

# Council Variance Application

COMPANION APPLICATION TO  
Z15-022

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: CV15-0623 Date Received: 10/29/15  
Application Accepted by: S. Pine Fee: \$1760  
Comments: Assigned to Shannon Pine; 645-2208; spine@columbus.gov

## LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 3780 E POWELL ROAD Zip: 43065

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: Delaware County: 31844104005000, 31844202025001 (partial)

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

Current Zoning District(s): R, Rural; L-AR-12 pending (Z15-022)

Area Commission or Civic Association: Far North Columbus Communities Coalition

Proposed Use or reason for Council Variance request:

Variance to perimeter yard, in conjunction with Z15-022

Acreage: 12.627

## APPLICANT:

Name: NP Limited c/o Donald Plank Phone Number: 614-947-8600 Ext.: \_\_\_\_\_

Plank Law Firm

Address: 145 E Rich St. 3rd FL, City/State: Columbus, Ohio 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: See attached supplemental Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_  
property owner signature exhibit

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

**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, 3rd Floor 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

Rezoning Application Z15-022

3780 E Powell Road, Columbus, OH 43065

Delaware County Auditor Parcels: 31844104005000, 31844104005001

Council Variance CV15-063

## SUPPLEMENTAL SIGNATURE EXHIBIT

### PROPERTY OWNER

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The referenced property is in the estates of Richard D. Baggs and Ora Opal Baggs. We are the administrators of the estates. By our signatures, we hereby grant permission for NP Limited to apply to the City of Columbus to rezone the property.

#### PROPERTY OWNER / SELLER:

##### The Estate of Richard D. Baggs Jr.

By: *Diana Lynn Baggs*  
Diana Lynn Baggs, Co-Administrator

*3-29-15*  
Date

By: *Charlene Sue McDonald*  
Charlene Sue McDonald, Co-Administrator

*3-29-15*  
Date

And

##### The Estate of Ora Opal Baggs

By: *Diana Lynn Baggs*  
Diana Lynn Baggs, Co-Administrator

*3-29-15*  
Date

By: *Charlene Sue McDonald*  
Charlene Sue McDonald, Co-Administrator

*3-29-15*  
Date

---

#### Address/Phone number/ Email address:

Diana Lynn Baggs: *3780 E. Powell Rd.  
Lewis Center, Ohio  
43035*

*614-314-9577*

*dbaggs442@gmail.com*

Charlene Sue McDonald: *2690 Greentree Ct.  
Lewis Center, Ohio  
43035*

*614-307-5570*

*csmcdonald59@gmail.com*

## Council Variance Application

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CV15-063

### 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.

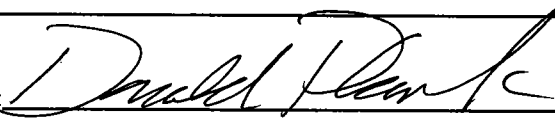
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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



Date

10/27/15

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## Exhibit B

### Statement of Hardship

#### CV15-063, 3780 E Powell Road

Rezoning application Z15-022 is pending to rezone the 12.627 ac site to the L-AR-3, Limited Apartment Residential District. This variance application is submitted for variances to certain applicable site development standards of the AR-3 district as a companion application to the pending rezoning. The exhibit "Baggs Property Zoning Exhibit, 3780 E Powell Road 43065", hereafter "Site Plan", is provided to depict the property and minimum setbacks. Applicant has a hardship with developing the property with certain code standards due to physical characteristics with the shape of the parcel being deep, narrow, having very limited street frontage, required perimeter setbacks and applicants site planning to provide buffer areas to the north and west. Applicant controls property to the south and intends to provide vehicular access to the south but the access won't be by public street. Applicant has provided for two (2) uses in the pending L-AR-3 rezoning: 1) multi-family residential and 2) assisted living. Separate parcels (lot split) will have to be provided for these uses.

