

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV15-025 Date Received: 4-16-15

Application Accepted by: ET Fee: _____

Comments: Assigned to Shannon Pine, 645-2208

Spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 57 Lazelle Road East Zip: 43235

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

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

Parcel Number for Certified Address: 610-219484

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

Current Zoning District(s): CPD (C-4 uses)

Area Commission or Civic Association: Far North Columbus Communities Coalition

Proposed Use or reason for Council Variance request:

See Exhibit B

Acreage: 10.174

APPLICANT:

Name: DealPoint Merrill, LLC c/o Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.: -----

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

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: Fairway Acquisitions, LLC c/o Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.: -----

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

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

ATTORNEY/ AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.: -----

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

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

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.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

CW15-025

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 Plank

Date

4/14/15

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 checks payable to the Columbus City Treasurer

EXHIBIT B
Statement of Hardship

57 Lazelle Road East, Columbus, OH 43235

Council Variance # CV15-025

The 10.174 acre site is part of Sub-Area 3 of Z84-138. The site is zoned CPD, Commercial Planned Development with all C-4 uses permitted. The site has two (2) commercial buildings totaling 98,000 +/- SF. Three (3) outlots on the N High Street frontage are developed with commercial uses. When the shopping center was developed, it was anchored by a Big Bear grocery store. After the grocery store closed (2004), there has been interim commercial occupancy, but the shopping center struggled. The current owner has made various site improvements and increased the occupancy rate of the center but, has been unable to attract a grocery store or other major retail anchor. By this application, applicant proposes to use up to 63,000 SF of the existing east building for climate controlled self-storage. While self-storage is a use of the M district in the Columbus Zoning Code, the use is often associated with personal storage needs of residential uses, such as the many apartment complexes within a short distance of the site, as well as business storage needs, such as records retention. Applicant's storage use will be exclusively inside storage. No exterior building or site alterations related to the storage use are planned and there will be no outside storage. The site will continue to appear and function as a commercial shopping center. A hardship exists in that personal and business storage has evolved as a commercial use, and is an alternative use of properties, such as big box and other large retail uses, when the original designed retail use is no longer viable and, as in this case, the storage use is only for part of the property, in conjunction with commercial uses. At such time as a viable long term retail anchor is possible, the building area could be converted back to retail use.

Applicant requests the following variance:

- 1) 3356.03, C-4, Permitted Uses, to permit storage as a primary use in a maximum of 63,000 SF of the existing east building, as depicted on the submitted site plan.

04-14-15

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV15-025

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

deposes 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 57 Lazelle Road East

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 4/16/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Fairway Acquisitions, LLC
c/o Donald Plank, Plank Law Firm
145 E. Rich Street, FL 3
Columbus, OH 43215

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

DealPoint Merrill, LLC c/o Donald Plank
(614) 947-8600

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

(5) Far North Columbus Communities Coalition
c/o Mr. Jim Palmisano
7984 Brookpoint Place
Westerville, OH 43081

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.

(8) SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 14th day of APRIL, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

AUGUST 3, 2015
My Commission Expires

Notary Seal Here



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

This Affidavit expires six (6) months after the date of notarization.

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 checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
57 Lazelle Road East
CV15-025
April 13, 2015

APPLICANT

DealPoint Merrill, LLC
c/o Donald Plank
Plank Law Firm
145 E. Rich Street, FL 3
Columbus, OH 43215

PROPERTY OWNER

Fairway Acquisitions, LLC
c/o Donald Plank
Plank Law Firm
145 E. Rich Street, FL 3
Columbus, OH 43215

ATTORNEY

Donald Plank, Plank Law Firm
145 E. Rich Street, FL 3
Columbus, OH 43215

COMMUNITY GROUP

Far North Columbus Communities Coalition
c/o Mr. Jim Palmisano
7984 Brookpoint Place
Westerville, OH 43081

