

Assigned to S. Pine, 645-2208, spine@columbus.gov

COUNCIL VARIANCE APPLICATION



OFFICE USE ONLY:

Planning Area: CV12-0009/12315-0000-00116

Received By: S. Pine 3/5/12

\$2400 -

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes): 5023 Thompson Road Zip: 43235

Is this property currently being annexed into the City of Columbus? ☐ 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: 010-215018

☐ If applicable, check here if listing additional parcel numbers on a separate page
(REQUIRED)

Current Zoning District(s): L-AR-1

Recognized Civic Association or Area Commission: Northland Community Council

(See instructions in "Things to Remember" on front of application packet.)

Proposed Use or reason for Council variance request: Requesting reduction in perimeter yard requirement under §3333.255 from 25 feet to 5 feet for multi-family development

Proposed Height District: 35' Acreage: 5.7 +/- Acres

(Columbus City Code Section 3309.14)

APPLICANT:

Name Preferred Real Estate Investments II LLC

Address 470 Olde Worthington Road City Westerville Zip 43082

PROPERTY OWNER(S):

Name: DSM HOLDINGS LTD.

Address: 259 West Schrock Road, Westerville, OH 43081

☐ If applicable, check here if listing additional property owners on a separate page (REQUIRED)

ATTORNEY / AGENT

☐ Attorney

☐ Agent

Name Jill S. Tangeman, Esq.

Address 52 East Gay Street City Columbus Zip 43216

Phone # 614-464-5608 Fax # 614-719-4638 Email jstangeman@vorys.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature [Signature]

Property Owner Signature [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.



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jill Tangeman
of (1) MAILING ADDRESS 52 East Gay Street, Columbus, Ohio 43216
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) CERTIFIED ADDRESS FOR ZONING PURPOSES _____
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) 3/5/12
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS
(4) DSM Holdings Ltd.
259 West Schrock Road
Westerville, Ohio 43081

APPLICANT'S NAME AND PHONE #
(same as listed on front of application) Preferred Real Estate Investments II LLC
614-901-2400

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS
(5) Northland Community Council
c/o Dave Paul
P.O. Box 297836, Columbus, OH 43229

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)

SIGNATURE OF AFFIANT
Subscribed to me in my presence and before me this 1st day of March, in the year 2012
SIGNATURE OF NOTARY PUBLIC
My Commission Expires: NA

Notary Seal Here



Deanna R. Cook, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

C12-008

**LIST IDENTIFYING PROPERTY OWNER, NEIGHBORHOOD
CIVIC ORGANIZATION, AND ATTORNEY FOR APPLICANT**

<u>Owner Name</u>	<u>Parcel Number</u>	<u>Property Address</u>	<u>Mailing Address</u>
New Albany Co.	010-215018	5.655 acres – Thompson Road	New Albany Co. 166 West Main Street P. O. Box 654 New Albany OH 43054
			<u>Neighborhood Civic Organization</u> Northland Community Council c/o Dave Paul P O Box 267836 Columbus OH 43229
			<u>Attorney for Applicant</u> Jill S. Tangeman, Esq. Vorys, Sater, Seymour and Pease LLP 52 East Gay Street, P.O. Box 1008 Columbus OH 43216-1008

**LIST IDENTIFYING OWNERS OF PROPERTY WITHIN 125 FEET
OF THE PROPERTY BEING REZONED**

<u>Owner Name</u>	<u>Parcel Number</u>	<u>Property Address</u>	<u>Mailing Address</u>
Kristen M. Beckman and Adam D. Beckman	545-267349	5937 Rookery Court	Kristen M. Beckman and Adam D. Beckman 5937 Rookery Court New Albany OH 43054
Stanley P. Deibert	545-225133	4166 Pathfield Drive	Stanley P. Deibert 4166 Pathfield Drive Columbus OH 43230
Anna A. Davis and Clarke N. Davis	545-262013	4294 Greensbury Drive	Anna A. Davis and Clarke N. Davis 4294 Greensbury Drive New Albany Oh 43054
HCP EMFIN Properties LLC	010-223623	5055 Thompson	HCP EMFIN Properties LLC 3760 Kilroy Airport Way Long Beach CA 90806
HD Development of Maryland Inc.	010-220107	5200 North Hamilton Road	HD Development of Maryland Inc. 2455 Paces Ferry Road NW Atlanta GA 30339
Vickey S. Jefferson	545-267344	5971 Rookery Court	Vickey S. Jefferson 5971 Rookery Court New Albany OH 43054

