

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

Application Number: CV17-075 Date Received: 10/24/17
Application Accepted by: mm Fee: \$1200
Assigned Planner: Assigned to Michael Maret; 614-645-2749; mijmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 5049 Sunbury Road Coumbus, OH Zip: 43230

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: 410-295667

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

Current Zoning District(s): L-AR-12 (pending Z17- 045)

Area Commission or Civic Association: Northland Community Council

Proposed Use or reason for Council Variance request: See Statement of Hardship, Exhibit B

Acreage: 5.035 +/-

APPLICANT:

Name: Homeport c/o Dave Perry, Agent 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: dave@daveperryco.net Fax Number: -----

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

Name: Charles L. and Cynthia S. Herndon Phone Number: 419-746-2249 Ext.: -----
Address: 110 Laylin Lane City/State: Kelleys Island, OH Zip: 43438
Email Address: herndonccb@gmail.com Fax Number: -----

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

Name: Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----
Address: 411 E Town St., 2nd FL City/State: Columbus, OH Zip: 43215
Email Address: dplank@planklaw.com Fax Number: -----

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

APPLICANT SIGNATURE Homeport by David B. Perry, Agent

PROPERTY OWNER SIGNATURE Charles L. and Cynthia S. Herndon, by permission, by

ATTORNEY / AGENT SIGNATURE Donald Plank David B. Perry Agent

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

Donald Plank

Date

10/23/17

Attorney

(Donald Plank, Plank Law Firm)

Date

Consultant

Dave B Perry

(Dave Perry, David Perry Company, Inc.)

Date

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CV 17-075

Exhibit B

Statement of Hardship

CV17-____, 5049 Sunbury Road, Columbus, OH 43230

The subject property is 5.035 +/- acres located on the west side of Sunbury Road, 473 +/- feet south of Hidden Ridge Drive. Applicant proposes to develop the site with two (2) apartment buildings with a total of 60 dwelling units. The plan titled "5049 Sunbury Road", hereafter the "Site Plan", dated _____, 2017, depicts the proposed development. Rezoning application Z17-⁰⁷⁵_____ is pending to rezone to the L-AR-12 district.

Applicant has a hardship warranting variances in that there is no zoning district to which the site could be rezoned with the need for variances.

Applicant requests the following variances:

- 1). Section 3309.14, Height Districts, to permit building height of 37 feet in the H-35 height district.
- 2). Section 3333.18(A), Building Lines, to reduce the Sunbury Road building setback line from 50 feet to 25 feet, subject to dedication of Sunbury Road right of way totaling 50 feet from centerline in accordance with the Columbus Thoroughfare Plan.
- 3). Section 3333.24, Rear Yard, which Section requires 25% of lot area located to the rear of each building, while total rear yard exceeds 25% of lot area, but 25% of lot area isn't behind the front (east) building.
- 4). Section 3333.26(a), Height District, to permit building height of 37'.

10-23-17

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Scott Messer, Director

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Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV17-075

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 E Town St., 1st FL, Columbus, OH 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 5049 Sunbury Road, Columbus, OH 43230

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) Charles L. and Cynthia S. Herndon

AND MAILING ADDRESS

110 Laylin Lane

Kelleys Island, OH 43438

APPLICANT'S NAME AND PHONE #

Homeport c/o Dave Perry (David Perry Company, Inc.)

(same as listed on front application)

(614) 228-1727

AREA COMMISSION OR CIVIC GROUP

(5) Northland Community Council c/o Dave Paul

AREA COMMISSION ZONING CHAIR

PO Box 298836

OR CONTACT PERSON AND ADDRESS

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

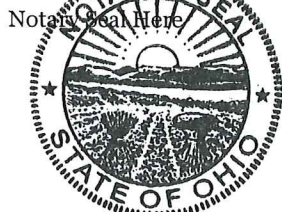
[Signature]

Sworn to before me and signed in my presence this 23rd day of October, 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
5049 Sunbury Road
CV17-_____
October 23, 2017

APPLICANT

Homeport
c/o Dave Perry
David Perry Company, Inc.
411 E Town Street, 1st Floor
Columbus, Ohio 43215

PROPERTY OWNER

Charles L. Herndon
Cynthia S Herndon
110 Laylin Lane
Kelleys Island, OH 43438

ATTORNEY FOR APPLICANT

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

COMMUNITY GROUP:

