

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: CV15-061 Date Received: 10/7/15
Application Accepted by: SP Fee: N/A (Paid under 214-010)
Comments: Assigned to S. Pree, 645-2209, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 5730 Hayden Run Rd Zip: 43016

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: 010 - 29 3805 ; 010 - 29 3806

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

Current Zoning District(s): R

Area Commission or Civic Association: N/A

Proposed Use or reason for Council Variance request:

Legitimise Existing Legal Non Conformities after annexation

Acreage: 6.32 +/- ac

APPLICANT:

Name: DCR Development /o Laura Corneli Phone Number: 614 560 1488 Ext.: ---

Address: 300 E. Broad St., Suite 450 City/State: Cols, Oh Zip: 43215

Email Address: laura@comeklaw.com Fax Number: ---

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

Name: Whiteacres LLC /o Laura Phone Number: --- Ext.: ---
Tim White Corneli

Address: same as City/State: above Zip: ---

Email Address: --- Fax Number: ---

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

Name: Laura Macgregor Corneli, Esq Phone Number: 614 560 1488 Ext.: ---

Address: 300 E Broad St., Ste 450 City/State: Cols, Oh Zip: 43215

Email Address: laura@comeklaw.com Fax Number: ---

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

APPLICANT SIGNATURE by [Signature]

PROPERTY OWNER SIGNATURE by [Signature]

ATTORNEY / AGENT SIGNATURE [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.

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Council Variance Application

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:

please see attached

Signature of Applicant



Date

10.7.15

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STATEMENT OF HARDSHIP

Owner/Applicant: Tim A. White and White Acres LLC
c/o Laura MacGregor Comek, Esq.
300 E Broad St., Ste 450
Columbus, Ohio 43215
Site Address: 5730 Hayden Run Rd
Parcel Nos.: 010-293805; 010-293806
Zoning Districts: R
Date: October 6, 2015
Application: CV15-061

This Statement is submitted with a Council Variance that is companion to rezoning Z14-010. The purpose of this CV is to legitimize the existing, legal non conforming uses and standards, resulting from annexation from Washington Township to the City back in 2014.

The following variances are sought:

1. Variance from C.C.C. §3332.02 to allow and legitimize the existing legal development on Site that includes a commercial tractor/farm equipment dealership (sales, service, leasing and accessory parts sales), accessory structures to the use, and residential structure.
2. Variance from C.C.C. §3312.21 to allow no hedge screening or landscaping for parking as currently exists.
3. Variance from C.C.C. §3312.27(4) to allow zero (0) foot parking set back.
4. Variance from C.C.C. §3312.39 to allow the parking lot to remain un-striped (as is).
5. Variance from C.C.C. §3312.41 to allow the parking lot to remain non-conforming for access and circulation (as is).
6. Variance from C.C.C. §3312.43 to allow the parking lot to remain unpaved (as is).
7. Variance from C.C.C. §3312.45 to allow the parking lot spaces to remain without wheel stop devices (as is).
8. Variance from C.C.C. §3312.49 to reduce the number of required parking spaces from 168 (considering all areas retail) to the current number of 5 (as is).
9. Variance from C.C.C. §3332.21 to allow a fifteen (15) foot building set back.

The essential character of this corridor is rural and residential. The surrounding land uses are similar. The request is in keeping with the general character of the area, has no effect on the delivery of governmental services. This variance will ensure the status quo for this property until future development – in which case further city review would occur.

For these reasons, the Applicant respectfully requests approval of these variances.

