



## COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services  
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

PAID

OCT 15 2012

BUILDING & ZONING SERVICES

OFFICE USE ONLY

Application Number: CV12-053  
Date Received: 10/12/12  
Application Accepted By: D. Hitt Fee: \_\_\_\_\_  
Comments: 12315-00000-00020 Planner: Dana Hitt 645-2395 dahitt@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 5049 Edwards Farms Rd. Zip 43221  
Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No  
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.  
Parcel Number for Certified Address: 010-243355  
☐ Check here if listing additional parcel numbers on a separate page.  
Current Zoning District(s): L-ARLD  
Recognized Civic Association or Area Commission: NONE  
Proposed use or reason for Council Variance request: To permit two family dwellings in the L-ARLD district  
Acreage: 14.283 acres

### APPLICANT: Name Vision Development, Inc.

Address 3300 Riverside Drive, Suite 100 City/State Columbus, Ohio Zip 43221-1726  
Phone # 614-487-1804 Fax # n/a Email: brent@visiondevinc.com

### PROPERTY OWNER(S): Name Delta River, Ltd.

Address 4466 Dublin Rd. City/State Columbus, Ohio Zip 43221  
Phone # n/a Fax # n/a Email: n/a

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

### ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name Connie J. Klema, Attorney

Address 145 E. Rich St., 2nd Floor City/State Columbus, Ohio Zip 43215  
Phone # 614-469-9122 Fax # n/a Email: cklema@rroho.com

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Connie J. Klema, Attorney, on behalf of Vision Development, Inc.  
PROPERTY OWNER SIGNATURE Connie J. Klema, Attorney, on behalf of Delta River, Ltd.  
ATTORNEY / AGENT SIGNATURE Connie J. Klema, Attorney

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 all checks payable to the Columbus City Treasurer**



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### 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 ATTACHED

Signature of Applicant *Osami J. Klem, Attorney* Date 10.9.12

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## **STATEMENT OF HARDSHIP**

The subject property was rezoned to L-ARLD in August, 2012. Under the L-ARLD zoning, the property can be improved with dwellings containing no fewer than three and no more than four dwelling units, apartment houses containing five or more units, and no fewer than three townhouses in a row, but cannot be improved with two family dwellings. Developing the property with multi-dwelling structures mixed with two family dwellings results in a development that has fewer dense structures and one that will not impair an adequate supply of light and air to adjacent property. Having two unit dwellings intermingled with higher density structures does not impair but serves to better support the public health, safety, comfort, morals, or welfare of the inhabitants of the City.



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-053

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CONNIE J. KLEMA, ATTORNEY  
of (1) MAILING ADDRESS 145 E. RICH STREET, 2ND FLOOR, COLUMBUS, OHIO 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 5049 EDWARDS FARMS RD., COLUMBUS, OHIO 43221

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 10/12/12

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) DELTA RIVER, LTD.

4466 DUBLIN RD.

COLUMBUS, OHIO 43215

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

VISION DEVELOPMENT, INC.

614-487-1804

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.

SIGNATURE OF AFFIANT

(8) Connie J. Klem

Subscribed to me in my presence and before me this 10<sup>th</sup> day of October, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8) Gordon P. Shuler

My Commission Expires:

GORDON P. SHULER, Attorney At Law

NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION HAS NO EXPIRATION DATE

SECTION 147.03 R.C.

*Notary Seal Here*

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City of Columbus  
Real Estate Management  
90 W. Broad St. RM 425  
Columbus, OH 43215

Laura L Delaney  
5059 Calais Dr.  
Columbus, OH 43221

Delta River Ltd.  
4466 Dublin Rd.  
Columbus, OH 43221

Farms At Hayden Run Ltd.  
495 S. High St. Ste 150  
Columbus, OH 43215

Geoffrey W. Martin  
5009 Calais Dr.  
Columbus, OH 43221

Grandbridge RE Cap LLC  
Attn: Theresa Castillo  
200 S. College St. Ste 2100  
Charlotte, NC 28202

Wolfpert Enterprises Ltd.  
2592 Canterbury Rd.  
Columbus, OH 43221

Connie J. Klema, Attorney  
145 E. Rich St.  
2<sup>nd</sup> Floor  
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 # CV12-053

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Connie J. Klema, Attorney

Of [COMPLETE ADDRESS] 145 E. Rich St., 2nd Floor, Columbus, Ohio 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 formats

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. Delta River, Ltd. 4466 Dublin Rd. Columbus, Ohio 43221 (owner)	2. Vision Development, Inc. 3300 Riverside Drive, Suite 100 Columbus, Ohio 43221-1726 (purchaser)
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 10 day of October, in the year 2012

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Gordon P. Shuler  
GORDON P. SHULER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
MY COMMISSION HAS NO EXPIRATION DATE  
SECTION 147.03 R. C.