Northland Community Council
c/o Dave Paul
PO Box 298836
Columbus, Ohio 43229

PROPERTY OWNERS WITHIN 125 FEET

Daniel G Myers
Cie Ann Myers (*or current occupant*)
5005 Sunbury Road
Columbus, OH 43230-4167

Cynthia K Price (*or current occupant*)
3831 Peak Ridge Drive
Columbus, OH 43230

Lauren A Ranalli (*or current occupant*)
3813 Peak Ridge Drive
Columbus, OH 43230

Marc E Logan (*or current occupant*)
3791 Peak Ridge Drive
Columbus, OH 43230

Brenda W Watkins (*or current occupant*)
3769 Peak Ridge Drive
Columbus, OH 43230

Charles L Herndon
Cynthia S Herndon (*or current occupant*)
PO Box 789
Kelleys Island, OH 43438-0789

Robert J Lewandowski
Marilyn R Lewandowski (*or current occupant*)
3825 Peak Ridge Drive
Columbus, OH 43230-4116

Francis J Laiacona, Jr. (*or current occupant*)
3805 Peak Ridge Drive
Columbus, OH 43230

Damon Frentsos
Heather J McCoy (*or current occupant*)
3783 Peak Ridge Drive
Columbus, OH 43230

Cheryl A Goodwin (*or current occupant*)
3763 Peak Ridge Drive
Columbus, OH 43230

Alex Agyeman
Vida O Agyeman (*or current occupant*)
3837 Peak Ridge Drive
Columbus, OH 43230

Brian D Turk
Gabriela Turk (*or current occupant*)
5488 Hazelwood Road
Columbus, OH 43229

Sharon K Halbert (*or current occupant*)
3799 Peak Ridge Drive
Columbus, Ohio 43230

Paul O Hildahl (*or current occupant*)
3775 Peak Ridge Drive
Columbus, OH 43230

5049 Sunbury Road
CV17- 075 October 23, 2017
Exhibit A, Public Notice
Page 1 of 2

Cheryl L DeWeese (*or current
occupant*)
3757 Peak Ridge Drive
Columbus, OH 43230

Jennifer Kathryn Ahlborn (*or current
occupant*)
3737 Peak Ridge Drive
Columbus, OH 43230

Life Church at Easton
(*or current occupant*)
5000 Sunbury Road
Columbus, OH 43230-1136

Melissa L Wood
Brandon W Puckett (*or current
occupant*)
3751 Peak Ridge Drive
Columbus, OH 43230

James William Taylor, II
Erin Nicole Taylor (*or current
occupant*)
3729 Peak Ridge Drive
Columbus, OH 43230

CRI Easton Square, LLC (*or current
occupant*)
250 Civic Center Dr., Suite 500
Columbus, OH 43215-5088

Tyler Nicholson
Evan Nicholson (*or current occupant*)
3745 Peak Ridge Drive
Columbus, OH 43230

City of Columbus (*or current
occupant*)
90 W Broad Street, Room 425
Columbus, OH 43215-9000

ALSO NOTIFY

Homeport
c/o Justin Metzler
3443 Agler Road
Columbus, Ohio 43219

Homeport
c/o Jim Baugh
3443 Agler Road
Columbus, Ohio 43219

Homeport
c/o Roy Lowenstein
3443 Agler Road
Columbus, Ohio 43219

Homeport
c/o Leah Evans
3443 Agler Road
Columbus, Ohio 43219

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 # CV17-075

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)

of (COMPLETE ADDRESS) 411 E Town St., 2nd FL, Columbus, OH 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. Homeport 3443 Agler Road Columbus, Ohio 43219 # of Columbus Based Employees: 51 Contact: Justin Metzler (614) 545-4854	2. Charles L. and Cynthia S. Herndon PO Box 789 Kelleys Island, O 43438-0789 # of Columbus Based Employees: 0 Contact: Charles L. Herndon 419-746-2249
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 23rd day of October, in the year 2017

