

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: CV17-050 Date Received: 7/12/17

Application Accepted by: KP Fee: \$2,240 (concurrent w/ 216-086)

Assigned Planner: Kelsey Priebe, kpriebe@columbus.gov, 614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 3241 McKinley Avenue, Columbus, Ohio Zip: 43204

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. 010-261456, 010-261454, 010-261453, 010-261455, 010-261452, 425-287910, 425-287911,

Parcel Number for Certified Address: 425-287909, 425-287906, 425-287907, 425-287908, 425-287905 and 425-287912

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

Current Zoning District(s): M-2 Manufacturing/R Residential, pending rezoning to CPD and LAR-1

Area Commission or Civic Association: West Scioto Area Commission

Proposed Use or reason for Council Variance request:

To allow develment standard divergences concurrent with rezoning of property for residential use.

Acreage: 18.9 +/-

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: Dallas Mobile Home Village Inc., et al. Phone Number: _____ Ext.: _____

Address: 1673 North Hague Avenue City/State: Columbus, Ohio Zip: 43204

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

Owners of Property to be Rezoned

Angelo J. Dallas, Tr.
1673 North Hague Avenue
Columbus, Ohio 43204-1616

Anthony Tiberi and Margherita Filichia
1583 Linkhorn Drive
Grove City, Ohio 43123

Joseph and Kerma Dallas
3403 Trabue Road
Columbus, Ohio 43204

Ida Q. Tiberi, Tr.
1068 South High Street
Columbus, Ohio 43206

Joseph S. Dallas, Tr., et al.
3297 McKinley Avenue
Columbus, Ohio 43204

Richard A. Capuano, Tr.
5384 Haughn Road
Grove City, Ohio 43123

William J. Shaffer, Tr.
10731 Campden Lakes Boulevard
Dublin, Ohio 43016

Joseph and Rebecca Castorano
3445 Trabue Road
Columbus, Ohio 43204

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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

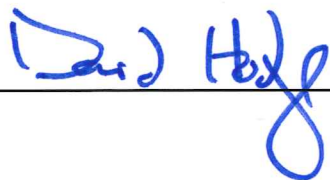
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

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.

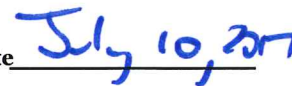
I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

Please see attached Statement of Hardship.

Signature of Applicant By:



Date



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Statement of Practical Difficulty

3241 McKinley Avenue

July 10, 2017

In conjunction with this council variance request the applicant has filed a rezoning application requesting a zoning change on the property from its existing zoning district – which is predominately M-2 Manufacturing with a small portion being R Residential – to the L-AR-1 district. The rezoning application also comes with a commercial zoning request for property to the north with frontage on Trabue Road for future regional scale commercial development. The zoning change, and this concurrent council variance application, are in furtherance of the land use recommendations and the design criteria of the Trabue / Roberts Plan for the San Margherita subarea.

The application has developed its residential land plan, and crafted its commercial development text to meet that land use recommendation, and has done so collaboratively with the Planning Division of the City of Columbus. These companion zoning actions will come with a commitment to development in substantial conformation with the attached Site Plan. To develop in accordance with the Site Plan, the following variances are necessary:

C.C. 3312.27 Parking setback.

This section requires a parking setback from the edge of right-of-way of 25 feet. Here, the applicant will be giving a portion of its frontage to the City of Columbus to accommodate future road improvements. The applicant is requesting to reduce the parking setback to 7.5 feet along McKinley Avenue.

C.C. 3333.255 Perimeter yard.

This section applies to the north, south, and west perimeters of the property and requires setbacks dependent upon the width of the lot. The applicant is requesting a minimum perimeter yard of zero, which will allow for the property to have shared access with the Trabue Road commercial subarea to the zoning, and further will allow the property to develop as reflected on the Site Plan.

