



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: CV13-025/13315-00000-00299
Date Received: 4/30/13
Application Accepted By: S. Pine Fee: \$1600
Comments: Assigned to Shannon Pine, 645-2208, spine@cityofcolumbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 6633 E. Broad Street Zip 43004

Is this property currently being annexed into the City of Columbus Yes No

If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 520-264602 (part of)

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

Current Zoning District(s): PUD 8

Civic Association or Area Commission: Far East Area Commission

Proposed use or reason for Council Variance request: To use a private residential street (Shadymere Lane) for vehicular access to/from an abutting commercial development

Acreage: 0.148 +/-

APPLICANT: Name Equity, Inc. c/o Donald Plank, Plank Law Firm

Address 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

PROPERTY OWNER(S): Name Villas at Broadmere Condominiums c/o John Brooks, Equity, Inc.

Address 445 Hutchinson Avenue, Suite 800 City/State Columbus, OH Zip 43235

Phone # (614) 310-2116 Fax # (614) 802-2901 Email: jbrooks@equity.net

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

ATTORNEY AGENT

Attorney Agent

Name Donald Plank

Address Plank Law Firm, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Donald Plank attorney

PROPERTY OWNER SIGNATURE Villas at Broadmere Condominiums by J Brooks

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.
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Please make all checks payable to the Columbus City Treasurer



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CW13-025

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.

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 requested as detailed below:

See Exhibit B

Signature of Applicant

Donald Plunk

Date

4/29/13

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EXHIBIT B

Statement of Hardship

6633 East Broad Street

CV13-025

The 0.148 +/- acre site is 212 +/- feet of the entrance drive of the Villas at Broadmere Condominiums ("Condominiums"), extending south from the intersection of Shadymere Lane (private street) and East Broad Street. The Condominiums are zoned PUD-8, Planned Unit Development (Z00-017), including Shadymere Lane, which is a private street. Applicant has concurrently applied to rezone 11.004 acres (Z13-038) abutting and to the west of the Condominiums. Shadymere Lane is aligned with Brice Road (public) on the north side of East Broad Street and the intersection is presently signalized. Applicant proposes access on and across Shadymere Lane as part of applicant's commercial development, for access to the traffic signal. Applicant's commercial development will cause the use of Shadymere Lane, in part, for commercial purposes, which are not otherwise permitted in the PUD-8. Applicant submits this application to permit the use of 212 +/- feet of the PUD-8 parcel, being part of the existing entrance drive, for use in conjunction with applicant's planned commercial development. Applicant has a hardship in that commercial use of part of a residential driveway is not permitted and a variance is the most appropriate way to permit the proposed commercial use of the driveway.

Applicant requests the following variance:

- 1) 3345.04, Permitted Uses, which Section does not permit commercial uses, while applicant proposes to provide vehicular access on 212 +/- feet of Shadymere Lane, a private street in the Villas of Broadmere Condominiums, in conjunction with applicant's commercial development to the west (Z13-____), thereby allowing access to applicant's commercial development and upgraded signalization of the East Broad Street/Brice Road/Shadymere Lane intersection to provide improved vehicular access to the Villas of Broadmere Condominiums



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV13-025

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME Donald Plank
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215

deposed 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 6633 E. Broad Street

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

4/30/13
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS _____
(4) Villas at Broadmere Condominiums, c/o John Brooks Equity, Inc. 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235

APPLICANT'S NAME AND PHONE # (same as listed on front of application) _____
Equity, Inc. c/o Donald Plank (614) 947-8600

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS _____
(5) Far East Area Commission c/o Larry Marshall, Chair, Zoning Commission 2500 Park Crescent Drive, Columbus, OH 43232

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)

(7) Check here if listing additional property owners on a separate page.

