



# 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: CV14-034/14315-00000-00457  
Date Received: 7/1/14  
Application Accepted By: TP + SP Fee: \$1600  
Comments: Assigned to Eliza Thrush [ecthrush@columbus.gov](mailto:ecthrush@columbus.gov)  
614-645-1341

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1545 Bethel Road Zip 43220

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: 010-186179

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

Current Zoning District(s): C-2

Civic Association or Area Commission: Northwest Civic Association

Proposed use or reason for Council Variance request: 3000 sf of 8844 sf building to be used for barber shop and salon; variance for parking setback

Acreage: .733

**APPLICANT:** Name Dominic Howley, c/o Amy K. Kuhn

Address Plank Law Firm, LPA, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43214

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

**PROPERTY OWNER(S):** Name Hamilton Commerce LTD, c/o Amy K. Kuhn

Address Plank Law Firm, LPA, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43214

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

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

### ATTORNEY / AGENT

Attorney  Agent

Name Amy K. Kuhn

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

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

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

APPLICANT SIGNATURE Amy Kuhn for Applicant

PROPERTY OWNER SIGNATURE Amy Kuhn for Owner

ATTORNEY / AGENT SIGNATURE Amy Kuhn Attorney

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

CV14-034



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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.

**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:**

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See attached

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Signature of Applicant *Greg K. Hill* Date 01/30/14  
*for Applicant*

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**STATEMENT OF HARDSHIP FOR  
1545 BETHEL ROAD, COLUMBUS, OH**

The property is located at 1545 Bethel Road. The property is improved with a building which was constructed as part of a three office building cluster with shared driveways. The applicants' building is the middle building. Bethel Road is a major east west corridor that has been developed with commercial, office and residential property. While the commercial and residential markets have maintained their market share and are generally stable, the office market has experienced high vacancies and low rents over the past twenty years.

These market conditions are often found in older areas as the office markets move to more suburban locations and office building styles and tenant preferences change. The building at 1545 Bethel Road has been 50% occupied by a month-to-month tenant who will move when the building is sold. The proposed location will provide the applicant with better parking and visibility than his current location, plus more financial stability and flexibility for his business. The variance will not result in changes to the surrounding property or the neighborhood other than to improve a building that has been under-utilized and poorly maintained in recent years. Traffic and access will remain the same as originally developed.

The applicant plans to use 3,000 square feet of the 8,844 square foot building for his business and lease the remainder as office space. The property is an office building zoned C-2. Therefore, the applicant needs a use variance for 3,000 square feet to permit a barber shop, salon and day spa which is a permitted use in a C-1 zoning district.

The applicant currently is located at 825 Olentangy Road (Olentangy Plaza Shopping Center at Bethel and Olentangy River Roads) where he has operated a barber shop, salon and day spa for 30 years. He has been unable to negotiate a lease renewal that is economically feasible for his company. The property at 1545 Bethel Road is just 1.5 miles west of his current location which will be able to serve his longstanding customer base.

Applicants use is a change of use that requires two additional parking spaces for the change from office use (1:300) to general commercial use (1:250). There are 35 existing parking spaces which exceeds the code required parking of 29 spaces, including applicant change of use.

A hardship exists in that only part of the existing building is proposed to be used and because a barber shop, salon, spa is a very low intensity commercial use with similar operating and use characteristics to both the office and non-office user permitted in the C-2 district. A comparable variance was granted in 2006 for a barber shop, salon and spa at 5249-5259 Bethel Reed Park (43220), Ordinance 0873-2006, June, 2006.

**The Applicant requests the following Zoning Code Variances from Council:**

**3353.03, C-2, Office Commercial Uses District.** A variance to permit up to 3,000 square feet of the building to be occupied as a barber shop, beauty and nail salon which is a permitted use in the 3351.03, C-1 Permitted uses.

**3312.27(4) Parking setback line.** A variance to permit a parking setback of 0 feet from the right of way. The current parking set back is 10 feet from the right of way which is in compliance with the regulation. The city thoroughfare plan requires an additional 10 feet of right of way and that will result in a 0 foot setback for the pavement of an existing improved parking lot driveway area.