Respectfully submitted

Laura MacGregor Comek, Esq.
300 E Broad St., Ste 450
Columbus, Ohio 43215
Phone: (614) 228-5511
LComek@comeklaw.com
Counsel for Owners/Applicant

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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AFFIDAVIT (See instruction sheet)

Application Number: CV15-061

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Laura MacGregor Cornick
of (1) MAILING ADDRESS 300 E Broad St. Ste 450 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 5730 Hayden Run Rd

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 10/7/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Tim White & White Acres LLC
c/o Laura MacGregor Cornick, Esq
300 E Broad St., Ste 450
Columbus, OH 43215

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

DCR Commercial Development LLC
c/o Laura MacGregor Cornick, Esq
614-560-9488

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

(5) N/A

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

Sworn to before me and signed in my presence this 7th day of October, in the year 2015

Marian R. Geer
(8) SIGNATURE OF NOTARY PUBLIC



Marian R. Geer
Notary Public, State of Ohio
My Commission Expires 11-02-16

Notary Seal Here

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

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CV15-061

Avery Road Columbus LLC
1311 Autumn Hill Drive
Columbus, Ohio 43235

Russian Baptist Church
5027 Avery Road
Dublin, Ohio 43016

Mohamad Daneshmand
Roya S. Daneshmand
6879 Roundwood Court
Dublin, Ohio 43016

Peak Property Management
600 Stonehenge Parkway, 2nd
Floor
Dublin, Ohio 43017

Wolpert Enterprises, Ltd
2592 Canterbury Road
Columbus, Ohio 43221

Hilliard City School District
5323 Cemetery Road
Hilliard, Ohio 43026

New York Central Lines
Tax Department
500 Water Street (0-910)
Jacksonville, Florida 32202

Barbara Trueman
5490 Hayden Run Road
Hilliard, Ohio 43026

Alassane Sane
Adja-Awa Sane
5023 Silver Saddle Court
Dublin, Ohio 43016

Abdi Hared
Abla Dudi
5015 Silver Saddle Court
Dublin, Ohio 43016

Moazzam Khan
Erum M. Khan
5016 Silver Saddle Court
Dublin, Ohio 43016

Sameh M. Ayoub
Jalitza L. Ayoub
5024 Silver Saddle Court
Dublin, Ohio 43016

Harith Alkatib
5129 Silver Woods Lane
Dublin, Ohio 43016

Abdirahman M. Hersi
5123 Silver Woods Lane
Dublin, Ohio 43016

Wasan Al-Joudi
5115 Silver Woods Lane
Dublin, Ohio 43016

Ronald L. Kazmerzak
Jeryl L. Kazmerzak
5107 Silver Woods Lane
Dublin, Ohio 43016

John R. Kashubeck
4949 Amber Lane
Dublin, Ohio 43016

Fatma Khouja
4937 Amber Lane
Dublin, Ohio 43016

Mohd A. Aburayyan
Safa B. Aburayyan
4931 Amber Lane
Dublin, Ohio 43016

Laith Sawalha
Dana Cubic Sawalha
4921 Amber Lane
Dublin, Ohio 43016

Cathy A. Lindamood
5637 Hayden Run Road
Hilliard, Ohio 43026

Knotty Pine Acres
5801 Hayden Run Road
Hilliard, Ohio 43026

Marcia S/TR Hollmeyer, et al.
4977 Avery Road
Dublin, Ohio 43016

Robert N. Steensen
Suzanne B. Steensen
5638 Hayden Run Road
Hilliard, Ohio 43026

Dawn D. Waldecker
5017 Avery Road
Dublin, Ohio 43016

Columbus Metropolitan Housing
Authority
880 E. 11th Avenue
Columbus, Ohio 43211

Homewood Corporation
c/o Jim Lipnos
2700 E. Dublin Granville Road
Columbus, Ohio 43231

Dawna Williams
Gary Alan Smith
5007 Avery Road
Dublin, Ohio 43016

Otis Bates, Jr.
Pamela J. Seely
4937 Avery Road
Dublin, Ohio 43016

Tarek M. Moussa
5055 Avery Road
Dublin, Ohio 43016

City of Columbus Ohio
Real Estate Management
90 W. Broad St. Rm. 425
Columbus, Ohio 43215

Steven Stalnaker
4800 Avery Road
Dublin, Ohio 43016

Attorney For Owner
Laura MacGregor Comek, Esq.
300 E. Broad St. Ste. 450
Columbus, Ohio 43215