PROPERTY OWNERS WITHIN 125 FEET

Cummins Property Services LLC
2020 Roundwyck Ln.
Powell, OH 43065

Willow Brook Christian Communities Inc.
55 Lazelle Rd.
Columbus, OH 43235

Willow Brook Christian Communities Inc.
100 Delaware Xing W.
Delaware, OH 43015

Columbus & Southern Ohio Electric Co.
1 Riverside Plaza
Columbus, OH 43215

111 Lazelle Road East LLC
561 Leeds Gate
Wadsworth, OH 44281

Portsmouth Road Properties LLC
5695 Avery Rd.
Dublin, OH 43016

Buckeye Express Wash LLC
6021 Coca Cola Blvd.
Columbus, GA 31909

NP 1947 LLC
8133 Worthington Crossing
Westerville, OH 43081

Store Master Funding II LLC
8501 E. Princess Dr., #190
Scottsdale, AZ 8525 43220

TCH Dillmont LLC
2790 Club Dr.
Los Angeles, CA 90064

Sanctuary Village Ltd.
250 E. Broad St., Ste. 1100
Columbus, OH 43215

57 Lazelle Road East
CV15-025
Exhibit A, Public Notice
Page 1 of 2, 4/13/15

PJF Investments Ltd.
250 E. Broad St., Ste. 1100
Columbus, OH 43215

Plaza Partners Limited Partnership
3016 Maryland Ave.
Columbus, OH 43209

ALSO NOTIFY

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

Fairway Acquisitions, LLC
c/o Mark Catalano
1515 W. Lane Avenue, Suite 10
Columbus, OH 43221

DealPoint Merrill, LLC
c/o David Frank
11620 Wilshire Boulevard, 9th FL
Los Angeles, CA 90025

DealPoint Merrill, LLC
c/o Sterling McGregor
11620 Wilshire Boulevard, 9th FL
Los Angeles, CA 90025

DealPoint Merrill, LLC
c/o Mike Gustafsen
11620 Wilshire Boulevard, 9th FL
Los Angeles, CA 90025

57 Lazelle Road East
CV15- 025
Exhibit A, Public Notice
Page 2 of 2, 4/13/15

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

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 # CV15-025

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 format:

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. Fairway Acquisitions, LLC 1515 West Lane Avenue, Suite 10 Columbus, OH 43221 # Columbus based employees: 0 Contact: Mark Catalano, (614) 273-0553	2. DealPoint Merrill, LLC 11620 Wilshire Boulevard, 9th Floor Los Angeles, CA 90025 # Columbus based employees: 0 Contact: David Frank (310) 671-3900
3.	4.

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

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 14th day of APRIL, in the year 2015

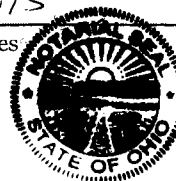
Barbara A. Painter

SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015

My Commission Expires

Notary Seal Here



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

This Project Disclosure expires six (6) months after the date of notarization.

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 checks payable to the Columbus City Treasurer