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## AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-034

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Amy K. Kuhn  
of (1) MAILING ADDRESS Plank Law Firm, LPA, 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 1545 Bethel Road, Columbus, OH 43220  
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) July 1, 2014

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS

(4) Hamilton Commerce LTD, c/o Amy K. Kuhn  
Plank Law Firm, LPA  
145 E. Rich Street, FL 3  
Columbus, OH 43215

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

Dominic Howley, c/o Amy K. Kuhn  
(614) 947-8600

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

(5) Northwest Civic Association c/o Rosemarie Lisko (614) 204-0488  
1035 Stoneycreek Rd.  
Columbus, OH 43235

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 AFFIANT

(8) Amy K. Kuhn

Subscribed to me in my presence and before me this 30th day of June, in the year 2014

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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CV14-034

EXHIBIT A, Public Notice  
1545 Bethel Road  
7/1/14

**APPLICANT:**

Dominic Howley, c/o Amy K. Kuhn  
Plank Law Firm, LPA  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER:**

Hamilton Commerce, LTD  
c/o Amy K. Kuhn  
Plank Law Firm, LPA  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEYS FOR APPLICANT:**

Donald T. Plank  
Amy K. Kuhn  
Plank Law Firm, LPA  
145 E. Rich Street, FL 3  
Columbus, OH 43215-5240

**CIVIC ASSOCIATION:**

Northwest Civic Association  
c/o Rosemarie Lisko, Zoning Chair  
1035 Stoneycreek Rd.  
Columbus, OH 43235

**OWNERS WITHIN 125 FEET  
OF PROPERTY**

Bethel-Ruben LP  
LGR Realty  
3016 Maryland Ave.  
Columbus, OH 43209

Columbus City School District  
Real Estate Coordinator  
270 E. State St.  
Columbus, OH 43215

Richard C. & Carol S. Davis  
1555 Bethel Rd.  
Columbus, OH 43220

Paul A. Gelpi  
1535 Bethel Rd.  
Columbus, OH 43220

Paul R. Hanwi  
c/o David Staybaugh, POA  
100 Elk Run Drive, Ste. 125  
Basalt, CO 81621

Peter S. Levites & Ellen J. Baker  
5136 Pebble Lane  
Columbus, OH 43220

Ouang & Tina Nguyen  
5142 Pebble Lane  
Columbus, OH 43220

Ohio Restaurant Assn.  
1525 Bethel Rd., Ste. 301  
Columbus, OH 43220

**SHEET 1 of 2  
1545 Bethel Road  
7/1/14**

CV14-034

**ALSO NOTIFY**

Dominic Howley  
825 Bethel Road  
Columbus, OH 43214

Hamilton Commerce, LTD  
c/o Ben Dougan  
1000 Beechview Dr. S.  
Worthington, OH 43085



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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 # CV14-034

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Amy K. Kuhn

Of [COMPLETE ADDRESS] Plank Law Firm, LPA; 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. Dominic Howley, Purchaser 825 Bethel Road Columbus, OH 43214 (614) 459-5848 No. of Columbus based employees: 20	2. Hamilton Commerce LTD Ben Dougan 1000 Beechview Dr. S. Worthington, OH 43085 (614) 558-3083 No. of Columbus based employees: 1
3.	4.

Check here if listing additional parties on a separate page.

### SIGNATURE OF AFFIANT

*Amy K. Kuhn*

Subscribed to me in my presence and before me this 30th day of JUNE, in the year 2014

### 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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**LEGAL DESCRIPTION**

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Quarter Township 1, Township 1, Range 19, United States Military Lands, more or less, said 0.733 acres being in Reserve containing 0.733 acres of land, more "B" as the same is designated and delineated upon the recorded plat of The Gables South, of record in Plat Book 42, page 93, said 0.733 acres also being part of that 1.458 acre tract of land described in a deed to Newtowne Development Co., Inc., of record in Deed Book 3701, page 411, both being of record in the Recorder's Office, Franklin County, Ohio, said 0.733 acres being more particularly described as follows:

Beginning, for reference, at the northeasterly corner of said Reserve "B" in the southerly right-of-way line of Bethel Road, said reference point of beginning also being the northeasterly corner of said 1.458 acre tract; thence, from said reference point of beginning, N. 86 deg. 30' 00" W, with the southerly right-of-way line of said Bethel Road, with the northerly line of said Reserve "B" and with the northerly line of said 1.458 acre tract, a distance of 135.34 feet to the true point of beginning;

