



#09310-00000-00319

Comments: _____ Application Number: _____ Commission/Group: _____
 Date Received: 14 Dec. 2009 Planning Area: _____
 Date of Hearing: 23 Feb 2010 Acreage: _____
 Zoning Fee: \$1900 Address Fee: _____
 Existing Zoning: _____ Accepted by: [Signature]

BOARD OF ZONING ADJUSTMENT APPLICATION

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance
 ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: C.C. 3342.28 to reduce minimum parking requirement 39 to 32.

LOCATION

1. Certified Address Number and Street Name 2777 Billingsley Road
 City Columbus State Ohio Zip 43235
 Parcel Number (only one required.) 5 9 0 - 2 0 2 3 8 9

APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Same as owner.
 3. Address _____ City _____ Zip _____
 4. Phone# _____ Fax # _____
 5. Email Address _____

PROPERTY OWNER(S)

6. Name Taco Bell of America, Inc.
 7. Address 104 Lisa Ct. City McMurray, PA Zip 15317
 8. Phone# (724) 969-5009 Fax # _____
 9. Email Address _____

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

ATTORNEY / AGENT (CIRCLE ONE)

10. Name Jeffrey L. Brown / David Hodge / Smith & Hale LLC
 11. Address 37 W. Broad St., Suite 725 City Columbus Zip 43215
 12. Phone# 221-4255 Fax # 221-4409
 13. Email Address _____

SIGNATURES

14. Applicant Signature _____ Taco Bell of America, Inc. By: David Hodge
 15. Property Owner Signature _____ Taco Bell of America, Inc. By: David Hodge
 16. Attorney/Agent Signature _____ David Hodge

Date

Application #

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224



AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge

of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, 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 ADDRESS CARD FOR PROPERTY 2777 Billingsley Road

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) Taco Bell of America, Inc.

104 Lisa Ct.

McMurray, PA 15317

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

Taco Bell of America, Inc.

(724) 969-5009

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

(5) Far Northwest Coalition

c/o Mr. John Best

7527 Foxfield Ct., Columbus, OH 43235

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
Please see attached list.

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

SIGNATURE OF AFFIANT

(8) David Hodge

Subscribed to me in my presence and before me this 14th day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC

(8) Natalie C. Patrick

My Commission Expires:

9/4/2010



NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-10

**APPLICANT/PROPERTY
OWNER**

Taco Bell of America, Inc.
104 Lisa Ct.
McMurray, PA 15317

ATTORNEY

Jeffrey L. Brown
Smith & Hale LLC
37 West Broad Street, Ste. 725
Columbus, OH 43215

**AREA COMMISSION / CIVIC
ASSOCIATION**

Far Northwest Coalition
c/o Mr. Jon Best
7527 Foxfield Court
Columbus, OH 43235

**SURROUNDING PROPERTY
OWNERS**

Dick Ruhl Properties Inc.
7250 Sawmill Road
Columbus, OH 43235

Marathon Ashland Petroleum LLC
539 S. Main Street
Findlay, OH 45840-3242

Newmarket Acquisition Ltd.
191 W. Nationwide Blvd.
Columbus, OH 43215-2558

McDonalds Corporation
P.O. Box 182571
Columbus, OH 43218-2768



STATEMENT OF HARDSHIP

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached statement.

Statement of Hardship

2777 Billingsley Road

The applicant is requesting a development standard area variance to accommodate the appropriate redevelopment of the above-referenced property. The following variance is requested:

Columbus Cite Code Section 3342.28, Minimum number of parking spaces required, requires this restaurant use to provide 31 parking spaces, where the applicant is requesting to provide 27.

Development of this property with this reduction in the minimum number of parking spaces is appropriate and will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code.

The applicant respectfully requests the grant the requested variances.

Taco Bell of America, Inc.

