

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: CV17-061 Date Received: 8/29/17
Application Accepted by: KP Fee: \$1,040 (concurrent w. 217-034)
Assigned Planner: Kelsey Priene; kpriene@columbus.gov; 614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 3720 West Henderson Road, Columbus, OH 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: 590-184730, 217-280794

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

R, Rural

Current Zoning District(s): _____

Area Commission or Civic Association: Northwest Civic Association

Proposed Use or reason for Council Variance request: Variances related to PUD-8 rezoning

Acreage: 3.415 +/- Ac

APPLICANT:

Name: Wills Group, LLC c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----

David Perry Company, Inc.

Address: 411 East Town Street, 1st Floor City/State: Columbus, OH Zip: 43215

Email Address: dperry@daveperryco.net Fax Number: N/A

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

Name: Lois K. and Robert L. Becker, Trustees, Phone Number: 614-457-7863 Ext.: -----

Address: c/o James Becker, Esq. 4380 Braunton Road City/State: Columbus, Ohio Zip: 43220

Email Address: jbecke3@columbus.rr.com Fax Number: N/A

(Attorney for Applicant)

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

Name: Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----

Address: 411 East Town Street, 2nd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

APPLICANT SIGNATURE Wills Group LLC by David B. Perry, Agent

PROPERTY OWNER SIGNATURE Lois K. and Robert L. Becker, Trustees c/o James Becker, by

ATTORNEY / AGENT SIGNATURE Donald Plank

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

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):

See Exhibit B

Signature of Applicant

Attorney:

Consultant:

(Donald Plank, Plank Law Firm)

(Dave Perry, David Perry Company, Inc.)

Date

Date

Date

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CV17-061

Exhibit B

Statement of Hardship

CV17- 061 , 3720 W Henderson Road, Columbus, OH 43220

The site is pending rezoning (Z17-034) to the PUD-8 district for development of 22 attached single family dwellings. This variance application is made in conjunction with the pending rezoning to modify certain PUD standards, as depicted on the plan titled "Henderson Development, 3720 W. Henderson Road" and as itemized below.

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 for the attached single family dwellings.

Applicant requests a variance from the following section of the Columbus Zoning Code:

- 1). Section 3345.03, Density and Dedicated Lands, to permit 22 detached single family dwellings at a net density of 9.10 dwelling units per acre in the PUD-8 District.

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AFFIDAVIT (See instruction sheet)

Application Number: CV17-061

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME

David Perry (David Perry Company, Inc.) -----

of (1) MAILING ADDRESS 411 East Town Street, 1st Floor, Columbus, Ohio 43215 -----

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 3720 West Henderson 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) 8/29/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Lois K and Robert L Becker, Trustees

c/o James Becker, Esq.

4380 Branton Road

Columbus, Ohio 43220

Wills Group, LLC c/o Dave Perry (David Perry Company, Inc.)

(614) 228-1727

APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Northwest Civic Association c/o Marilyn Goodman

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS

(5)

2991 Stillmeadow Drive

Dublin, Ohio 43017

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 B. A.

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

(8) SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018
My Commission Expires



Stacey L. Danza
Notary Public, State of Ohio
This Affidavit expires six (6) months after the date of notarization.
My Commission Expires 11-05-2018

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Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
3720 W. Henderson Rd.
CV17- 061
August 28, 2017

APPLICANT

Wills Group, LLC
c/o Dave Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

PROPERTY OWNER

Lois K. and Robert L. Becker, Trustees
c/o James Becker, Esq.
4380 Braunton Road
Columbus, Ohio 43220

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

COMMUNITY GROUP:

Northwest Civic Association
c/o Marilyn Goodman
2991 Stillmeadow Drive
Dublin, Ohio 43017

PROPERTY OWNERS WITHIN 125 FEET

Genaro G Vonlembcke
(or current occupant)
3700 Henderson Road
Columbus, OH 43220

Tunc Aldemire
Kristien W Aldemir (or current
occupant)
4337 Oak Wood Court
Dublin, OH 43016-7344

Helen Kost (or current occupant)
5227 Brynwood Drive
Columbus, Ohio

First Alliance Church
(or current occupant)
3756 Henderson Road
Columbus, OH 43220-2236

Advanced Injury Management LLC (or
current occupant)
4612 Sawmill Road
Columbus, OH 43220-2247