Thence, from said true point of beginning, southwardly, crossing both said Reserve "B" and said 1.458 acre tract, the following three courses and distances:

1. S. 2 deg. 54' 53" W, a distance of 106.75 feet to a point;
2. S. 17 deg. 05' 07" E, a distance of 85.52 feet to a point;
3. S. 2 deg. 54' 53" W, a distance of 73.21 feet to a point in the southerly line of said Reserve "B", the same being in the southerly line of said 1.458 acre tract;

Thence, N. 86 deg. 30' 00" W, with the southerly line of said Reserve "B" and with the southerly line of said 1.458 acre tract, a distance of 139.77 feet to the southwesterly corner of said 1.458 acre tract, the same being the southeasterly corner of the tract of land conveyed to Frederick T. Forster and Philip G. Fankhauser by deed of record in Deed Book 3716, page 257, Recorder's Office, Franklin County, Ohio;

Thence, N. 3 deg. 08' 38" E, with the westerly line of said 1.458 acre tract, with the easterly line of said Frederick T. Forster and Philip G. Fankhauser tract and crossing said Reserve "B", a distance of 260.01 feet to the northwesterly corner of said 1.458 acre tract in the northerly line of said Reserve "B", the same being the northeasterly corner of said Frederick T. Forster and Philip G. Fankhauser tract and in the southerly right-of-way line of said Bethel Road;

Thence, S. 86 deg. 30' 00" E, with the southerly right-of-way line of said Bethel Road, with the northerly line of said Reserve "B" and with the northerly line of said 1.458 acre tract, a distance of 109.48 feet to the true point of beginning and containing 0.733 acres of land, more or less.

