



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

OFFICE USE ONLY

Application Number: CV13-027 / 13315-06000-00385

Date Received: 6/4/13

Application Accepted By: S. Pine Fee: \$1920 -

Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 135 Dillmont Drive Zip 43235

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: 610-214993 (part of)

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

Current Zoning District(s): L-C-2; L-AR-12 pending

Civic Association or Area Commission: Far North Columbus Communities Coalition (FNCCC)

Proposed use or reason for Council Variance request: variances related to proposed multi-family development

Acreage: 2.143

APPLICANT: Name Donald W. Kelley & Associates, Inc., c/o Donald Plank, Plank Law Firm, LPA

Address 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240

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

PROPERTY OWNER(S): Name PJF Investments Ltd., c/o Donald Plank, Plank Law Firm, LPA

Address 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240

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

☒ Attorney ☐ Agent

Name Donald Plank, Plank Law Firm, LPA

Address 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240

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

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE

ATTORNEY / AGENT 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.

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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CW13-027

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

Donald Plank

Date 6/3/13

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Exhibit B

Statement of Hardship

135 Dillmont Drive

CV13- 027

The site is 2.143 +/- acres of Franklin County Auditors Parcel 610-214993 (3.686 acres). The parcel is presently developed with three (3), two (2) story office buildings. The 2.143 acre site for rezoning is approximately the south 58% of the parcel and includes one (1) office building. It has been difficult to keep the office buildings occupied. The south office building in the 2.143 acre area to be rezoned will be razed and a 24 dwelling unit apartment building is proposed to be built. The residual area of the L-C-2 will be 1.543 +/- acres containing two (2) office buildings. The site abuts the Sanctuary Village Apartments (L-ARLD) to the west, large apartment complex to the north, also zoned L-ARLD and there are other apartment complexes in close proximity. Applicant's proposal for L-AR12 zoning on 2.143 acres to permit 24 dwelling units is 11.2 dwelling units/acre, which is less than prevailing established multi-family density in the area. Additional green space is being provided on site by the removal of excess parking presently existing for the office use that will be removed.

Applicant has a hardship due to certain existing conditions and requests the following variances:

- 1) 3333.16, Fronting, to permit an apartment building on a separate parcel without frontage on a public street.
- 2) 3333.24, Rear Yard, which Section requires 25% of lot area to be located behind the rear facing planes of the building, while 25% of lot area is provided, but will be partially occupied by existing parking spaces.
- 3) 3333.255, Perimeter Yard, if the site is combined with Sanctuary Village Apartments after construction, to reduce required perimeter yard from 25 feet to 23 feet along the south property line to permit perimeter yard to correspond to the existing 23 foot setback of the existing pavement adjacent to the south property line and to reduce the east perimeter yard from 25 feet to 15 feet for both existing pavement and proposed carports.



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV13-027

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank

of (1) MAILING ADDRESS Plank Law Firm, LPA; 145 E. Rich Street, FL 3; Columbus, Ohio 43215-5240

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 135 Dillmont Drive

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) 6/4/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) PJF Investments Ltd. c/o Donald Plank

Plank Law Firm, LPA

145 E. Rich Street, FL 3

Columbus, OH 43215-5240

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

Donald W. Kelley & Associates, Inc.

c/o Donald 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 Gloria Humes

771 Wynstone Drive; Lewis Center, OH 43035

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) Donald Plank

Subscribed to me in my presence and before me this 3rd day of JUNE, 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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EXHIBIT A, Public Notice
135 Dillmont Drive
Z13-041, CV13-027
May 31, 2013

APPLICANT

Donald W. Kelley & Associates, Inc.
c/o Dave Perry
David Perry Company, Inc.
145 East Rich Street, 3rd Floor
Columbus, OH 43215

PROPERTY OWNER

PJF Investments Ltd.
c/o Dave Perry
David Perry Company, Inc.
145 East Rich Street, 3rd Floor
Columbus, OH 43215

ATTORNEY

Donald Plank, Plank Law Firm, LPA
145 East Rich Street, 3rd Floor
Columbus, OH 43215-5240

COMMUNITY GROUP

FNCCC
c/o Gloria Humes, President
771 Wynstone Drive
Lewis Center, OH 43035

PROPERTY OWNERS WITHIN 125 FEET

Sharon Township Board of Trustees
PO Box 126
Worthington, OH 43085

David A. Kopech
Marianne A. Kopech
206 Green Springs Dr.
Columbus, OH 43235

Fairway Acquisitions LLC
Bellows & Associates
c/o Sharon Bott
6125 Frantz Rd.
Dublin, OH 43017

Sanctuary Village Ltd.
Donald W. Kelley & Assoc., Inc.
250 E. Broad Street, Suite 1100
Columbus, OH 43215

Plaza Partners L P
175 Dillmont Dr.
Columbus, OH 43235

Plaza Partners L P
c/o National Tax Search LLC
303 E Wacker Drive, Ste 850
Chicago, IL 60601