SEE EXHIBIT A

SIGNATURE OF AFFIANT _____
(8) Donald Plank

Subscribed to me in my presence and before me this 29th day of APRIL, in the year 2013

SIGNATURE OF NOTARY PUBLIC _____
(8) Barbara A. Painter

My Commission Expires: AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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**Exhibit A Public Notice
6633 East Broad Street
CV13-025, 04/27/13**

APPLICANT:

Equity, Inc.
c/o Donald Plank, Attorney
Plank Law Firm, LPA
145 East Rich Street, FL 3
Columbus, OH 43215

PROPERTY OWNER:

The Villas at Broadmere
c/o Charles F. Hedges
72 Villamere Drive
Columbus, OH 43213

ATTORNEY FOR APPLICANT:

Donald Plank, Attorney
Plank Law Firm, LPA
145 East Rich Street, FL 3
Columbus, OH 43215

**COMMUNITY GROUP
/COALITION:**

Far East Area Commission
c/o Larry Marshall
Chair, Zoning Committee
2500 Park Crescent Drive
Columbus, OH 43232

**SURROUNDING PROPERTY
OWNERS (125 Feet)**

Rosebrook Ltd
Donald W. Kelley and Associates
250 E. Broad Street, Suite 1100
Columbus, OH 43215

Eastglen Exchange LLC
445 Hutchinson Avenue, Suite 800
Columbus, OH 43235

Doris I. Jenkins
111 Villamore Drive
Columbus, OH 43213

Thomas P. Zirwas
Shirley J. Zirwas
2858 Maryland Avenue
Columbus, OH 43209

Randall A. Browning
Anne Christine Browning
126 Villamere Dr.
Columbus, OH 43213

Daniel J. Kirk
Toyetta Barnard-Kirk
124 Villamere Dr.
Columbus, OH 43213

Yolanda Y. Rencher, et al.
110 Shadymere Lane
Columbus, OH 43213

Stella Sebastampillai
111 Villamere Dr.
Columbus, OH 43213

Jane E. Geanangel
113 Villamere Dr.
Columbus, OH 43213

Margery E. McCormick
112 Shadymere Lane
Columbus, OH 43213

Betty A. Miller/Betty A. Jacobs
104 Villamere Dr.
Columbus, OH 43213

Jerry L. Murphy, Sr.
Henriette G. Murphy
100 Villamere Dr.
Columbus, OH 43213

Delores A. Warren
106 Villamere Dr.
Columbus, OH 43213

**SHEET 1 of 3
6633 East Broad Street
CV13-025, 04/27/13**

Robert G. Stanek
Sandra L. Stanek
104 Villamere Dr.
Columbus, OH 43213

Rosemary Bright
90 Shadymere Lane
Columbus, OH 43213

Donald E. Webster
Christine L. Webster
91 Villamere Dr.
Columbus, OH 43213

Avanelle L. Baker
91 Villamere Dr.
Columbus, OH 43213

Dustin M. Lotz
Tiffany A. Lee
92 Shadymere Lane
Columbus, OH 43213

Viktor Gecevski
Nada Gecevski
82 Villamere Dr.
Columbus, OH 43213

Harold D. Thomas
Lucinda M. Thomas
80 Villamere Dr.
Columbus, OH 43213

Cynthia L. Kraft
86 Villamere Dr.
Columbus, OH 43213

Randolph D. Holland
Frances C. Holland
84 Villamere Dr.
Columbus, OH 43213

Martha J. Powers
1400 Knollwood Drive E
Columbus, OH 43232

Charlene E. Lemble, TR
76 Villamere Dr.
Columbus, OH 43213

Shirley B. Pritchard Nolan
74 Villamere Dr.
Columbus, OH 43213

Charles F. Hedges
72 Villamere Dr.
Columbus, OH 43213

Mary E. Kirkland
60 Villamere Dr.
Columbus, OH 43213

Vyacheslav F. Konev
Antonina N. Konev
64 Villamere Dr.
Columbus, OH 43213

Maureen R. Schumacher
Eugene J. Schumacher
62 Villamere Dr.
Columbus, OH 43213

William A. Seddon
Sharon Seddon
68 Shadymere Lane
Columbus, OH 43213

Nancy K. Randall
78 Shadymere Lane
Columbus, OH 43213

Jennifer Bosveld
81 Shadymere Lane
Columbus, OH 43213

Caren Rencher
83 Shadymere Lane
Columbus, OH 43213

Gerald L. & Kathleen Tron, TR
81 Shadymere Lane
Columbus, OH 43213

George A. Hartman
Mary J. Hartman
87 Shadymere Lane
Columbus, OH 43213

Saul Sokol, TOD
c/o Jay Sokol
