

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: CV18-008 Date Received: 2/20/18
Application Accepted by: KP Fee: \$1,600
Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 3479 North High Street, Columbus, Ohio Zip: 43214

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: 010-055167, 010-039871

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

Current Zoning District(s): Commercial, C4; North High UCO (PID: 010-055167)

Area Commission or Civic Association: Clintonville Area Commission

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

Acreage: 0.33 +/- Ac.

APPLICANT:

Name: Kelley Companies, c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----
David Perry Company, Inc.
Address: 411 East Town Street, 1st Floor City/State: Columbus, Ohio Zip: 43215
Email Address: dave@daveperryco.net Fax Number: -----

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

Name: Cor Castle, LLC c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----
Address: David Perry Company, Inc., 411 E. Town St., 1st FL City/State: Columbus, Ohio Zip: 43215
Email Address: dave@daveperryco.net 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 East Town Street, 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 Kelley Companies by David B. Perry - Agent
PROPERTY OWNER SIGNATURE Cor Castle, LLC by David B. Perry - Agent
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

Application Number: CV18-008

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 _____

Date _____

Attorney: Donald Plank (Donald Plank, Plank Law Firm) Date 2/15/25

Consultant: Dave B. Perry (Dave Perry, David Perry Company, Inc.) Date 2-18-18

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Exhibit B

Statement of Hardship

CV18- 008 , 3479 N. High Street, Columbus, OH 43214

The subject property is two (2) tax parcels (010-055167, 010-039871) and is 0.33 +/- acres located on the west side of N. High Street, 73 +/- feet north of W. Kenworth Road, and the north side of W. Kenworth Road, 90 +/- feet west of N. High Street. Both parcels are zoned C-4, Commercial. The parcel (010-055167) fronting N. High Street is in the North High Street Urban Commercial Overlay (UCO), while the W. Kenworth Road parcel (010-039871) is not. The site is developed with existing buildings and parking. The site doesn't include the corner parcel (PID: 010-087962).

The site is developed with a single family dwelling to which various commercial additions have been made since 1920. The single family dwelling is still used as a single family dwelling and became a non-conforming use with establishment of the C-4, Commercial zoning (1959). Applicant proposes a variance to the C-4 district to permit the single family dwelling as a conforming use to the C-4 district. Applicant also proposes the change of use of part of the commercial additions (office) to restaurant use with a seasonal patio and also retail commercial uses, as depicted on the site plan. Applicable variances are requested. Alterations to the N High Street building frontage will comply with Section 3372.605, Building Design Standards.

Applicant has a hardship warranting a variance in that there is no zoning district to which the site could be rezoned to permit ground level residential use with the existing single family dwelling and the residential use pre-dates the restriction on ground level residential use in the C-4 district. Standards variances are requested for which there is a practical difficulty with compliance to reuse the commercially built and used portions of the building for new uses consistent with location on a major commercial corridor and many similar uses in the area. The proposed standards variances are reasonable and characteristic of the N High Street commercial corridor, are not substantial, will permit uses common to the N High Street corridor, do not alter the essential character of the neighborhood nor impact the delivery of government services.

Applicant requests the following variances:

- 1). Section 3356.03, C-4, Permitted Uses, to permit ground level residential use corresponding to the single family dwelling.
- 2). Section 3312.21(A)(B), Landscaping and Screening, to not provide interior landscaping in the existing 16 parking space parking lot and to not provide headlight screening on the W. Kenworth Road frontage of the parking lot, to conform the existing parking lot.
- 3). Section 3312.27(4), Parking Setback Line, to permit the existing zero (0) foot parking setback on West Kenworth Road for the existing parking lot (PID: 010-039871), while the Kenworth

Road right of way still exists but there is no direct vehicular access to the parking lot and landscape islands exist in the right of way.

4). Section 3312.49, Minimum Number of Parking Spaces Required, to reduce required parking from 35 spaces, including reductions permitted by the Urban Commercial Overlay (UCO) in Section , to 16 spaces, for 2,800 square feet of restaurant, 400 square feet of seasonal patio for the restaurant, 1,200 square feet of retail uses, and to include all office uses.

5). Section 3372.604(A), Setback Requirements, to increase the public-private setback zone from 15 feet to 20 feet within the existing building setback for a seasonal patio for the proposed restaurant.

