



# 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](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: CV14-011 / 14315-00000-00169  
Date Received: 3/14/14  
Application Accepted By: SP + ET Fee: \$1600  
Comments: Assigned to Shannon Pine, 645-2208, spined@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 3179 E. Livingston Ave., Columbus, OH 43227  
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: 010-105294  
 Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): SR, Suburban Residential

Recognized Civic Association or Area Commission: Berwyn East Civic Association

Proposed use or reason for Council Variance request: 3332.029 to permit a 105' monopole cell tower in a SR zoning district & 3353.05 (D) (2) relief from landscape buffer planting  
Acreage: 1144 sq. ft. at base of tower.

**APPLICANT:** Name New Par, d/b/a, Verizon Wireless attn: David Minger

Address 7575 Commerce Ct City/State Lewis Center, OH Zip 43035

Phone # 614-561-8496 Fax # 614-560-8398 Email: David.Minger@VerizonWireless.com

**PROPERTY OWNER(S):** Name Bishop Frederick Campbell

Address 198 E. Broad St City/State Columbus, OH Zip 43215

Phone # 614-237-5421 Fax # \_\_\_\_\_ Email: thatem@cdeducation.org

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

### ATTORNEY / AGENT

Attorney  Agent

Name Robert M. Ferguson

Address 3960 Brown Park Drive, Ste I City/State Hilliard, OH Zip 43026

Phone # 614-850-8966 Fax # 614-850-8230 Email: R Ferguson@uas.biz

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE \_\_\_\_\_

PROPERTY OWNER SIGNATURE \_\_\_\_\_

ATTORNEY / AGENT 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.  
For all questions regarding this form and fees please call: 614-645-4522  
Please make all checks payable to the Columbus City Treasurer



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CV14-011

### 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:

Application request is for three, (3), variances or relief from requirements as outlined in the City of Columbus Zoning Code

1. A use variance as allowed under Section 3332.029 and 3307.10 A to allow for a monopole wireless communication facility to be located in a S-R zoning district.

2. A variance as allowed under section 3307.10 to permit a 105 foot monopole wireless communications facility in a SR zoning district which has an imposed height limitation of 35 feet. a variance of 70 foot in height.

3. A variance as allowed under section 3307.10 A., to allow for a landscape buffer variance as required per section 3389.14 B. 3., of the City of Columbus Zoning ordinance.

Signature of Applicant

Date

4/12/14

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CV14-011



TO: City of Columbus Planning Office  
Attn: Shannon Pine

RE: Proposed wireless communications facility at:  
The Bishop Hartley High School  
3179 E Livingston Ave.  
Columbus, OH 43227

### **Executive Summary.**

Within the municipal boundaries of the City of Columbus, Verizon Wireless is experiencing a condition known as "call blocking." During peak wireless telephone use periods, this condition prevents a growing percentage of calls placed from and sent to this eastern area of Columbus Ohio from connecting to the national telephone system. In the twelve month period from January 2013 – December 2013, there were **52,620** blocked calls registered among the company's existing sites providing service to the city. The trend in our data shows the number of blocked calls is growing.

These blocked calls are evidence of a service capacity gap in the applicant's existing wireless network.<sup>1</sup>

Because of significant increases in customer demand for services, the Verizon Wireless Company's existing coverage and call carrying capacity in this eastern area of the City of Columbus has been exceeded, and its existing sites are no longer able to provide uninterrupted service within the eastern Columbus area. In order to close this service capacity gap, Verizon Wireless first identified the optimum location for a new communications facility.

Verizon Wireless is seeking approval to develop a new wireless communications facility to close this service capacity gap on the only parcel in the area where a wireless communications facility has sufficient land space to host the proposed facility and where the site is technically feasible;

The host parcel is zoned SR Suburban Residential, and is currently developed with the Bishop Hartley High School, a Catholic school of excellence and a college preparatory school. A 100 foot tall monopole tower with a 5 foot lighting arrestor is proposed on this site. This is the minimum height necessary to allow the proposed facility to connect to and hand off calls to adjacent antenna sites.

The proposed facility will allow the applicant to close the service and capacity gaps in the eastern portion of its wireless network in Columbus, and will operate to restore reliable connections to the national telephone network in this part of the city.

