

## 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: CV17-060 Date Received: 8/29/2017

Application Accepted by: SP Fee: \$1760

Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 4660 Kenny 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: 010-129794

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

Current Zoning District(s): L-AR-1

Area Commission or Civic Association: Northwest Civic Association

Proposed Use or reason for Council Variance request:

To allow continuation of interim uses until redevelopment.

Acreage: 1.845 +/- acres

#### APPLICANT:

Name: Kenny Road Storage LLC 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: Kenny Road Storage LLC Phone Number: 614.901.2400 Ext.:

Address: 750 Communications Parkway City/State: Columbus, Ohio Zip: 43214

Email Address:  Fax Number:

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

Name: David Hodge Phone Number: 614.335.9320 Ext.:

Address: Underhill & Hodge LLC, 8000 Walton Pkwy, 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] - attorney

PROPERTY OWNER SIGNATURE By: [Signature] - attorney

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**

## 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

#### **STATEMENT OF HARDSHIP**

CV17-060

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

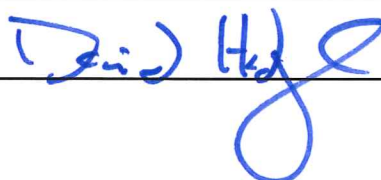
**List all sections of Code to be varied and explain your reasoning as to why this request should be granted.**

**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 By:



Date

8/29/17

**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**



**Statement of Hardship**

**4660 Kenny Road**

**August 29, 2017**

This property was rezoned from the M-1 – Manufacturing district, to the L-AR-1 – Limited Apartment Residential district in late 2016. That rezoning contemplates redevelopment of the existing flex office / industrial building on the property with 60 apartments. Redevelopment of the property is expected to occur within the next 3 to 5 years. However, there are certain ongoing uses of the property that were occurring under the M-1 zoning prior to the current owner's acquisition. This Council Variance is necessary to allow those uses to continue during the interim period prior to redevelopment of the property.

The Council Variance request is therefore to allow uses of Chapter 3365, M-1 Manufacturing as well as Automotive Maintenance and Repair of Section 3356.03, C-4 permitted uses; and Exercise and Health Facilities and Camera, Photo finishing and Photographic Supplies Stores, Art Dealers, and Arts and Crafts of Section 3355.03; to continue where these uses are not allowed under Section 3333.02, AR-12, ARLD, and AR-1 apartment residential district use of the Columbus Zoning Code.

The applicant, when they acquired the property, inherited leases with renewal options for many uses, and also signed new leases for shorter terms assuming certain use rights existed on the property prior to redevelopment.

C.C. 3307.10 Variances to city council provides that City Council may grant variances permitting a use of 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.

Here, these uses have existed over a period of time on the subject property without incident and without any adverse affect on any surrounding property or the surrounding neighborhood. Further, if granted, these additional use rights will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

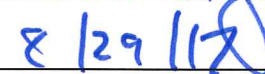
The applicant respectfully request the approval of this use variance request.

Kenny Road Storage LLC

Signature of Applicant: By: \_\_\_\_\_



Date: \_\_\_\_\_



CV17-060

## 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: CV17-060

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 4660 Kenny 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) Kenny Road Storage LLC  
750 Communications Parkway  
Columbus, Ohio 43214

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

Kenny Road Storage LLC  
614.901.2400

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

(5) Northwest Civic Association, Mar. Lynn Gorman Zoning Chair  
2991 Stillmeadow Dr.  
Dublin, OH 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 Hodge

Sworn to before me and signed in my presence this 29th day of August, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

1-11-2021  
My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON

Notary Public, State of Ohio

My Commission Expires

January 11, 2021

**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**

**PROPERTY OWNER:**

Kenny Road Storage LLC  
750 Communications Parkway  
Columbus, Ohio 43214

**APPLICANT:**

Kenny Road Storage LLC  
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:**

Northwest Civic Association  
Rosemarie Lisko, Zoning Chair  
1035 Stoney Creek Road  
Columbus, Ohio 43235

**SURROUNDING PROPERTY  
OWNERS:**

Kenneth Kreinbrink  
or current resident  
3554 Skipstone Place  
Columbus, Ohio 43221-4555

Kendall Park LLC  
or current resident  
750 Communications Parkway  
Columbus, Ohio 43214

Kenroad LLC  
or current resident  
4658 Kenny Road  
Columbus, Ohio 43220

E-R Development Northwest  
or current resident  
403 East Broad Street  
Columbus, Ohio 43215

