



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: CV15-007

Date Received: 2/4/15

Application Accepted By: S. Pine

Fee: \$1,700.00

Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1093 Fishinger Road, Columbus, OH Zip 43221

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: (1) 010-107467; (2) 010-107468; (3) 010-107469

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

Current Zoning District(s): SR

Civic Association or Area Commission: _____

Proposed use or reason for Council Variance request: Child Daycare

Acreage: 1.311

APPLICANT: Name Hand in Hand Learning Center LLC - Kelly Brisker

Address 5511 S. Hamilton Road City/State Columbus, OH Zip 43230

Phone # 614.461.0688 Fax # _____ Email: kbrisker@gmail.com

PROPERTY OWNER(S): Name (1) Rosemary Solomon Living Trust Agmt.

Address 3160 Easton Place City/State Columbus OH Zip 43221

Phone # 614.461.0688 Fax # _____ Email: kbrisker@gmail.com

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

ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name Michael T. Shannon c/o Crabbe, Brown & James, LLP

Address 500 S. Front St., Ste. 1200 City/State Columbus, OH Zip 43215

Phone # 614,229.4506 Fax # _____ Email: mshannon@cbjlawyers.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Michael T. Shannon

PROPERTY OWNER SIGNATURE Michael T. Shannon

ATTORNEY / AGENT SIGNATURE Michael T. Shannon

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 all checks payable to the Columbus City Treasurer

CV15-007
COUNCIL VARIANCE APPLICATION
ATTACHMENT

Additional Property Owners:

Scott Rouda
1413 NE 14th Place
Ft. Lauderdale, FL 33304



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CV15-007

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 Attached

Signature of Applicant

Michael T. Shannon

Date

2/3/15

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CVIS-007

STATEMENT OF HARDSHIP

PROPERTY ADDRESS: 1093 Fishinger Road, Columbus, Ohio 43220
APPLICANT: Hand and Hand Learning Center, LLC, c/o
Michael T. Shannon, Esq.
CRABBE, BROWN & JAMES, LLP
500 South Front Street, Suite 1200
Columbus, Ohio 43215
mshannon@cbjlawyers.com
DATE OF TEXT: February 3, 2014

The Site consists of four parcels (PIDs: 010-107467, 010-107468, 010-107469, and 010-107470). The Site is located on the south-west corner of Kenny and Fishinger Roads. The neighboring parcels to the west, south, and east are classified SR, Residential. The neighboring parcels to the north are located in Upper Arlington.

Parcels 010-107469 and 010-107470 are currently classified ARO, Multi-family. Parcels 010-107467 and 010-107468 is currently classified SR, Residential. The Site is not subject to any commercial overlay, graphics overlay, planning overlay, or area commission. The Olentangy West Plan and the Columbus Land Use Plan recommend low-medium density for the western lot and office uses for the eastern lot.

The Site previously obtained a number of variances in October 2000 (Ordinance Number 00310-00053) including: (1) reduction of building setback from 40 feet to 36 feet, (2) reduction of parking setback from 25 feet to 0 feet, (3) reduction of minimum aisle width from 20 feet to 12 feet, and (4) reduction of parking dimensions.

Applicant proposes the following variances to permit the development of a new 12,000 SF daycare facility with 42 parking spaces:

1. CCC 3312.27, Parking Setback Line, which section requires a minimum parking setback line of 25 feet from the Fishinger Road right-of-way line. Applicant requests a variance to allow a minimum parking setback of 10 feet from the Fishinger Road right-of-way line.

2. CCC 3333.24, Rear yard, which section requires a rear yard totaling no less than 25 percent of the total lot area. Applicant requests a variance to reduce the minimum rear yard requirement from 25% (14,278) square feet to 15.8% (9,037) square feet.

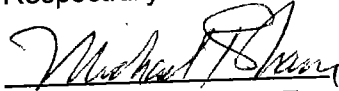
A hardship exists in that the proposed development cannot conform to the underlying AR-O and SR zoning district established by the City's Zoning Code. Further, variances for reduction of building line and parking setback line were previously granted in October 2000 (Ordinance Number 00310-00053). This present Request for Variances would not be necessary if the previous variances were to apply in same to the Applicant's proposed development. The

development will appreciate and enhance the existing neighborhood and, therefore, will not adversely affect the surrounding property or surrounding neighborhood. Rather, the development will alleviate a hardship for difficulty which warrant variances from the AR-O and SR zoning classifications

The requested variances will not impair an adequate supply of light or 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael T. Shannon", written over a horizontal line.