<u>Owner Name</u>	<u>Parcel Number</u>	<u>Property Address</u>	<u>Mailing Address</u>
Stevenson E. Jones	545-267347	5949 Rookery Court	Stevenson E. Jones 5949 Rookery Court New Albany OH 43054
Balasubramaniam S. Kapulur and Archana K. Balakandan	545-267345	5963 Rookery Court	Balasubramaniam S. Kapulur and Archana K. Balakandan 5963 Rookery Court New Albany OH 43054
Kyle R. Kleinhenz	545-225135	4154 Pathfield Drive	Kyle R. Kleinhenz 4154 Pathfield Drive Columbus OH 43230
Sharman V. Linnabary	545-225134	4160 Pathfield Drive	Sharman V. Linnabary 4160 Pathfield Drive Columbus OH 43230
Meijer Stores LP	545-220905	5050 North Hamilton Road	Meijer Stores LP 2929 Walker Avenue NW Grand Rapids MI 49544
Nagaraj J. Naik and Jaya S. Naik	545-262032	5979 Rookery Court	Nagaraj J. Naik and Jaya S. Naik 5979 Rookery Court New Albany OH 43054
Muralidhar Paidikondala and Lakshmi Kosuri	545-267348	5943 Rookery Court	Muralidhar Paidikondala and Lakshmi Kosuri 5943 Rookery Court New Albany OH 43054
Gayle B. Pavlofsky	545-225136	4148 Pathfield Drive	Gayle B. Pavlofsky 4148 Pathfield Drive Columbus OH 43230
Adrian R. Rodgers, Trustee and Emily M. Rodgers, Trustee	545-267346	5955 Rookery Court	Adrian R. Rodgers, Trustee and Emily M. Rodgers, Trustee 5955 Rookery Court New Albany OH 43054

STATEMENT OF HARDSHIP



Chapter 3307 of Columbus Zoning Code
Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirement 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 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

Date

3/1/2012

STATEMENT OF HARDSHIP

Property Address: 5023 Thompson Road

Applicant: Preferred Real Estate Investments II, LLC

The subject site is 5.7 +/- acres located on Thompson Road just east of Hamilton Road. The site is being rezoned by the Applicant to AR-1 for use as a multi-family development. The Applicant has submitted a site plan as part of the rezoning request. The site plan shows the east side yard set-back as five (5) feet and the south side yard set-back as ten (10) feet, as opposed to the twenty-five (25) feet for a perimeter yard required in the AR-1 district.

The Applicant purposely moved all proposed buildings south and east in order to create large setbacks from Thompson Road and Chestnut Hill Road with significant landscaping. The property to the east and south of the subject site is a nursing home facility zoned in the Institutional (I) district. The nursing home facility has already constructed parking along the west side of its facility. Therefore, the construction of a residential building closer than twenty-five feet to the property should not have any significant impact on the existing nursing home.

The grant of the above variance will not be injurious to the neighboring properties nor have any negative impact on city services.

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 # CV12-008

Being first duly cautioned and sworn (NAME) Jill Tangeman
of (COMPLETE ADDRESS) 52 East Gay Street, Columbus, Ohio 43216

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

Preferred Real Estate Investments II LLC 470 Olde Worthington Road Westerville, Ohio 43082 0 Columbus employees c/o Jill Tangeman Phone: 614-464-5608	

☐ If applicable, check here if listing additional parties on a separate page (REQUIRED)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 1st day of March, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