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<sup>1</sup> The blocked calls reported in the twelve-month period preceding the preparation of this zoning application are just a fraction of the total number of calls that were prevented from connecting with the national telephone system while this site was being readied for zoning review. A one-year time frame is used merely as a standardized sampling and reporting period.

In conjunction with this application, Verizon Wireless has applied for a use variance, requesting relief from the height and proposed use of a wireless communications facility to be allowed in the SR-Suburban Residential Zoning district. Verizon Wireless presents evidence in its application and exhibits that shows that this proposed 105 foot wireless communications facility can be established at this site without compromising public safety and that this practical adjustment is a necessary accommodation under the provisions of the federal *Telecommunications Act of 1996* (47 USC §332).

The applicant also seeks relief from the zoning ordinance section requiring that its ground-level equipment enclosure be landscaped. Verizon Wireless presents evidence that landscaping this site would serve no useful purpose, and respectfully suggests that an eight-foot tall decorative fence would better serve the public interest in this case.

The proposed facility will allow the applicant to close the service and capacity gaps in the eastern portion of its wireless network in the City of Columbus and will operate to restore reliable connections to the national telephone network in this part of the Columbus Ohio.

Sincerely,

A handwritten signature in black ink, appearing to read "Dena M. Farmer", written over a horizontal line.

**Dena Farmer**

Verizon Wireless / Network Real Estate Manager

614-307-1056

[dena.farmer@verizonwireless.com](mailto:dena.farmer@verizonwireless.com)

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

## AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-011

STATE OF OHIO \_\_\_\_\_

COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Frank L. Sellinger  
of (1) MAILING ADDRESS P.O. Box 17546 Louisville, KY 40217  
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 3179 E. Livingston Ave. Columbus, OH 43227  
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) 3/14/14  
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Frederick Campbell, Bishop of the Catholic Diocese of Columbus OH  
109 E. Broad Street  
Columbus, OH. 43215

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

New Par db/a as Verizon Wireless c/o Mr. David Minger  
7575 Commerce Court, Lewis Center, OH 43085

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

(5) Berwyn East Civic Association  
Ms. Quay Barnes  
1654 Barnett Rd. Columbus, OH 43227.

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.

SIGNATURE OF APPLICANT

(8)

Subscribed to me in my presence and before me this

13<sup>th</sup>

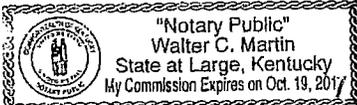
day of MARCH

, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:



Notary Seal Here

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CV14-011

Herrman, Edward J  
198 E Broad St  
Columbus OH 43215

Johnson, Thelma L  
3110 Clermont Rd  
Columbus OH 43227

Brunney, Hugh Sr & Carolyn  
1429 Zettler Rd  
Columbus OH 43227

Russell, Cynthia R  
3100 Clermont Rd  
Columbus OH 43227

Diop, Lamine & Chaka  
3150 Clermont Rd  
Columbus OH 43227

Bogan, Neil & Barbara  
3091 Cressing Pl  
Columbus OH 43227

Crozier, Leroy Jr & Janice  
3142 Clermont Rd  
Columbus OH 43227

Bogan, John A Jr.  
3095 Cressing Pl  
Columbus OH 43227

RC Realty Investments LLC  
198 Irving Way W  
Columbus OH 43214

Wilbon, Smiley & Bettye  
3094 Cressing Pl  
Columbus OH 43227

Lynch, Darrell & Novella  
3126 Clermont Rd  
Columbus OH 43227

Little, Joseph E  
1338 Crestwood Ave  
Columbus OH 43227

Georescu, Monica  
3116 Clermont Rd  
Columbus OH 43227

Howard, Brent L  
695 Kenwick Rd  
Columbus OH 43209

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Wenger, William & Dorothy  
13554 Capetown Ave  
Pickerington OH 43147