SIGNATURE OF NOTARY PUBLIC Stacey L. Danza



My Commission Expires 11-5-2018

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: 410295667

Zoning Number: 5049

Street Name: SUNBURY RD

Lot Number: N/A

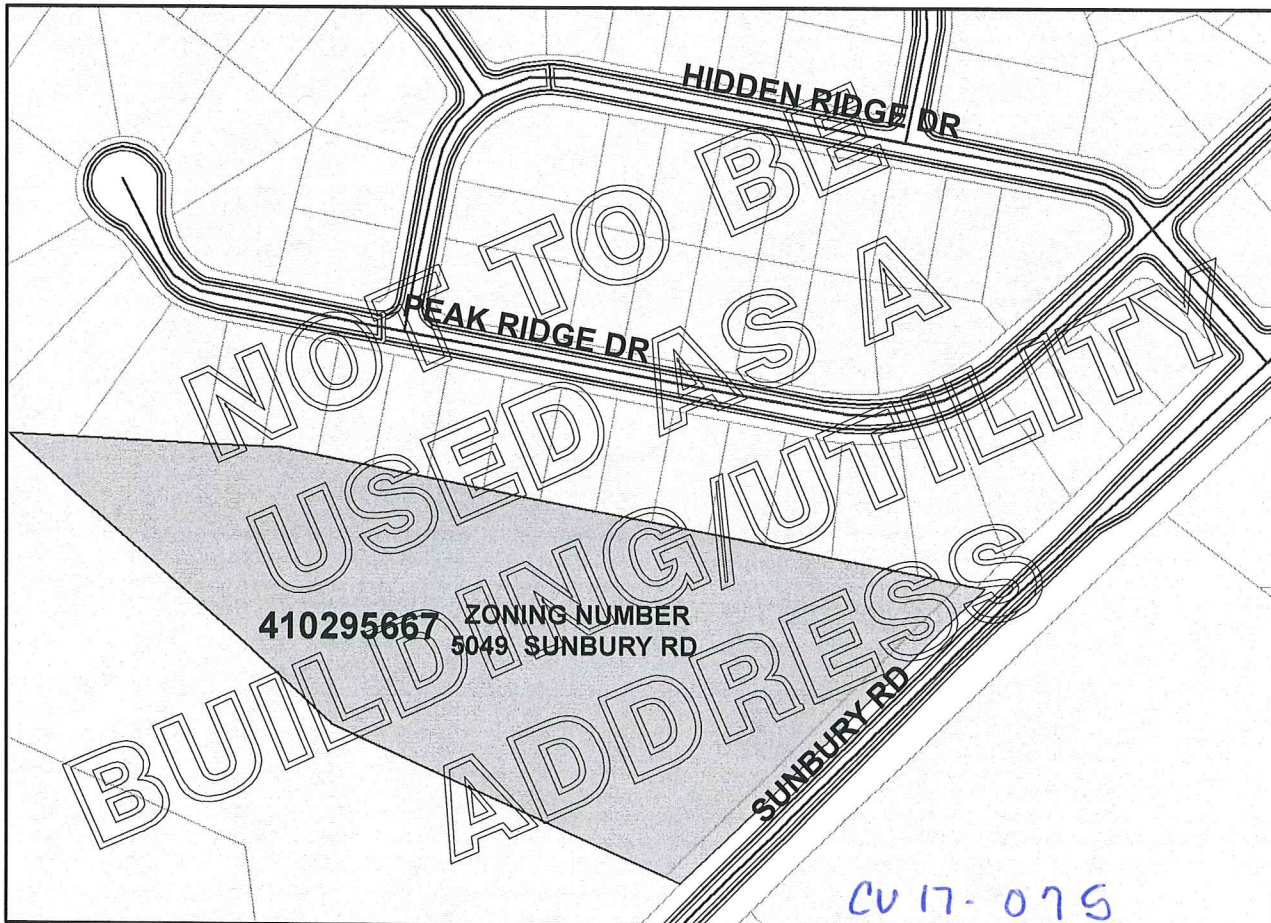
Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC. (DAVE PERRY)

Issued By:

Adyana Amarian

Date: 10/18/2017



410295667 ZONING NUMBER
5049 SUNBURY RD

CV 17-075



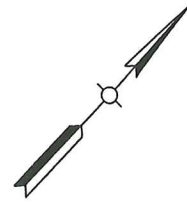
FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 200 feet