Michael T. Shannon, Esq.
Attorney for Applicant



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV15-007

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Michael T. Shannon
of (1) MAILING ADDRESS 500 S. Front St., Ste. 1200, Columbus, Ohio 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 1093 Fishinger Road, Columbus, Oh 43221
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) 2/4/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

Rosemary Solomon Living Trust Agreement
3160 Easton Place, Columbus, OH 43221
(4) _____

Scott Rouda

1413 NE 141 Place, Ft. Lauderdale, FL 33304

Hand in Hand Learning Center, LLC
614.461.0688

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

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

(5) _____

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

Subscribed to me in my presence and before me this

(8)

Michael Shannon

3rd

day of

February

, in the year 2015

SIGNATURE OF NOTARY PUBLIC

(8)

Carol A. Stewart

My Commission Expires:

CAROL A. STEWART

NOTARY PUBLIC, STATE OF OHIO

MY COMMISSION EXPIRES 06/28/2015



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James F. Stauffer
1046 Bricker Boulevard
Columbus, Ohio 43221

Michael Kubera
Mary I. Kubera
3880 Eakins Road
Columbus, Ohio 43228

Kevin M. Ortman
3155 Rightmire Boulevard
Columbus, Ohio 43221

John M. Sullivan
3163 Rightmire Boulevard
Columbus, Ohio 43221

Patricia M. Ross
3171 Rightmire Boulevard
Columbus, Ohio 43221

Julie L. Taylor
1070 Trentwood Boulevard
Columbus, Ohio 43221

Christopher J. Patton
Kelly C. Patton
3167 Easton Place
Columbus, Ohio 43221

Stephen R. Chaney
1128 Trentwood Road
Columbus, Ohio 43221

Rosemary Solomon
3160 Easton Place
Columbus, Ohio 43221

Scott Rouda
1413 NE 14th Place
Fort Lauderdale, Florida 33304

Marlese N. Rouda
5737 Barry Terrace
Dublin, Ohio 43017

Marlese N. Rouda
5737 Barry Terrace
Dublin, Ohio 43017

Patricia A. Clifford
148 Easton Place
Columbus, Ohio 43221

Glade H. Grable
Yvonne B. Grable
1100 Trentwood Road
Columbus, Ohio 43221

Ronald L. Huffman
Kristin B. Huffman
1090 Trentwood Road
Columbus, Ohio 43221

Jeffrey Gillis
John Gillis
2917 N. Star Road
Columbus, Ohio 43221

Patrick M. Reardon
3124 Trentwood Road
Columbus, Ohio 43221

HCO Properties, LLC
1080 Fishinger Road
Columbus, Ohio 43221

Fishinger-Kenny Roads
Church of Christ
1130 Fishinger Road
Columbus, Ohio 43221

OWNER

OWNER

ATTORNEY

Rosemary Solomon Living
Trust Agreement
3160 Easton Place
Columbus, Ohio 43221

Scott Rouda
1413 NE 14th Place
Ft. Lauderdale, FL 33304

Michael T. Shannon
Crabbe Brown & James LLP
500 South Front Street, Suite 1200
Columbus, Ohio 43215

APPLICANT

AREA COMMISSION

Hand in Hand Learning Center, LLC
Attn: Kelly Brisher
5511 N. Hamilton Road
Columbus, Ohio 43230

N/A



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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 # CV15-007

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Michael T. Shannon, Esq.

Of [COMPLETE ADDRESS] 500 S. Front St., Ste. 1200, 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. Hand in Hand Learning Center, LLC c/o Crabbe, Brown & James, LLP 500 S. Front St., Ste. 1200 Columbus, Ohio 43215	2.
3.	4.

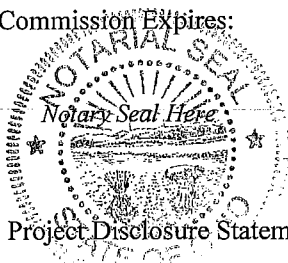
☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 3rd day of February, in the year 2015

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



CAROL A. STEWART
NOTARY PUBLIC, STATE OF
MY COMMISSION EXPIRES 06/2016

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

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CN15-007

Parcel One

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

Being Lot Number One (1), in Block number Three Hundred Sixteen (316) in KENNY HEIGHTS ADDITION, AS THE SAID LOT is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 27, Page 75, Recorder's Office, Franklin County, Ohio.