Applicant requests the following variances:

1. Section 3333.16, Fronting, to permit the site to be split without providing street frontage for a future west parcel.
2. Section 3333.225, Perimeter Yard, to reduce the 25' perimeter yard to 20' and 15', in the perimeter locations depicted on the Site Plan, and to reduce perimeter yard to 10' only along an internal property line(s) created by lot split.

10/27/2015

## Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-063

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, 3rd FL, Columbus, OH  
deposes and states that (he)(she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the 43215  
name(s) and mailing address(es) of all the owners of record of the property located at  
(2) per ADDRESS CARD FOR PROPERTY 3780 E. Powell Road  
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and  
Zoning Services, on (3) 10/29/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Estate of Richard D. Baggs, Jr.  
Estate of Ora Baggs  
c/o Diana Lynn Baggs and Charlene Sue McDonald  
3780 E. Powell Road 2690 Greentree Ct.  
Lewis Center, OH 43035 Lewis Center, OH 43035

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

NP Limited c/o Don 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 Jim Palmisano  
7984 Brookpoint Place  
Westerville, Ohio 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) See Exhibit "A"

☐ (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 27th day of OCTOBER, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

AUGUST 3, 2020

My Commission Expires

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2020

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

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Please make checks payable to the Columbus City Treasurer

**EXHIBIT A, Public Notice**  
**3780 E Powell Road**  
**CV15-063**  
**October 27, 2015**

**APPLICANT**

N.P. Limited  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Estate of Richard D. Baggs, Jr.  
Estate of Ora Opal Baggs  
c/o Diana Lynn Baggs  
3780 E Powell Road  
Lewis Center, OH 43035

**ATTORNEY FOR APPLICANT**

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

**COMMUNITY GROUP**

FNCCC  
c/o Mr. Jim Palmisano  
7984 Brookpoint Place  
Westerville, OH 43081

**PROPERTY OWNERS WITHIN 125 FEET**

Polaris 91 LLC  
8800 Lyra Dr., Ste. 550  
Columbus, OH 43240

Endeaqvor Pas Propco, LLC  
3790 E. Powell Rd.  
Lewis Center, OH 43035

Endeaqvor Pas Propco, LLC  
848 Brickell Avenue  
Miami, FL 33131

Joe Stephen Kersey  
7970 Worthington Rd.  
Galena, OH 43021

School House Property LLC  
3773 E. Powell Rd.  
Lewis Center, OH 43035

Dallas & Julie Cooper  
3745 E. Powell Rd.  
Lewis Center, OH 43035

Christopher A. White  
Heidi Marie Haupt  
3750 E. Powell Rd.  
Lewis Center, OH 43035

Calvin F. and Alice L. Graham, Trustees  
3734 E. Powell Rd.  
Lewis Center, OH 43035

William R. & Janice E. Reed  
3716 E. Powell Rd.  
Lewis Center, OH 43035

Michael J. & Karen J. Goodburn  
3700 E. Powell Rd.  
Lewis Center, OH 43035

John D. and Kimberly S. Cascioli  
3684 E. Powell Rd.  
Lewis Center, OH 43035

Carolyn S. Davis  
8020 Strawberry Hill Road  
Lewis Center, Ohio 43035

David J. & Phyllis L. Hess  
3670 E. Powell Rd.  
Lewis Center, OH 43035

Robert S. & Dawn M. Skeens  
3660 E. Powell Rd.  
Lewis Center, OH 43035

**3780 E Powell Road**  
**CV15-063**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 10/27/15**

Christopher & Myrona Fuller  
3642 E. Powell Rd.  
Lewis Center, OH 43035

Donald L. & Dollie I. Conrad  
3622 E. Powell Rd.  
Lewis Center, OH 43035

Bruce R. & Parilu Ward  
8027 Hickory Ridge Ct.  
Lewis Center, OH 43035

Beverly Ann & Jerald Miller, Trustees  
8005 Hickory Ridge Ct.  
Lewis Center, OH 43035