Tripp Thomas & Ellen  
695 Kenwick Rd  
Columbus OH 43209

Persley, Cheryl L  
1296 Crestwood Ave  
Columbus OH 43227

Trasin, Donald & Lynda  
9473 Timberbank Circle  
Pickerington OH 43147

Baker, Edmund and Terra  
3192 Gideon Ln  
Columbus OH 43219

Kusmin, Corinne C  
695 Kenwick Rd  
Columbus OH 43209

Turner, Jennifer  
PO BOX 182661  
Columbus OH 43218

31Fifty LLC  
811 Cummington Rd  
Columbus OH 43213

Jones, Valerie D  
1 Corelogic Dr  
Westlake TX 76262

Modern Development Corp  
5979 Ulry Rd  
Westerville OH 4308

Cavarozzi, Jean I  
1848 Scottsdale Ave  
Columbus OH 43235

Millwright & Piledrivers  
Local 1241  
3186 E Livingston Ave  
Columbus OH 43227

Tripp Thomas & Ellen  
5420 Clark St  
Columbus OH 43230

Tri Pod Enterprises  
3192 Livingston Ave  
Columbus OH 43227

C114-011

Chapman, Shenequa  
3220 E Livingston Ave  
Columbus OH 43227

Phillips, Janette D C  
1286 S Zettler Rd  
Columbus OH 43227

Dooley, Patsy E Tod  
3236 E Lvingston Ave  
Columbus OH 43227

MNM Home Rental Group  
PO BOX 1688  
Powell OH 43065

Bexley Post No 430  
American Legion  
3227 E Livingston Ave  
Columbus OH 43227

Castro, Nuvia Y  
Sandoval, Gilma E  
1298 Zettler Rd  
Columbus OH 43227

Schmitz, Joseph Sr.  
Albert, R Straub  
1220 Medford Rd  
Columbus OH 43209

Bogenschutz, Jane L  
1306 S Zettler Rd  
Columbus OH 43227

Levingston, Dennis  
2300 Golden Meadows St  
Columbus OH 43123

Meyer, Philip & Lynne  
2465 Winesap Dr  
Cleveland OH 44147

McGee, Minnie M  
6053 S Fashion Sq Dr  
Murray, UT 84107

Miller, Damont Sr & Tezona  
1320 Zettler Rd  
Columbus OH 43227

Khorchilova, Tatiana  
448 Leamington Ct  
Columbus OH 43212

Parks, Antionette M  
1328 Zettler Rd  
Columbus OH 43227

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Cooper, Sandra  
1334 Zettler Rd  
Columbus OH 43227

Gravely, Alice M P  
1394 Zettler Rd  
Columbus OH 43227

Dinucci, Anthony  
1340 Zeller Rd  
Columbus OH 43227

Choice One Properties LLC  
7410 Dear Valley Crossing  
Powell OH 43065

Heinson Properties INC  
1348 Zettler Rd  
Columbus OH 43227

Bland, Debra  
1408 Zettler Rd  
Columbus OH 43227

Resch, William Joseph  
3194 Kirkwood Rd  
Columbus OH 43227

Askew, Barbara J  
1416 S Zettler Rd  
Columbus OH 43227

Smith, Marva L  
3191 E Kirkwood Rd  
Columbus OH 43227

Abdu-Mateen, Rhonda  
1422 Zettler Rd  
Columbus OH 43227

Wolfe, Richard and Rayne  
1378 Zettler Rd  
Columbus OH 43227

Doule, Marianna & Clarence  
1430 Zettler Rd  
Columbus OH 43227

Zuravlov, Roman  
1386 S Zettler Rd  
Columbus OH 43227

McGee, Mary  
1430 Zettler Rd  
Columbus Oh 43227

CJ14-011

Hague, Odessa  
Bell, Tejina  
3092 Clermont Rd  
Columbus OH 43227

Pegram, Philicia  
C/O Huntington Mort. Corp  
PO BOX 182661  
Columbus OH 43218

Crook, Marlon & Tenesia  
95 Methodist Hill Dr  
Rochester NY 14623

Pat Lafferty  
2697 Hinkle Lane  
Shelbyville, KY 40065

Fannie Mae  
PO BIX 650043  
Dallas TX 75265

Rob Ferguson  
UAS  
3960 Brown Park Drive Suite 1  
Hilliard OH 43026

Glauder, Marylou P  
3083 Cressing Pl  
Columbus OH 43227

Berwyn East Civic Association  
ATTN: Ms Quay Barnes  
1654 Barnett Road  
Columbus OH 43277