02-20-18

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: CV18-008

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dave 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 CERTIFIED ADDRESS FOR ZONING PURPOSES _____

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/20/18

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Cor Castle, LLC

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

411 East Town Street, 1st FL

Columbus, Ohio 43215

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

Kelley Companies

c/o Dave Perry (614) 228-1727

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

(5) Clintonville Area Commission c/o Stephen Hardwick
94 Clinton Heights Avenue
Columbus, Ohio 43202

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. Perry

Sworn to before me and signed in my presence this 19th day of February, in the year 2018

Stacey L. Danza
(8) SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires

Notary Seal Here



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

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

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EXHIBIT A, Public Notice
3479 North High Street
CV18- 008
February 20, 2018

APPLICANT

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

PROPERTY OWNER

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

ATTORNEY

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

COMMUNITY GROUP:

Clintonville Area Commission
c/o Stephen Hardwick
94 Clinton Heights Avenue
Columbus, OH 43202

Clintonville Area Commission
c/o Libby Wetherholt
541 East North Broadway
Columbus, OH 43214

James Luckhaupt (or current
occupant)
38 W Kenworth Rd
Columbus, OH 43214-4008

Jay D Dunfee, TOD (or current
occupant)
30 W Kenworth Rd
Columbus, OH 43214-4008

Matthew Hazard (or current
occupant)
24 W Kenworth Rd
Columbus, OH 43214

Rebecca L Shoemaker (or current
occupant)
31 W Kenworth Road
Columbus, OH 43214-4007

Robert Klatt (or current occupant)
119 Oakland Park Avenue
Columbus, OH 43214-4149

PROPERTY OWNERS WITHIN 125 FEET
Emerald Light Investments, Ltd. (or
current occupant)
c/o James & Nancy Grote (MCG)
935 Taylor Station Road
Columbus, OH 43230-6657

Melissa A Wise
Melissa G Harps (or current occupant)
23 W Orchard Lane
Columbus, OH 43214

Christopher J Palazzo
Ann Palazzo (or current occupant)
29 W Orchard Lane
Columbus, OH 43214

Stickmen Properties, Ltd. (or current
occupant)
c/o Day Companies/Richard T. Day
22 E Gay Street, Suite 800
Columbus, OH 43215-3107

Oakland Park/High Street Investment
Company, LLC (or current occupant)
c/o Day Companies/Richard T. Day
22 E Gay Street, Suite 800
Columbus, OH 43215-3107

Uptown Holdings Limited, LLC (or
current occupant)
c/o Michael & Carol Tomko
PO Box 141213
Columbus, OH 43214-6213

Cornerstone Living, Ltd (or current
occupant)
2271 Palmleaf Court
Columbus, OH 43235-4215

Trident Investment Group, LLC (or
current occupant)
3631 Scioto Run Boulevard
Hilliard, OH 43026

R&M Family, LP (or current occupant)
c/o Kroger Co/Property Tax 7th FL
1014 Vine Street, Suite 1000
Cincinnati, OH 45202-1119

3479 N High Street
CV18- 008, February 20, 2018
Exhibit A, Public Notice
Page 1 of 2

Columbia Gas of Ohio, Inc. (or current
occupant)
NiSource
PO Box 117
Columbus, Ohio 43216-0117

Joseph M Do
Katelyn Elaine Do (or current
occupant)
23 W Kenworth Road
Columbus, OH 43214

Robert T. Broadbent
Gregory P Zunkiewicz (or current
occupant)
27 W Kenworth Road
Columbus, Ohio 43214

ALSO NOTIFY

Kelley Companies
c/o Michael Kelley
250 East Broad Street, Suite 1100
Columbus, OH 43215

Kelley Companies
c/o Ben Kelley
250 East Broad Street, Suite 1100
Columbus, OH 43215

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

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757 Carolyn Avenue, Columbus, Ohio 43224

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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: CV18-008

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. Kelley Companies 250 East Broad Street, Suite 1100 Columbus, Ohio 43215 # of Columbus Based Employees: 3 Contact: Michael Kelley (614) 372-6390	2. Cor Castle, LLC 250 East Broad Street, Suite 100 Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Michael Kelley (614) 372-6390
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 20th day of February, in the year 2018