Barbara A. Hamelberg  
8035 Hickory Ridge Ct.  
Lewis Center, OH 43035

Robert B. Byers, Trustee  
8043 Hickory Ridge Ct.  
Lewis Center, OH 43035

**ALSO NOTIFY**

Mr. Franz Geiger  
NP Limited  
8800 Lyra Drive, Ste. 550  
Columbus, OH 43

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

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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 # CV15-063

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich St, 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. N.P. Limited 8800 Lyra Dr., Suite 550 Columbus, OH 43240 # Columbus Based Employees: 3 Contact: Franz Geiger 614-841-1000	2. Estate of Richard D. Baggs, Jr. Estate Ora Opal Baggs c/o Diana Lynn Baggs, 3780 E Powell Rd. Lewis Center, OH 43035 # Columbus based employees: 0 Contact: Diana Lynn Baggs
3. Estate of Richard D. Baggs, Jr. Estate of Ora Opal Baggs c/o Charlene Sue McDonald, 2960 Greentree Ct., Lewis Center, OH 43035 # Columbus based employees: 0 / Contact: Charlene Sue McDonald	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 27th day of OCTOBER, in the year 2015

Barbara A. Painter  
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020  
My Commission Expires

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2020

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

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# 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: 31844104005000

Zoning Number: 3780

Street Name: E POWELL RD

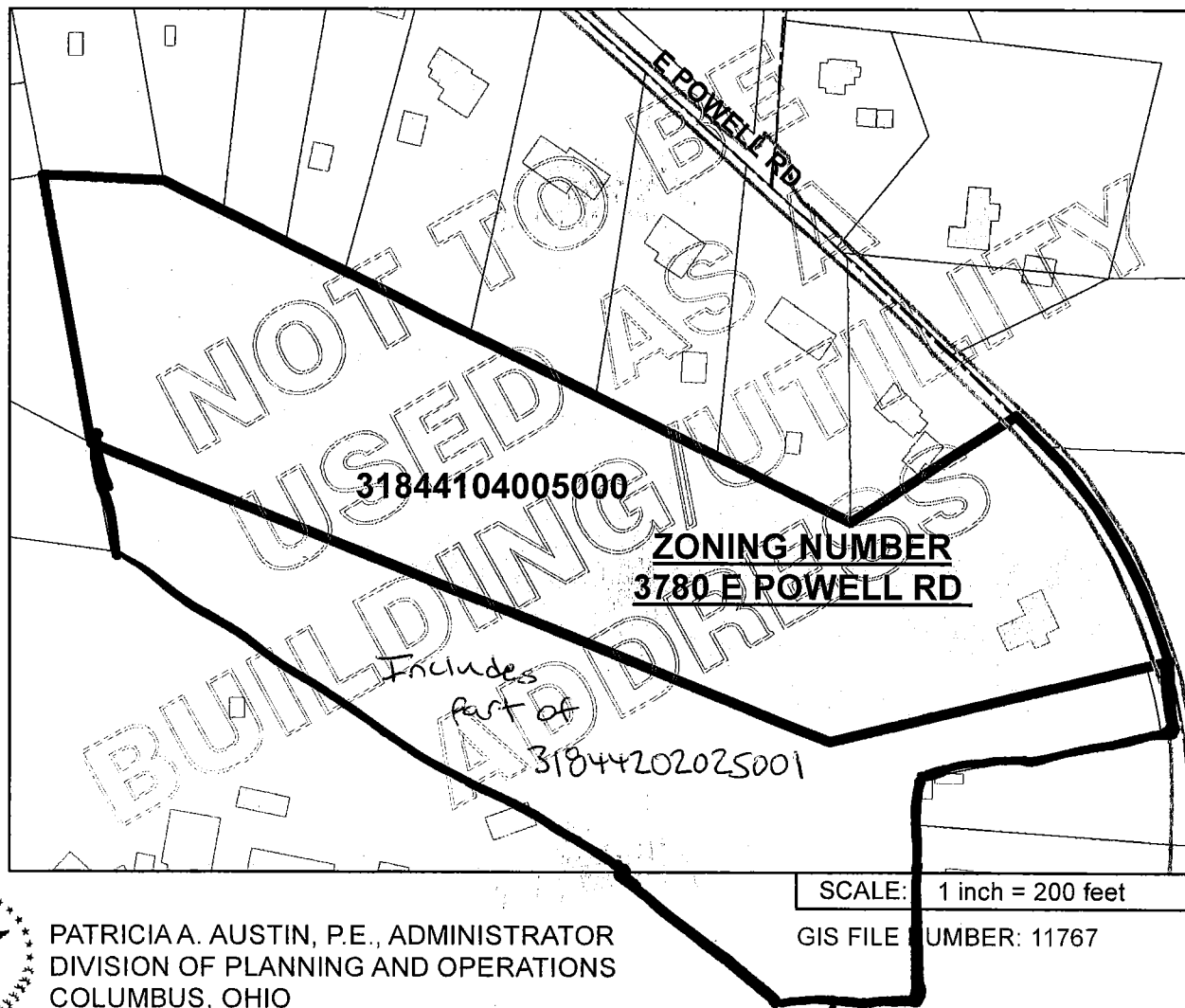
Lot Number: N/A

SUBDIVISION: N/A

Requested By: VORYS, SATER, SEYMOUR & PEASE (VIRGINIA BUDA)

Issued By: Adyana Amarian

Date: 10/12/2012



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



### Description of a 12.627 Acre Tract

Situated in the State of Ohio, County of Delaware, City of Columbus, being part of Farm Lot 16, Quarter Township 4, Township 3, Range 18, United States Military Lands, being 12.627 acres out of Farm Lot 16, being 7.184 acres out of a 7.473 acre tract of land described in a deed to Richard D. Baggs and Ora O. Baggs of record in Deed Book 306, Page 264, being 5.443 acres out of an original 90.848 acre tract of land described in a deed to Polaris 91, LLC of record in Official Record Volume 1094, Page 959, and being more particularly described as follows:

**COMMENCING** for reference at a  $\frac{5}{8}$ " iron pin found at the southeast corner of Lot 1221 of Hickory Ridge Corrected Plat of record in Plat Book 20, Page 178;

Thence North  $10^{\circ}15'53''$  West, a distance of 7.72 feet, with the east line of said Lot 1221 and with a west line of said 90.848 acre tract, to an iron pin set at the **TRUE POINT OF BEGINNING** of the tract to be described;

Thence North  $10^{\circ}15'53''$  West, a distance of 128.44 feet with the east line of said Lot 1221, with the east line of Lot 1222 of said Hickory Ridge Corrected Plat, and with a west line of said 90.848 acre tract, to a  $\frac{5}{8}$ " iron pin found at the southwest corner of said 7.473 acre tract;

Thence North  $10^{\circ}05'22''$  West, a distance of 281.16 feet with the east line of said Lot 1222 and with a west line of said 7.473 acre tract, to a 1" iron pipe found at the northwest corner of said 7.473 acre tract and being at the southwest corner of a 1.5 acre tract of land described in a deed to Donald L. Conrad and Dollie I. Conrad of record in Deed Book 293, Page 208;

Thence South  $86^{\circ}40'44''$  East, a distance of 134.92 feet with the north line of said 7.473 acre tract and with the south line of said 1.5 acre tract, to a 1" pinch top iron pipe found at the southeast corner of said 1.5 acre tract and being at the southwest corner of Lot 198 of Clouse Addition No. 1 of record in Plat Book 7, Page 91;

Thence South  $63^{\circ}46'57''$  East, a distance of 847.64 feet with the north line of said 7.473 acre tract and with the south line of Lots 198 through 204 of said Clouse Addition No. 1, to a  $\frac{3}{4}$ " iron pin found at the southeast corner of said Lot 204 and being at the southwest corner of a 0.603 acre tract of land described in a deed to Christopher A. White and Heidi Marie Haupt of record in Deed Book 550, Page 488;