Gamma Club of Omega  
Tau Sigma, Inc.  
or current resident  
P.O. Box 12136  
Columbus, Ohio 43212-0136

Blackburn's Chimney Sweep, Inc.  
or current resident  
4644 Kenny Road  
Columbus, Ohio 43220

4650-4652 Kenny Road LLC  
or current resident  
4650 Kenny Road  
Columbus, Ohio 43220

Vross Simon LLC  
or current resident  
4654 Kenny Road  
Columbus, Ohio 43220

Savko Bros Properties II LLC  
or current resident  
4636 Shuster Road  
Columbus, Ohio 43214

Stephen Savko, Tr.  
Martin Savko, Tr.  
or current resident  
4636 Shuster Road  
Columbus, Ohio 43214



## 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 # CV17-060

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. Kenny Road Storage LLC 750 Communications Parkway Columbus, Ohio 43214	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

Sworn to before me and signed in my presence this 29th day of August, in the year 2017

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON  
Notary Public, State of Ohio  
My Commission Expires  
January 11, 2021

**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

# 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: 010129794

Zoning Number: 4660

Street Name: KENNY RD

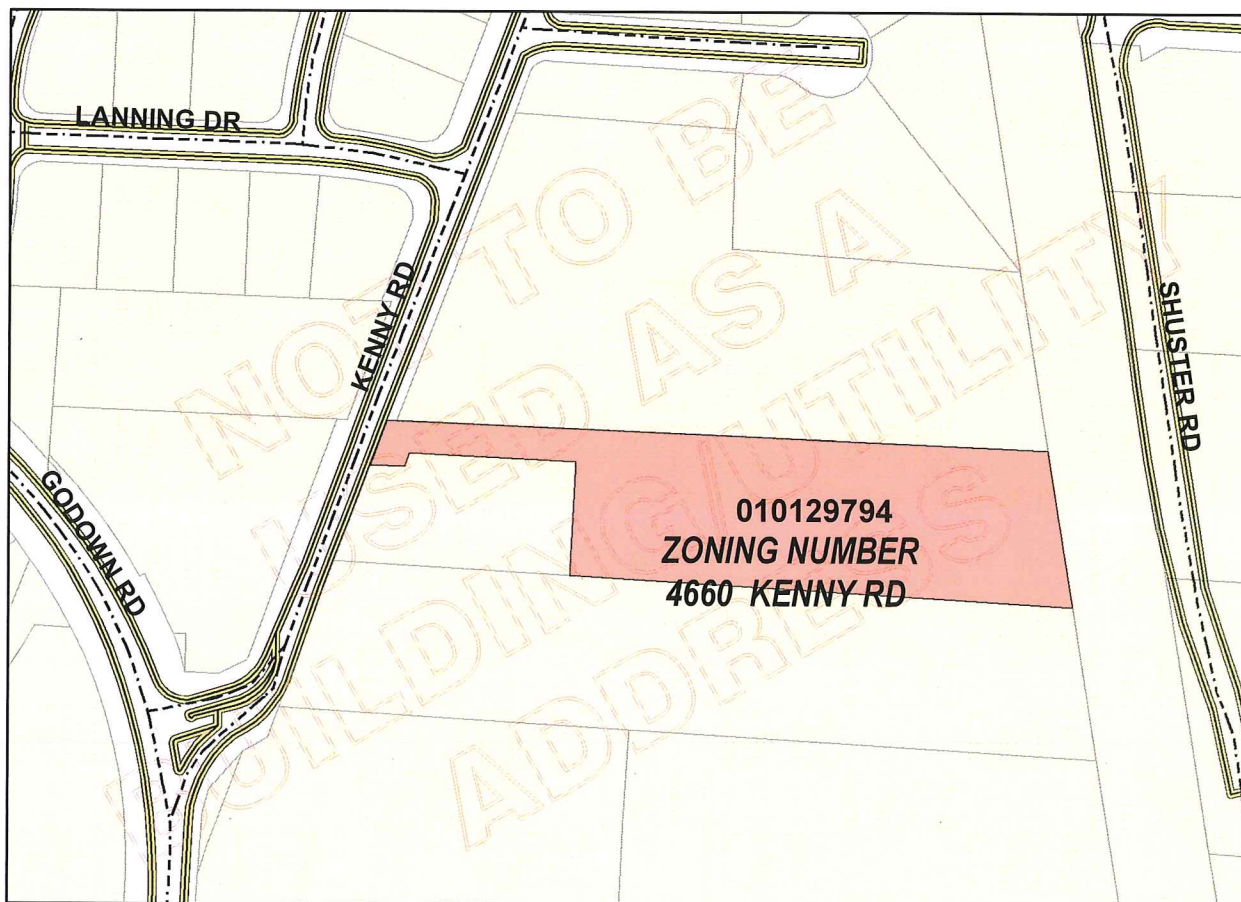
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE (DAVID HODGE)