Owner
White Family Farm Ltd
17200 Waldo Road
Marysville, Ohio 43040

Owner
Tim A. White
17200 Waldo Road
Marysville, Ohio 43040

Owner
White Acres LLC
17200 Waldo Road
Marysville, Ohio 43040

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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 # CV 15-061

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Laura MacGregor Comela, Esq
of (COMPLETE ADDRESS) 300 E Broad St., Ste 450 Cols, 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. <u>DCR Comm'l Development LLC</u> <u>10104 Brewster Ln., Powell, Ohio 43065</u> <u>attn: David Ruma</u> <u>of Employees</u>	2.
3. <u>Tim White of White Acres LLC</u> <u>17500 Waldo Rd.</u> <u>Marysville, Oh 43040</u> <u>of Employees</u>	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 7th day of October, in the year 2015

Marian R. Geer
SIGNATURE OF NOTARY PUBLIC



Notary Seal Here
Marian R. Geer
Notary Public, State of Ohio
My Commission Expires 11-02-18

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

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City of Columbus Zoning Plat



CV15-061

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: 010293805, 010293806

Zoning Number: 5730

Street Name: HAYDEN RUN RD

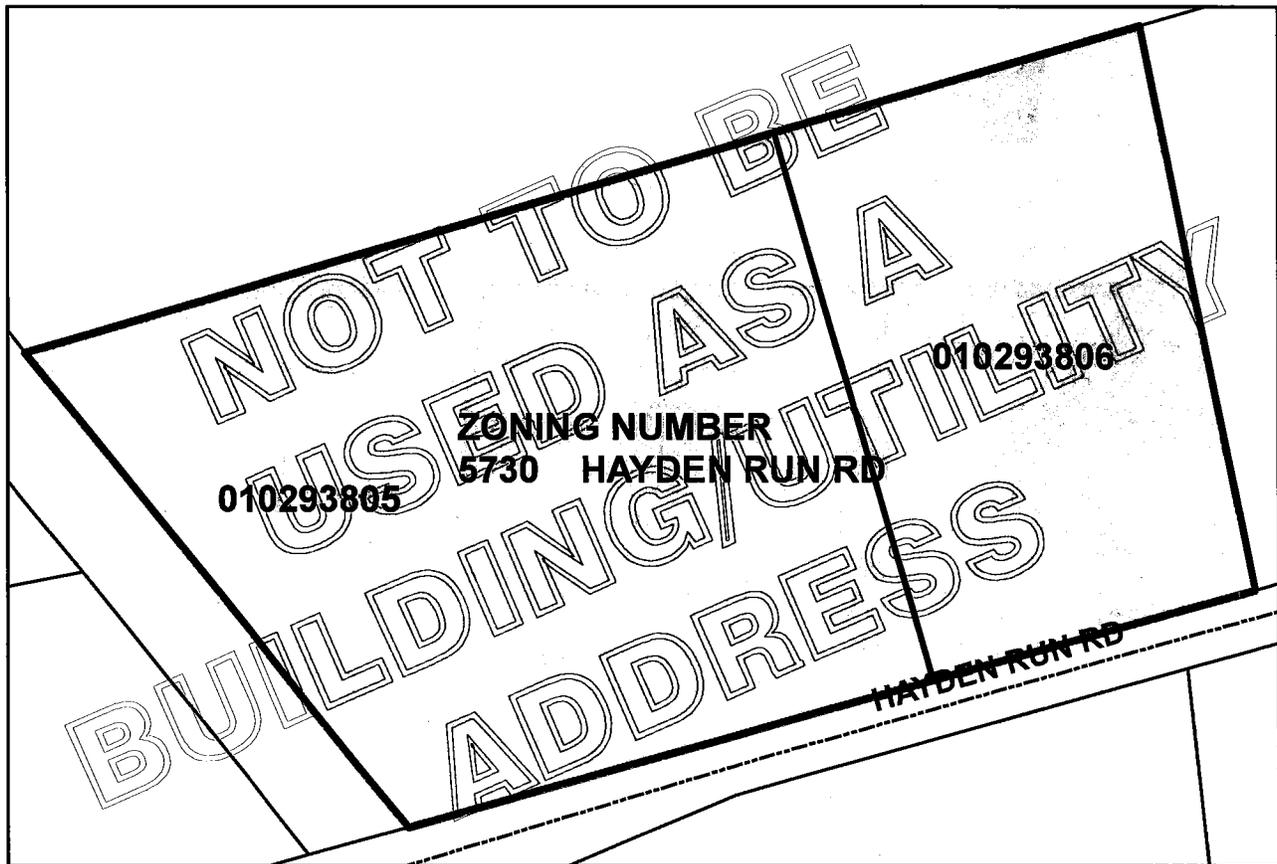
Lot Number : N/A

Subdivision: N/A

Requested By: COMEK LAW, LLC. (LAURA COMEK)

Issued By: *Ladyana Amarian*

Date: 10/7/2015



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

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 46195

CV15-061

**ZONING DESCRIPTION
SUBAREA C
6.32 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, lying in Virginia Military Survey No. 3012 and being part of that 9.992 acre tract conveyed to Tim A. White by deed of record in Official Record 21201F19 and part of that 5.402 acre tract conveyed to Tim A. White by deed of record in Instrument Number 200409140214881, (all references refer to the records of the Recorder's Office, Franklin County, Ohio) being more particularly described as follows:

Beginning, for reference, at the northeasterly corner of that 71.282 acre tract conveyed to White Family Farm, Ltd. by deed of record in Official Record 34301G18, being in the southerly line of Lot 6 and the northwesterly corner of Lot 47 of that subdivision entitled "Silverton Farms Section 3", of record in Plat Book 103, Page 13;

thence South 05°55'59" East, with the easterly line of said 71.282 acre tract and that 23.761 acre tract conveyed to Tim A. White by deed of record in Official Record 13859B07, a distance of 2229.94 feet to a point;

thence South 73°48'49" West, with the southerly line of said 23.761 acre tract, a distance of 331.58 feet to a point at the northeast corner of said 5.402 acre tract;

thence South 11°21'12" East, with the easterly line of said 5.402 acre tract, a distance of 272.98 feet to the TRUE POINT OF BEGINNING;

thence South 11°21'12" East, continuing with said easterly line, a distance of 329.68 feet to a point in the northerly right-of-way line of Hayden Run Road;

thence South 74°22'54" West, with said northerly right-of-way line, a distance of 60.17 feet to a point;

thence South 74°22'38" West, continuing with said northerly right-of-way line, a distance of 863.35 feet to a point in the easterly line of existing railroad;

thence North 38°48'57" West, with the westerly line of said 9.992 acre tract, the easterly line of said railroad, a distance of 206.99 feet to a point;

thence across said 9.992 and 5.402 acre tracts, the following courses and distances:

North 33°20'55" East, a distance of 38.68 feet to a point;

North 59°00'00" East, a distance of 59.25 feet to a point;

North 80°30'29" East, a distance of 79.29 feet to a point;

North 72°18'25" East, a distance of 146.51 feet to a point;

North 84°30'08" East, a distance of 54.22 feet to a point;

North 67°04'14" East, a distance of 126.52 feet to a point;