Thence North  $55^{\circ}19'15''$  East, a distance of 184.49 feet with a northwest line of said 7.473 acre tract and with the southeast line of said 0.603 acre tract, to a  $\frac{5}{8}$ " iron pin found with an IBI Group cap on the west right-of-way line of Powell Road (County Road 14) and being at the most westerly corner of a 0.223 acre tract of land described in a deed to State of Ohio of record in Official Record Volume 1370, Page 75;

Thence with the west line of said 0.223 acre tract and with the west right-of-way line of said Powell Road, the following two (2) courses and distances:

- 1) South  $47^{\circ}24'54''$  East, a distance of 70.19 feet, to a  $\frac{5}{8}$ " iron pin found with an IBI Group cap;

- 2) With the arc of a curve to the right having a radius of 606.62 feet, a central angle of 29°08'45", a chord bearing of South 23°55'08" East, a chord distance of 305.26 feet, and an arc length of 308.58 feet, to 5/8" iron pin found with an IBI group cap on a south line of said 90.848 acre tract and being on the north line of a 0.636 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1;

Thence South 78°13'14" West, a distance of 260.90 feet with a south line of said 90.848 acre tract and with the north line of said 0.636 acre tract, to a 1" iron pipe found with a CEA cap at the northwest corner of said 0.636 acre tract;

Thence South 01°43'33" West, a distance of 302.47 feet with an east line of said 90.848 acre tract, with the west line of said 0.636 acre tract, with the west line of a 1.000 acre tract of land described in a deed to Prep Academies, Inc. of record in Official Record Volume 824, Page 1, and crossing said 90.848 acre tract, to an iron pin set on the south line of said Farm Lot 16;

Thence North 86°44'25" West, a distance of 125.09 feet with the south line of said Farm Lot 16 and crossing said 90.848 acre tract, to an iron pin set;

Thence North 54°10'36" West, a distance of 938.24 feet crossing said 90.848 acre tract, to the **TRUE POINT OF BEGINNING** containing 12.627 acres of land, more or less.

**Basis of Bearings:** Bearings are based on data acquired by GPS observations as per NAD 83 (1995)-Ohio State Plane Coordinate System-North Zone from the Delaware County Geodetic Control Monumentation.

All iron pins set are 5/8" solid iron pins, 30 inches in length with a yellow plastic cap stamped "CT Consultants".

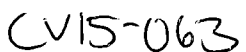
The above description is based on and referenced to an exhibit titled "Plat of Survey For Rezoning a 12.627 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All references are to the records of the Recorder's Office, Delaware County, Ohio.

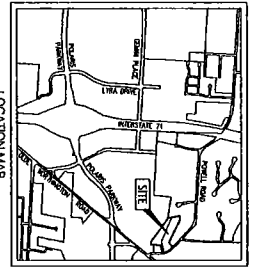
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Darrell B. Plummer, P.S.  
Professional Surveyor No. 7595