Issued By: Adyana Amariam

Date: 8/28/2017



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

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 60596



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

Being a part of Section 1, Township 1, Range 19, United States Military Lands and being that certain Tract conveyed to the CAA Corporation by deed recorded in Deed Book 2978, Page 388, Records of the Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the centerline of Kenny Road, 60 ft. in width, at the northwest corner of said CAA Corporation's tract and the southwest corner of 2.953 acre tract conveyed to Keneco, Inc., by Deed of Record in Deed Book 2508, Page 423, records of said Recorder's Office: thence N. 88° 11' E., passing an iron pin at 31.42 ft., a distance of 715.85 ft. to an iron pin in the westerly line of the Chesapeake and Ohio Railroad Right-of-Way; thence S. 14° 23' E., with said Railroad, a distance of 156.33 ft. to an iron pin; thence S. 88° 11' W. passing an iron pin at 766.39 ft. a distance of 797.81 ft. to a point in the centerline of Kenny Road; thence N. 15° 30' E., with the centerline of said Road, a distance of 159.74 ft. to the point of beginning, containing 2.650 acres, more or less, except the following:

Being in Quarter Township 1, Township 1-North, Range 19-West, United States Military Lands, being a 0.655 acre tract of land all out of that 2.650 acre tract of land described in a deed to Frank J. Cipriano, Trustee, of record in Deed Book 3622, Page 614, Recorder's Office, Franklin County, Ohio, said 0.655 acre tract being more particularly described as follows:

Beginning at a point in the centerline of Kenny Road (60.00 feet in width) at the southwesterly corner of said 2.650 acre tract, said point also being the northwesterly corner of a 3 acre tract of land described in a deed to Victoria S. Haddad of record in Deed Book 3446, Page 763, Recorder's Office, Franklin County, Ohio;

Thence North 15° 30' 00" East, along the centerline of said Kenny Road, a distance of 107.46 feet to a point;

Thence North 88° 11' 00" East, parallel to and 50.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 57.61 feet to a point;

Thence North 15° 30' 00" East, parallel to and 55.00 feet easterly from (as measured at right angles) the centerline of said Kenny Road, a distance of 15.71 feet to a point;

Thence North 88° 11' 00" East, parallel to and 35.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 174.23 feet to a point;

Thence South 1° 49' 00" East, a distance of 117.58 feet to a point in the southerly line of said 2.650 acre tract;

Thence South 88° 11' 00" West, along the southerly line of said 2.650 acre tract, the same being the northerly line of said 3 acre tract, a distance of 268.50 feet to the place of beginning (passing an iron pin found on the easterly right-of-way line of Kenny Road at a distance of 237.08 feet) and containing 0.655 acres of land.

The above described Tract #1 contains 1.995 acres and is subject to the following...described non-exclusive ingress, egress and utility easement for the purpose of providing vehicular access, drainage outlets, and any utility services necessary to allow use of the aforementioned 0.655 acre tract, grantee acknowledges that in no way will the use of this easement impair the access to the residential property of grantor.

CU17-060



Beginning at a point in the centerline of Kenny Road (60.00 feet in width) at the northwesterly corner of said 2.650 acre tract;

Thence North  $88^{\circ} 11' 00''$  East, along the northerly line of said 2.650 acre tract a distance of 220.93 feet to a point;

Thence South  $1^{\circ} 49' 00''$  East, a distance of 35.00 feet to a point;

Thence South  $88^{\circ} 11' 00''$  West, parallel to and 35.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 174.23 feet to a point;

Thence South  $15^{\circ} 30' 00''$  West, parallel to and 55.00 feet easterly from (as measured by right angles) the centerline of said Kenney Road, a distance of 15.71 feet to a point;

