials and at interstate highway intersections. Typical Density/Intensity: 10,000 square feet per acre, up to 22 dwelling units per acre.

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1111 Mediterranean Avenue
Approximately 1.32 acres



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1111 Mediterranean Avenue
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