Parcel Two

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

Being all of Lot Number Two (2) in Block Number Three Hundred Sixteen (316) IN KENNY HEIGHTS ADDITION, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 27, Page 75, Recorder's Office, Franklin County, Ohio.

Parcel Three

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

Being Lot Number One (3), in Block number Three Hundred Sixteen (316) in KENNY HEIGHTS ADDITION, AS THE SAID LOT is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 27, Page 75, Recorder's Office, Franklin County, Ohio.

Parcel Four

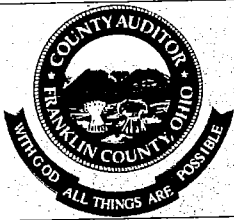
Situated in the City of Columbus, County of Franklin, and the State of Ohio:

Being Lot Number One (4), in Block number Three Hundred Sixteen (316) in KENNY HEIGHTS ADDITION, AS THE SAID LOT is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 27, Page 75, Recorder's Office, Franklin County, Ohio.

Description:

Situated in the City of Columbus, County of Franklin, and the State of Ohio, and a part of Section 3, Township 1, Range 8, United State Military Lands: Being a part of the KENNY HEIGHTS ADDITION per Plat Book 27, Page 75. Lot s #1-4 of said Kenny Height addition containing 1.311 Acres (more or less).