Signature of Applicant: By: David Hodge

Date: December 14, 2009



Signature of Applicant _____ Date _____

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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION #

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, 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 and their mailing addresses:

NAME _____

COMPLETE MAILING ADDRESS

Taco Bell of America, Inc.
104 Lisa Ct., McMurray, PA 15317

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 4th day of December, in the year 2019

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

page 9 — Board

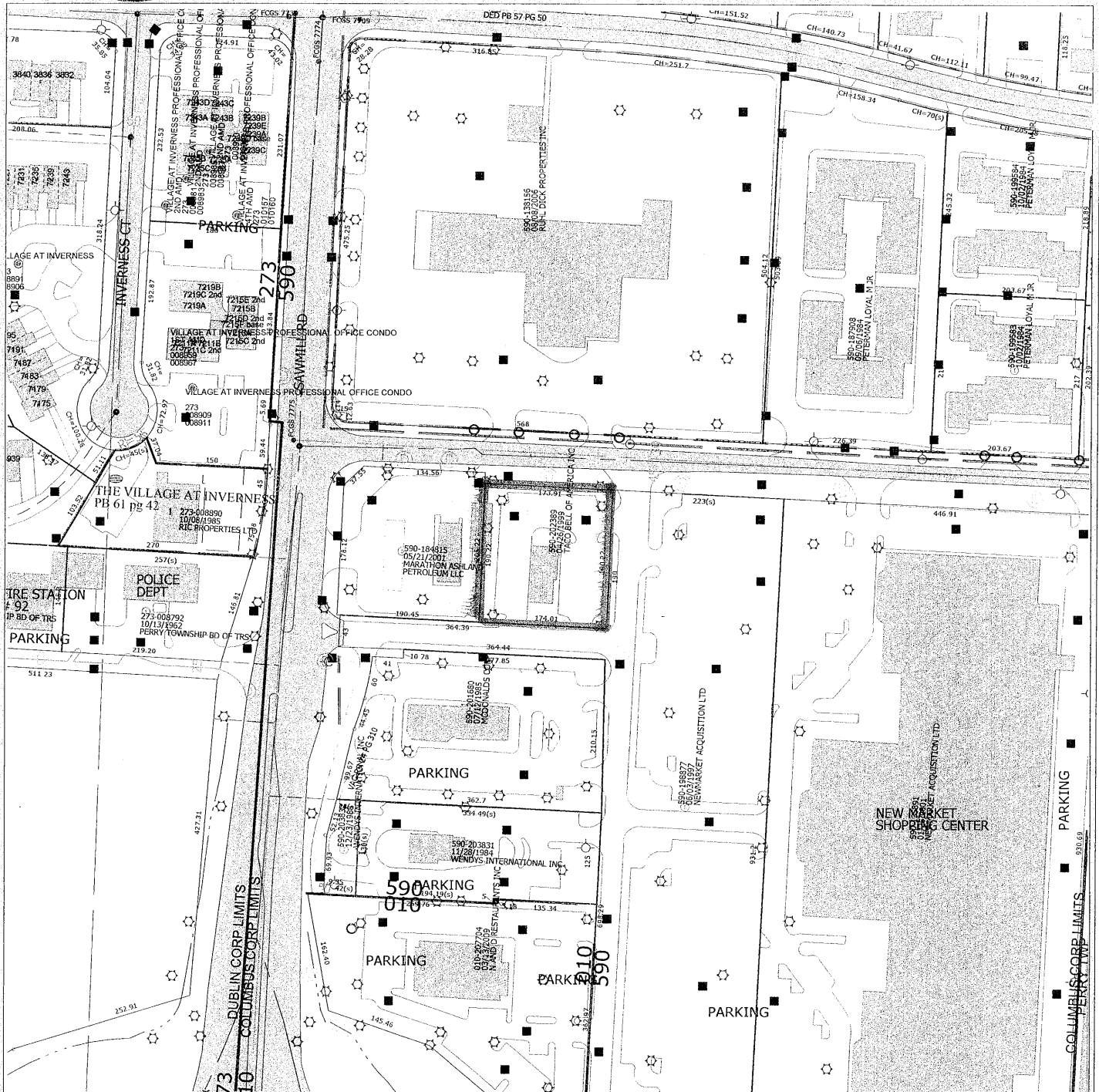
Notary Seal Here
NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-10
d of Zoning Adjustment Packet