These variances are appropriate and necessary to foster redevelopment of the property to achieve the mix of uses recommended by the applicable land use plan and to achieve the desired aesthetic. There will be no adverse impact on any surrounding property or to the neighborhood – in fact that vast majority of the surrounding property for this portion of the zoning entitlement request is a participant owner. The approval of these variances will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets – in fact this zoning considers its impact, and property donated to the City for future roadway needs. These variances will not increase the danger of fires, endanger the public safety in any way, nor will it unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Preferred Living

By:

Signature of Applicant:

David Hodge - attorney

Date:

July 10, 2017

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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AFFIDAVIT (See instruction sheet)

Application Number: CV17-050

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 3241 McKinley Avenue, Columbus, Ohio 43204

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 7/12/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Dallas Mobile Home Village Inc., et al.

AND MAILING ADDRESS

1673 North Hague Avenue

Columbus, Ohio 43204

APPLICANT'S NAME AND PHONE #

Preferred Living

(same as listed on front application)

614.901.2400

AREA COMMISSION OR CIVIC GROUP

(5) West Scioto Area Commission, c/o Mr. Eric Russell

AREA COMMISSION ZONING CHAIR

3405 Brendan Drive

OR CONTACT PERSON AND ADDRESS

Columbus, Ohio 43221

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

10th

day of

July

, in the year

2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



KIMBERLY R. GRAYSON

Notary Public, State of Ohio

My Commission Expires

January 11, 2021

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PROPERTY OWNER(S):

Angelo J. Dallas, Tr.
1673 North Hague Avenue
Columbus, Ohio 43204

Joseph S. Dallas, Tr., et al.
3297 McKinley Avenue
Columbus, Ohio 43204

Anthony Tiberi and
Margherita Filichia
1583 Linkhorn Drive
Grove City, Ohio 43123

Richard A. Capuano, Tr.
5384 Haughn Road
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Joseph and Kerma Dallas
3403 Trabue Road
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William J. Shaffer, Tr.
10731 Campden Lakes Boulevard
Dublin, Ohio 43016

Ida Q. Tiberi, Tr.
1068 South High Street
Columbus, Ohio 43206

Joseph and Rebecca Castorano
3445 Trabue Road
Columbus, Ohio 43204

Dallas Mobile Home Village, Inc.
1673 North Hague Avenue
Columbus, Ohio 43204

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:

West Scioto Area Commission
c/o Mr. Eric Russell
3405 Brendan Drive
Columbus, Ohio 43221

SURROUNDING PROPERTY OWNERS:

Spyros Sevis, Tr.
Phyllis Sevis, Tr.
or current occupant
3986 Saint Mary Court
Columbus, Ohio 43213

John Lombardi
or current occupant
3333 Brendan
Columbus, Ohio 43221

Lilda M. Delewese, Tr., et al.
or current occupant
5573 Brickstone Place
Hilliard, Ohio 43026

Pomante Properties LLC
or current occupant
1192 Hope Avenue
Columbus, Ohio 43212

Hugo R. Quint, Jr.
or current occupant
3866 Tauton Court
Columbus, Ohio 43221

Brooke Carnevale
or current occupant
9440 Roberts Road SE
West Jefferson, Ohio 43162

New Leaf Fund Two LLC
or current occupant
4000 West 106th Street, Suite 125
Carmel, Indiana 46032

Vincent Vohnout
or current occupant
3448 Trabue Road
Columbus, Ohio 43204

CV17-050

Daniel DiSanto
or current occupant
4318 Oakview Drive
Columbus, Ohio 43204

Jeffrey and Deborah Ferrelli
or current occupant
124 Clover Meadow Lane
Galloway, Ohio 43119

Graf Real Estate Holdings LLC
or current occupant
5701 Dublin Road
Delaware, Ohio 43015

City of Columbus
or current occupant
90 West Broad Street, Suite 425
Columbus, Ohio 43215

Norma Ackerman
or current occupant
1744 North Hague Avenue
Columbus, Ohio 43204

Ciotola Family Limited
Partnership II
or current occupant
10803 Buckingham Place
Powell, Ohio 43065

Guy Amicon
or current occupant
3367 Bluemont Park
Hilliard, Ohio 43026

Cynthia Gudel
or current occupant
1475 London Drive
Columbus, Ohio 43221

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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 # CV17-050

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. Preferred Living 750 Communications Parkway Columbus, Ohio 43214	2. Please see attached list of property owners
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