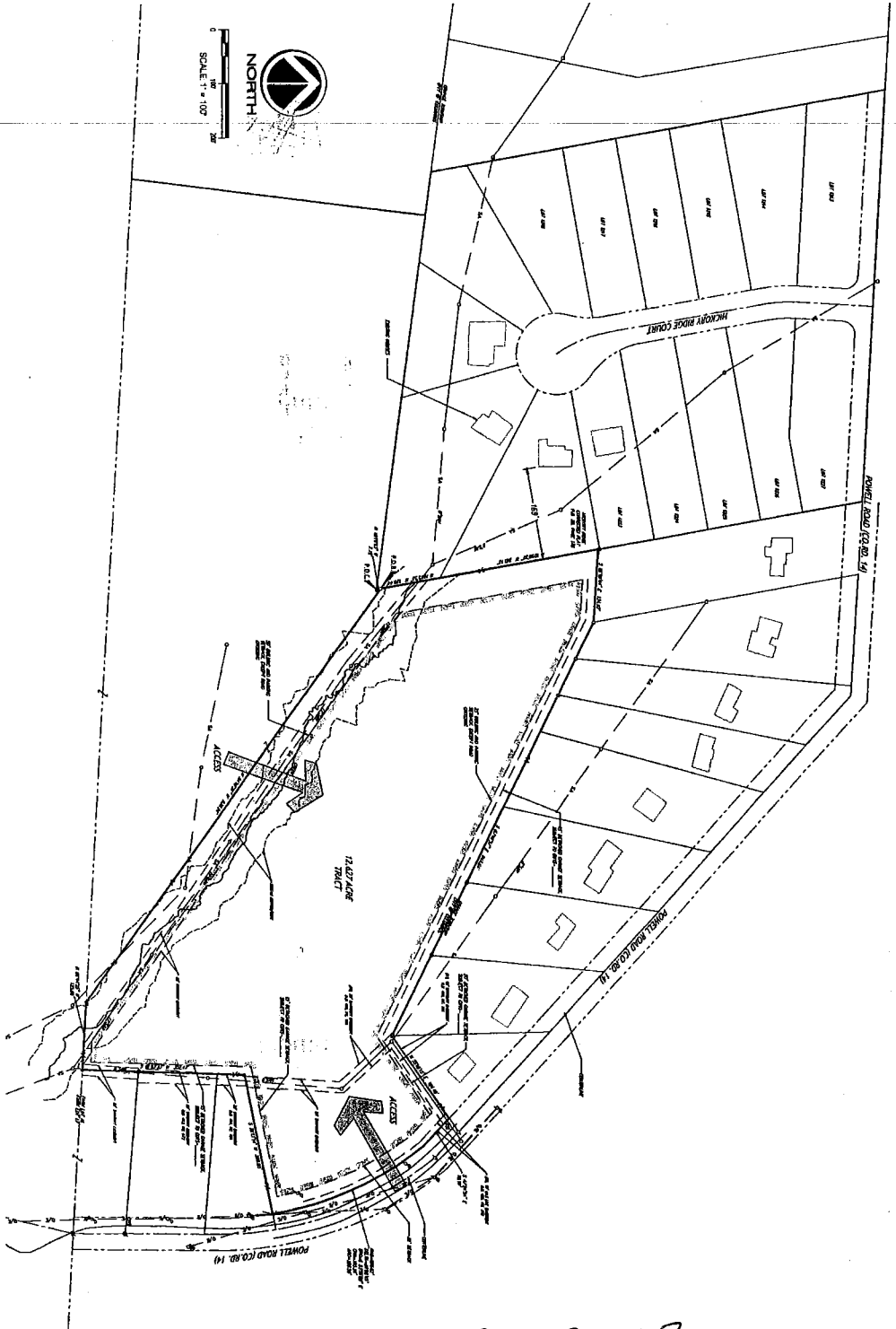
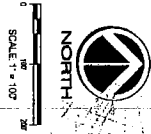
Date