Dennis J Coughlin
(or current occupant)
5235 Brynwood Drive
Columbus, Ohio 43220

Mary Shipley Smith (or current
occupant)
5237 Brynwood Drive
Columbus, OH 43220

Damien C Mathew
Yuhua Ni (or current occupant)
5243 Brynwood Drive
Columbus, Ohio 43220

Robert Cornwell II
Julie A Holden (or current occupant)
5245 Brynwood Drive
Columbus, OH 43220

Nancy A Ely (or current occupant)
5251 Brynwood Drive
Columbus, OH 43220

Harvard Holdings LLC c/o Linda Coate
(or current occupant)
5253 Brynwood Drive
Columbus Ohio 43220

Zena M Smith
(or current occupant)
PO Box 3184
Dublin, OH 43016-0085

Apryl R Steward (or current occupant)
5261 Brynwood Drive
Columbus, OH 43220

ALDI Inc. Ohio (or current occupant)
4400 S Charleston Pike
Springfield, Ohio 45502-8933

3720 W. Henderson Road
CV17- 061, August 28, 2017
Exhibit A, Public Notice
Page 1 of 2

Hilan Enterprises, LLC
(or current occupant)
2817 S Shields Avenue
Chicago, IL 60616-2625

Great Wall Properties, LLC
(or current occupant)
4618 Sawmill Road
Columbus, OH 43220-2247

William N Khourie
Lisa K Khourie (or current occupant)
4622 Sawmill Road
Columbus, OH 43220-2247

Bolneni Rental Properties
(or current occupant)
2881 Westrock Drive
Hilliard, Ohio 43026

Stone Meadow Enterprises
(or current occupant)
PO Box 196
Lewis Center, OH 43035-0196

Kaeding Properties, LLC
(or current occupant)
1808 Roundwyck Lane
Powell, Ohio 43065-8562

Rebecca Benjamin
Glenn Benjamin
(or current occupant)
5616 Coogan Place
Dublin, Ohio 43016-4127

Jessica M Roop
(or current occupant)
5315-F Stonemeadow Avenue
Columbus, OH 43220

PGPR LLC (or current occupant)
7520 Marston Lane
Dublin, OH 43016-7029

Zane Realty LLC
(or current occupant)
7817 Silver Rose Court
Dublin, OH 43016-9489

Susan L Schifer
(or current occupant)
5321-A Stonemeadow Avenue
Columbus, OH 43220

Maureen F OConnor
(or current occupant)
5339-A Stonemeadow Avenue
Columbus, OH 43220

Erika A Lichfield (or current occupant)
5315 Stonemeadow Avenue
Columbus, OH 43220

Julie A Cullen
(or current occupant)
5321-D Stonemeadow Avenue
Columbus, OH 43220

Lennel R Lerion-Sisco
(or current occupant)
3136 Frobisher Avenue
Dublin, OH 43017-1617

Sandeep Mawalkar
Monalisa Mawalkar
(or current occupant)
1678 McCoy Road
Columbus, OH 43220

Ronald K Roberson
Barbara H Roberson (or current
occupant)
3715 Henderson Road
Columbus, OH 43220

Jim Meyer
Linda K Meyer (or current occupant)
228 9th Avenue
Council Bluffs, IA 5153-6844

ALSO NOTIFY

Wills Group, LLC
Mr. Larry Wills
2238 Picket Post Land
Columbus, OH 43220

3720 W. Henderson Road
CV17- ~~del~~, August 28, 2017
Exhibit A, Public Notice
Page 2 of 2

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

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 # CV17-061

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)
of (COMPLETE ADDRESS) 411 East Town Street, 2nd Floor, Columbus, Ohio 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. Lois K and Robert L Becker, Trustees c/o James Becker, Esq. 4380 Braunton Road Columbus, Ohio 43220 # of Columbus Based Employees: 0 Contact: James Becker, Esq. (614) 457-7863	2. Wills Group, LLC 2238 Picket Post Lane Columbus, Ohio 43220 # of Columbus Based Employees: 0 Contact: Larry Wills (614) 323-8084
3. _____	4. _____

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

SIGNATURE OF AFFIANT

Donald Plank

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

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018

Notary Seal Here

My Commission Expires



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

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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: 217280794, 590184730