City of Columbus Zoning Plat



CW15-025

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: 610219484

Zoning Number: 57

Street Name: LAZELLE RD E

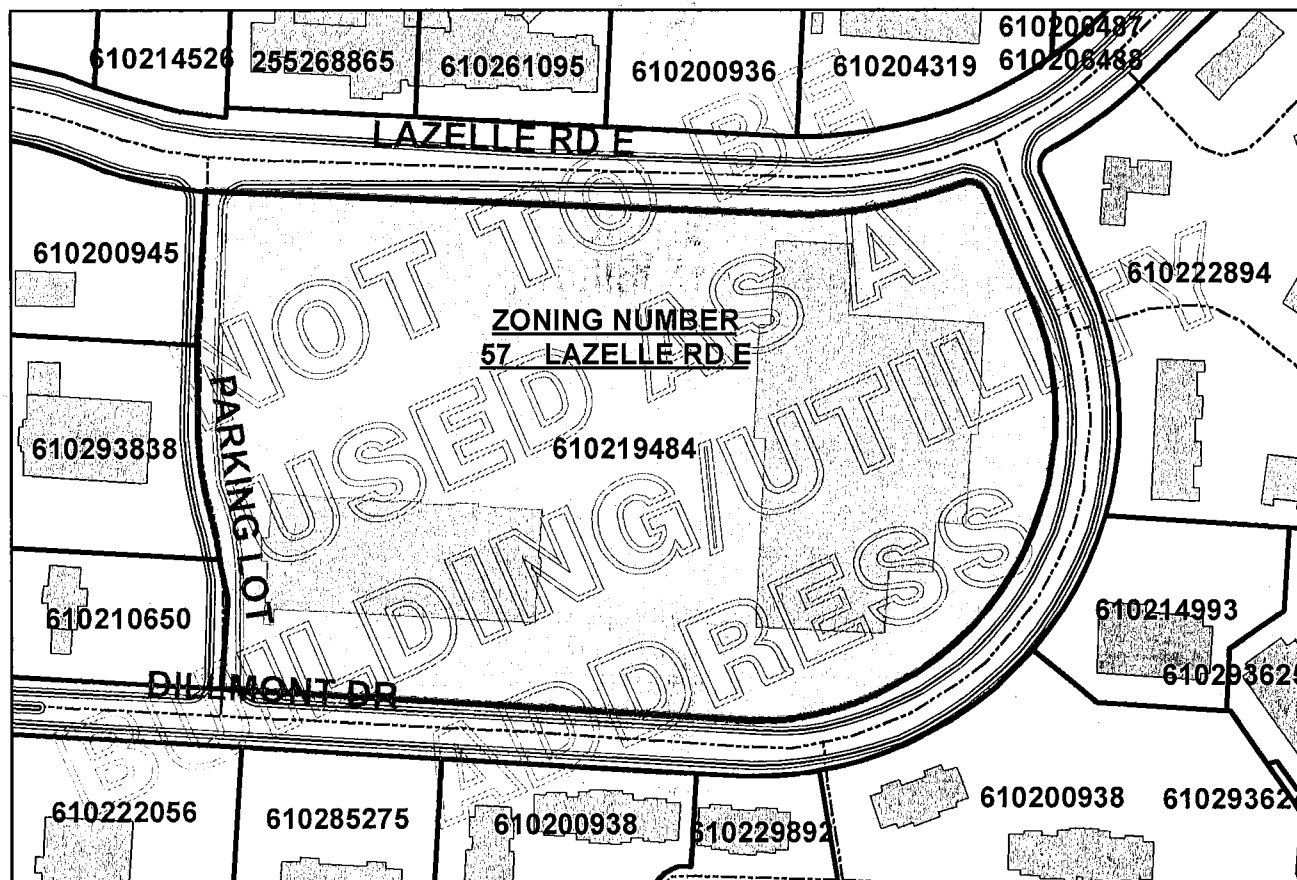
Lot Number : N/A

Subdivision: N/A

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

Issued By: *Adriana Williams*

Date: 4/8/2015



SCALE: 1 inch = 200 feet

JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

GIS FILE NUMBER: 31518



CV15 - 025
57 Lazelle Road East
Legal Description, 10.174 acres

SITUATE IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS, BEING LOCATED IN SECTION 2, TOWNSHIP 2, RANGE 18, UNITED STATES MILITARY LANDS AND BEING PART OF THAT TRACT OF LAND CONVEYED TO PLANNED COMMUNITIES, INC., BY DEED OF RECORD IN OFFICIAL RECORD VOLUME 4999, PAGE G-06, ALL REFERENCES BEING TO RECORDS IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF DILLMONT DRIVE (60 FEET IN WIDTH), THAT IS LOCATED SOUTH $86^{\circ} 54' 02''$ EAST, 363.17 FEET AND NORTH $3^{\circ} 5' 58''$ EAST, 30.00 FEET FROM THE INTERSECTION OF THE CENTERLINE OF SAID DILLMONT DRIVE WITH THE CENTERLINE OF NORTH HIGH STREET (U.S. ROUTE 23);