CV14-034



# 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: 010186179

Zoning Number: 1545

Street Name: BETHEL RD

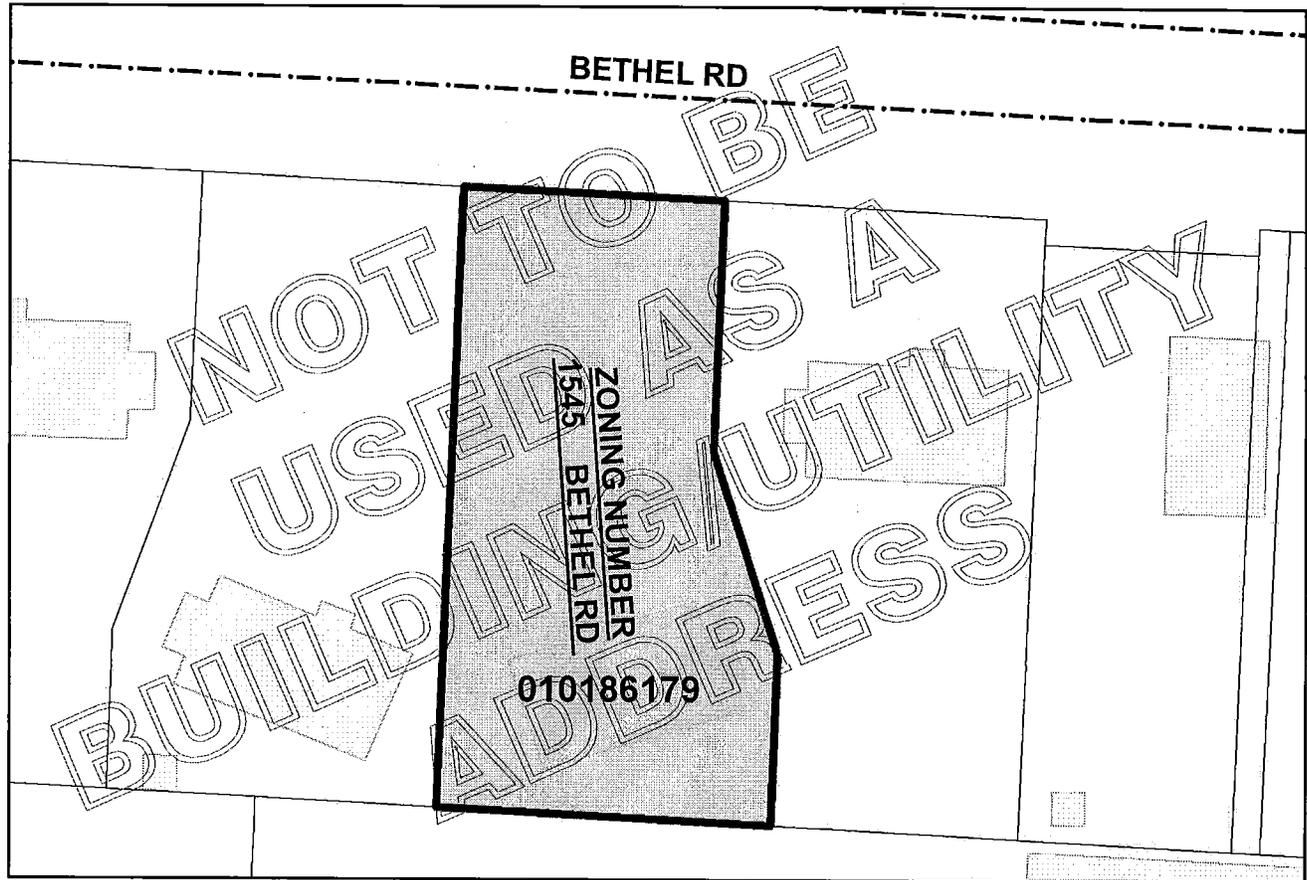
Lot Number : N/A

Subdivision: N/A

Requested By: PLAN LAW FIRM (AMY KUHN)