NA

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

Notary Seal Here



Deanna R. Cook, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



City of Columbus Zoning Plat

CV12-008

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: 010215018

Zoning Number: 5023

Street Name: THOMPSON RD

Lot Number: N/A

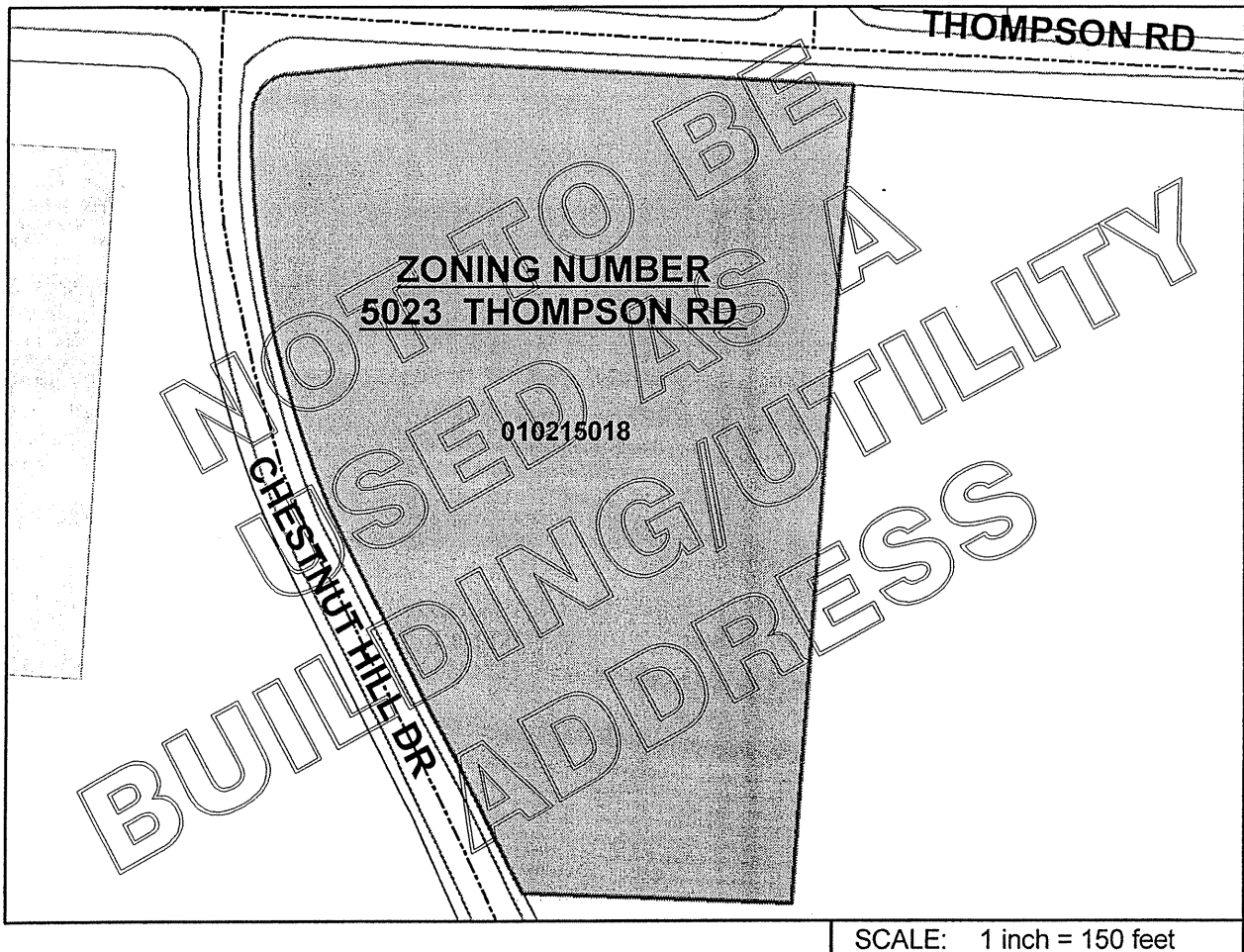
Subdivision: N/A

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

Issued By:

Virginia Buda

Date: 2/15/2012



SCALE: 1 inch = 150 feet

GIS FILE NUMBER: 6481



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

CW12-008



CLARENCE E MINGO II

FRANKLIN COUNTY AUDITOR

MAP ID: S **DATE: 2/16/12**



Disclaimer

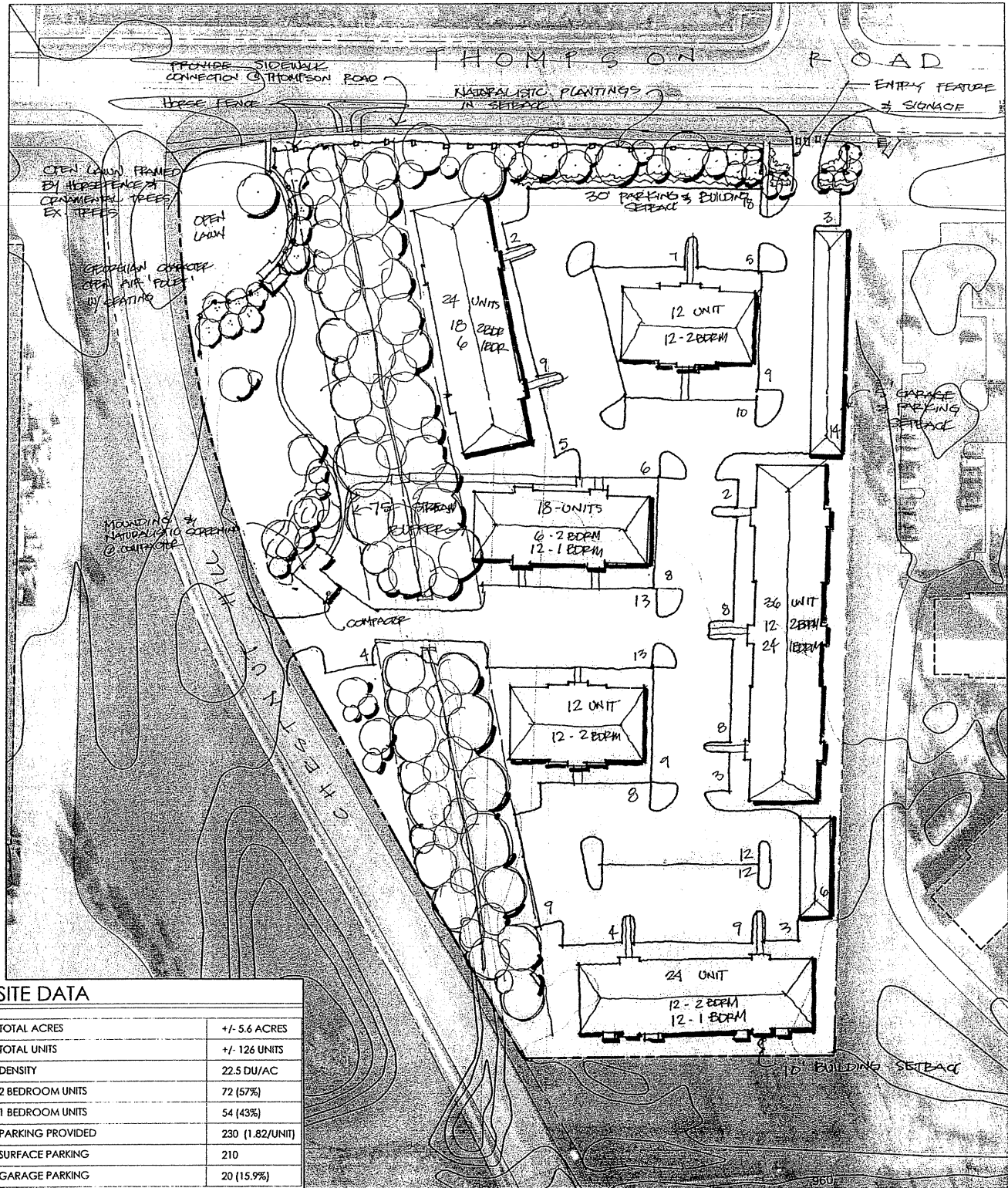
Scale = 300



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

CV12-008



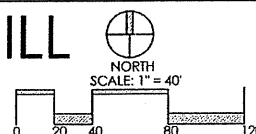
SITE DATA

TOTAL ACRES	+/- 5.6 ACRES
TOTAL UNITS	+/- 126 UNITS
DENSITY	22.5 DU/AC
2 BEDROOM UNITS	72 (57%)
1 BEDROOM UNITS	54 (43%)
PARKING PROVIDED	230 (1.82/UNIT)
SURFACE PARKING	210
GARAGE PARKING	20 (15.9%)