THENCE NORTH $3^{\circ} 05' 58''$ EAST, A DISTANCE OF 92.63 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT;

THENCE ALONG THE ARC OF SAID CURVE (DELTA = $19^{\circ} 42' 58''$, RADIUS = 280.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH $6^{\circ} 45' 31''$ WEST, 95.88 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (DELTA = $18^{\circ} 19' 22''$, RADIUS = 305.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH $7^{\circ} 27' 19''$ WEST, 97.12 FEET TO A POINT OF TANGENCY;

THENCE NORTH $1^{\circ} 42' 22''$ EAST, A DISTANCE OF 229.77 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF LAZELLE ROAD EAST;

THENCE ALONG SAID RIGHT-OF-WAY LINE OF LAZELLE ROAD EAST, BEING THE ARC OF A CURVE TO THE LEFT (SUB-DELTA = $2^{\circ} 33' 43''$, RADIUS = 440.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH $87^{\circ} 00' 47''$ EAST, 19.67 FEET TO A POINT OF TANGENCY;

THENCE SOUTH $88^{\circ} 17' 38''$ EAST, CONTINUING ALONG SAID RIGHT-OF-WAY LINE (BEING 40 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE CENTERLINE OF LAZELLE ROAD EAST), A DISTANCE OF 599.98 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT;

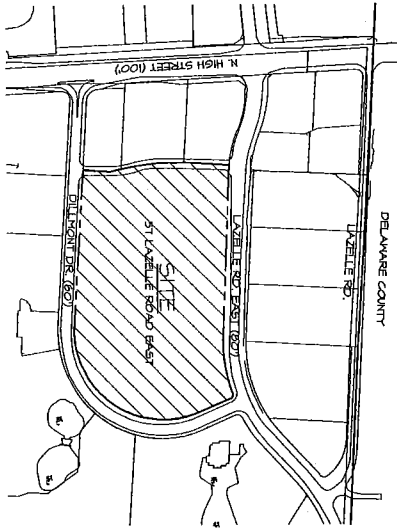
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, BEING THE ARC OF SAID CURVE (SUB-DELTA = $20^{\circ} 22' 42''$, RADIUS = 515.0 FEET), A CHORD BEARING AND DISTANCE OF NORTH $81^{\circ} 31' 01''$ EAST, 182.21 FEET TO A POINT OF REVERSE CURVATURE;

THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (DELTA = $84^{\circ} 38' 15''$, RADIUS = 20.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH $66^{\circ} 21' 13''$ EAST, 26.93 FEET TO A POINT OF TANGENCY IN THE WESTERLY RIGHT-OF-WAY LINE OF DILLMONT DRIVE;

THENCE SOUTH $24^{\circ} 02' 05''$ EAST, ALONG SAID RIGHT-OF-WAY LINE OF DILLMONT DRIVE, A DISTANCE OF 115.34 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT;