Brown, Carl A  
2151 Oberlin Dr  
Woodbridge VA 22191

Johnson, Howard E  
5807 Satinwood Dr  
Columbus OH 43229

Osbourne, Roosevelt III, Et Al  
C/O Homeselect Monitoring SRV  
1 Corelogic Dr  
Westlake TX 76262



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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 # CV14-011

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Robert Ferguson

Of [COMPLETE ADDRESS] UAS, 3960 Brown Park Dr., Ste I, Hilliard, OH 43026  
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. See adjoining property list attached.	2. <u>BISHOP HARTLEY HIGH SCHOOL CATHOLIC DIOCESE COLUMBUS, OHIO 178 E. BROAD ST. COLUMBUS, OH 43215</u>
3. <u>ROBERTA M. FERGUSON / UAS AGENT VERIZON WIRELESS 3960 BROWN PARK DR. SUITE HILLIARD, OHIO 43026</u>	4. <u>VERIZON WIRELESS 7575 COMMERCE COURT LEWIS CENTER, OH. 43085</u>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Robert M. Ferguson

Subscribed to me in my presence and before me this 12 day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC Steven W. Strawser II

My Commission Expires: 12/6/2017



**STEVEN W. STRAWSER II**  
Notary Public, State of Ohio  
My Commission Expires

The Disclosure Statement expires six months after date of notarization.  
December 6, 2017

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CV14-011



### LEGAL DESCRIPTIONS:

This is a description for AT&T, of an area to be leased from the property conveyed to Most Reverend Frederick F. Campbell, as recorded in Instrument #200809030133762, in the Office of the Recorder of Franklin County, Ohio, which is further described as follows:

#### LEASE AREA

Beginning at a found IPC stamped "GEO" on the South Right-of-Way line of Livingston Avenue, at the Northwest corner of the property conveyed to Most Reverend Frederick F. Campbell, as recorded in Instrument #200809030133762, in the aforesaid Recorders Office said pin being along said Right-of-Way N 85°50'04" W - 211.12' from a set #5 rebar with a cap stamped "FSTAN #8229"; thence following said Right-of-Way S 85°50'04" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence leaving said Right-of-Way and traversing said Campbell property S 05°12'11" W - 134.74' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 84°47'49" W - 3.09' to a set #5 rebar with a cap stamped "FSTAN #8229" and the TRUE POINT OF BEGINNING of the Lease Area; thence N 84°47'49" W - 22.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 05°12'11" E - 52.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence S 84°47'49" E - 22.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence S 05°12'11" W - 52.00' to the True Point of Beginning of the Proposed Lease Area, containing 1,144 sq. ft. as per survey by Frank L. Sellinger, Sr, PLS No. 8229 with FS/Tan Land Surveyors & Consulting Engineers, dated November 5, 2010, revised date March 16, 2011.