Stacey L. Danza
SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires

Notary Seal Here



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: 010055167, 010039871

Zoning Number: 3479

Street Name: N HIGH ST

Lot Number: N/A

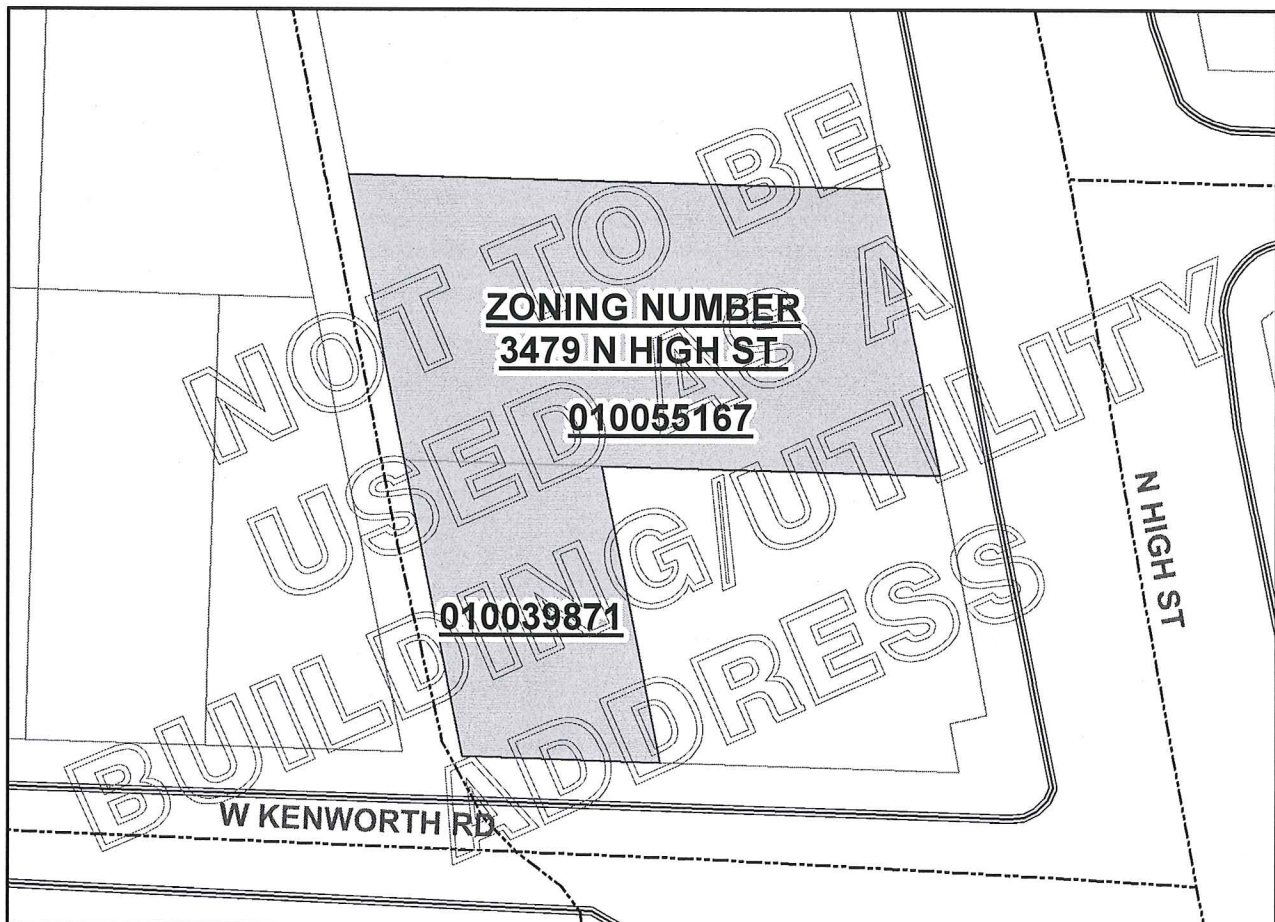
Subdivision: N/A

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

Issued By:

Adugna Amariam

Date: 2/8/2018



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 112786

CV18-008

Council Variance Application CV18- 008
3479 North High Street, Columbus, Ohio 43214
Legal Description

Parcel Number: 010-055167 (3479 N High Street)

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

Being Lot Number Four (4) and the north half of Lot Number Five (5) of Kenworth Place, being a subdivision of part of Quarter Township 2, Township 1, Range 18, United States Military lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 9, Page 6, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-039871 (Kenworth Road)