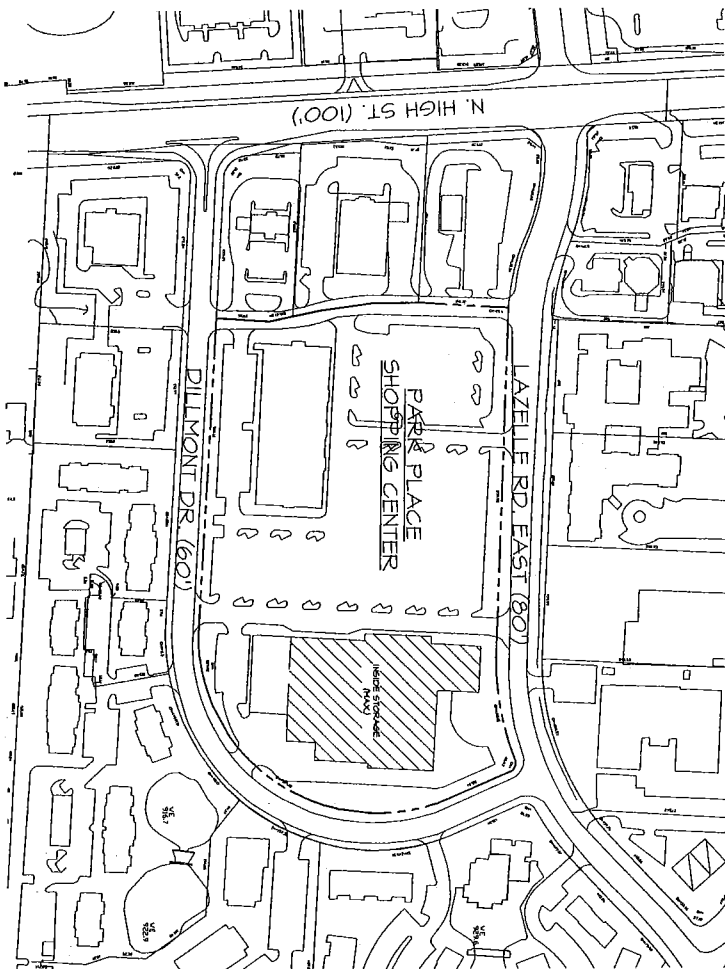
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE OF DILLMONT DRIVE, BEING THE ARC OF SAID CURVE (DELTA = $117^{\circ} 08' 03''$, RADIUS = 310.0 FEET), A CHORD BEARING AND DISTANCE OF SOUTH $34^{\circ} 31' 56''$ WEST, 529.02 FEET TO A POINT OF TANGENCY;

THENCE NORTH 86° 54' 02" WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF
DILLMONT DRIVE, A DISTANCE OF 560.12 FEET TO THE POINT OF BEGINNING,
CONTAINING 10.174 ACRES, MORE OR LESS.



LOCATION MAP
1" = 200'

12000 PLAIN	PROPOSED VARIANCE	71 LAKESIDE ROAD EAST
APR	NEIGH DISTRICT	60-31644
PROPOSED USE	POSITIVE ZONING	10114 ACRES
SP	1204-100	CONCRETE/CL. CRP
		6-4 (1500)
		STORAGE
		11-35
		TO PERMIT UP TO 60,000
		SQUARE FEET INCLUDING
		PERMITTED STORAGE, AND
		OUTSIDE STORAGE.
		ZONING X



SITE PLAN
I" = 100'

NOT FOR
CONSTRUCTION

720 Coleridge is still a boy in February
a nation is not yet begun to dream

Issue Date	APRIL 14, 2015
Revision Date	Mark

DCH

DCH ARCHITECTS, LLC

4625 Tremont Club Drive
Hilliard, Ohio 43026
614.742.7525

deborah@ecibcglobal.net

Project 2/308

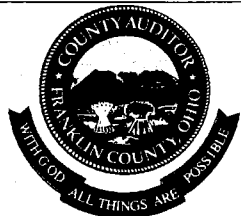
ZONING VARIANCE
51 LAZELLE ROAD EAST
COLUMBUS, OHIO 43235

Sheer Title

SITE PLAN

Shear Numbers:

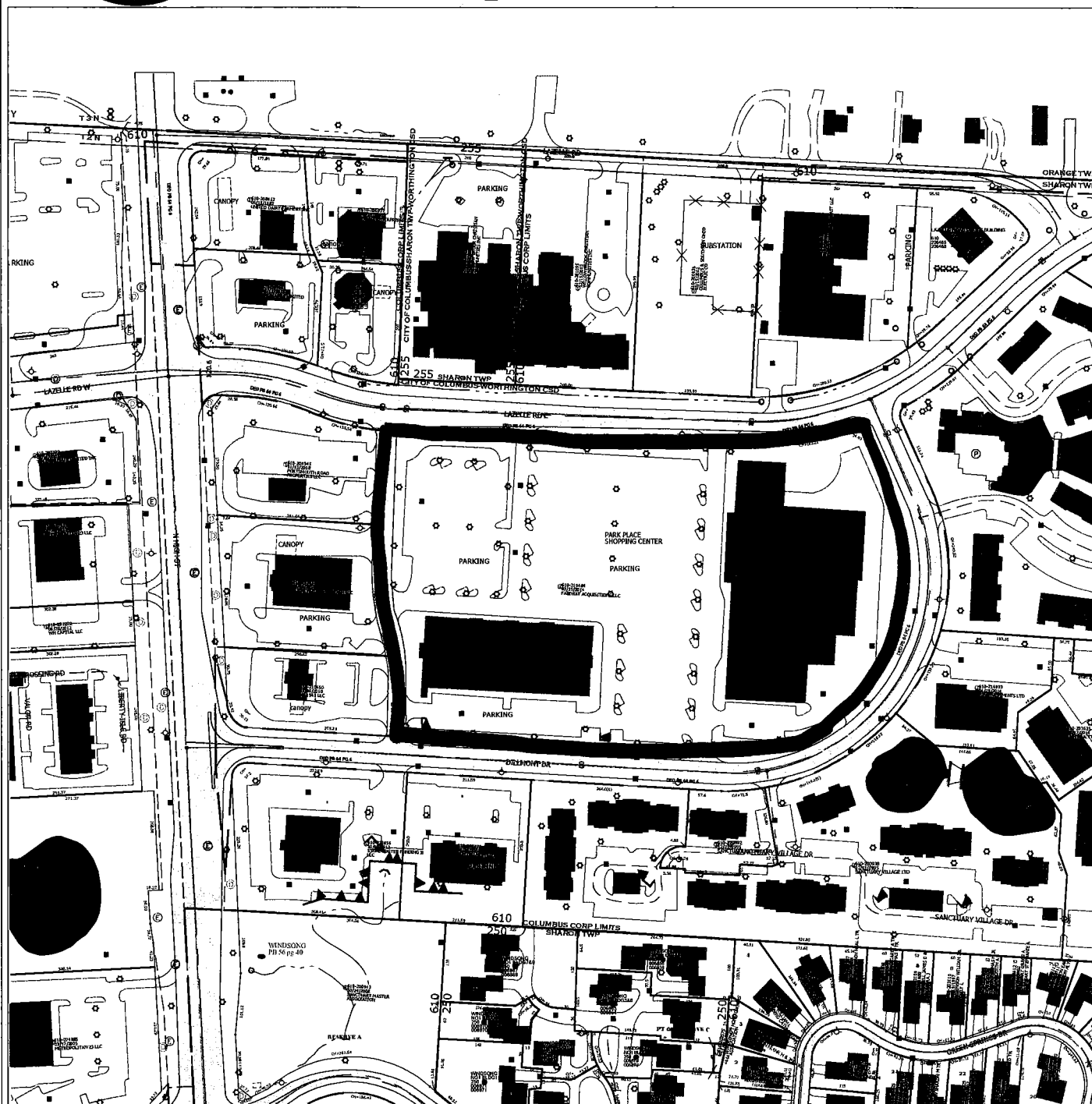
井
Q
井



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 4/14/15



Disclaimer

Scale = 250

