



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

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

OFFICE USE ONLY

Application Number: #13310-08000-00181

Date Received: _____

Commission/Civic: _____

Existing Zoning: _____

Application Accepted by: _____

Fee: _____

Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance

☐ Special Permit

Indicate what the proposal is and list applicable code sections.

SEE STATEMENT OF HARDSHIP, EXHIBIT B

LOCATION

1. Certified Address Number and Street Name 5305 Warner Road

City Columbus

State OH

Zip 43081

Parcel Number (only one required) 010-279390

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Donald W. Kelley and Associates, Inc. c/o Donald Plank, Plank Law Firm

Address 145 East Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email dplank@planklaw.com

PROPERTY OWNER(S):

Name Glen at Rocky Fork LLC c/o Donald Plank, Plank Law Firm

Address 145 E Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email dplank@planklaw.com

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

ATTORNEY/ AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name Donald Plank, Plank Law Firm

Address 145 E Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE

ATTORNEY/ AGENT SIGNATURE

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

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Thu Mar 28 2013

Date: Thu Mar 28 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 5410 ASHFORD RIDGE RD Unit 10 COLUMBUS, OH

Mailing Address: 250 E BROAD ST STE 1100
COLUMBUS OH 43215

Owner: GLEN AT ROCKY FORK LLC

Parcel Number: 010279390

ZONING INFORMATION

Zoning: Z00-038, Multi-family, LAR12
effective 3/27/2002, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

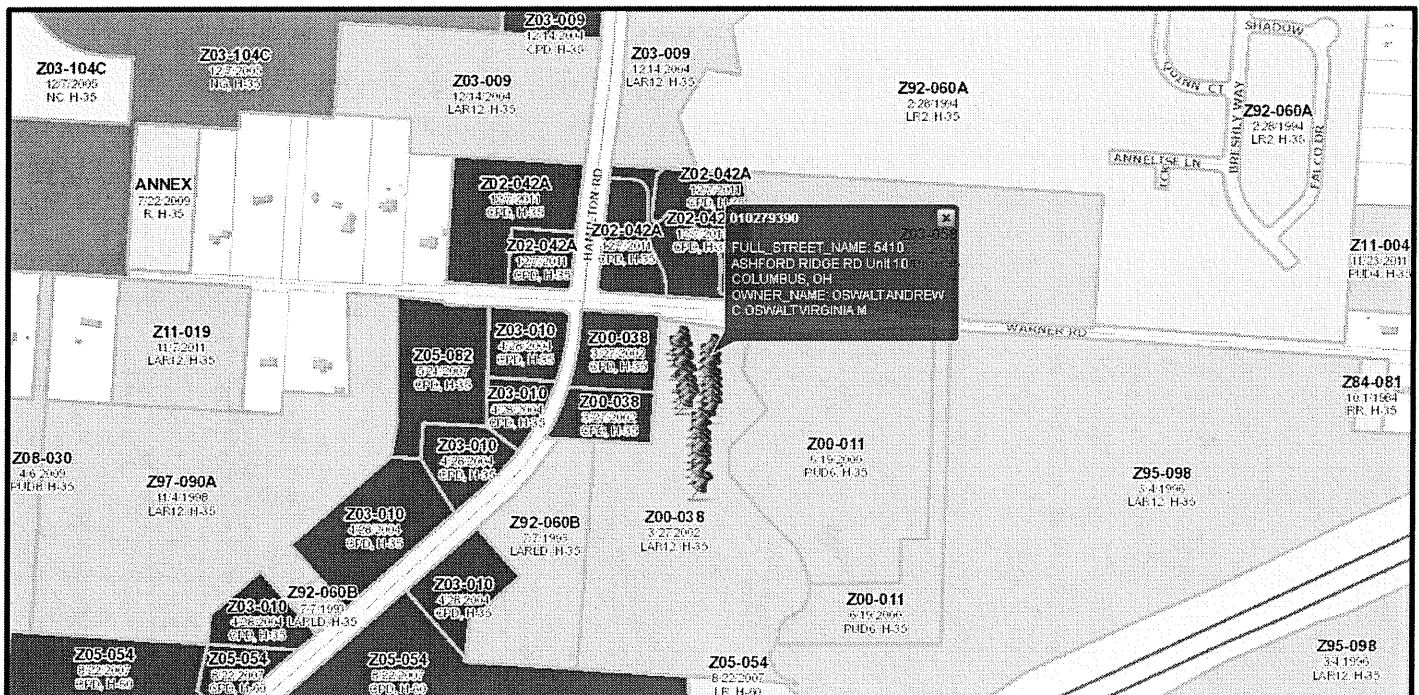
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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AFFIDAVIT