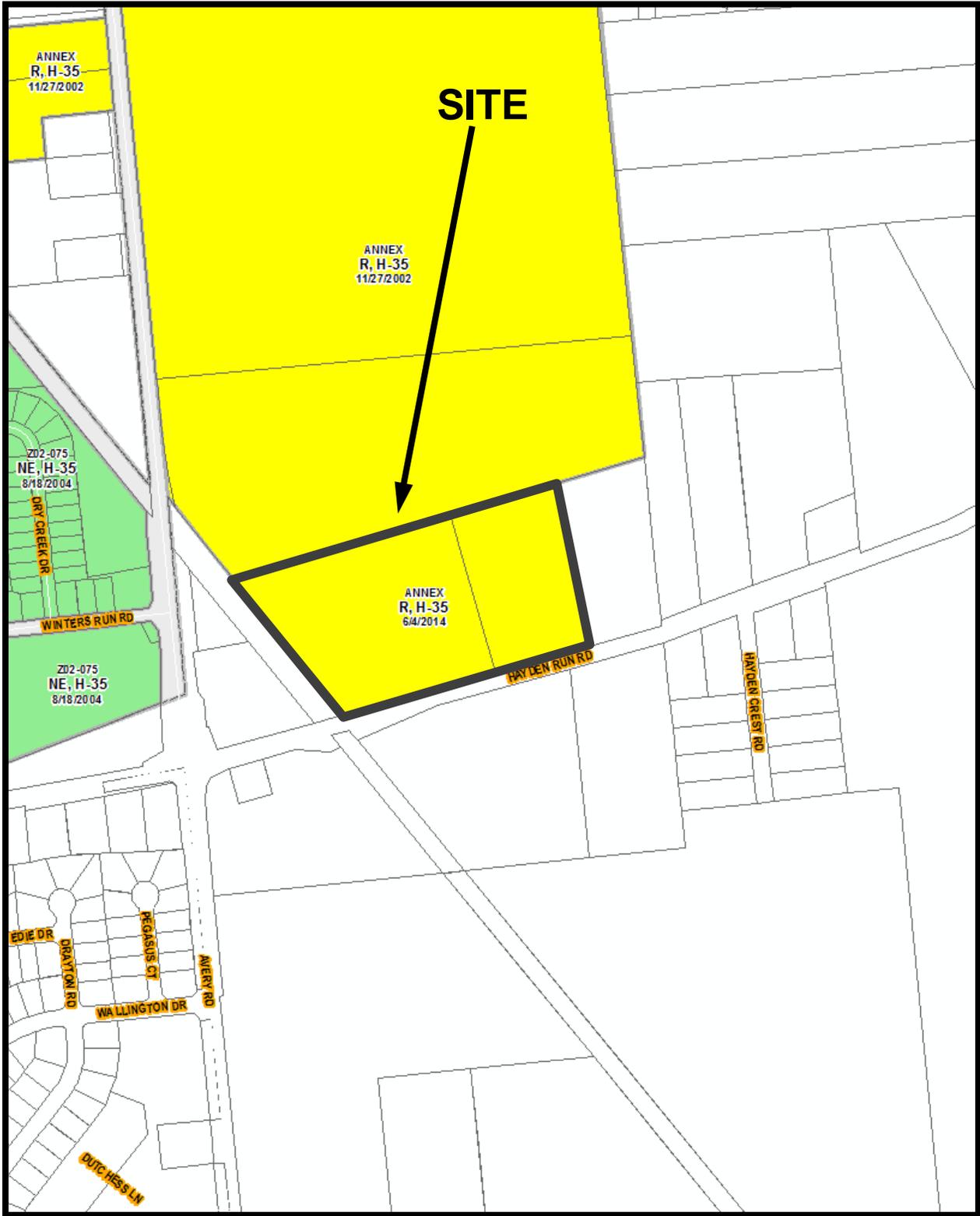
North 43°25'55" East, a distance of 46.49 feet to a point;

North 53°58'03" East, a distance of 246.51 feet to a point;