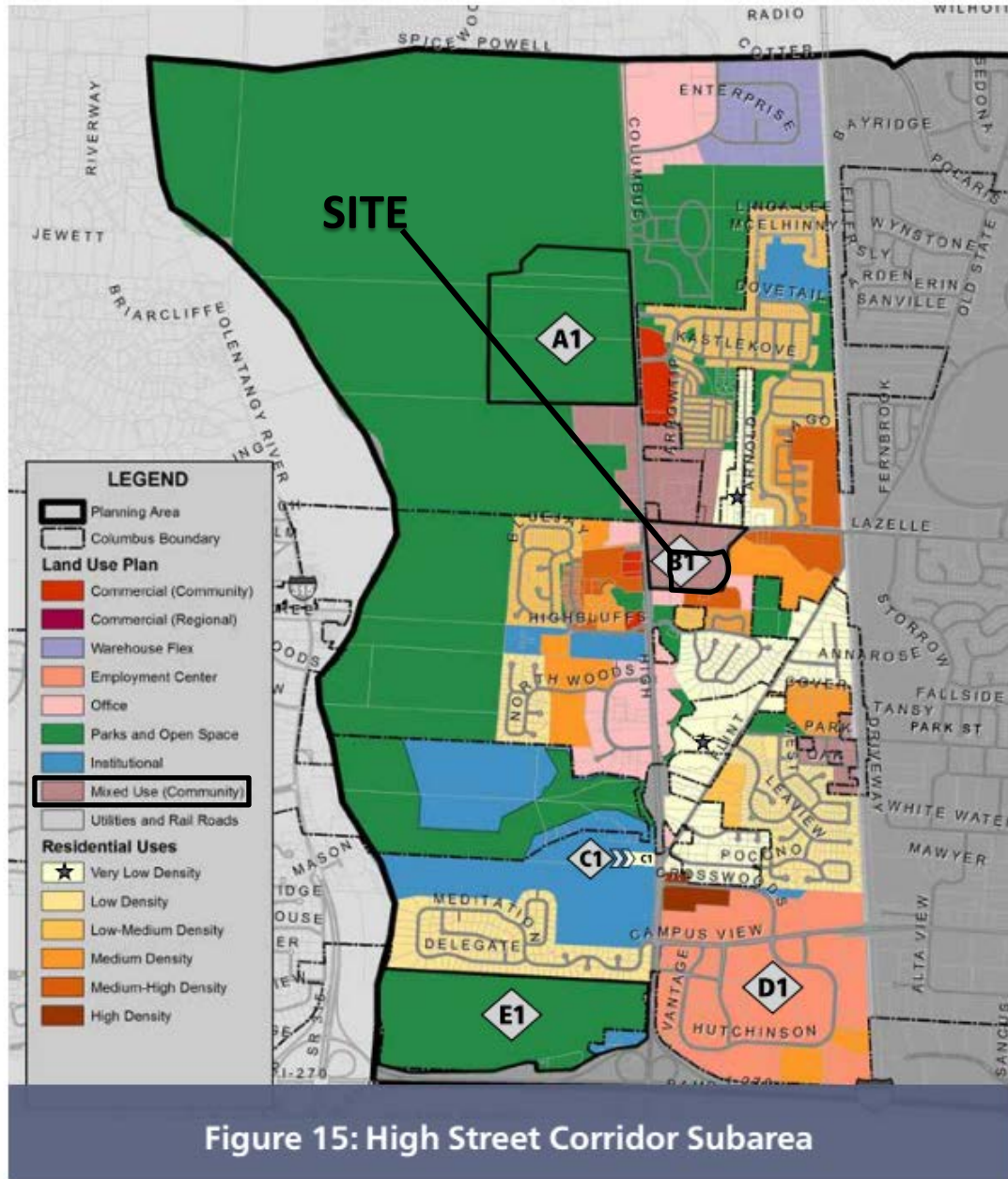


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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