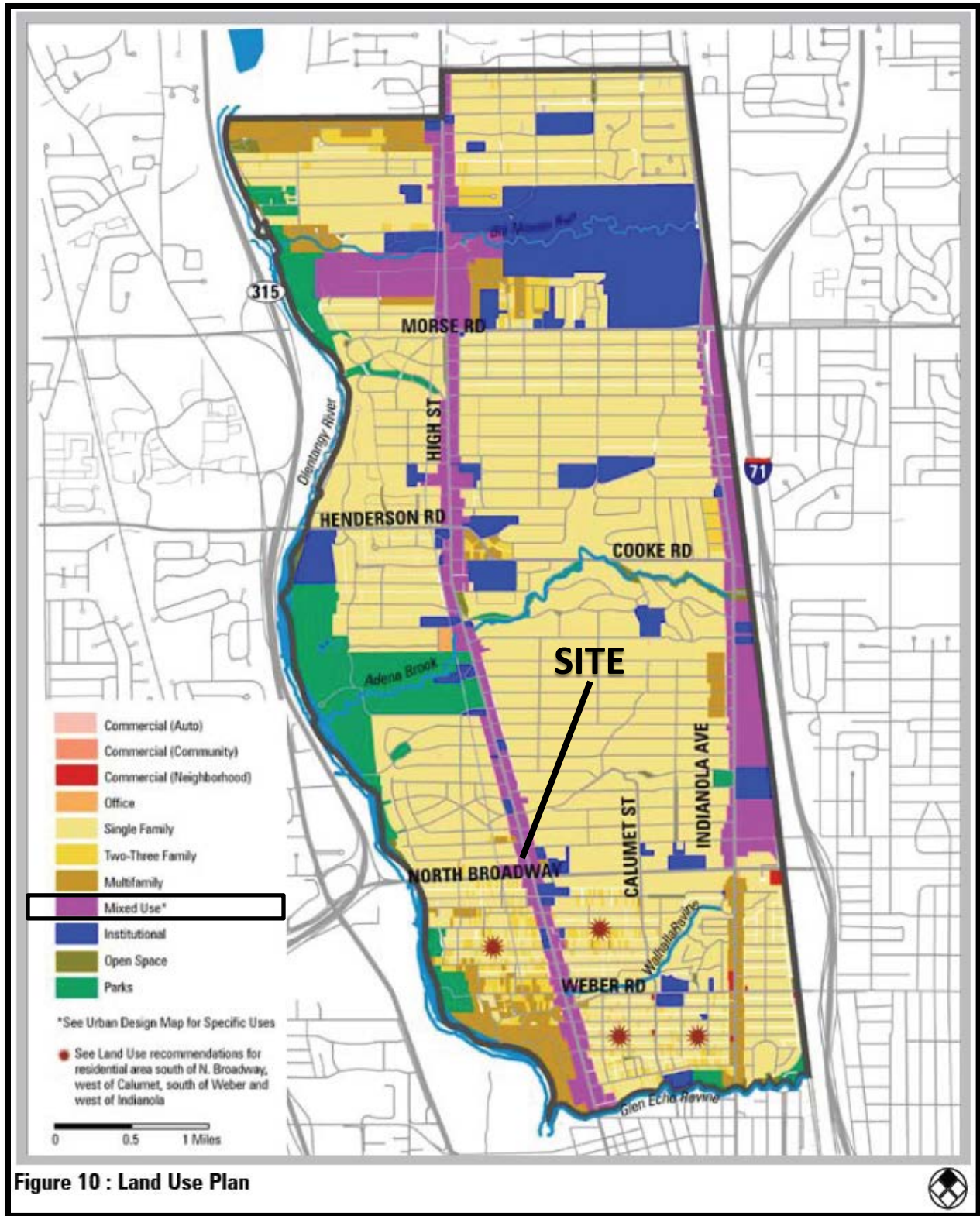
Situated in the County of Franklin in the State of Ohio, and in the City of Columbus:

Being 50 feet off the west end of Lot Number Six (6) and 25 feet off of the south side of Lot Number Five (5) of Kenworth Place, being a subdivision of part of Quarter Township 2, Township 1, Range 18, United States Military Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 9, Page 6, Recorder's office, Franklin County, Ohio, more particularly described as follows:

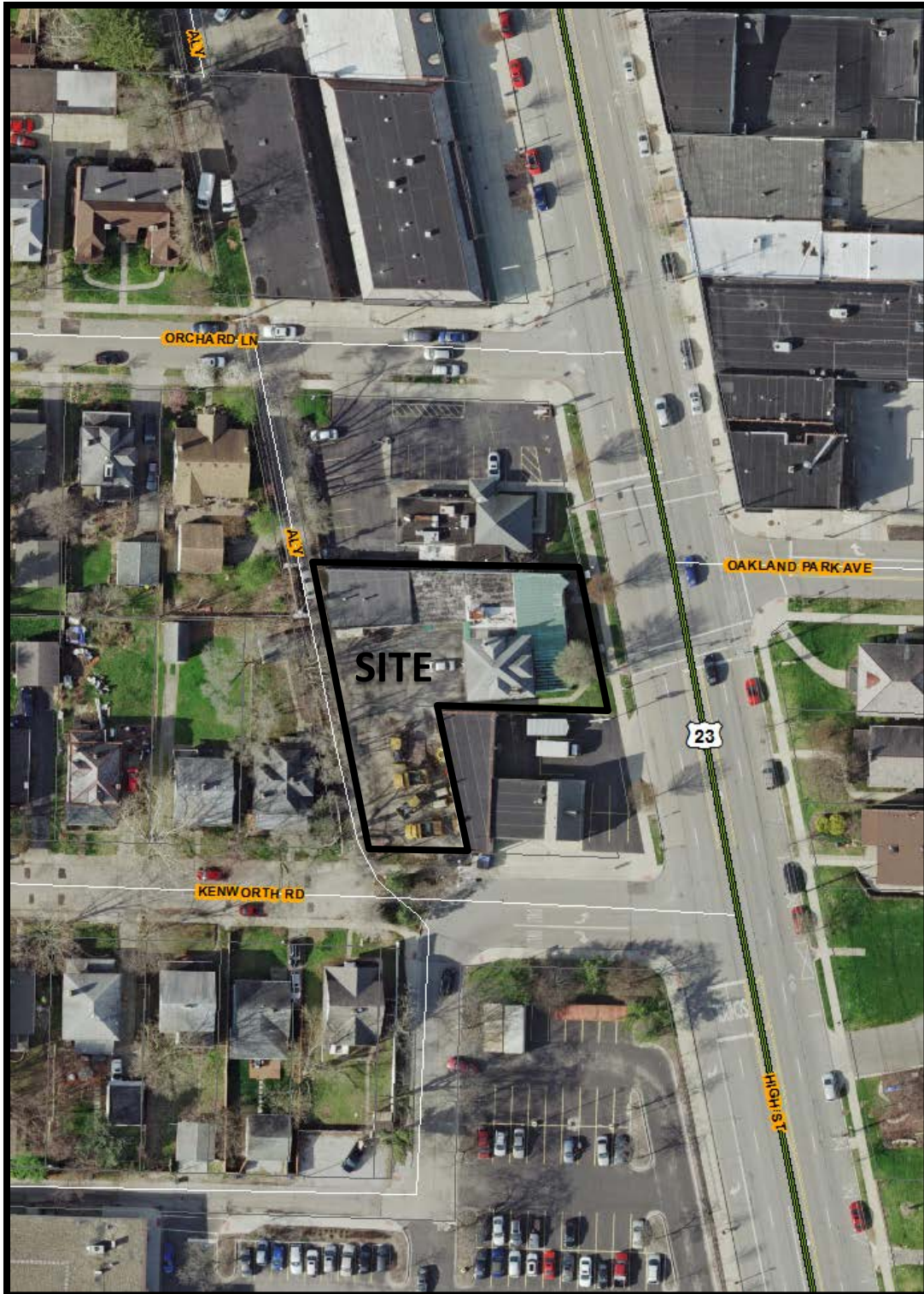
Beginning at a point in the south line of Lot Number 6, 90 feet west of the southeast corner thereof; thence northerly parallel with the west lines of Lots Number 5 and 6, a distance of 75 feet; thence westerly parallel to the south line of Lot Number 5, 50 feet to a point; thence southerly along the west lines of Lots Number 5 and 6, a distance of 75 feet to the southwest corner of Lot Number 6, thence easterly along the south line of Lot Number 6 to the place of beginning. Excepting six inches off the entire north side of the premises described herein.



CV18-008
3479 North High Street
Approximately 0.33 acres



CV18-008
 3479 North High Street
 Approximately 0.33 acres



CV18-008
3479 North High Street
Approximately 0.33 acres