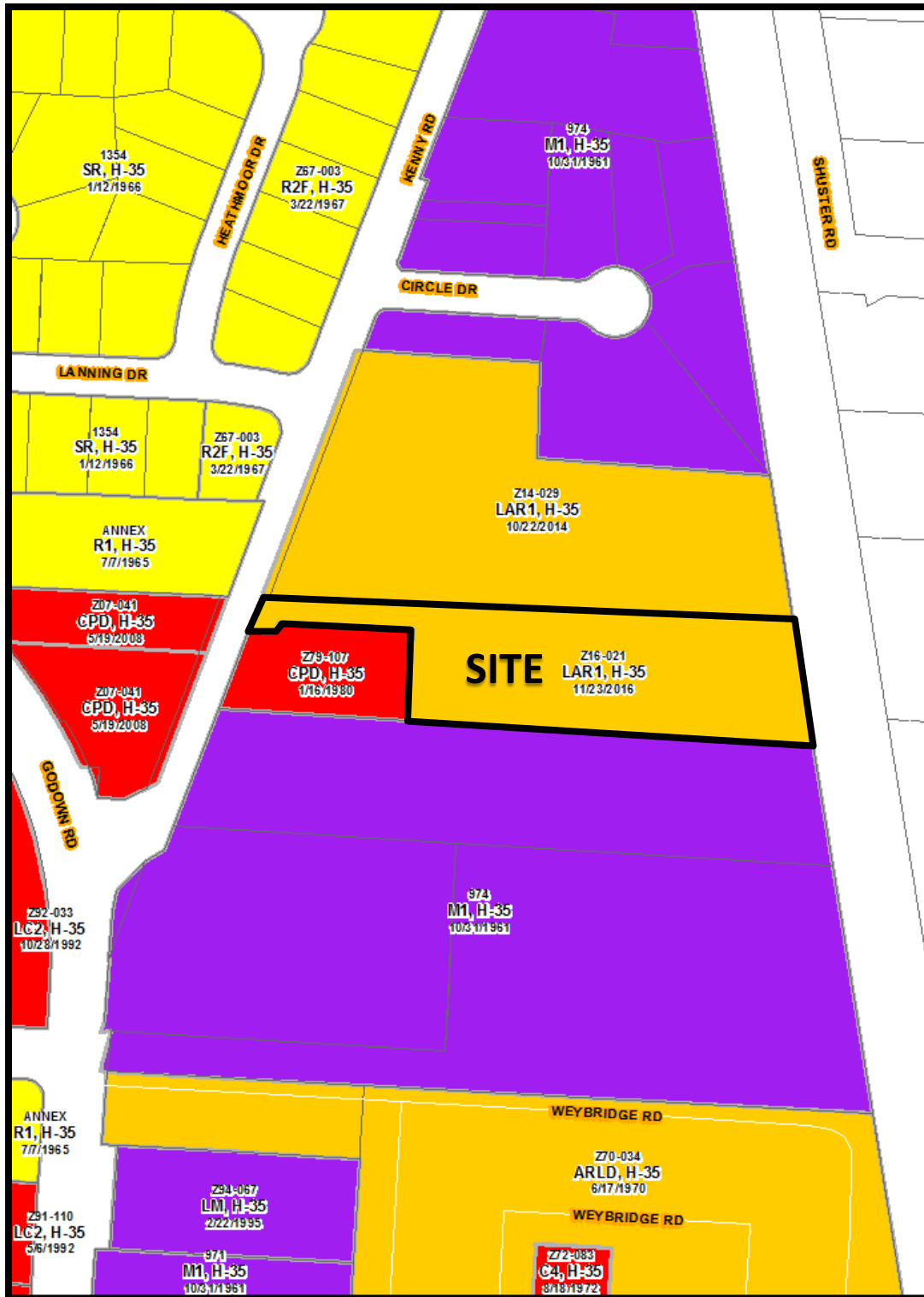
Thence South  $88^{\circ} 11' 00''$  West, parallel to and 50.00 feet southerly from (as measured at right angles) the northerly line of said 2.650 acre tract, a distance of 57.61 feet to a point in the centerline of said Kenny Road;

Thence North  $15^{\circ} 30' 00''$  East, along said centerline, a distance of 52.37 feet to the place of beginning and containing 8,787 square feet of land more or less.