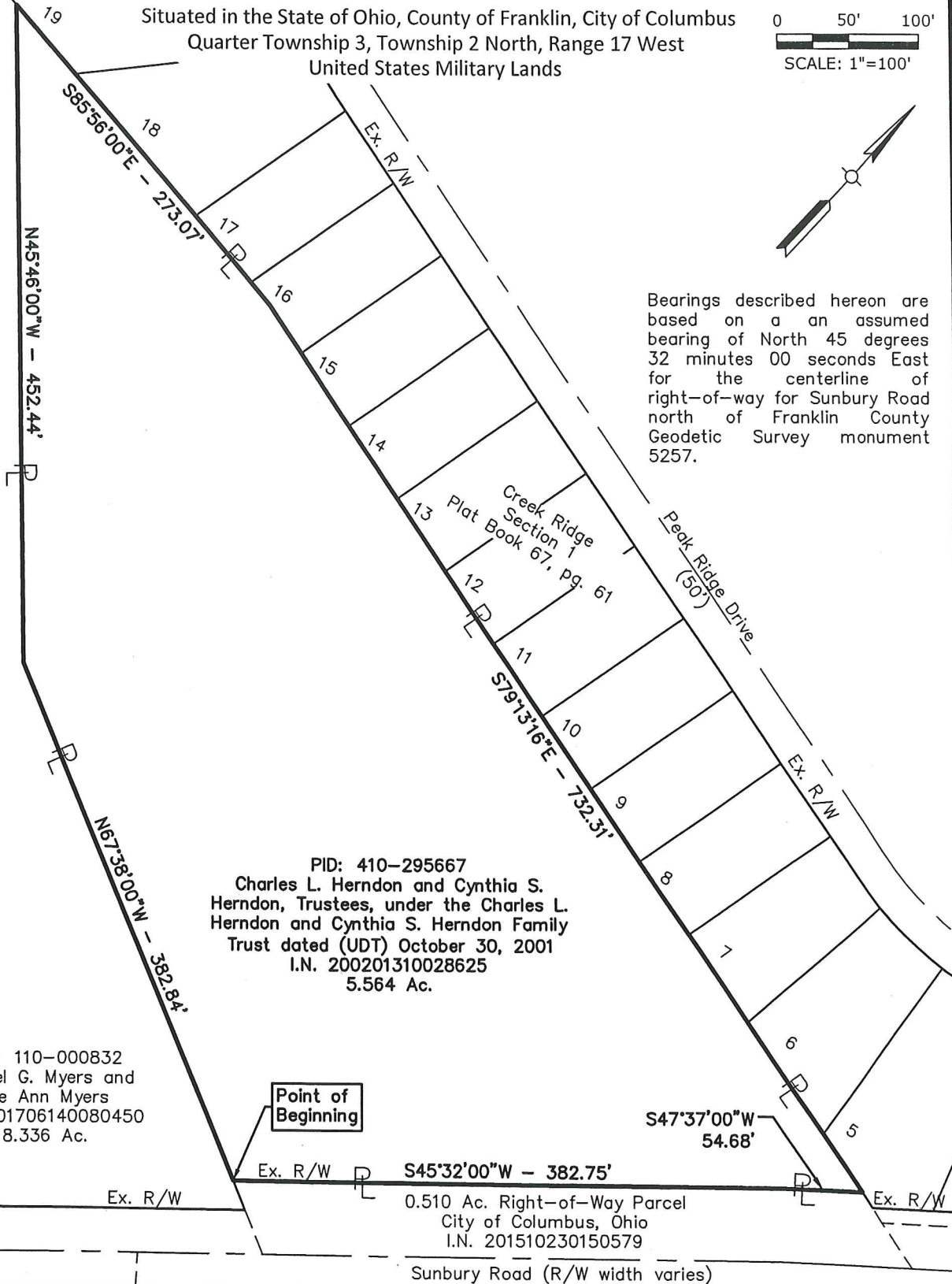
GIS FILE NUMBER: 35635

Situated in the State of Ohio, County of Franklin, City of Columbus
Quarter Township 3, Township 2 North, Range 17 West
United States Military Lands

0 50' 100'
SCALE: 1"=100'



Bearings described hereon are based on a assumed bearing of North 45 degrees 32 minutes 00 seconds East for the centerline of right-of-way for Sunbury Road north of Franklin County Geodetic Survey monument 5257.



PID: 410-295667
Charles L. Herndon and Cynthia S. Herndon, Trustees, under the Charles L. Herndon and Cynthia S. Herndon Family Trust dated (UDT) October 30, 2001
I.N. 200201310028625
5.564 Ac.

PID: 110-000832
Daniel G. Myers and Cie Ann Myers
I.N. 201706140080450
8.336 Ac.