SITE CONCEPT THOMPSON/CHESTNUT HILL

PREPARED FOR PREFERRED LIVING

DATE: 2.20.12



Faris Planning & Design

LAND PLANNING

LANDSCAPE ARCHITECTURE

243 N. 5th Street
p. (614) 487-1964

Suite 401

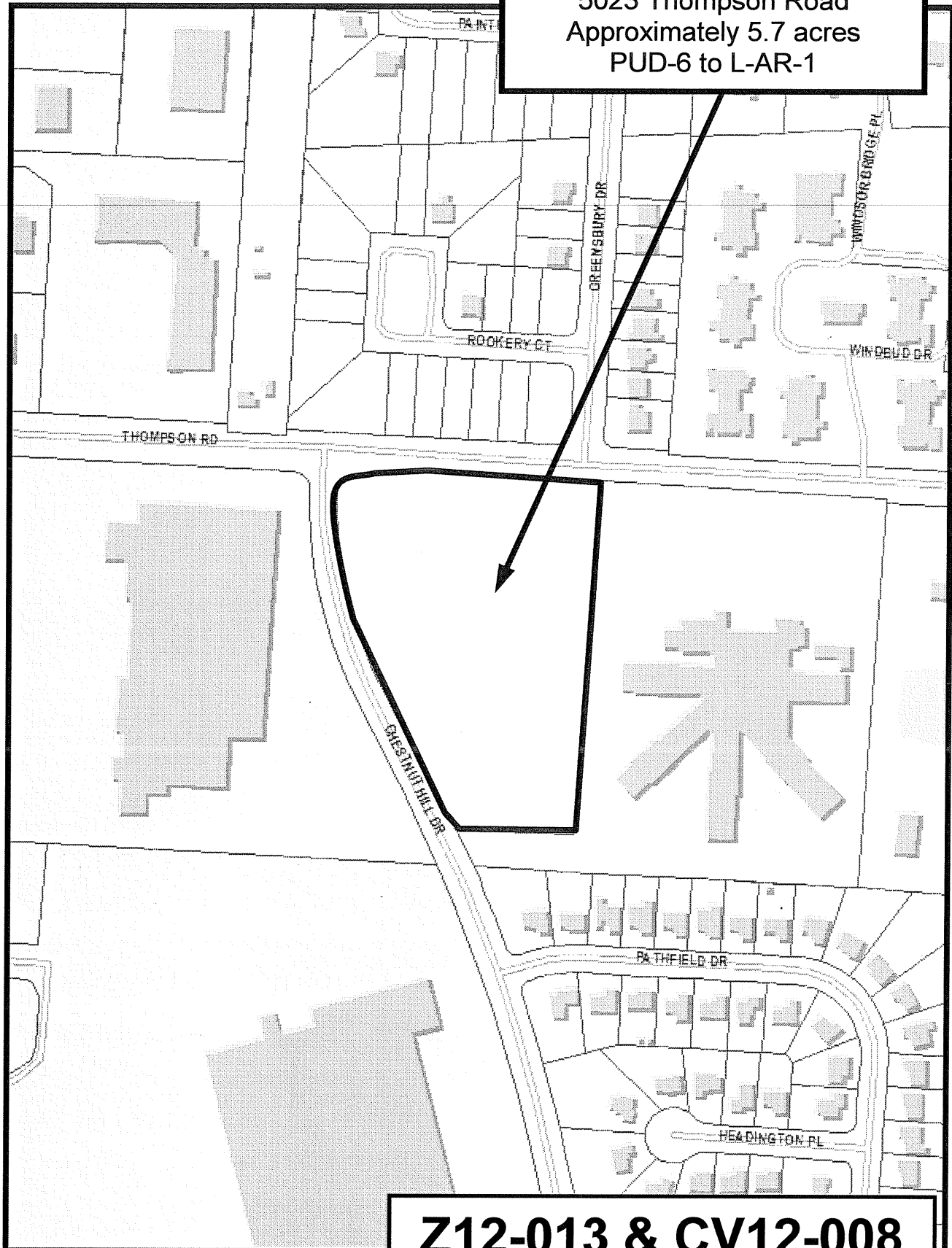
Columbus, OH 43215

www.farisplanninganddesign.com