2379 Sherwood Road
Columbus, OH 43209

Irene P. Hrivnak, TR
103 Shadymere Lane
Columbus, OH 43213

Stephen L. Banks, TR
Lee A. Banks, TR
2504 Cotswold Rd.
Toledo, OH 43617

David C. K. Lin
Amy Lin
107 Shadymere Lane
Columbus, OH 43213

Patricia E. McLoughlin, TOD
121 Shadymere Lane
Columbus, OH 43213

Harry A. Staples, III
6276 Kinver Edge Way
Columbus, OH 43213

Donald R. Pistole
Sharon A. Pistole
3418 Havensport Road
Carroll, OH 43112

SHEET 2 of 3
6633 East Broad Street
CV13-025, 04/27/13

David E. Swaggerty
Miriam K. Swaggerty
127 Shadymere Lane
Columbus, OH 43213

Marilyn J. McFarlin, TOD
133 Shadymere Lane
Columbus, OH 43213

Judith S. Beim
135 Shadymere Lane
Columbus, OH 43213

Forest Gary Sheeler
6399 Norfolk Drive
Reynoldsburg, OH 43068

Marsha Greenberg
131 Shadymere Lane
Columbus, OH 43213

Beverly L. Wood
143 Shadymere Lane
Columbus, OH 43213

Sheila L. Green
William J. Green
145 Shadymere Lane
Columbus, OH 43213

Sandra R. London
147 Shadymere Lane
Columbus, OH 43213

Alla Nudel
141 Shadymere Lane
Columbus, OH 43213

Mary E. Thomas
144 Villamere Dr.
Columbus, OH 43213

Gergrude E. Dempsey-Hill
142 Villamere Drive
Columbus, OH 43213

Donald J. Lundfelt, TR
140 Villamere Dr.
Columbus, OH 43213

Constance S. Cray
146 Villamere Dr.
Columbus, OH 43213

Shirley A. High, TR
134 Villamere Dr.
Columbus, OH 43213

Thomas D. Euans
Nina L. Euans
132 Villamere Dr.
Columbus, OH 43213

Kathy L. Bline, TR
130 Villamere Dr.
Columbus, OH 43213

Rachel B. Epp
136 Villamere Dr.
Columbus, OH 43213

Donald J. Lundfelt
379 Rambling Brook Drive
Pickerington, OH 43147

ALSO NOTIFY:

Melanie Wollenberg
Equity Inc.
445 Hutchinson Avenue - Suite 800
Columbus, OH 43235

David B. Perry
David Perry Company, Inc.
145 East Rich Street, FL 3
Columbus, OH 43215

Steve Wathen
Equity Inc.
445 Hutchinson Avenue - Suite 800
Columbus, OH 43235

Amy Kuhn
Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

John Brooks
Equity Inc.
445 Hutchinson Avenue - Suite 800
Columbus, OH 43235

Steve Hermiller, PE
Mannik & Smith Group, Inc.
815 Grandview Ave, Suite 650
Columbus, OH 43215

Steve Fox, PE
Mannik & Smith Group, Inc.
815 Grandview Ave, Suite 650
Columbus, OH 43215

Mark Edwards
Equity Inc.
445 Hutchinson Avenue - Suite 800
Columbus, OH 43235

Andy Johanni
Equity Inc.
445 Hutchinson Avenue - Suite 800
Columbus, OH 43235

SHEET 3 of 3
6633 East Broad Street
CV13-025, 04/27/13



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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 # CV13-025

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 E. Rich Street, FL 3, 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 formats

- 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. Eastglen Exchange LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen, (614) 802-2900	2. Eastglen Land LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen (614) 802-2900
3. EG Medical West LLC 445 Hutchinson Avenue, Suite 800 Columbus, OH 43235 # of Columbus employees: 0 Contact: Steve Wathen (614) 802-2900	4. Villas at Broadmere Condominiums c/o Charles F. Hedges 72 Villamere Dr. Columbus, OH 43213 # of Columbus Employees: 0

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 29th day of APRIL, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

This Project Disclosure Statement expires six months after date of notarization.