Notary Seal Here

This Project Disclosure Statement expires six months after 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: 010243355

Zoning Number: 5049

Street Name: EDWARDS FARMS RD

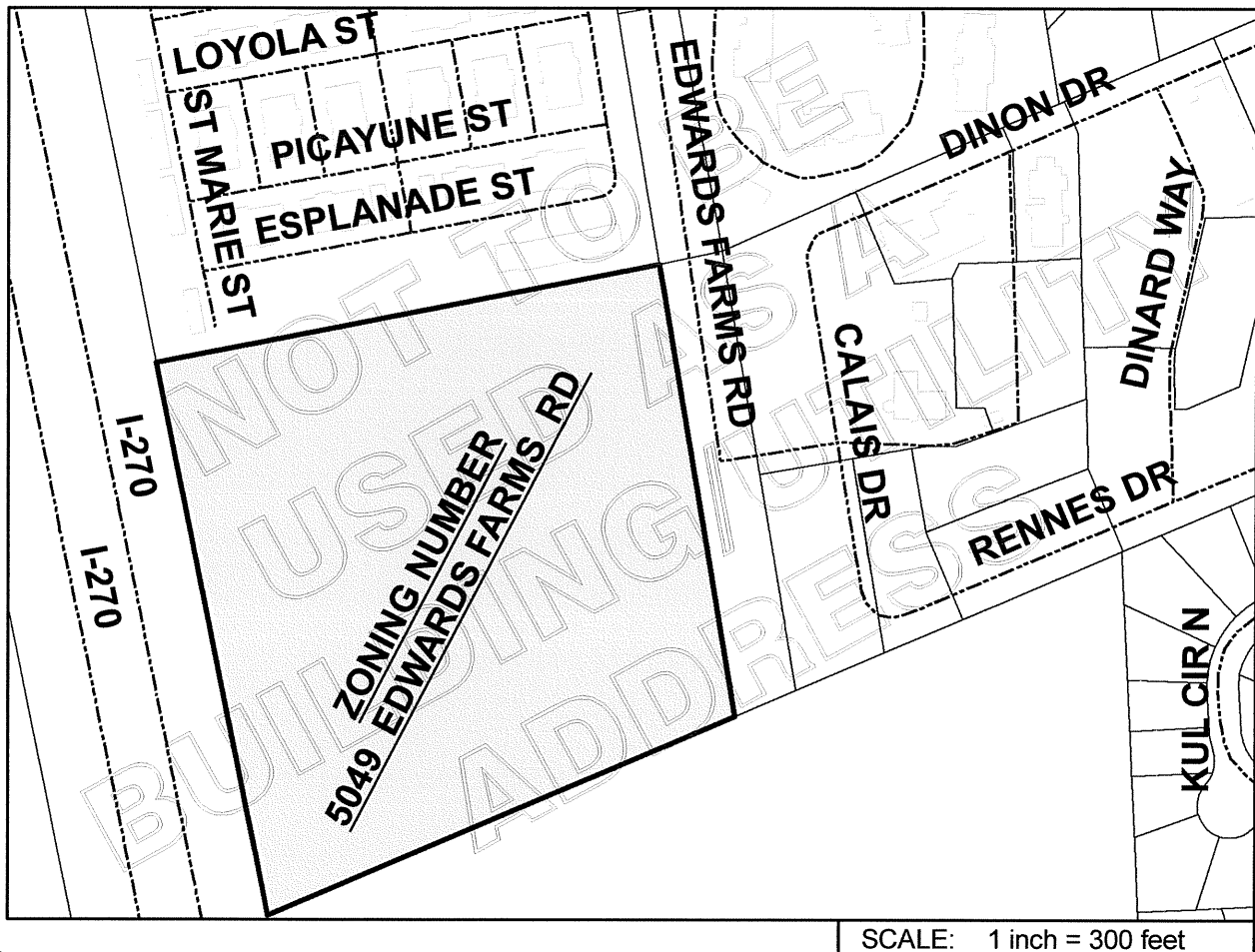
Lot Number: N/A

Subdivision: N/A

Requested By: CONNIE KLEMA, ATTORNEY

Issued By: *Edyana Amarian*

Date: 3/28/2012



SCALE: 1 inch = 300 feet

GIS FILE NUMBER: 7442



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

## **LEGAL DESCRIPTION**

### ***14.283 ACRES***

Situated in the State of Ohio, Franklin County, Norwich Township, being a part of Virginia Military Survey No. 2418 and No. 4854, and being a part of the 87.92 acre tract conveyed to Clyde M. Vaughn by deed of record in O.R. 15751 B16; of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Beginning for reference at a railroad spike found in the centerline of Hayden Run Road, said spike being the Northeast corner of the said original 87.92 acre tract;

Thence South 09 degrees, 40 minutes, 02 seconds East, 2432.49 feet, along the East line of said 87.92 acre tract to a  $\frac{3}{4}$ " iron pin found, said pin being at a corner of said 87.92 acre tract, also being on the line between VMS #2418 and VMS #4854;

Thence South 79 degrees, 01 minutes, 49 seconds West, 100.03 feet, along an existing fence line, to a 5/8 inch rebar set on the line between the City of Columbus and Norwich Township, also being the true point of beginning of the tract of land herein intended to be described;