5023 Thompson Road
Approximately 5.7 acres
PUD-6 to L-AR-1

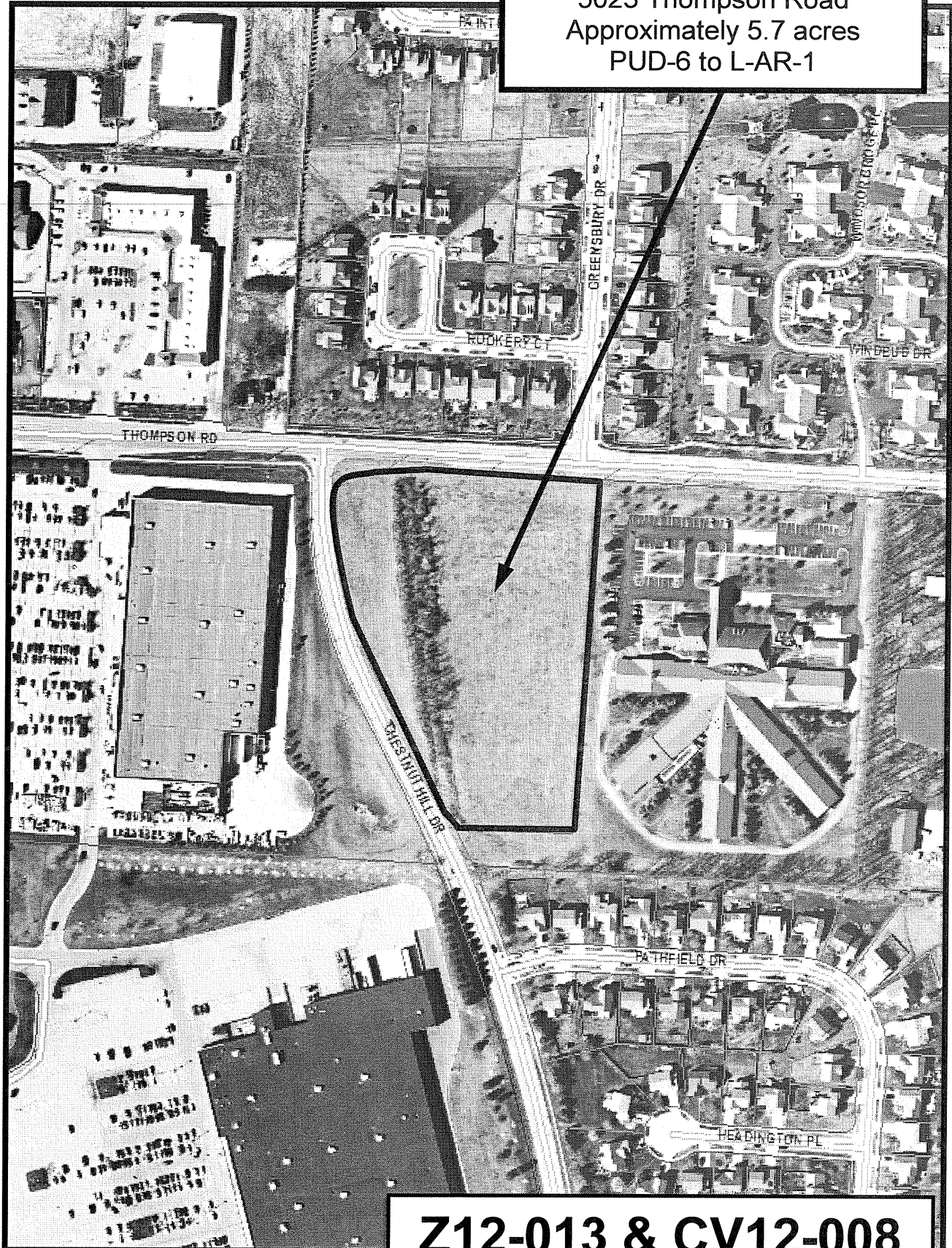


5023 Thompson Road
Approximately 5.7 acres
PUD-6 to L-AR-1



Z12-013 & CV12-008

5023 Thompson Road
Approximately 5.7 acres
PUD-6 to L-AR-1



Z12-013 & CV12-008