North 39°19'16" East, a distance of 84.29 feet to a point; and

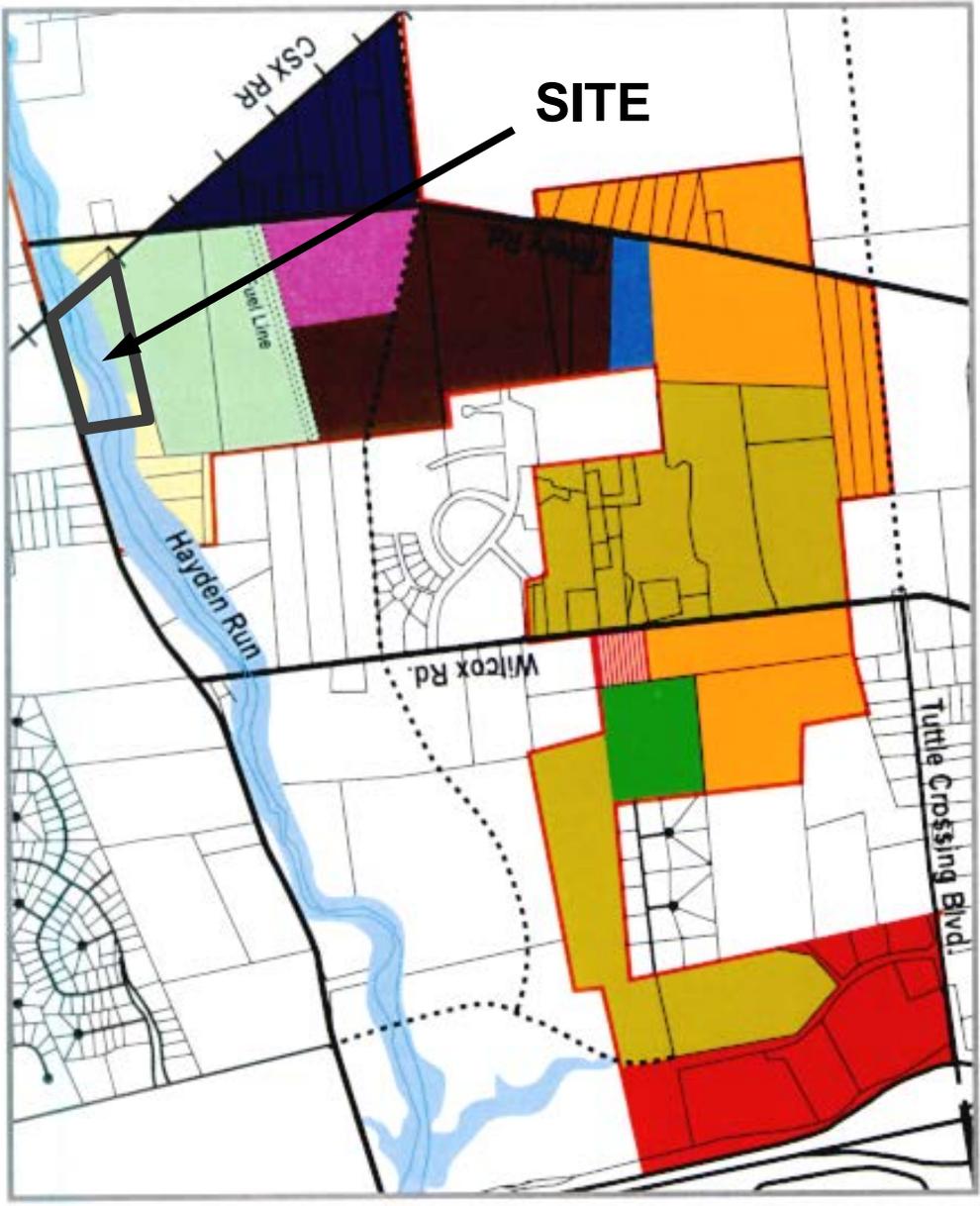
South 87°44'37" East, a distance of 209.37 feet to the TRUE POINT OF BEGINNING, containing 6.32 acres of land, more or less.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