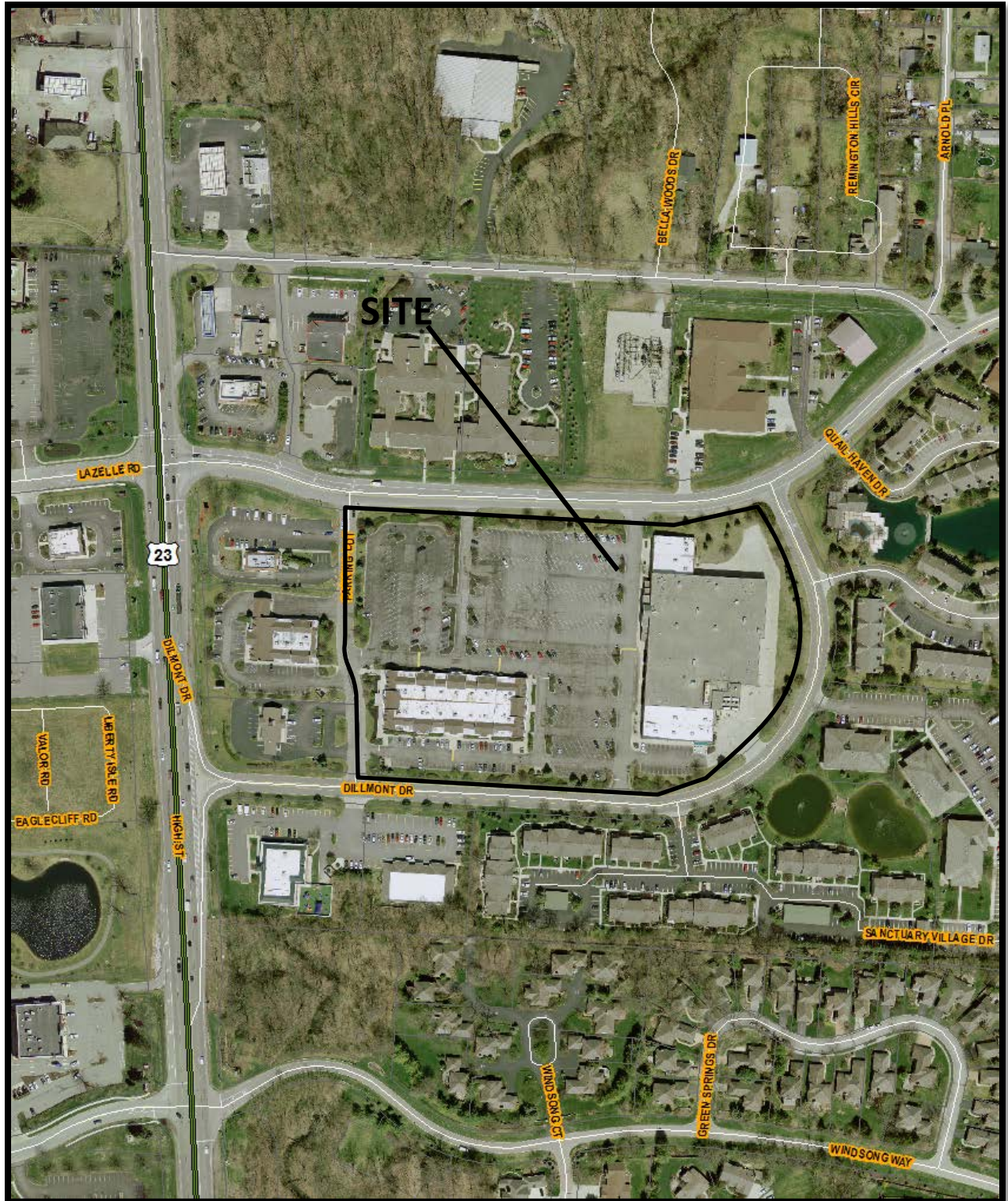
CV15-025
51 Lazelle Road East
Approximately 10.17 acres



Refer to pages 50-51 for supporting text for sites A1, B1, C1, D1, and E1

★ Refer to page 43 for supporting text.

CV15-025
51 Lazelle Road East
Approximately 10.17 acres



CV15-025
51 Lazelle Road East
Approximately 10.17 acres