10th

day of

July

, 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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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: 010261455 +12 MORE PARCELS

Zoning Number: 3241

Street Name: MCKINLEY AVE

Lot Number: N/A

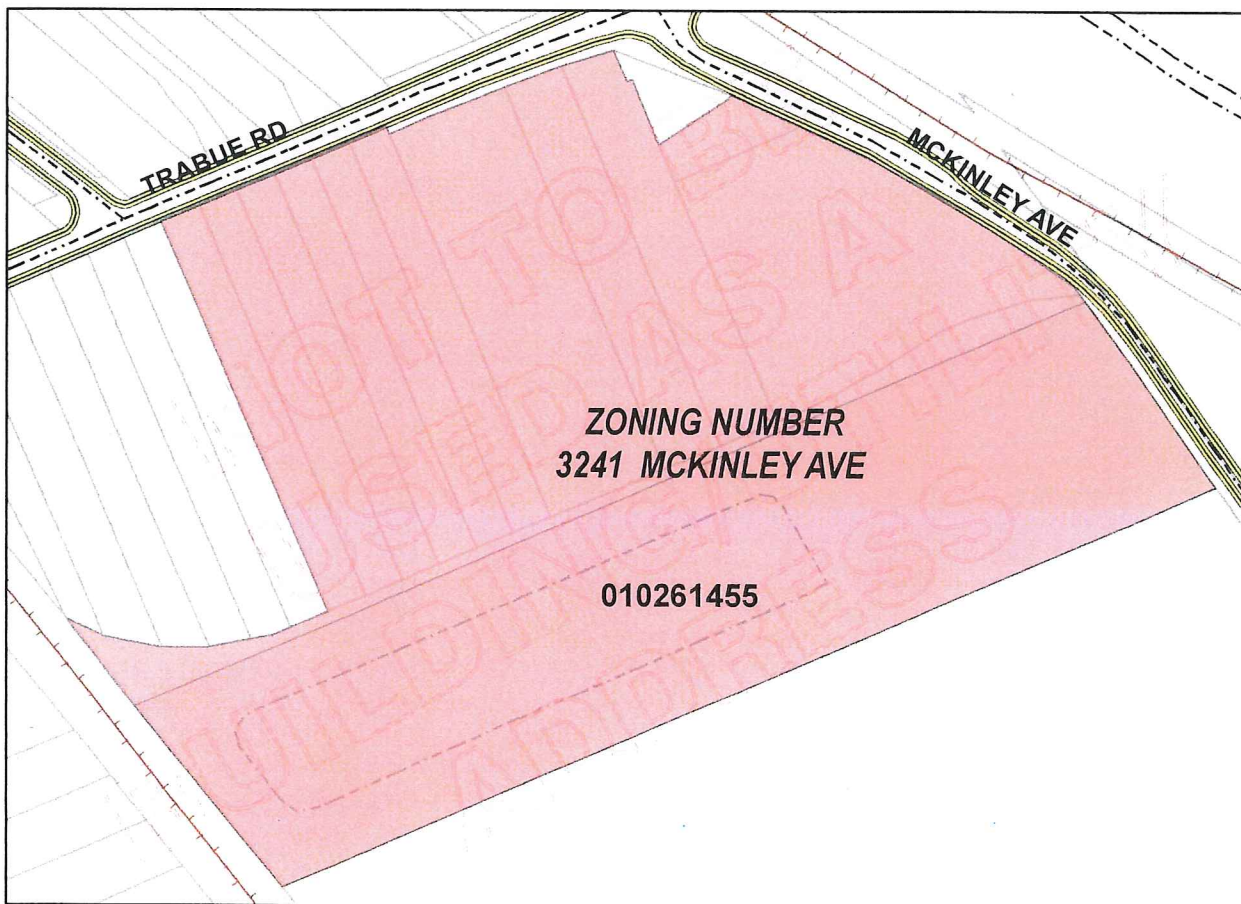
Subdivision: N/A

Requested By: DAVID HODGE/UNDERHILL & HODGE LLC (DAVID HODGE)

Issued By:

Adyana Amarian

Date: 7/10/2017



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

SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 97094

CV17-050

Zoning Description
18.9+/- Acre
South of Trabue Road
West of McKinley Avenue

-1-

Situated in the State of Ohio, County of Franklin, Township of Franklin, being in Virginia Military Survey No. 530 and being all of the remainder of an Original 0.408 acre tract of land as conveyed to Angelo J. Dallas, Trustee of record in Instrument No. 199804100085907, all of the remainder of an Original 3.31 acre tract of land of record in Instrument No. 199804100085907, part of that tract of land as conveyed to Joseph Dallas, Trustee of record in Instrument No. 200103260060473, part of that tract of land as conveyed to Dallas Mobile Home Village, Inc., of record in Official Record 2606, Page 331 and all of the remainder of an Original 1.477 acre tract of land as conveyed to Joseph S. Dallas and Angelo J. Dallas III, Trustees of record in Instrument No. 200103260060487, and more particularly described as follows;

Beginning at the northeasterly corner of the remainder of said 0.408 acre tract, said corner also being the southwesterly corner of Parcel 30WD as described in the deed to Franklin County Commissioners of record in Instrument No. 200207100169721 and in the westerly right-of-way line of McKinley Avenue;

Thence with the easterly lines of said Original 0.408 acre tract, 3.31 acre tract, said Joseph Dallas, Trustee tract, said Dallas Mobile Home Village tract and with the westerly line of said Parcel 30WD and said westerly right-of-way line, the following five (5) courses and distances:

S 65° 37' 38" E, 200.0+/- feet;

With a curve to the right having a central angle of **08° 12' 00"** and a radius of **1404.30+/- feet**, an arc length of **200.98+/- feet** and a chord bearing and distance of **S 61° 30' 00" E, 200.81+/- feet;**

S 57° 27' 47" E, 109.8+/- feet;

S 55° 56' 05" E, 105.9+/- feet;

S 35° 47' 12" E, 385.1+/- feet to a point in the southerly line of said Dallas Mobile Home Village tract, the northerly line of a tract of land as conveyed to City of Columbus, Ohio of record in Official Record 3357, Page 215 and in the said westerly right-of-way line;

Thence with the southerly line of said Dallas Mobile Home Village tract, **S 66° 49' 40" W, 1593.7+/- feet** to the southwesterly corner of said tract and in the easterly right of way line of the railroad;

Thence with the westerly line of said Dallas Mobile Home Village tract and said Joseph Dallas, Trustee tract, **N 39° 07' 05" W, 538.9+/- feet** to the northwesterly corner of said Joseph Dallas, Trustee tract;

Thence with the northerly lines of said Joseph Dallas, Trustee tract, the following five (5) courses and distances:

S 65° 43' 26" E, 64.9+/- feet to an angle point;

S 79° 03' 20" E, 95.3+/- feet to an angle point;

N 88° 54' 09" E, 78.3+/- feet to an angle point;

N 78° 34' 59" E, 94.5+/- feet to an angle point;

CV17-050

**Zoning Description
18.9+/- Acre
South of Trabue Road
West of McKinley Avenue
-2-**

N 67° 05' 33" E, 762.5+/- feet to the southwesterly corner of said Original 1.477 acre tract;

Thence with the westerly line of said Original 1.477 acre tract, **N 22° 59' 57" W, 641.4+/- feet** to the northwesterly corner of said Original 1.477 acre tract;

Thence with the northerly line and easterly lines of said Original 1.477 acre tract, the following four (4) courses and distances:

N 73° 21' 32" E, 84.9+/- feet to the northeasterly corner thereof;

S 23° 29' 55" E, 52.7+/- feet to an angle point;

N 66° 22' 14" E, 8.7+/- feet to an angle point;

S 23° 13' 33" E, 110.6+/- feet to the northwesterly corner of said 0.408 acre tract;

Thence with the northerly line of said 0.408 acre tract the following two (2) courses and distances:

N 55° 59' 23" E, 129.1+/- feet to an angle point;