Zoning Number: 3720

Street Name: W HENDERSON RD

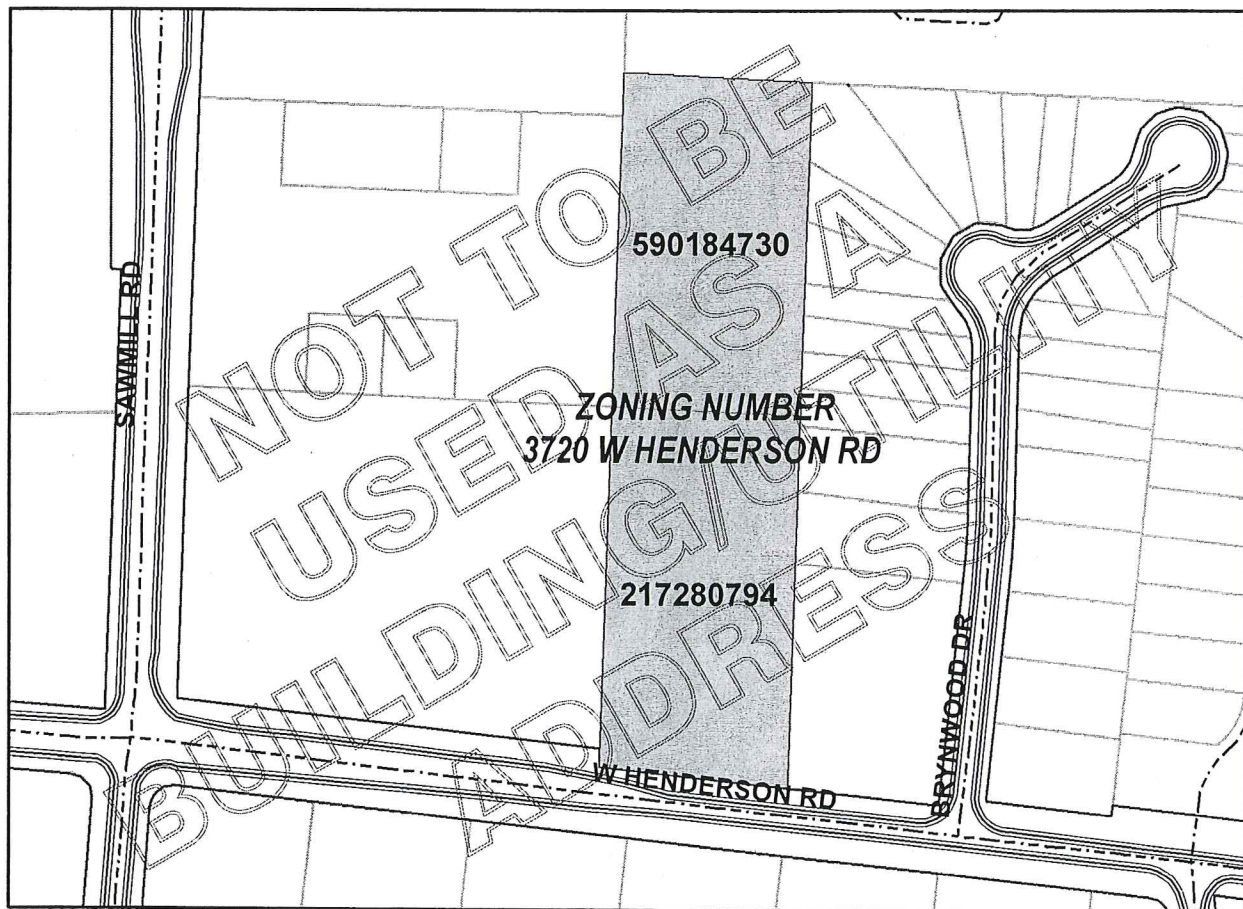
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY CO. INC (DAVE PERRY)

Issued By: *Adyana Amarian*

Date: 8/4/2017



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

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 99004

CV17-061

3.415 ACRE TRACT

Situated in the City of Columbus, County of Franklin, State of Ohio; also being a part of Quarter-Township 1, Township 1, Range 19, United States Military Lands; also being a 3.415 acre tract as conveyed to Lois K. & Robert L. Becker, Trustees as described in Deed Book 1593 Page 228, Instrument No. 200201160015711 and Instrument No. 200201160015712; being more particularly described as follows:

Commencing at the intersection of the centerline of Henderson Road (right-of-way varies) and the centerline of Sawmill Road (right-of-way varies); thence,

Along the centerline of Henderson Road, *South 82° 53' 00" East for a distance of 523.00'* to a point, said point being the TRUE POINT OF BEGINNING, and from said beginning point running thence,