Issued By: *Patricia Austin*

Date: 6/25/2014



SCALE: 1 inch = 80 feet

GIS FILE NUMBER: 20975

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



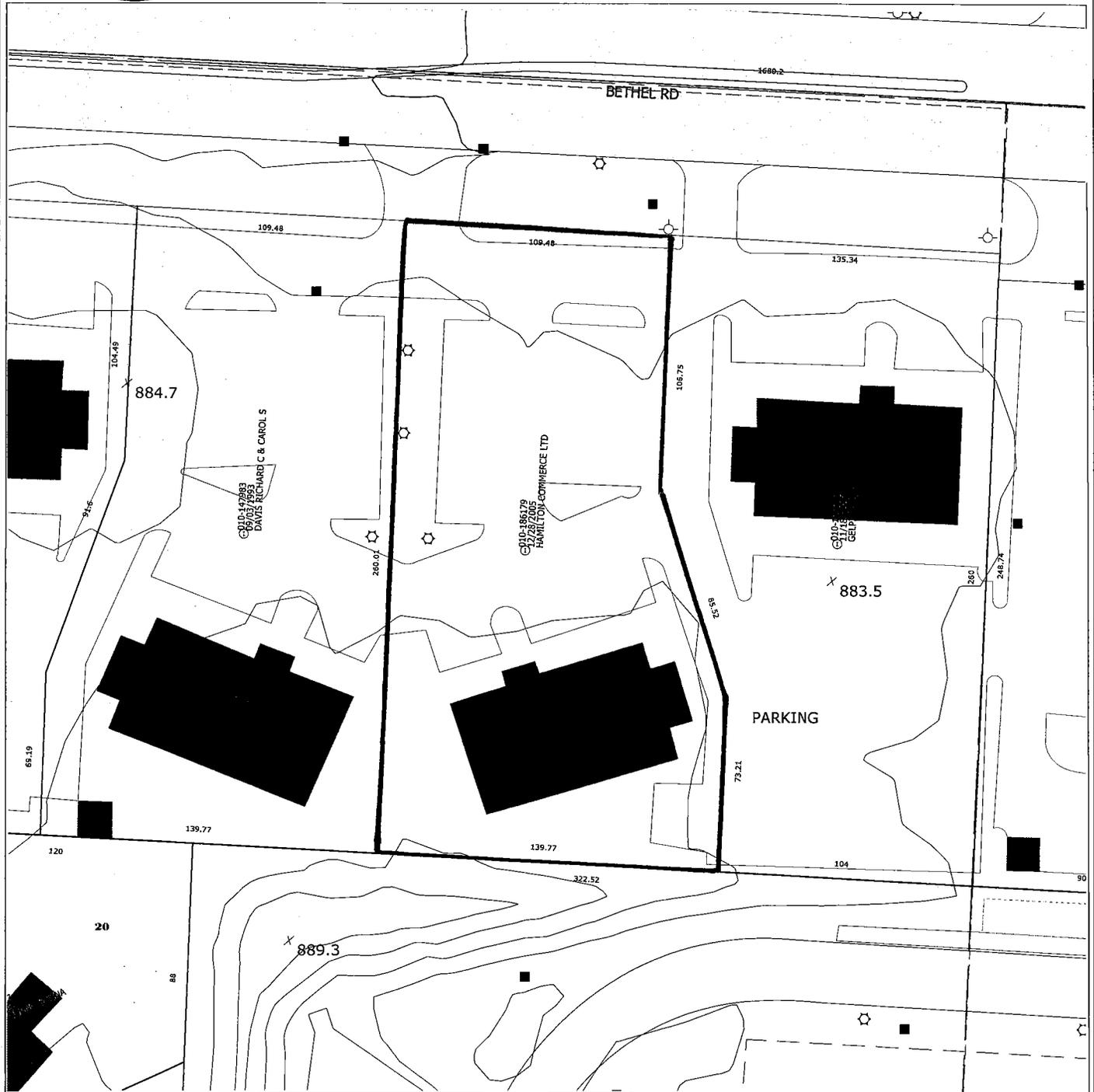
CV14-034



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: e

DATE: 6/30/14



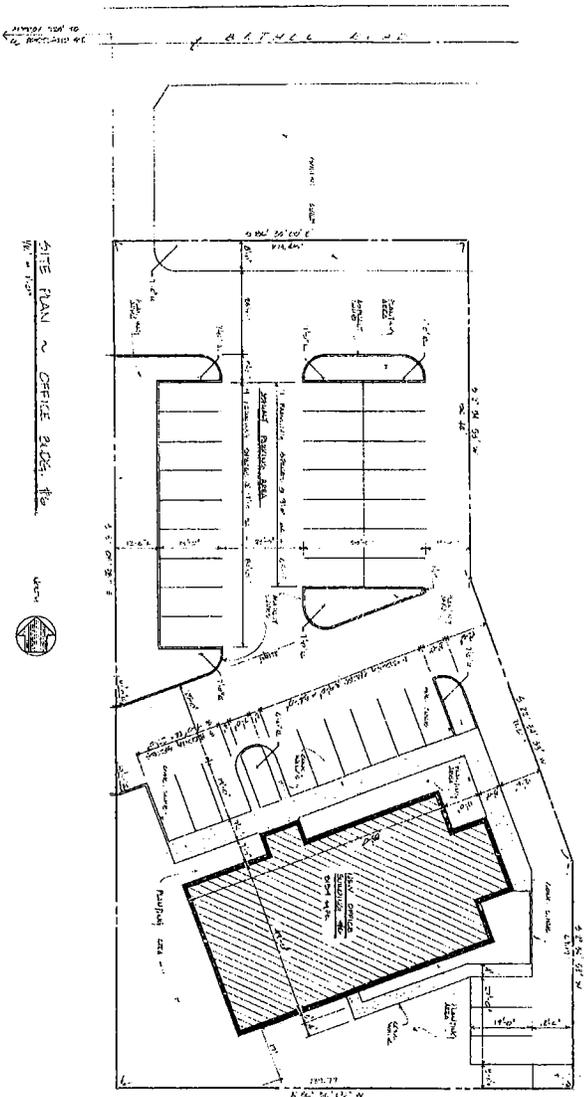
Disclaimer

Scale = 60



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.