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City of Columbus Zoning Plat



CV13-025

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: 520264602

Zoning Number: 6633

Street Name: E BROAD ST

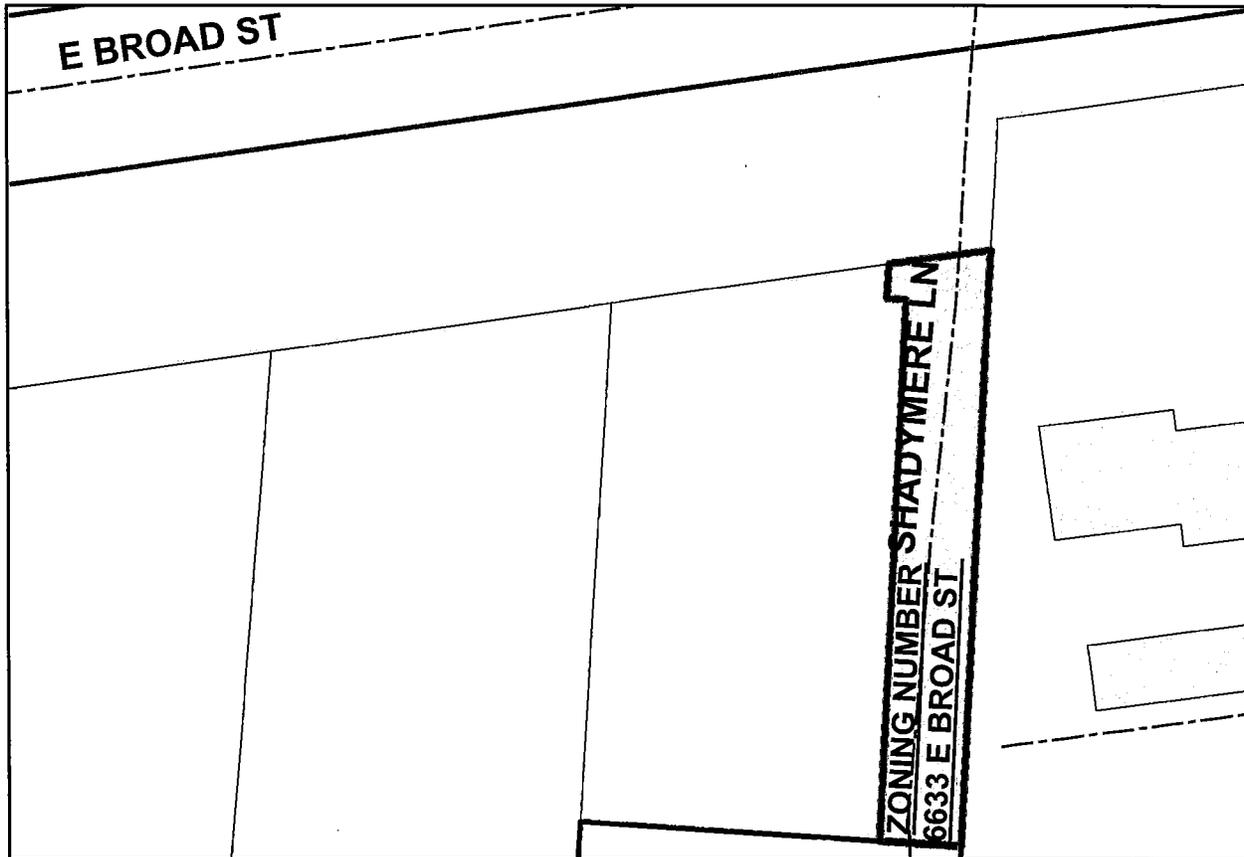
Lot Number: N/A

Subdivision: N/A

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

Issued By: *Patricia Austin*

Date: 4/29/2013



SCALE: 1 inch = 70 feet

GIS FILE NUMBER: 13443



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

CV13-025
6633 East Broad Street
0.148 Acres

ACCESS EASEMENT
0.148 ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, Quarter Township 3, Township 1, Range 16, United States Military Lands and being part of the remainder of that 9.374 acre tract conveyed to Phyllis Williams of record in Official Record 27539H16 and Instrument Number 200010180212030 (all references refer to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning at a northeasterly corner of the Grantor's tract, the southeasterly corner of that 0.257 acre tract conveyed to the City of Columbus, Ohio of record in Instrument Number 200102090027118, in a westerly line of that 18.875 acre tract conveyed to Rosebrook Limited of record in Official Record 30785B01;

thence South 03°02'04" West, with an easterly line of the Grantor's tract, said westerly line, a distance of 218.11 feet;

thence across the Grantor's tract, the following courses:

North 86°19'01" West, a distance of 30.00 feet;

North 03°02'04" East, a distance of 211.86 feet to a northerly line of the Grantor's tract, the southerly line of said 0.257 acre tract,

thence North 81°53'42" East, with said northerly line, said southerly line, the southerly right-of-way line of East Broad Street, a distance of 30.58 feet to the Point of Beginning and containing 0.148 acre, more or less.