Earl H. Harrison
Alyn Harrison
194 Green Springs Dr.
Columbus, OH 43235

Thomas H. Dillon, Jr.
Judith A. Dillon
182 Green Springs Dr.
Columbus, OH 43235

Gregg A. Stewart
Stephanie Stewart
188 Green Springs Dr.
Columbus, OH 43235

William L. Flinn
Susan L. Flinn
212 Green Springs Dr.
Columbus, OH 43235

Robert M. Streno
Kylan M. Streno
200 Green Springs Dr.
Columbus, OH 43235

ALSO NOTIFY

Pat Kelley
Donald W. Kelley & Assoc., Inc.
250 East Broad Street, Suite 1100
Columbus, OH 43215

Michael Kelley
Donald W. Kelley & Assoc., Inc.
250 East Broad Street, Suite 1100
Columbus, OH 43215

PJF Investments Ltd.
Donald W. Kelley & Assoc., Inc.
250 E. Broad St., Ste. 1100
Columbus, OH 43215

135 Dillmont Drive
Z13-041, CV13-027
Exhibit A, Public Notice
Page 1 of 1, 05/31/13



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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 # CV13-027

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, LPA; 145 E. Rich Street, FL 3; Columbus, OH 43215-5240
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. PJF Investments Ltd. 250 E. Broad Street, Suite 1100 Columbus, OH 43215 Contact: Pat Kelley, (614) 228-5775 # of City of Columbus Employees: 0	2. Donald W. Kelley & Associates, Inc. 250 E. Broad Street, Suite 1100 Columbus, OH 43215 Contact: Pat Kelley, (614) 228-5775 # of City of Columbus Employees: 1
3. 	4.

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

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 3rd day of JUNE, in the year 2013

SIGNATURE OF NOTARY PUBLIC

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

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

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City of Columbus Zoning Plat



CV13-027

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: 610214993

Zoning Number: 135

Street Name: DILLMONT DR

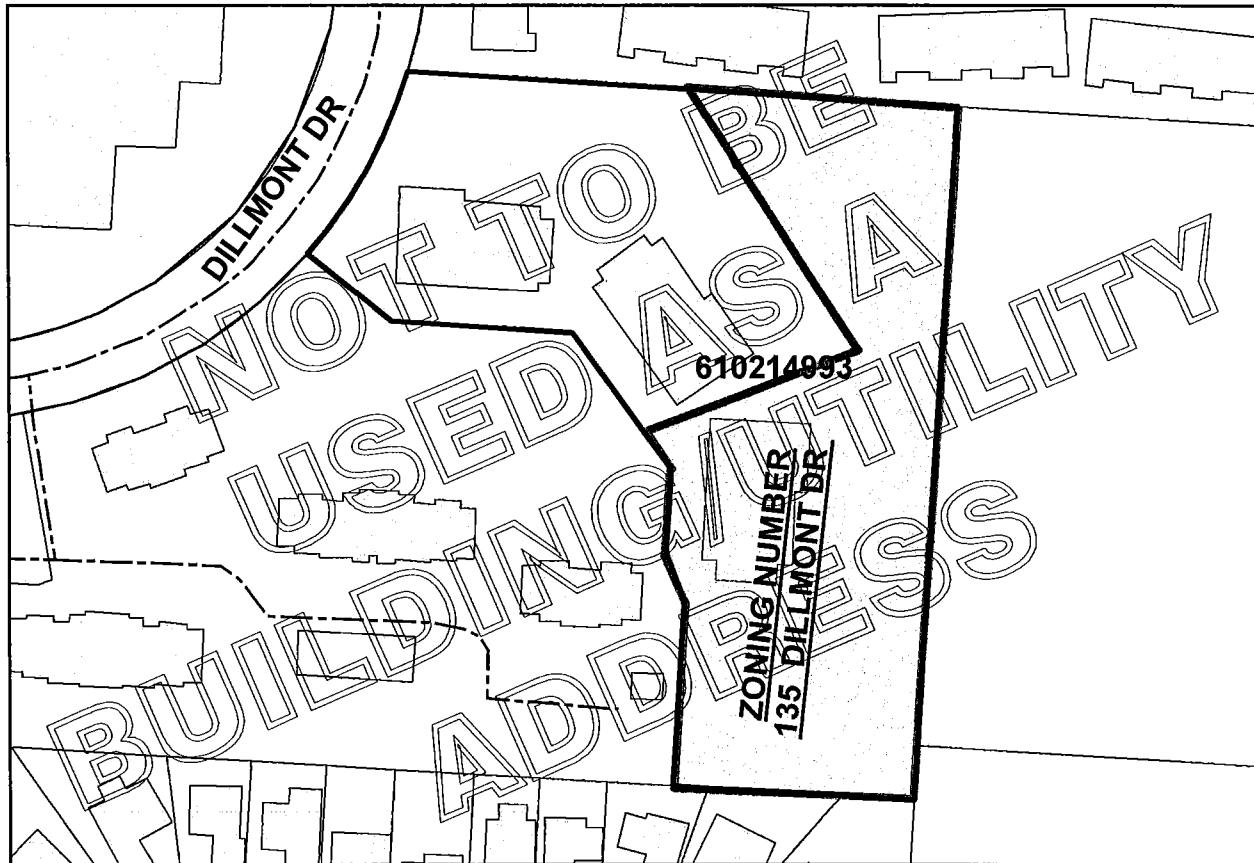
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY CO (DAVE PERRY)