Real Estate / GIS Department



SITE PLAN ~ OFFICE BLDG. #2  
 DATE: 4/78



**APPROVED**  
 DIVISION OF PUBLIC ENGINEERING  
 BY: *[Signature]*  
 DATE: 8/28/80

CERTIFICATE OF ZONING COMPLIANCE NO. 1216  
 DIVISION OF ZONING - ENRY M. SPOZZO  
 DATE ISSUED: 8-7-80 BY: *[Signature]*  
 OR BY FIELD: *[Signature]*

OPERATIONS - *[Signature]*  
 Sgs. *[Signature]*  
 Sgs. *[Signature]*

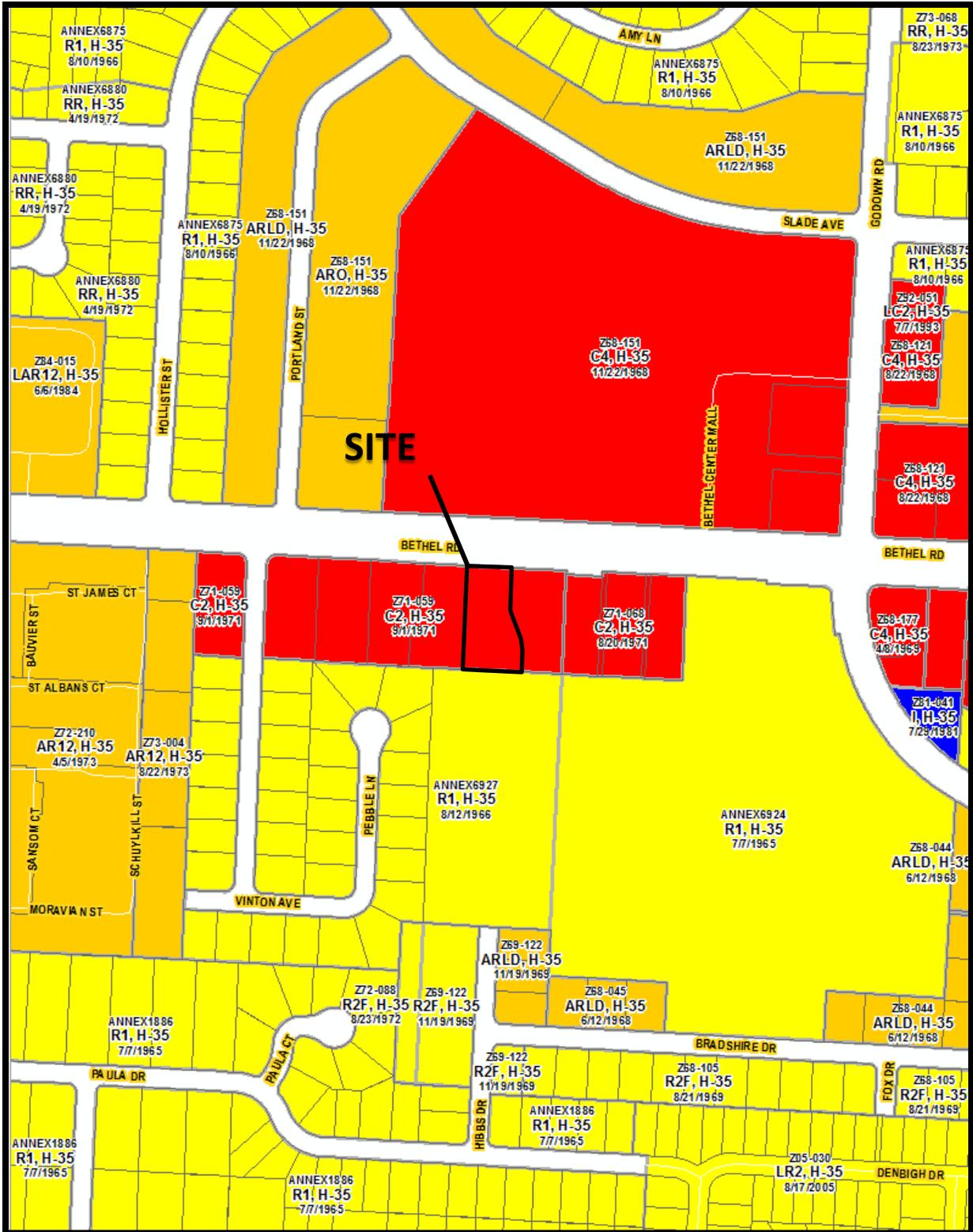


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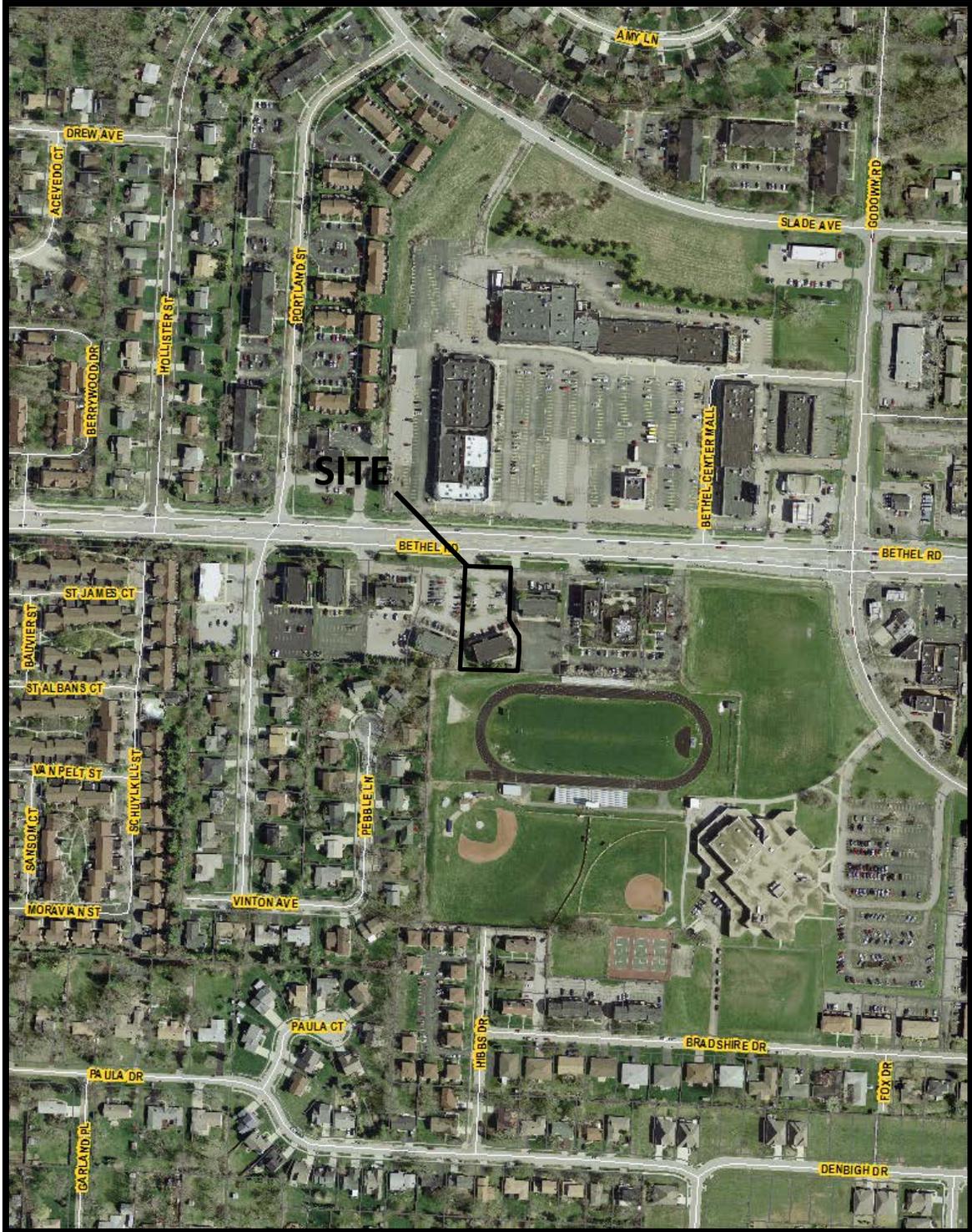
DATE: 4/78  
 DRAWING: 4/78

ALL OFFICE BUILDING FOR  
 TRI-PAR INVESTMENTS  
 BETHEL ROAD  
 COLUMBUS, OHIO

**Newtowne**  
 1625 BETHEL ROAD  
 COLUMBUS OHIO 431-4948



CV14-034  
 1545 Bethel Road  
 Approximately 0.73 acres



CV14-034  
1545 Bethel Road  
Approximately 0.73 acres