Departing the centerline of Henderson Road and then along the easterly line of a 1.593 acre tract as conveyed to First Alliance Church as described in Deed Book 3129 Page 425 Parcel I and then along the easterly line of Officescape at Sawmill Condominium as recorded in Condominium Plat Book 137 Page 1 and then along a portion of the easterly line of a 1.520 acre tract as conveyed to Aldi Inc. as described in Instrument No. 200204300108402, *North 02° 42' 00" East for a distance of 747.50'* to a point, said point being the southwesterly corner of Greystone Manor Condominium as recorded in Condominium Plat Book 170 Page 96; thence,

Along the southerly line of said Greystone Manor Condominium, *South 86° 30' 00" East for a distance of 197.40'* to a point, said point being the northwesterly corner of Resubdivision of Lots 6, 7, 9, 10 and 13 Thru 18, Inclusive, Brynwood Subdivision as recorded in Plat Book 62 Page 38; thence,

Along the westerly line of said Resubdivision of Brynwood Subdivision and then along the westerly line of Brynwood Subdivision as recorded in Plat Book 60 Page 51 and then along the westerly line of a 1.000 acre tract as conveyed to Genaro Garcia Vonlembecke as described in Official Record 14263 D-19, *South 02° 42' 00" West for a distance of 759.99'* to a point along the centerline of Henderson Road; thence,

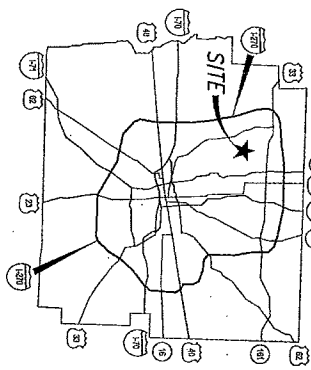
Along the centerline of Henderson Road, *North 82° 53' 00" West for a distance of 197.97'* to the point of beginning, containing 3.415 acres of land, more or less, of which 1.818 acres is within Parcel 217-280794 and of which 1.597 acres is within Parcel 590-184730; also of which 0.136 acres is located within road right-of-way.

The above-described courses are based on record information only, and not based on an actual survey. This description is prepared for zoning purposes only.

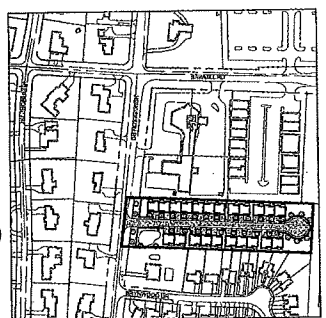
Basis of bearings for the herein-described courses is Deed Book 1593 Page 228, with the centerline of Henderson Road being South 82° 53' 00" East.

ADDRESS	3770 W. Henderson Road, Columbus, OH 43220
TAX PARCELS	212-280724, 280-184731
ZONING	R-1 (Residential)
PROPOSED	Proposed Unit Development and CVT
SITE AREA	3.415 +/- acres
NET	2,415 +/- acres (net of W. Henderson Road ROW and on-site street dedication)
NET DISTRICT	22 detached single family dwellings
CHURCH	6.45 DU/acre and 200 density (net of right of way dedication)
SETBACKS	15' minimum front setback
LOT STANDARDS	3,200 sq. ft. min. lot area
PARKING	15% min. lot area
	Two (2) car garage per dwelling unit

SITE DATA



VICINITY MAP
NOT TO SCALE



INDEX MAP
SCALE 1"=200'