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, 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

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) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Glen at Rocky Fork, LLC c/o Donald Plank
Plank Law Firm

AND MAILING ADDRESS

145 East Rich Street, FL 3

Columbus, OH 43215

APPLICANT'S NAME AND PHONE #

(same as listed on front of application)

Donald W. Kelley and Assoc., Inc.
c/o Donald Plank, 614-947-8600

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR OR

CONTACT PERSON AND ADDRESS

(5) Rocky Fork Implementation Board
c/o Devayani Puranik
Development Dept., Planning Division
109 North Front Street
Columbus, OH 43215

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

SEE EXHIBIT A

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

SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 18th day of MARCH, in the year 2013

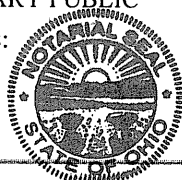
SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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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 does 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:

SEE EXHIBIT B

Signature of Applicant

Donald Frank

Date

3/15/2013

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EXHIBIT B

Statement of Hardship

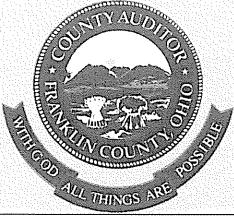
5305 Warner Road

BZA: _____

The 3.530 acre site is zoned L-AR-12, Limited Apartment Residential District, and is developed with a 27 dwelling unit apartment complex (7.64 DU/acre). Applicant/owner developed the site with considerably less units than would otherwise be permitted and applicant/owner dedicated 7.467 acres to the City of Columbus for creek preservation set aside along the entire east side of the site. Applicant proposes to build an additional 3 dwelling units at the complex for a total of 30 dwelling units. Applicant has a hardship given the irregular shape of the parcel, an electric transmission easement that reduces buildable area, a City of Columbus utility easement and the conveyance of over 7 acres to the City of Columbus for creek preservation/open space. Due to these physical constraints on the property, applicant has a hardship in developing the property and requests a variance to reduce the south perimeter yard from 19 feet to 5 feet along approximately 30 feet of the south property line to permit the south wall of the proposed additional 3 dwelling units to be setback 5 feet. The detention basin for a condominium development located to the west is located just south of applicant's south property line; therefore, the proposed reduction in perimeter yard will have no effect on the property to the south.

Applicant requests the following variance:

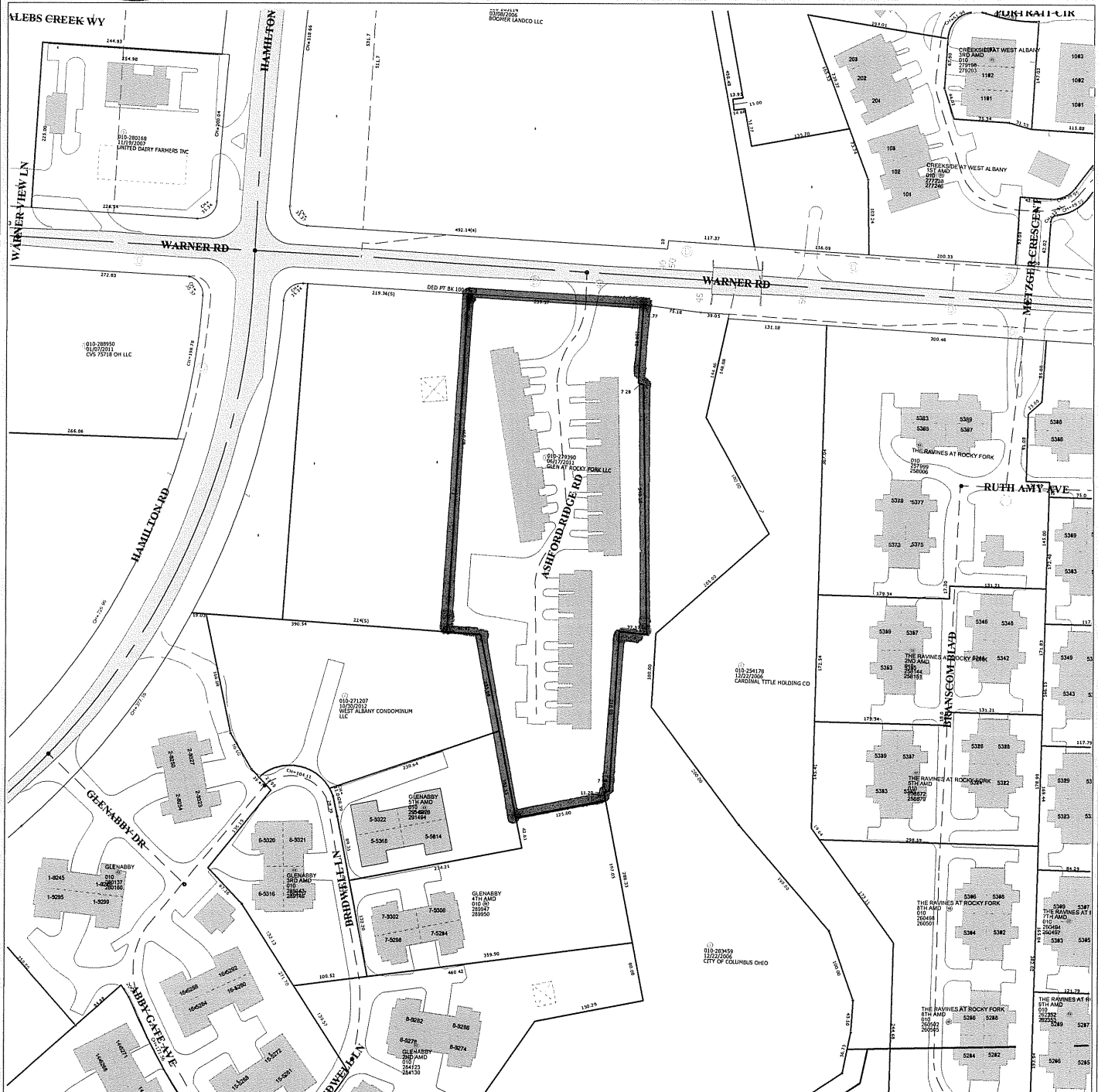
- 1) 3333.255, Perimeter Yard, to reduce the required south perimeter yard from 19 feet to 5 feet, thereby permitting the south wall of a 3 dwelling unit building to be 5 feet from the south property line along approximately 30 feet of the south property line.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 2/1/13



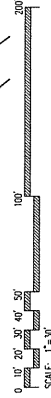
Disclaimer

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



Lot Coverage:



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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 # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) DONALD PLANK _____
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich Street, 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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

Donald W. Kelley and Associates, Inc. 250 E Broad Street, Suite 1100
c/o Pat Kelley Columbus, OH 43215

Glen at Rocky Fork LLC, 250 E Broad Street, Suite 1100

c/o Pat Kelley Columbus, OH 43215

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 18th day of MARCH, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

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BARBARA A. PAINTER
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