S45°32'00"W - 382.75'

0.510 Ac. Right-of-Way Parcel
City of Columbus, Ohio
I.N. 201510230150579

Sunbury Road (R/W width varies)

HOMEPORT



AMERICAN
STRUCTUREPOINT
INC.

2550 Corporate Exchange Drive | Suite 300
Columbus, Ohio 43231
TEL 614.901.2235 | FAX 614.901.2236
www.structurepoint.com

5049 SUNBURY ROAD
ZONING EXHIBIT

COLUMBUS, OHIO 43230

DATE:	10/20/2017
DRAWN BY:	MJW
CHECKED BY:	BPB
JOB NUMBER	2017.02401

1 of 1

CV17-075

PLOT DATE: 10/20/2017 3:13 PM
DRAWING FILE: C:\Users\mjb\Documents\2017\CV17-075\CV17-075.dwg
ENTER BY: MJB
ENTER DATE: 10/20/2017

EXHIBIT "A"
5049 SUNBURY ROAD
ZONING DESCRIPTION

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 2 North, Range 17 West, United States Military Lands, and being the remainder of that original 5.564 acre tract of land described in a deed to **Charles L. Herndon and Cynthia S. Herndon, Trustees, under the Charles L. Herndon and Cynthia S. Herndon Family Trust dated (UDT) October 30, 2001**, of record in Instrument Number 200201310028625, all records referenced are on file at the Office of the Recorder for Franklin County, Ohio, being further bounded and described as follows:

BEGINNING at a point on the existing west right-of-way line for Sunbury Road, as established by a 0.510 acre right-of-way parcel described in a deed to City of Columbus, Ohio, of record in Instrument Number 201510230150579, being the southwest corner of said 0.510 acre right-of-way parcel, being on a southwest line of said original 5.564 acre tract, and being on a northeast line of that 8.336 acre tract of land described in a deed to Daniel G. Myers and Cie Ann Myers, of record in Instrument Number 201706140080450;

Thence **North 67 degrees 38 minutes 00 seconds West**, along a southwest line of said original 5.564 acre tract and along a northeast line of said 8.336 acre tract, a distance of **382.84 feet** to the southwest corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract;

Thence **North 45 degrees 46 minutes 00 seconds West**, continuing along a southwest line of said original 5.564 acre tract and continuing along a northeast line of said 8.336 acre tract, a distance of **452.44 feet** to the west corner of said 5.564 acre tract, being a northeast corner of said 8.336 acre tract, said point being on a south line of Creek Ridge Section 1, as recorded in Plat Book 67, Page 61;

Thence **South 85 degrees 56 minutes 00 seconds East**, along a northeast line of said original 5.564 acre tract and along a southwest line of said Creek Ridge Section 1, a distance of **273.07 feet** to a northeast corner of said 5.564 acre tract, being a southwest corner of said Creek Ridge Section 1;

Thence **South 79 degrees 13 minutes 16 seconds East**, continuing along a northeast line of said original 5.564 acre tract and continuing along a southwest line of said Creek Ridge Section 1, a distance of **732.31 feet** to a point on the existing west right-of-way line for said Sunbury Road, being at a northwest corner of said 0.510 acre right-of-way parcel;

Thence **South 47 degrees 37 minutes 00 seconds West**, along the west right-of-way line for said Sunbury Road, along a northwest line of said 0.510 acre right-of-way parcel and across said original 5.564 acre tract, a distance of **54.68 feet** to a point;

CU17-075

Thence **South 45 degrees 32 minutes 00 seconds West**, continuing along the west right-of-way line for said Sunbury Road, continuing along a northwest line of said 0.510 acre right-of-way parcel and continuing across said original 5.564 acre tract, a distance of **382.75 feet** to the **POINT OF BEGINNING** for this zoning description.

The above description contains a total area of **5.035 acres**, within Franklin Co. Auditor Tax Parcel Number 410-000832;

Bearings described herein are based on an assumed bearing of North 45 degrees 32 minutes 00 seconds East for the centerline of right-of-way for Sunbury Road north of Franklin County Geodetic Survey monument 5257.

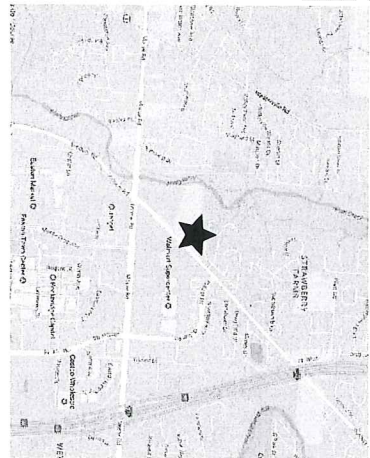
This description was prepared on October 20, 2017 by American Structurepoint, Inc. and is intended for zoning purposes only.