DATA TABLE



Baggs Property Zoning Exhibit, 3780 E. Powell Road, Columbus, OH 43065

prepared for  
N.P. Limited  
October, 21 2015

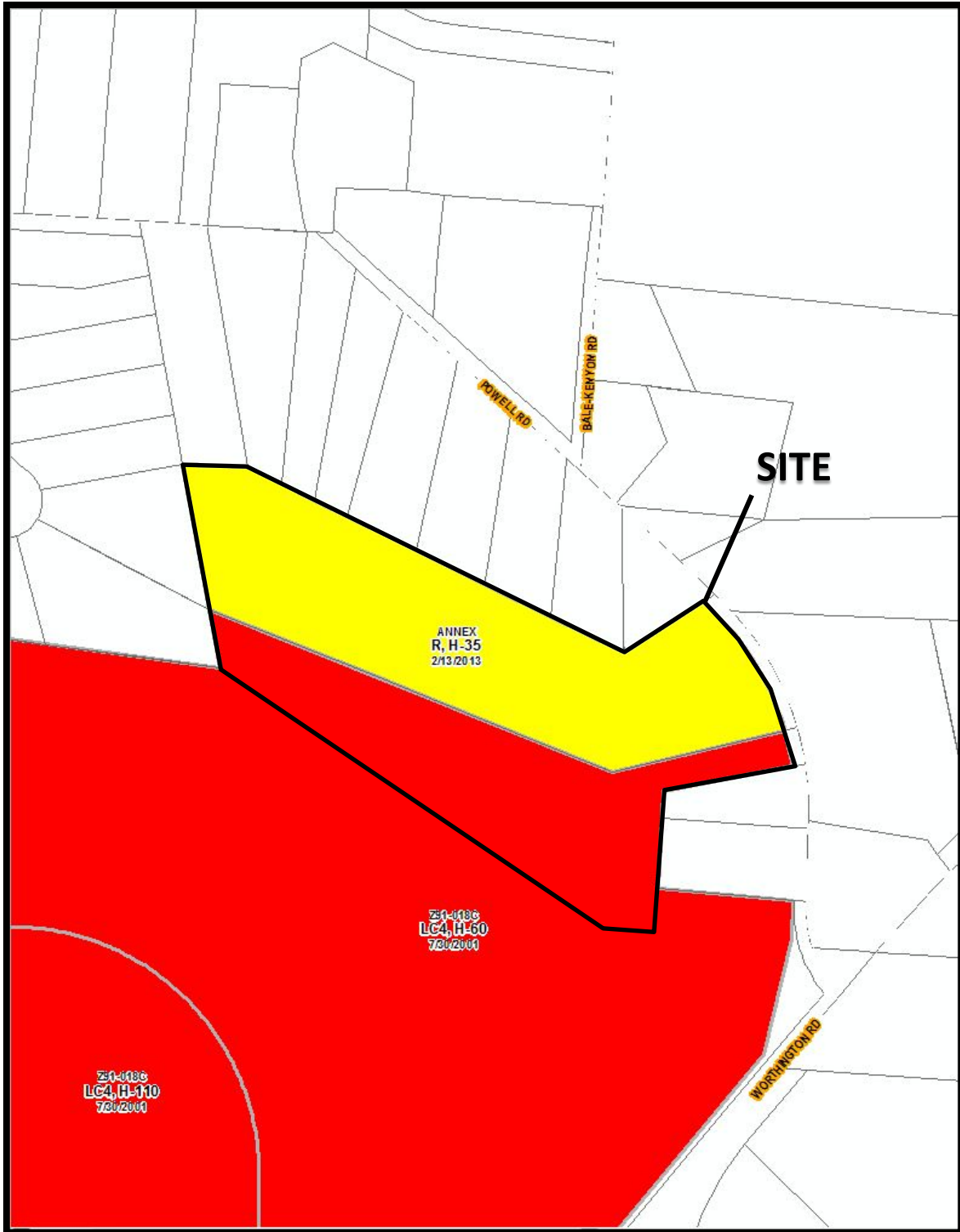


**CT Consultants**

engineers|architects|planners  
7001 North High Street, Suite 400, Columbus, Ohio 43235  
614.462.1778 www.ctconsultants.com