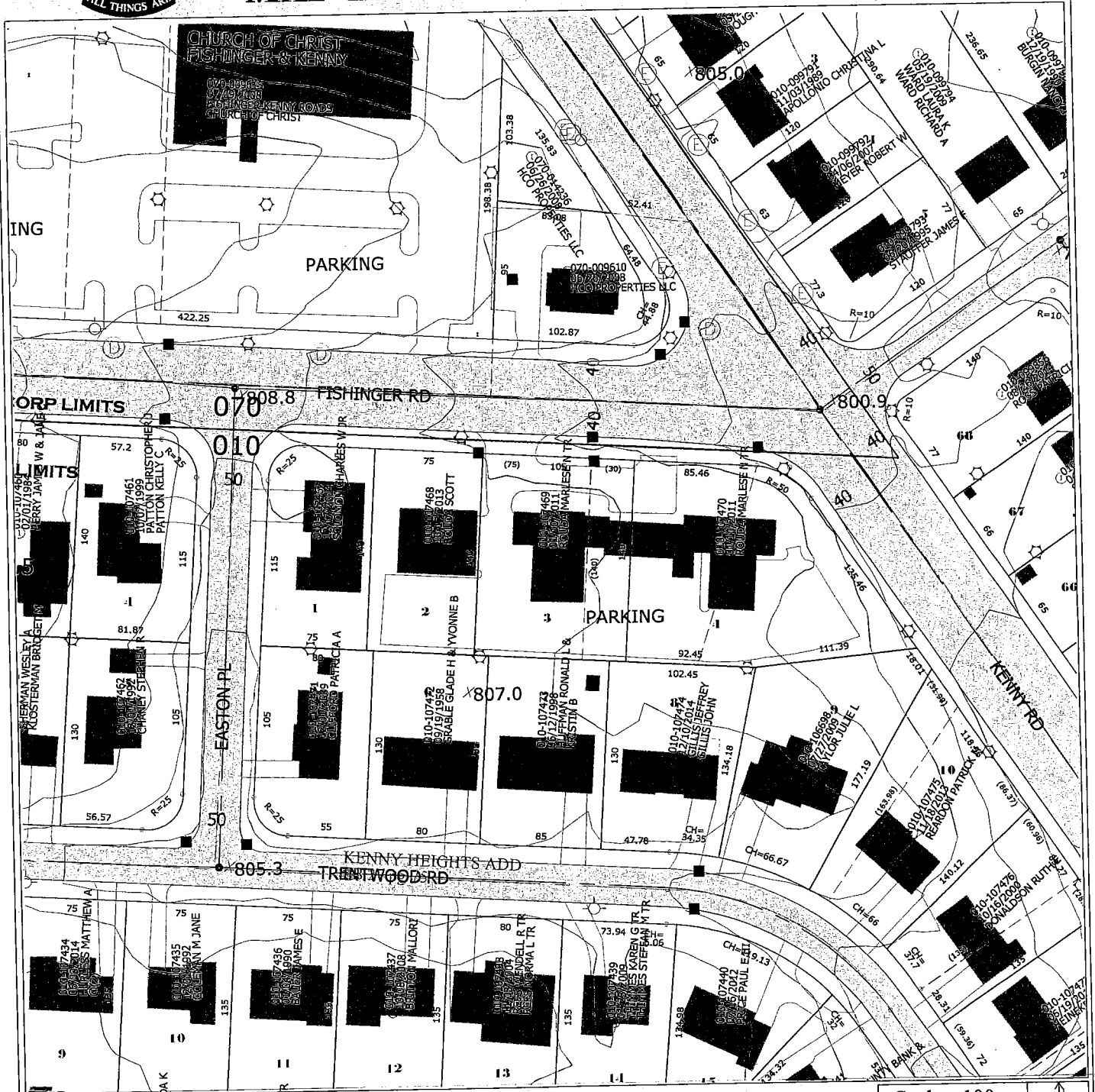
CVIS-007



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 2/3/15



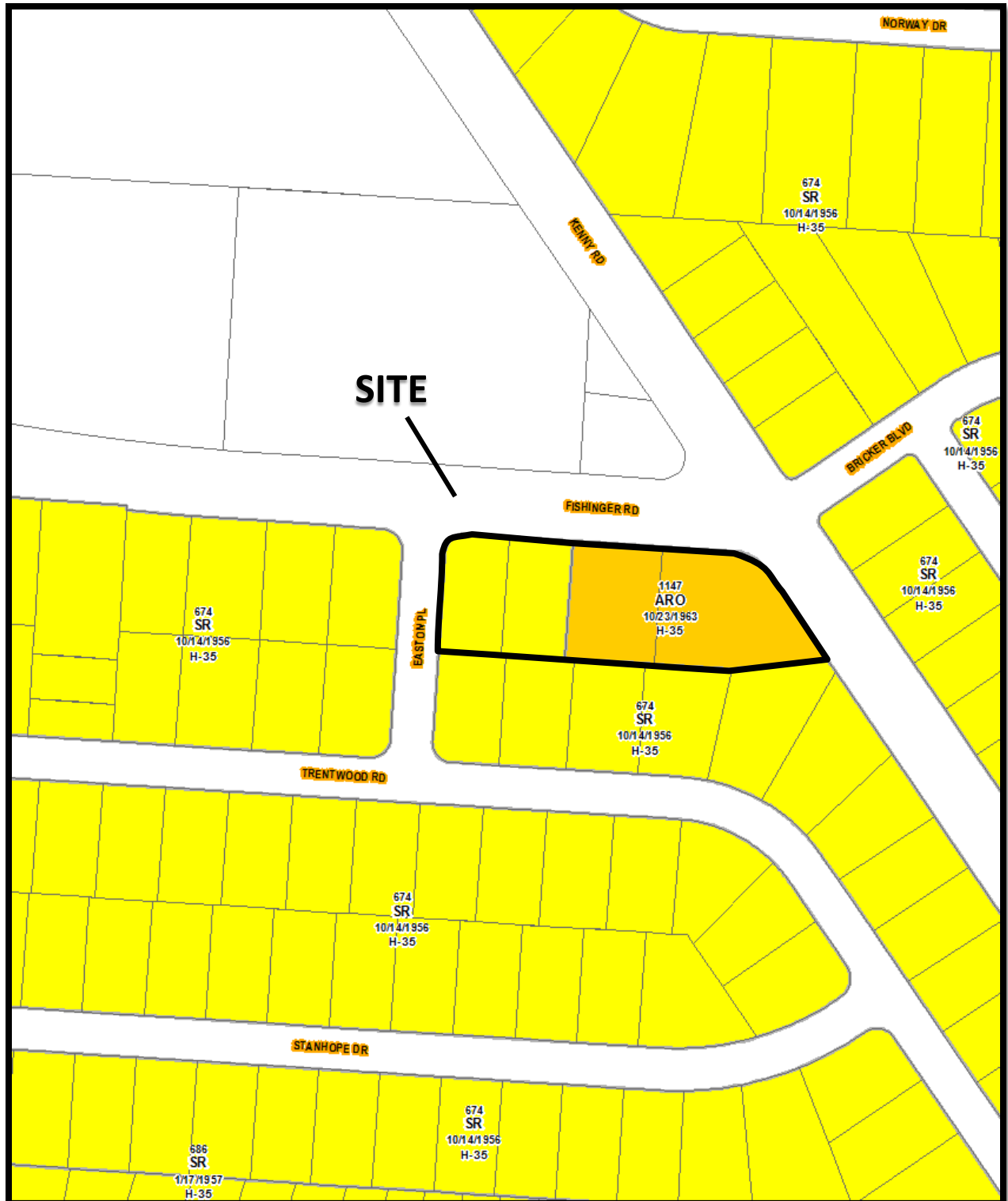
Disclaimer

Scale = 100

Grid North

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.