Thence South 09 degrees, 40 minutes, 02 seconds East, 716.03 feet, across said 87.92 acre tract and along said line between the City of Columbus and Norwich Township, to a 5/8 inch rebar set in the South line of said 87.92 acre tract;

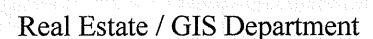
Thence South 66 degrees 57 minutes, 36 seconds West, 784.48 feet, along the South line of said 87.92 acre tract, to a 5/8 inch rebar set on the East right-of-way line of Interstate 270, also being the southwest corner of said 87.92 acre tract;

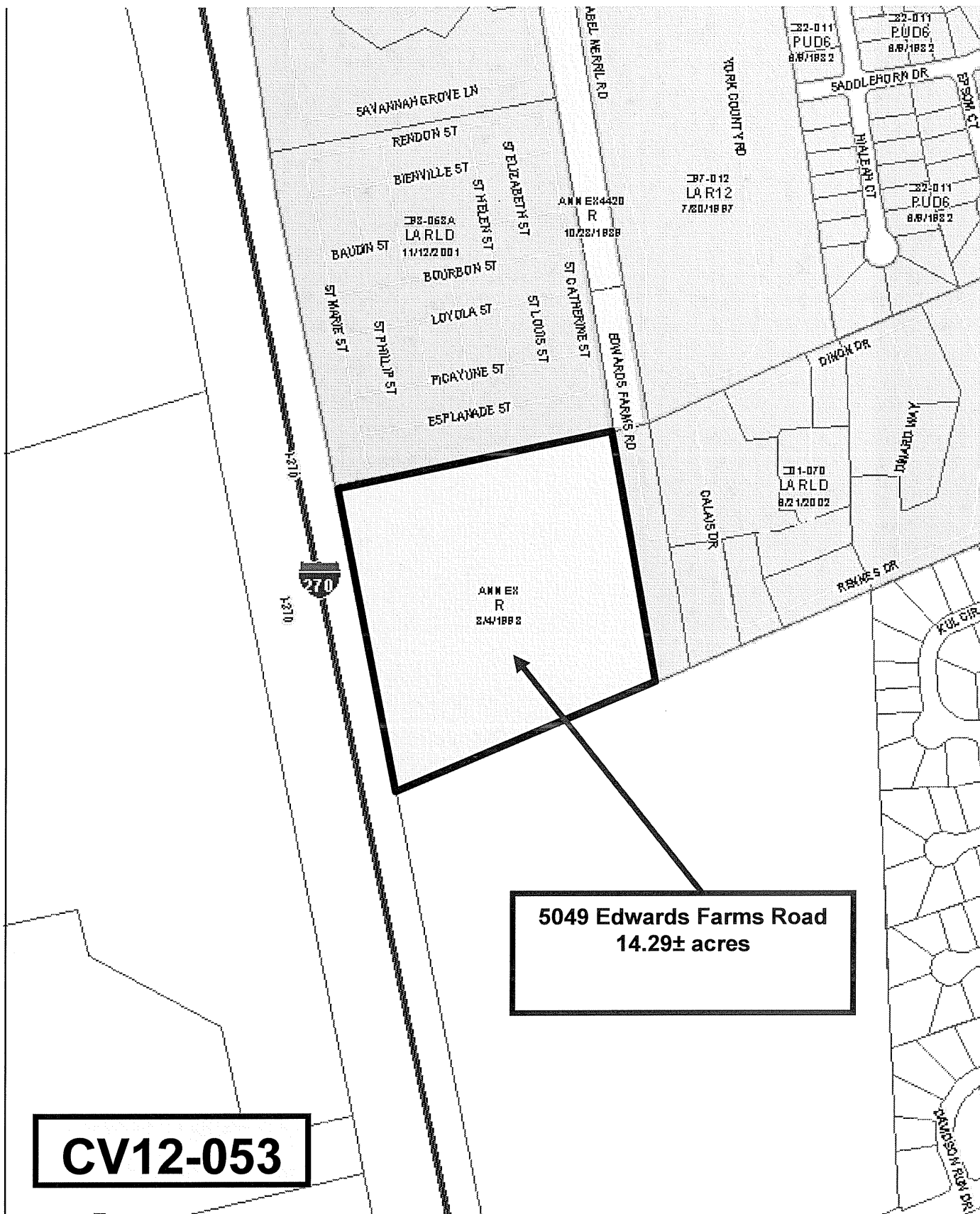
Thence North 11 degrees, 36 minutes, 49 seconds West, 879.94 feet, along the West line of said 87.92 acre tract, and the East right-of-way line of I-270, to a 5/8 inch rebar set;

Thence North 79 degrees, 01 minutes, 49 seconds, East 793.30 feet, along an existing fence line, to the point of beginning, containing 14.283 acres of land, more or less.

The bearings shown above are based on the centerline of Interstate 270 as being North 11 degrees, 36 minutes, 49 seconds, West as shown on ODOT drawing FRA-270-3.47N.







**CV12-053**

**5049 Edwards Farms Road  
14.29± acres**