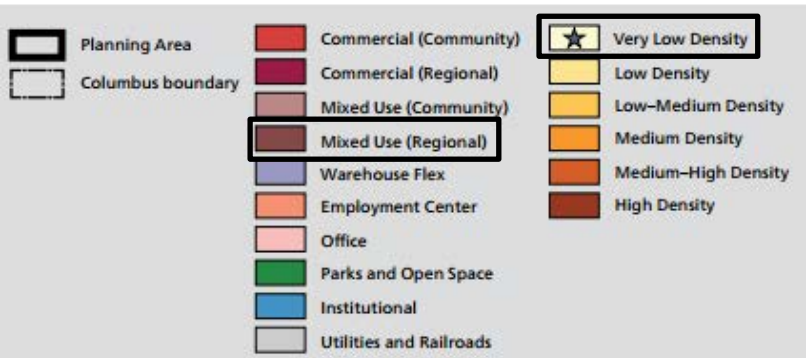
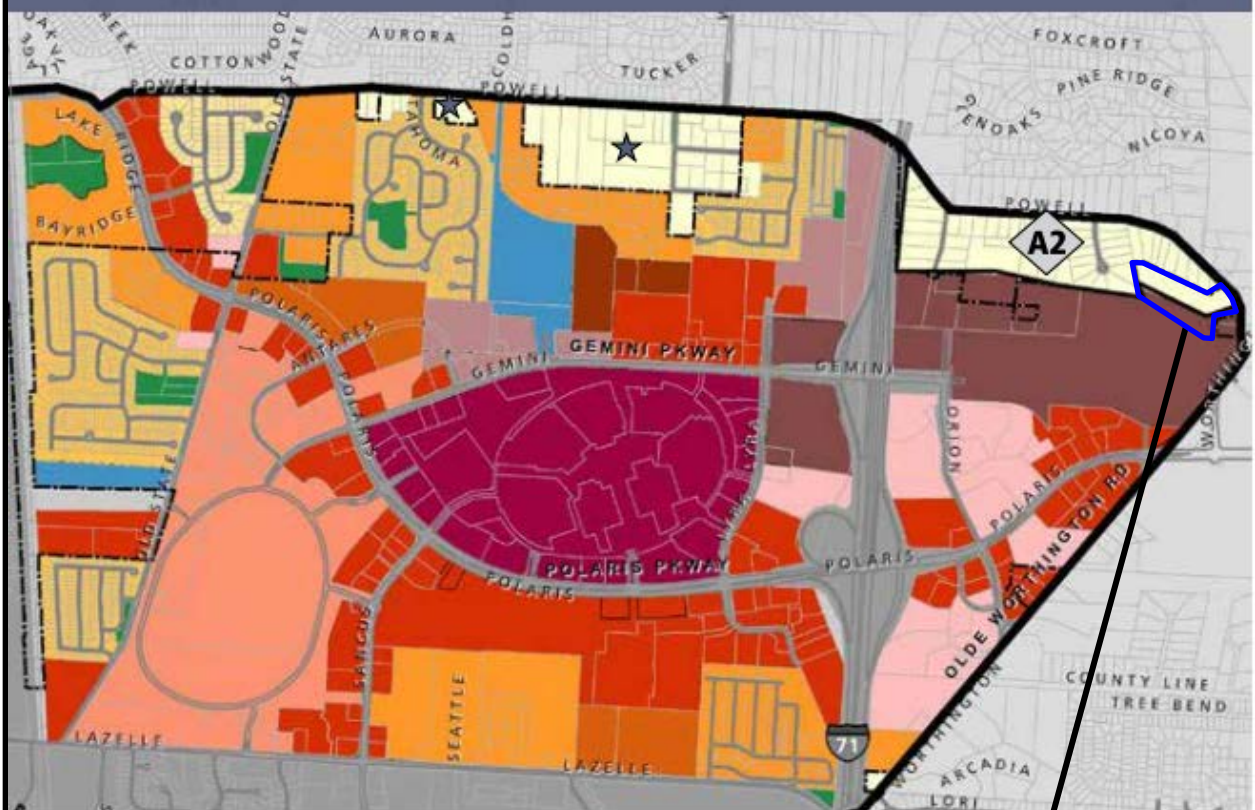
Z15-022, Sheet 1 of 1  
(see also: CV15-)

CV15-063



CV15-063  
3780 East Powell Road  
Approximately 12.63 acres

Figure 16: Polaris Subarea



**SITE**

Refer to page 55 for supporting text for site A2.

Refer to page 43 for supporting text.

Far North Area Plan (2014)  
CV15-063  
3780 East Powell Road  
Approximately 12.63 acres





CV15-063  
3780 East Powell Road  
Approximately 12.63 acres