PROPOSED LEGEND



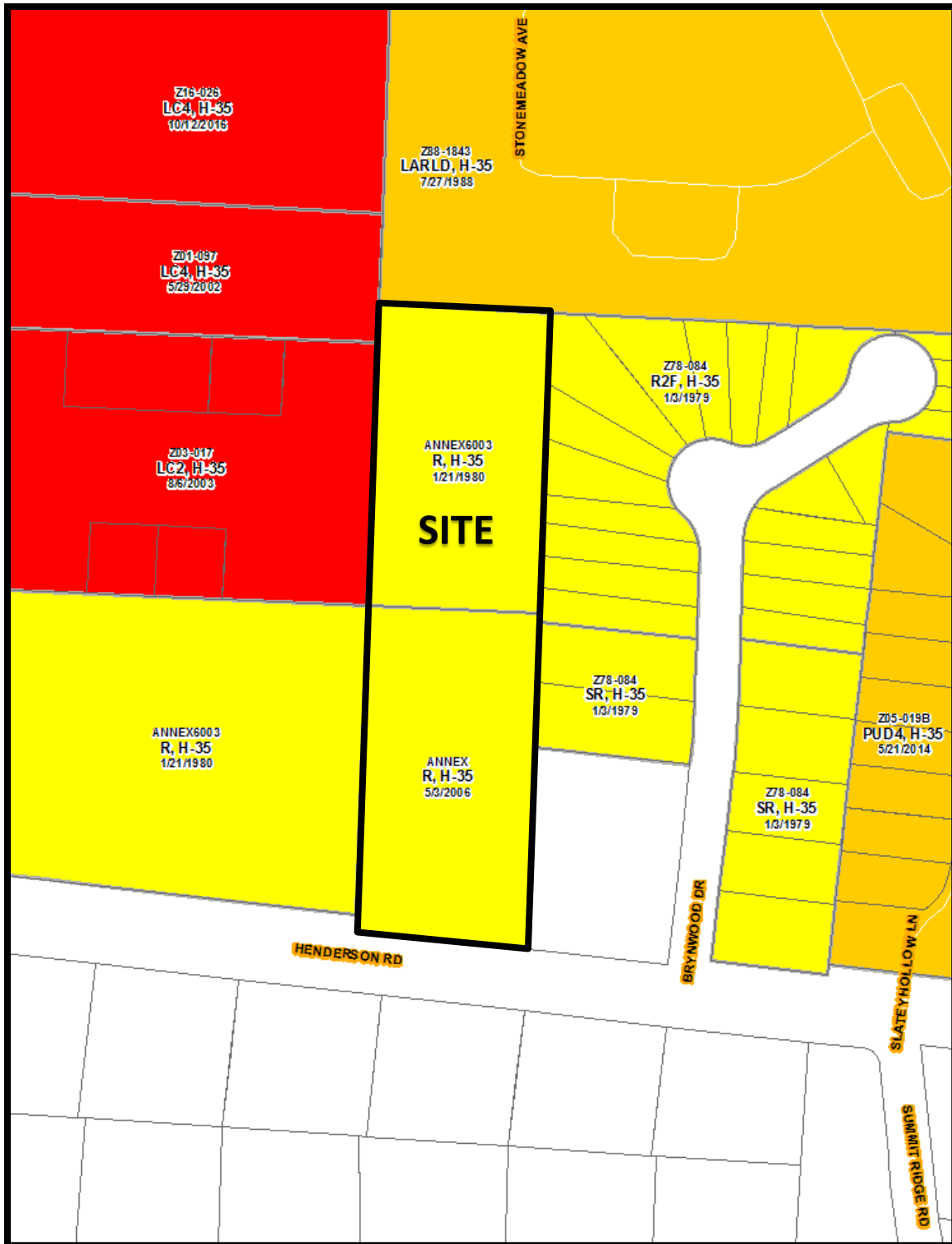
HENDERSON DEVELOPMENT
3770 W. HENDERSON ROAD
COLUMBUS, OHIO 43220

DATE: 03-23-2017
SCALE: 1"=200'

SITE PLAN

THE KLEINGERS GROUP
CITY ENGINEER: [Signature]
LANDSCAPE ARCHITECT: [Signature]
ARCHITECT: [Signature]

CVT-061



CV17-061
3720 West Henderson Road
Approximately 3.42 acres

Land Use Category

- Low Density Residential
- Low-Medium Density Residential
- Medium Density Residential
- Medium-High Density Residential
- High Density Residential
- Commercial
- Mixed Use 1
- Mixed Use 2
- Office
- Institutional
- Industrial & Warehouse
- Open Space
- Parks & Recreation
- Private Open Space
- Utilities & Railroads
- Outside of Plan Scope

A Site A
B Site B
★ See Land Use Key for more guidelines

Dublin-Grandy area map showing land use categories and site locations.

Map Labels:

- Summit View
- Hard
- Sawbury
- Blingiey
- Snoutier
- Lower m
- Upper m
- West Case
- Bethel
- Gridman
- Postville
- Henderson
- Kenney
- Wilson Bridge
- Ontario River
- I-90
- I-76
- US-33
- Dublin
- Tuttle
- Hayden Run
- Riverview
- Hayden
- Bethel
- Davidson
- Devon
- Handerson

Scale: 0.5 Miles

CV17-061
3720 West Henderson Road
Approximately 3.42 acres



CV17-061
3720 West Henderson Road
Approximately 3.42 acres