#### VARIABLE WIDTH ACCESS & UTILITY EASEMENT

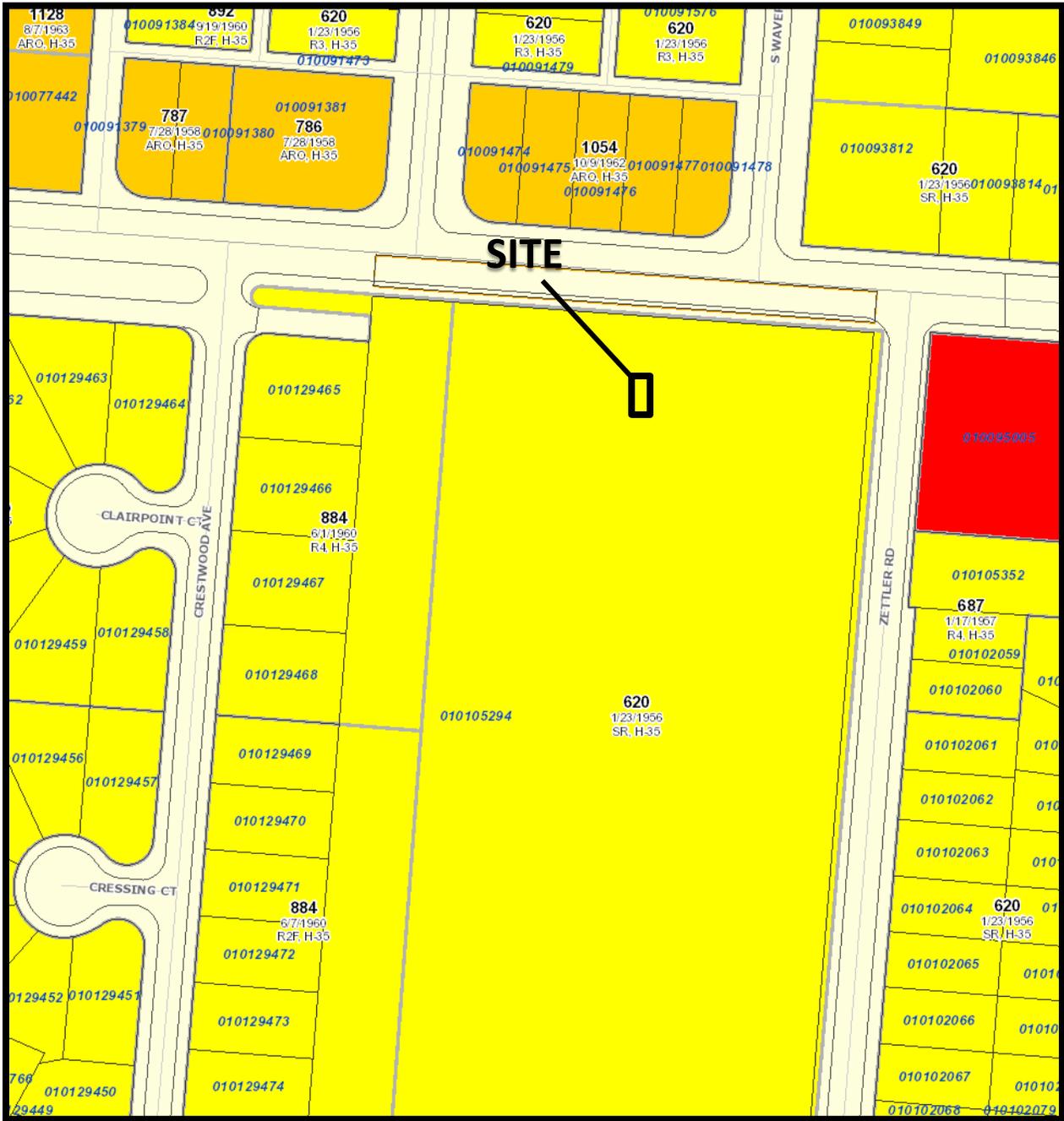
Beginning at a found IPC stamped "GEO" on the South Right-of-Way line of Livingston Avenue, at the Northwest corner of the property conveyed to Most Reverend Frederick F. Campbell, as recorded in Instrument #200809030133762, in the aforesaid Recorders Office said pin being along said Right-of-Way N 85°50'04" W - 211.12' from a set #5 rebar with a cap stamped "FSTAN #8229" and the TRUE POINT OF BEGINNING of the Variable Width Access & Utility Easement; thence following said Right-of-Way S 85°50'04" E - 20.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence leaving said Right-of-Way and traversing said Campbell property S 05°12'11" W - 134.74' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 84°47'49" W - 3.09' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 05°12'11" E - 52.00' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 84°47'49" W - 16.91' to a set #5 rebar with a cap stamped "FSTAN #8229"; thence N 05°12'11" E - 82.53' to the end of said Easement, containing 1,813.09 sq. ft. as per survey by Frank L. Sellinger, Sr, PLS No. 8229 with FS/Tan Land Surveyors & Consulting Engineers, dated November 5, 2010, revised date March 16, 2011.