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 12/9/09



Disclaimer

Scale = 200

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



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: 590202389

Zoning Number: 2777

Street Name: BILLINGSLEY RD

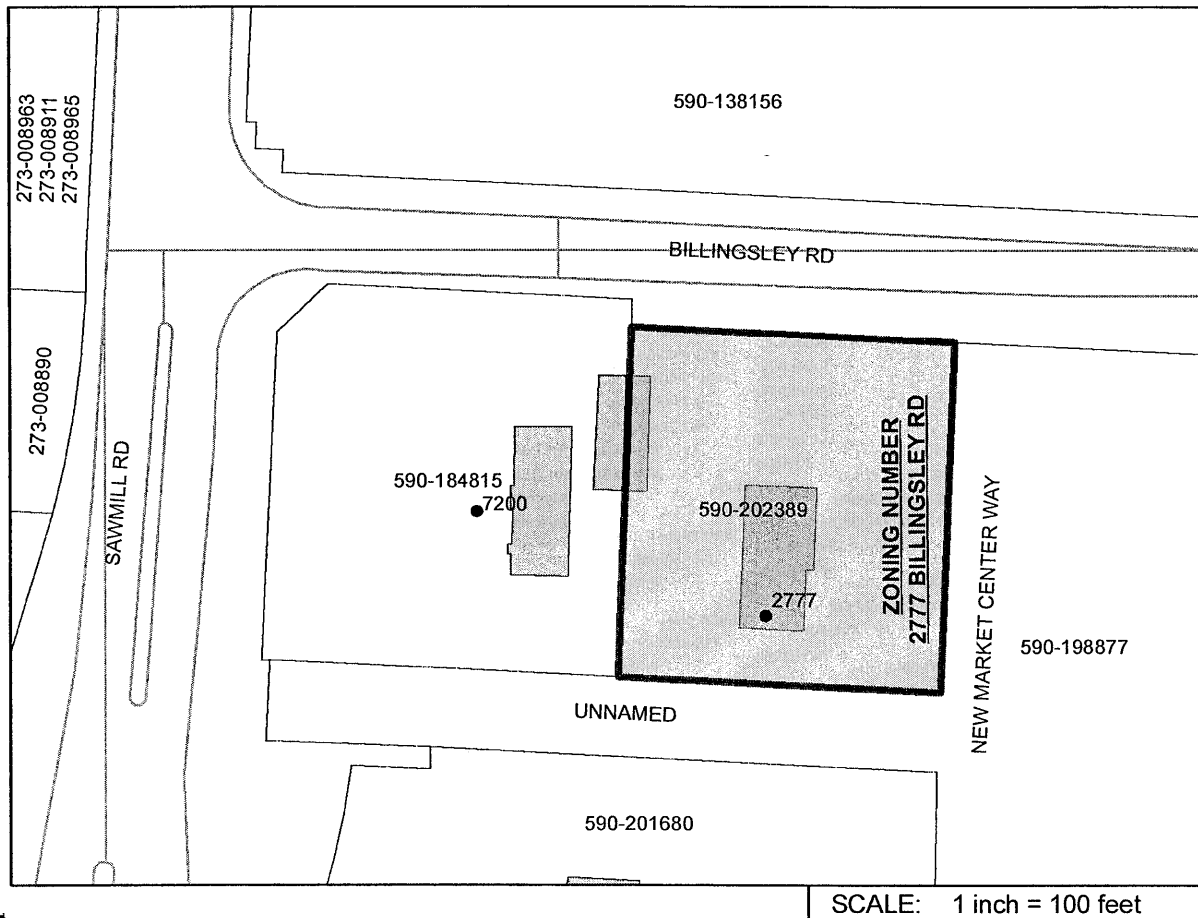
Lot Number: N/A

Subdivision: N/A

Requested By: SMITH & HALE

Issued By: *Adyana Amariam*

Date: 12/8/2009



SCALE: 1 inch = 100 feet

GIS NOS FILE NUMBER: 2247



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

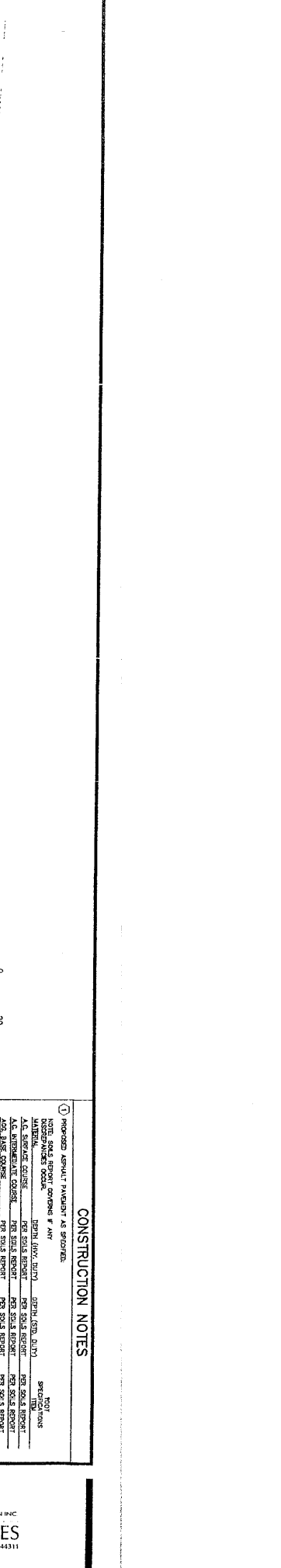


EXHIBIT 'A'

LEGAL DESCRIPTION

Real Property which is described as follows:

Parcel No. 1

Situated in the State of Ohio, County of Franklin, City of Columbus, Township of Perry, being a part of Section 1, Township 2, Range 19, United States Military Lands, containing 0.760 acres of land, more or less, out of that 8.248 acre tract of land as described in a deed to Emro Land Company, of record in Deed Book 3696, Page 475 (all references to deed books in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 0.760 acre tract of land being more particularly described as follows:

Beginning, for reference, at the intersection of the westerly line of said Section 1, with the centerline of Billingsley Road extended westerly: thence South 87 degrees 10 minutes 44 seconds East, with the centerline of said Billingsley Road (passing the centerline of Sawmill Road as established by the Ohio Department of Highways FRA-270, Section 10.33 West at a distance of 17.30 feet) a distance of 282.52 feet to a P.K. Nail (found), the northeasterly corner of that 0.506 acre tract of land as described in a deed to Marathon Petroleum Company, of