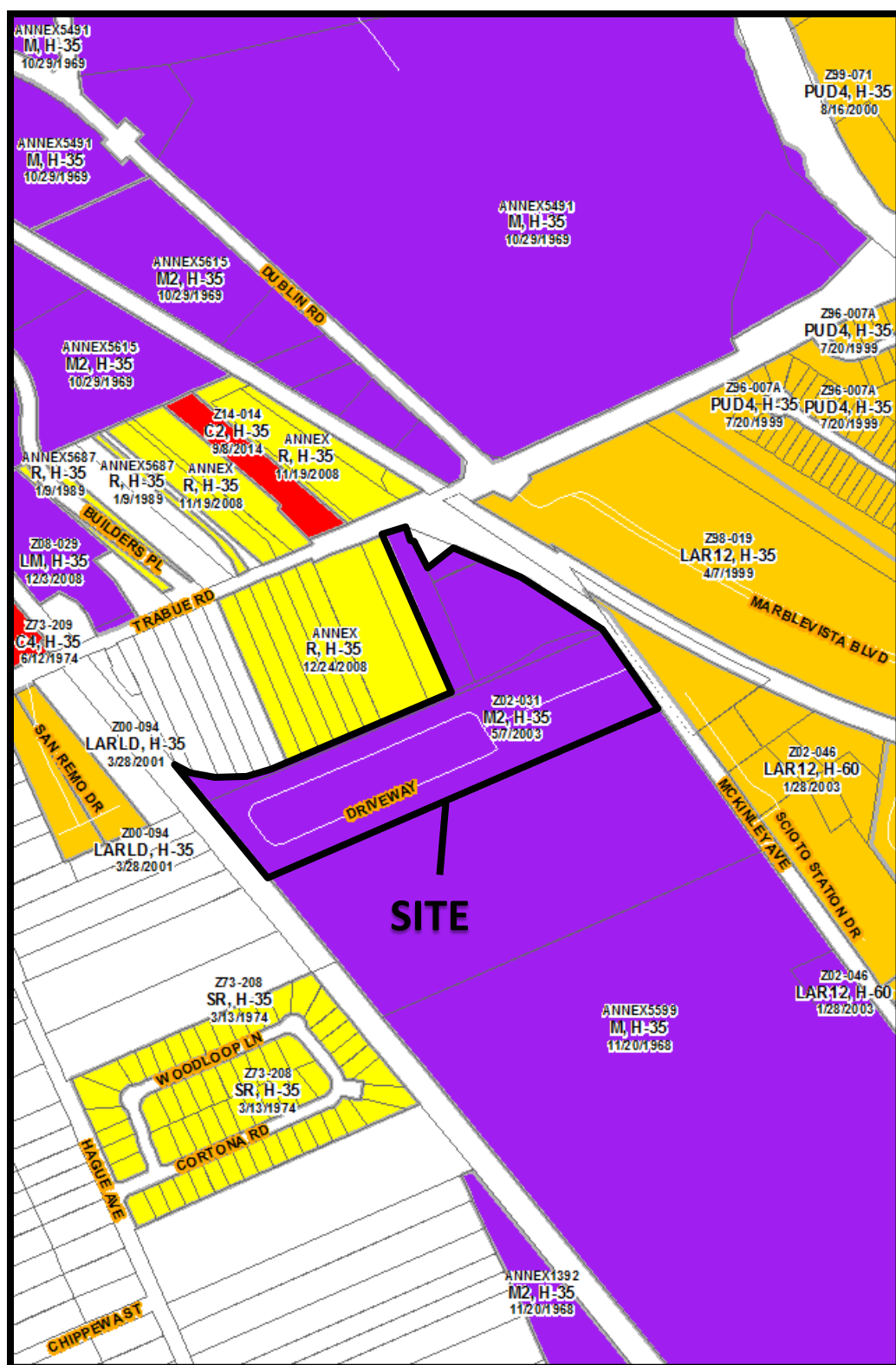
N 40° 25' 34" E, 7.1+/- feet to the ***True Point of Beginning*** and containing **18.9+/- acre** more or less.