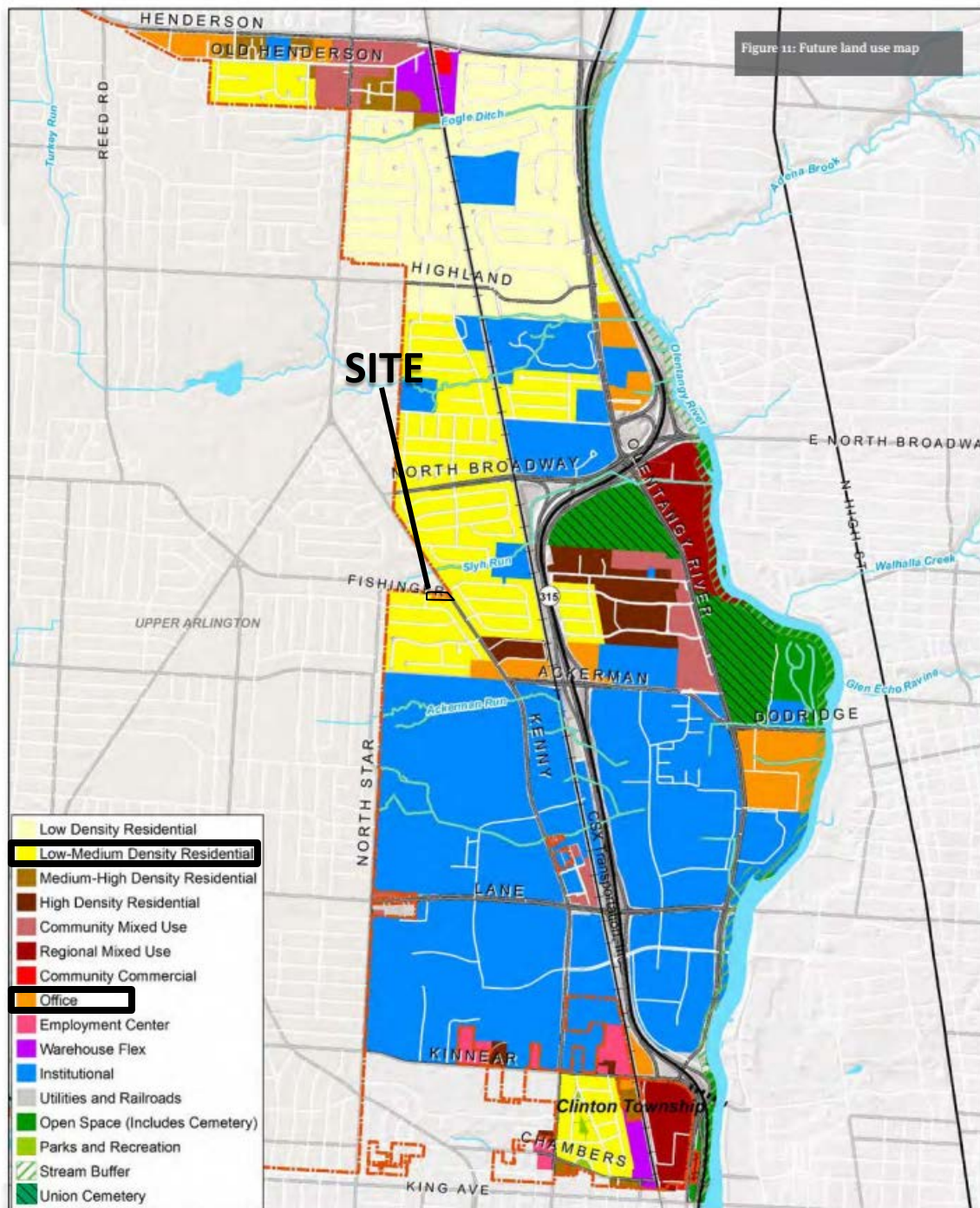
Real Estate / GIS Department



CV15-007
1093 Fishinger Road
Approximately 1.31 acres



CV15-007
1093 Fishingier Road
Approximately 1.31 acres



CV15-007
 1093 Fishing Road
 Approximately 1.31 acres
 Olentangy West Area Plan (2013)