Parcel Number: 010-129794-00

Known as: 4660 Kenny Road, Columbus, Ohio 43220

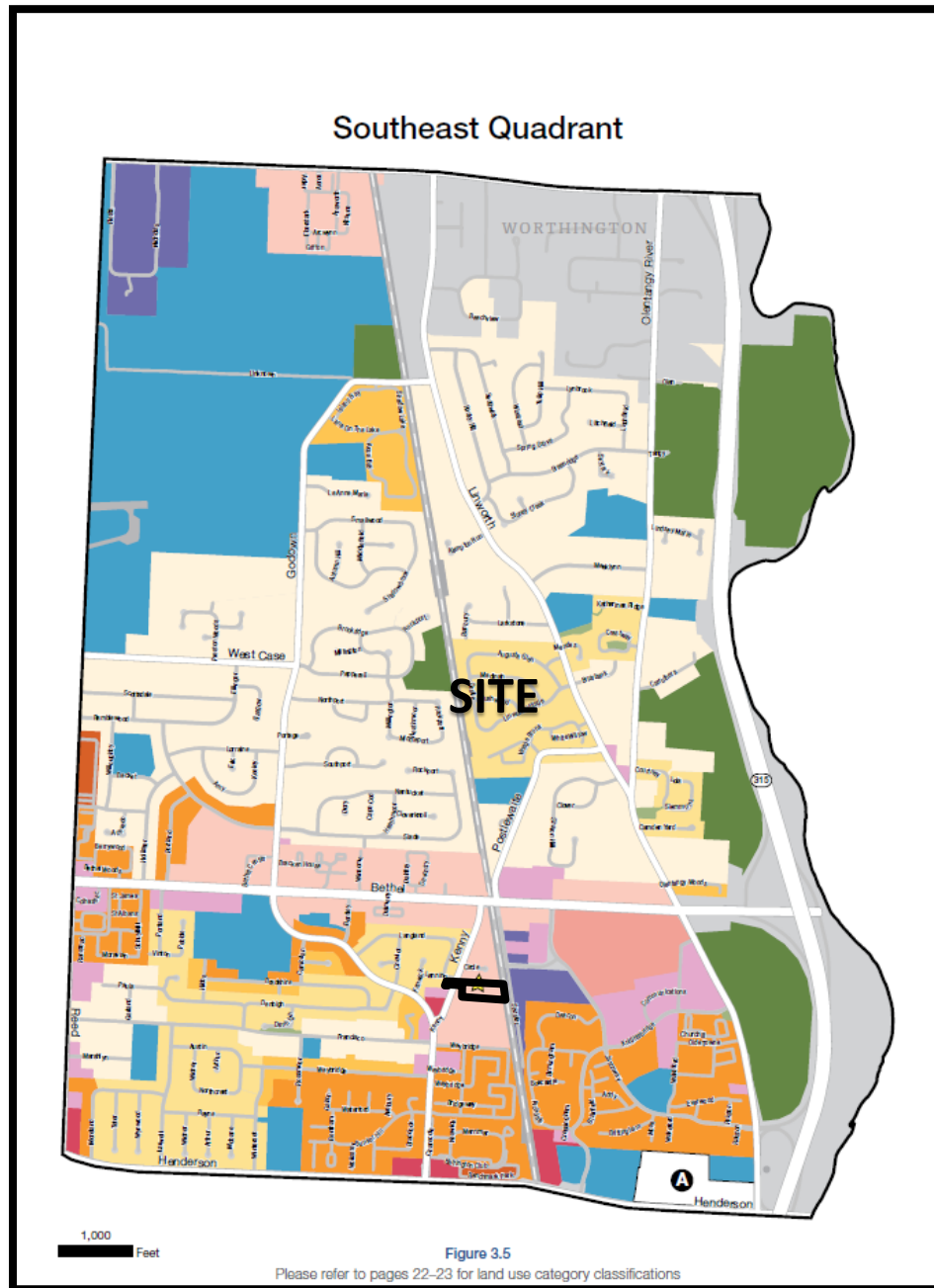
CV17-060



CV17-060  
 4660 Kenny Road  
 Approximately 1.85 acres



The Northwest Plan (2016)



Mixed Use 1	Less than 24 du/acre	<p>Commercial classification with residential uses supported. Development may include a mix of uses on one site (for example, residential units located either above and/or next to the commercial uses), or it may include only one use per site. The designation does not require a mix of uses, but instead promotes mixed use development where it is a viable development scenario.</p> <p>★ For the area designated Mixed Use 1 located on the east side of Kenny Road between Weybridge Road and Bethel Road, the existing Manufacturing uses (M) are recognized and supported. Expansion of a manufacturing use in this area should be supported provided it is consistent with the Industrial and Warehouse classification policies and Commercial Design Guidelines. Additional retail development is not supported in this area.</p>
-------------	----------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

CV17-060  
4660 Kenny Road  
Approximately 1.85 acres



CV17-060  
4660 Kenny Road  
Approximately 1.85 acres