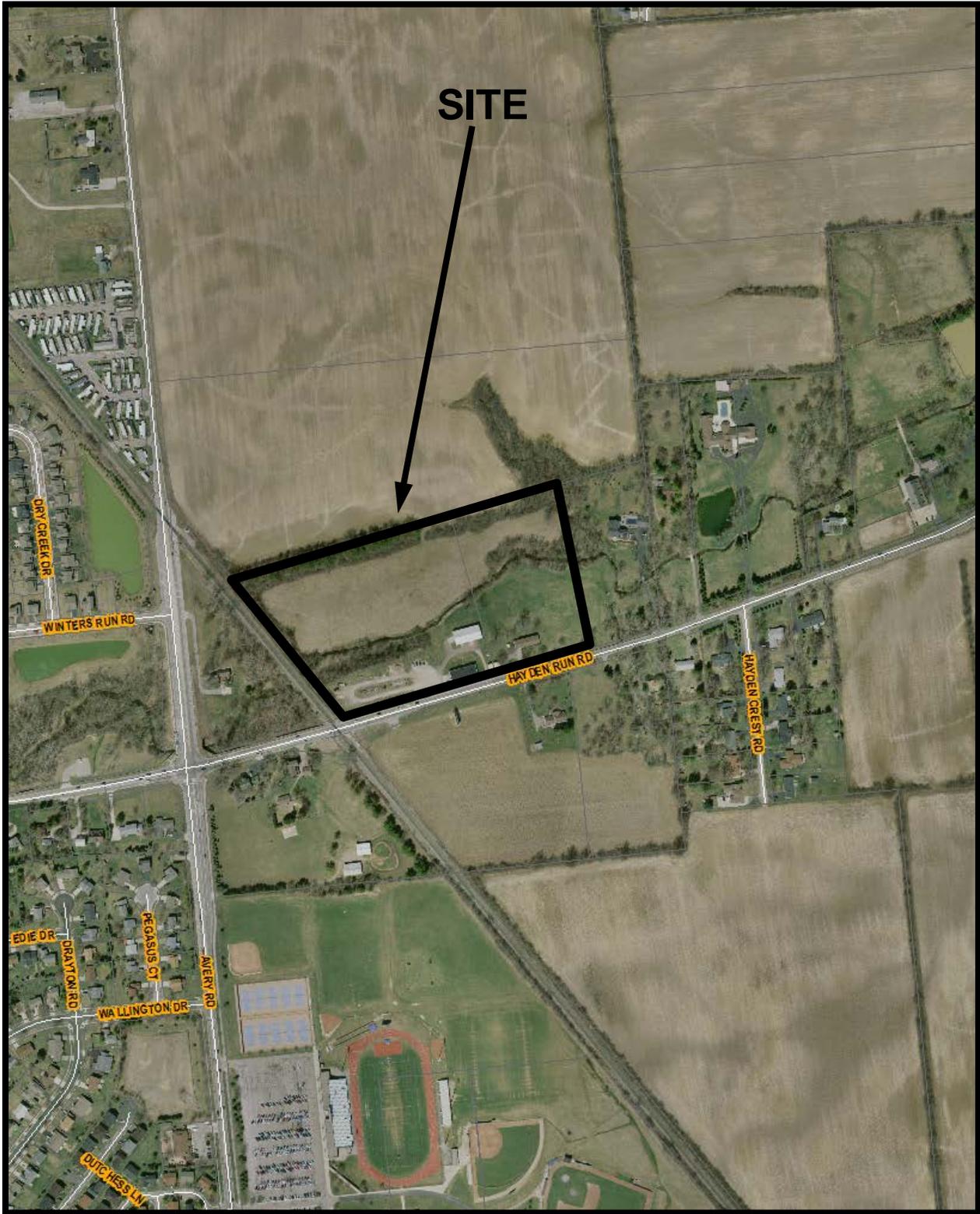
CV15-061
5370 Hayden Run Road
Approximately 6.32 acres

EAST SUBAREA-PROPOSED LAND USE MAP



- East Subarea Legend
- Proposed Major Roads
 - Future Line
 - Existing Public Facilities
 - Existing Multi-Family
 - Existing Commercial
 - Transit Oriented Dev
 - Community Centers
 - Community Commercial
 - Neighborhood Commercial
 - Low Density Cluster
 - Park
 - Office
 - Neighborhood Center
 - Hayden Run Buffer
 - Service Boundary

CV15-061
5370 Hayden Run Road
Approximately 6.32 acres



CV15-061
5370 Hayden Run Road
Approximately 6.32 acres