CU 17-075

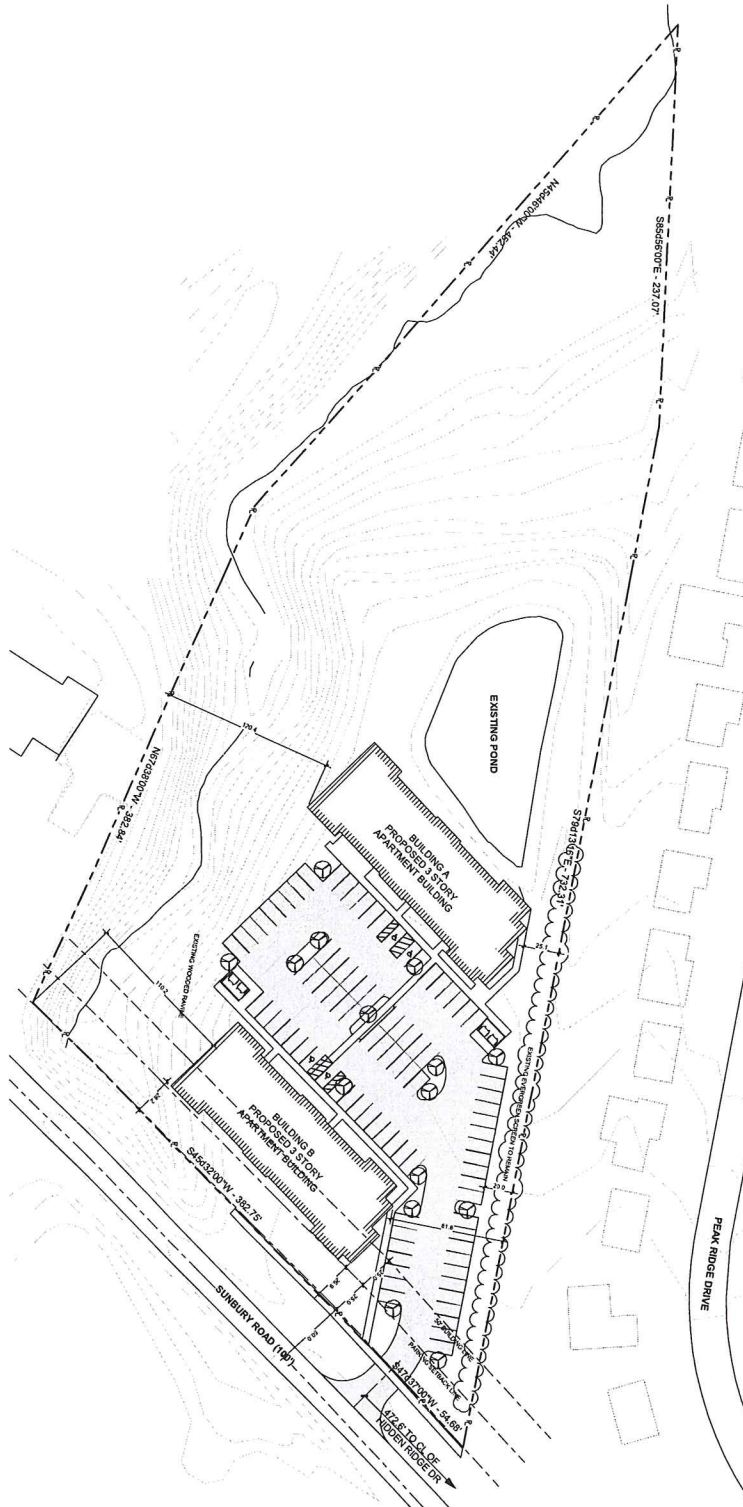
SITE DATA TABLE

SITE AREA - PCD-10-295687	5.035 AC
NUMBER OF UNITS	112 UNITS
DENSITY	11.2 UNITS/AC
PARKING	60 DU @ 1.5 = 90 SPACES

LOCATION MAP



CU 17-07 S

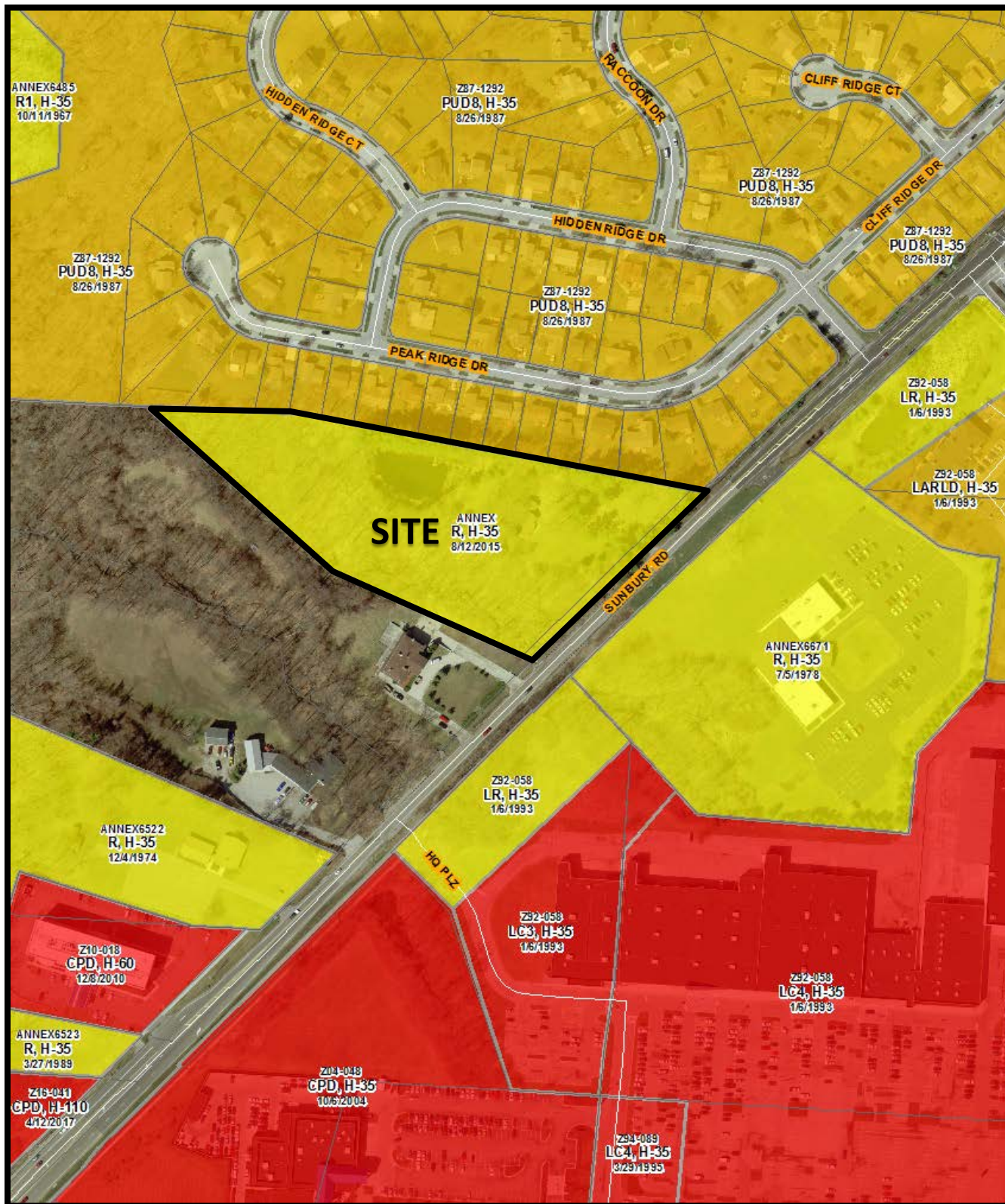


HOMEPORT
5049 SUNBURY ROAD
DRAWING DISPOSITION

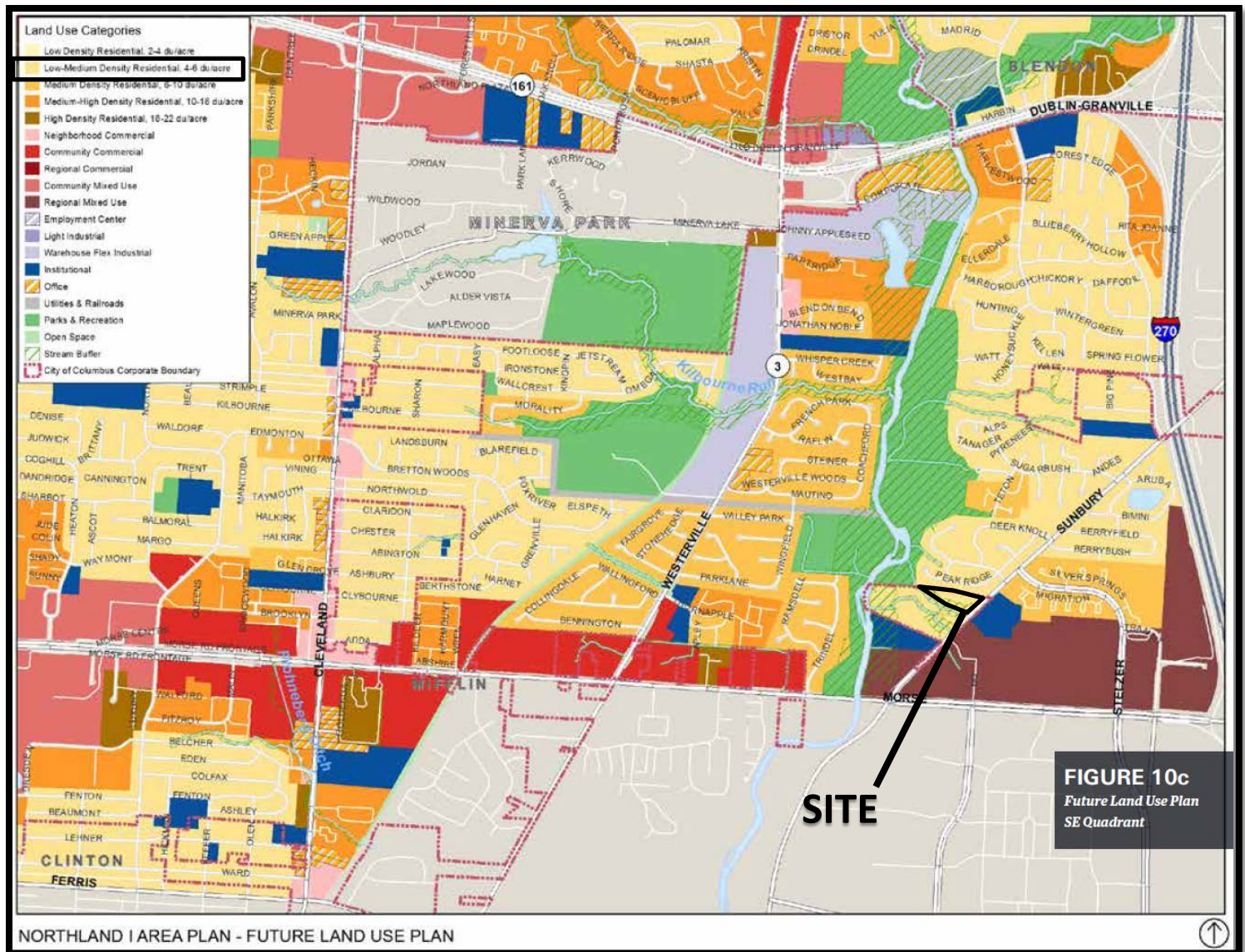
SHREMSHOCK

SHREMSHOCK ARCHITECTS, INC.
7400 West Campus Road Suite 150 New Albany, OH 43054
t 614 545 4550 f 614 545 4555 www.shremshock.com

TITLE
ARCHITECTURAL SITE
PLAN
SCALE 1"=40'-0"
DATE ISSUED
10/23/17
REVISIONS
DRAWN BY
177641 R4
CHECKED BY
VZ
PROJECT NUMBER
A001
NOTES: 10/23/17 11:21 AM



CV17-075
 5049 Sunbury Road
 Approximately 5.04 acres
 Pending L-AR-12



Low-Medium Density Residential: Predominantly single-family development, with limited amounts of 2-4 unit buildings interspersed - often at intersections or along larger streets. This category may also include lower density townhouses/condominiums. Typical Density: 4-6 dwelling units per acre.

CV17-075
5049 Sunbury Road
Approximately 5.04 acres
Pending L-AR-12



CV17-075
5049 Sunbury Road
Approximately 5.04 acres
Pending L-AR-12