The above description was prepared by Advanced Civil Design Inc. on 11/03/2016 and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

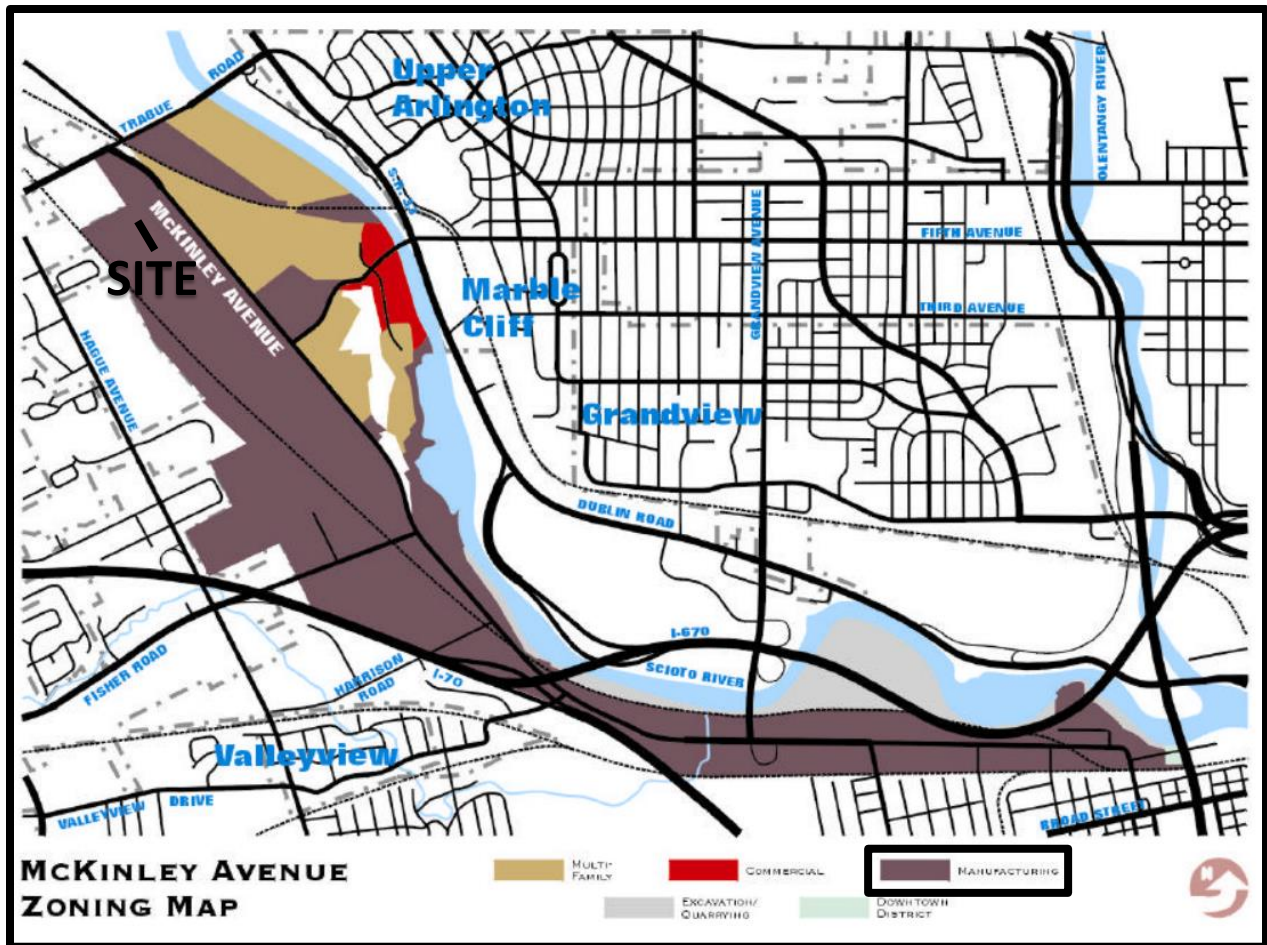
All references used in this description can be found at the Recorder's Office Franklin County Ohio.

This description is not to be used in the transfer of land.

ADVANCED CIVIL DESIGN INC.



CV17-050
3241 McKinley Avenue
Approximately 18.9 acres



September, 2000

CV17-050
3241 McKinley Avenue
Approximately 18.9 acres



CV17-050
3241 McKinley Avenue
Approximately 18.9 acres