Subject, however, to all legal rights-of-ways and/or easements, if any, of previous record.

EVANS, MECHWART, HAMBLETON, & TILTON, INC.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 3/22/13

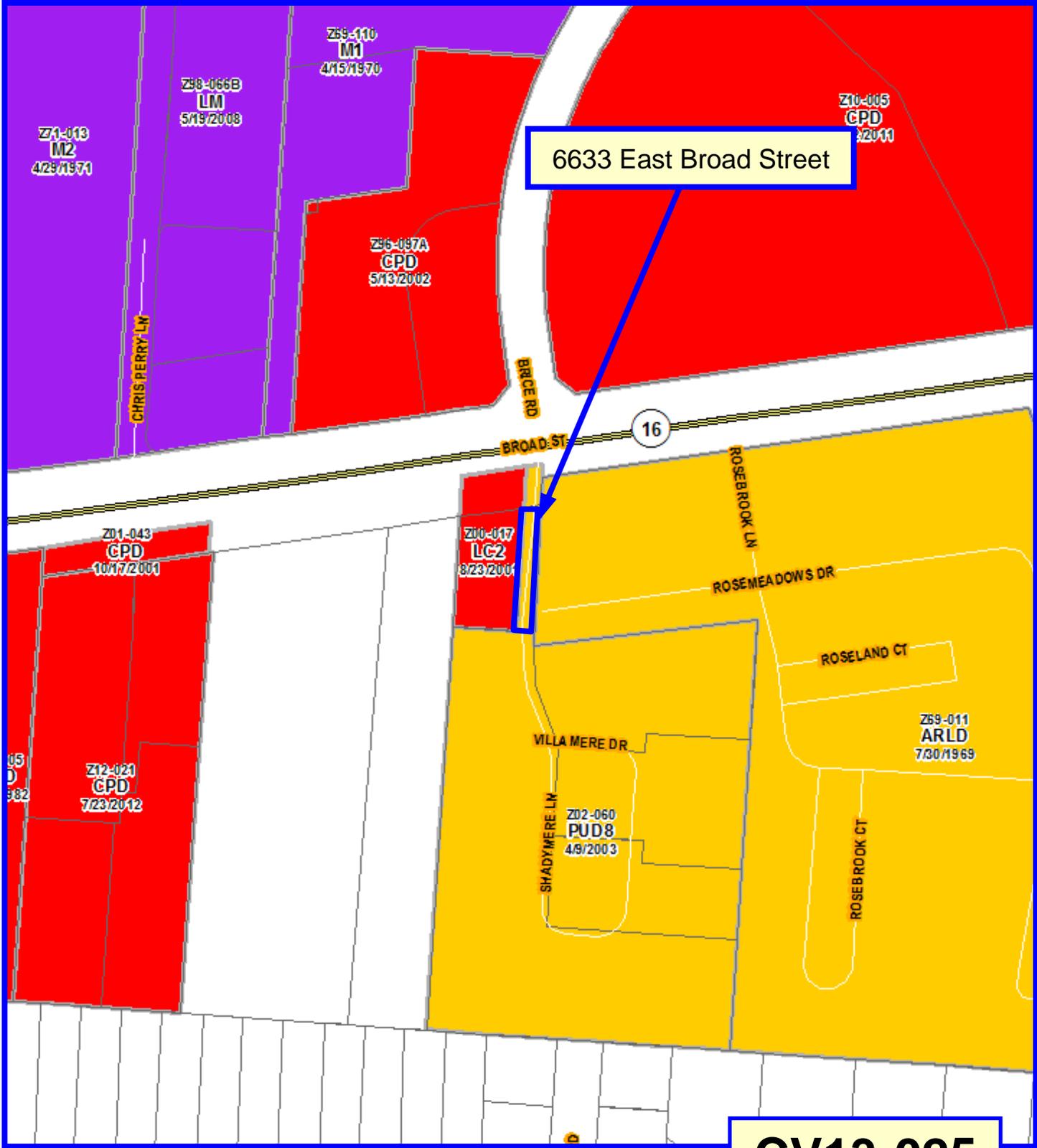


Disclaimer

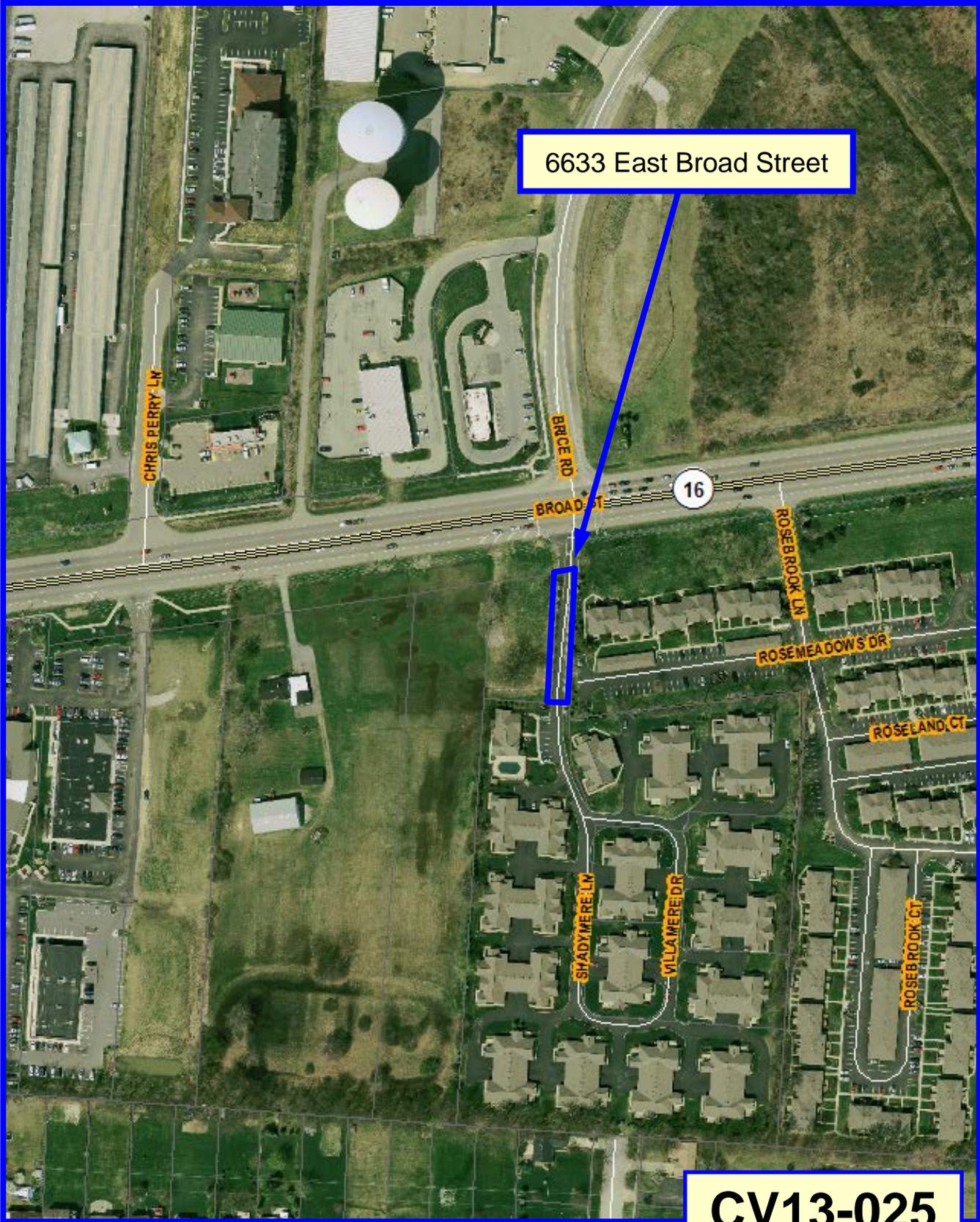
Scale = 200



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.



CV13-025



6633 East Broad Street

16

CV13-025