



BOARD OF ZONING ADJUSTMENT 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: #13310-00000-0024A
Date Received: 12 APR. 2013
Commission/Group: N/A
Existing Zoning: _____ Application Accepted by: [Signature] Fee: \$1900
Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

Variance Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

3312.49 - Minimum number of parking spaces required. Retail 10,000 sq. ft. or less = 1:250 sf. We are proposing a 9,100 sqft retail store;

9,100/250 = 36.4 (or 37) spaces required. We propose to provide 31 parking spaces.

LOCATION

1. Certified Address Number and Street Name 3349 Refugee Rd
City Columbus State Ohio Zip 43232
Parcel Number (only one required) 530-156568-00

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Mark Bush - Columbus(Refugee) DG, LLC
Address 361 Summit Blvd, Suite 110 City/State Birmingham / AL Zip 35243
Phone # 205.682.7877 Fax # 205.968.9229 Email mbush@cgpre.com

PROPERTY OWNER(S):

Name Ronald Erkis
Address 50 Ashbourne Rd. City/State Columbus / OH Zip 43209
Phone # 614.224-2400 Fax # 614.224.5436 Email _____
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent

Name Timothy Stewart - Hurley and Stewart
Address 2800 S. 11th St. City/State Kalamazoo / MI Zip 49009
Phone # 269.492.3770 Fax # 269.552.4961 Email: tstewart@hurleystewart.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]
PROPERTY OWNER SIGNATURE [Signature]
ATTORNEY / AGENT SIGNATURE [Signature]

PAID
APR 16 2013

BUILDING & ZONING SERVICES

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 all checks payable to the Columbus City Treasurer



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AFFIDAVIT

13310-00000-00244
3349 REFUGEE ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Timothy Stewart
of (1) MAILING ADDRESS 2800 S. 11th St. Kalamazoo MI 49009

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 ADDRESS CARD FOR PROPERTY 3349 Refugee Rd., Columbus, OH 43232 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) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Ronald S. Erkis

50 Ashbourne Rd.

Columbus, OH 43209

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

Mark Bush - Capital Growth Buchalter

205.682.7877

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

(5) N/A

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
See Attached Variance Report

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

SIGNATURE OF AFFIANT

(8)

Subscribed to me in my presence and before me this 10 day of April, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

BRITTANY ANN RUSSELL

Notary Public, State of Michigan
County of Kalamazoo

Notary Seal Here

My Commission Expires 05-25-2019

Acting in the County of Kalamazoo

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STATEMENT OF HARDSHIP

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3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
 1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Variance to reduce the number of required parking spaces from 37 to 31 - The site dimensions, right-of-way and cross access requirements make fitting another 6 spaces on the site impractical and a hardship on the use. Visibility to the development is already compromised by the large front r-o-w, customer safety would be reduced, and the additional spaces are un-needed by the proposed use.

Signature of Applicant Mark Bush Date 03-26-2013

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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 # _____

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3349 REFUGEE ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Timothy Stewart
of (COMPLETE ADDRESS) 2800 s. 11th st. Kalamazoo, MI 49009

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 and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
Capital Growth Properties Operating Partners, L.P.	361 Summit Blvd. Ste 110 Birmingham, AL 35243
CGP Management V, LLC	361 Summit Blvd. Ste 110 Birmingham, AL 35243
CGP Management VI, LLC	361 Summit Blvd. Ste 110 Birmingham, AL 35243
R. Scott Smith	2151 Old Rocky Ridge Rd. Ste 108 Birmingham, AL 35243

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 10 day of April, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

5/25/2019

Notary Seal Here

BRITTANY ANN RUSSELL
Notary Public, State of Michigan
County of Kalamazoo
My Commission Expires **05-25-2019**
Acting In the County of Kalamazoo

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