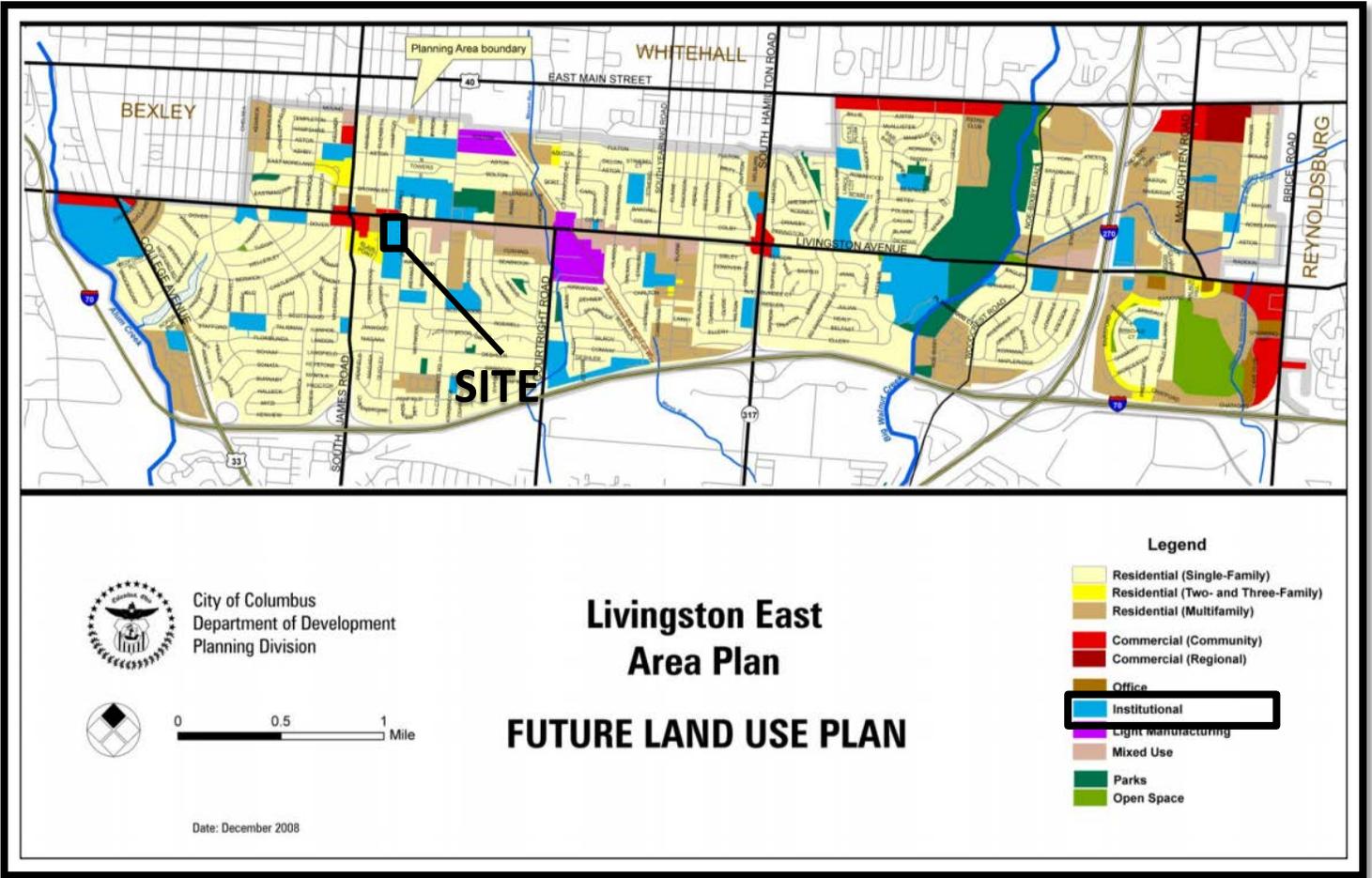








CV14-011  
 3179 East Livingston Avenue  
 Approximately 0.03 acres



City of Columbus  
 Department of Development  
 Planning Division



0 0.5 1 Mile

Date: December 2008

## Livingston East Area Plan

### FUTURE LAND USE PLAN

#### Legend

- Residential (Single-Family)
- Residential (Two- and Three-Family)
- Residential (Multifamily)
- Commercial (Community)
- Commercial (Regional)
- Office
- Institutional
- Light Manufacturing
- Mixed Use
- Parks
- Open Space

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 Approximately 0.03 acres



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