record in Official Record 4662, Page J01, the northwesterly corner of that 0.8626 acre tract of land as described in a deed to the City of Columbus, Ohio, of record in Official Record 4968, Page E10; thence South 2 degrees 48 minutes 59 seconds West, with the easterly line of said 0.506 acre tract, the westerly line of said 0.8626 acre tract, a distance of 45.00 feet to an iron pin (set), the true point of beginning:

ALL OF
202389
(540)

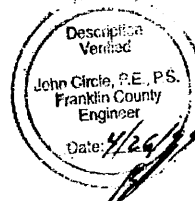
Thence, from said true point of beginning, South 87 degrees 10 minutes 44 seconds East, with the southerly line of said 0.8626 acre tract parallel with the centerline of said Billingsley Road and 45.00 feet southerly therefrom (as measured at right angles), a distance of 173.91 feet to an iron pin (set);

Thence South 2 degrees 47 minutes 15 seconds West, a distance of 190.22 feet to an iron pin (set);

Thence North 87 degrees 10 minutes 44 seconds West, a distance of 174.01 feet to an iron pin (set), the southeasterly corner of said 0.506 acre tract;

Thence North 2 degrees 48 minutes 59 seconds East, with the easterly line of said 0.506 acre tract, a distance of 190.22 feet to the true point of beginning and containing 0.760 acres of land, more or less.

Store No. 4305



The bearing system used in the foregoing description is based on the centerline of Billingsley Road being South 87 degrees 10 minutes 44 seconds East as established by the Ohio Department of Highways.

Iron pins denoted as set are $\frac{3}{4}$ " (I.D.) iron pipe plugged with a plastic cap bearing the name Northland Surveying Company.

Subject to easements and/or rights-of-way, covenants and restrictions of record.

Store No. 4305