Issued By: *Adriana Williams*

Date: 5/29/2013



SCALE: 1 inch = 150 feet



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

GIS FILE NUMBER: 13773

Z13- 041
CV13- 027
135 Dillmont Drive
Legal Description

2.143 ACRE TRACT

Situated in the City of Columbus, County of Franklin, State of Ohio; also being located in Quarter Township 2, Township 2, Range 18, United States Military Lands; also being a portion of a 3.685 acre tract as conveyed to PJF Investments Limited as described in Instrument No. 200110250246654; being more particularly described as follows:

Commencing at the intersection of the centerline of Lazelle Road East (80' right-of-way) and Dillmont Drive (60' right-of-way) as delineated upon the plat of Lazelle Road, Lazelle Road East, North High Street and Dillmont Drive dedication and easements as shown of record in Plat Book 64 Page 6; thence,

Along the centerline of Dillmont Drive, *South 24° 02' 05" East, for a distance of 173.00'* to a point of curvature; thence,

Along the centerline of Dillmont Drive following a curve to the right, said curve having a *radius of 340.00', an arc length of 379.53', a central angle of 63°57'26"*, and a chord that bears *South 7° 56' 37" West, for a distance of 360.13'* to a point; thence,

Along a line through said Dillmont Drive and then along an northeasterly line of a 6.159 acre tract as conveyed to Sanctuary Village, LTD. as described in Official Record 30785 B-13, also being a southwesterly line of said 3.685 acre tract, said line being radial to the previous course, *South 50° 04' 41" East, for a distance of 114.27'* to a point; thence,

Along a northerly line of said 6.159 acre tract, also being along a southerly line of said 3.685 acre tract, *South 86° 36' 39" East, for a distance of 141.85'* to a point; thence,

Along a northeasterly line of said 6.159 acre tract, also being along a southwesterly line of said 3.685 acre tract, *South 34° 38' 26" East, for a distance of 95.91'* to a point, said point being the **TRUE POINT OF BEGINNING**, and from said beginning point running thence,

Along a new division line through said 3.685 acre tract, *North 55° 21' 32" East, for a distance of 178.17'* to a point; thence,

Along a new division line through said 3.685 acre tract, *North 34° 38' 28" West, for a distance of 202.32'* to a point, said point being along the northerly line of said 3.685 acre tract, said point

also being along the southerly line of a 21.900 acre tract as conveyed to Plaza Partners Limited Partnership as described in Official Record 20440 G-18; thence,

Along a portion of the northerly line of said 3.685 acre tract, also being along a portion of the southerly line of said 21.900 acre tract, ***South 86° 36' 39" East, for a distance of 208.82'*** to a point, said point being the northeasterly corner of said 3.685 acre tract, said point also being along the southerly line of said 21.900 acre tract, said point also being the northwesterly corner of a 4.888 acre tract as conveyed to Board of Trustees, Sharon Township as described in Deed Book 2291 Page 659; thence,

Along the easterly line of said 3.685 acre tract, also being along the westerly line of said 4.888 acre tract and then along a portion of the westerly line of a 4.34 acre tract as conveyed to Board of Trustees, Sharon Township as described in Deed Book 1960 Page 526, ***South 3° 15' 52" West, for a distance of 539.16'*** to a point, said point being the southeasterly corner of said 3.685 acre tract, said point also being the northeasterly corner of The Sanctuary Section One subdivision as recorded in Plat Book 63 Page 91; thence,

Along the southerly line of said 3.685 acre tract, also being along a portion of the northerly line of said The Sanctuary Section One subdivision, ***North 86° 54' 02" West, for a distance of 189.21'*** to a point, said point being the southwesterly corner of said 3.685 acre tract, said point also being the southeasterly corner of said 6.159 acre tract; thence the remaining courses along common lines between said 3.685 acre tract and said 6.159 acre tract,

North 3° 15' 09" East, for a distance of 142.65' to a point; thence,

North 16° 44' 51" West, for a distance of 40.00' to a point; thence,

North 3° 15' 09" East, for a distance of 62.37' to a point; thence,

North 34° 38' 26" West, for a distance of 36.07' to the point of beginning, containing 2.143 acres of land, more or less, as calculated by Michael L. Keller, Professional Surveyor, Ohio License No. 7978. The above-described courses are based on record documents only, and not an actual field survey; the purpose of this metes-and-bounds description is for zoning purposes only.

Basis of bearings for the above-described courses is a portion of the centerline of Dillmont Drive being South 24° 02' 05" East based on the plat of Lazelle Road, Lazelle Road East, North High Street and Dillmont Drive dedication and easements as shown of record in Plat Book 64 Page 6.

Michael L. Keller
Professional Surveyor, Ohio License No. 7978

Date

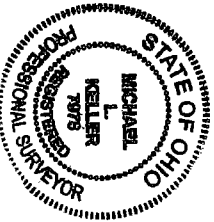
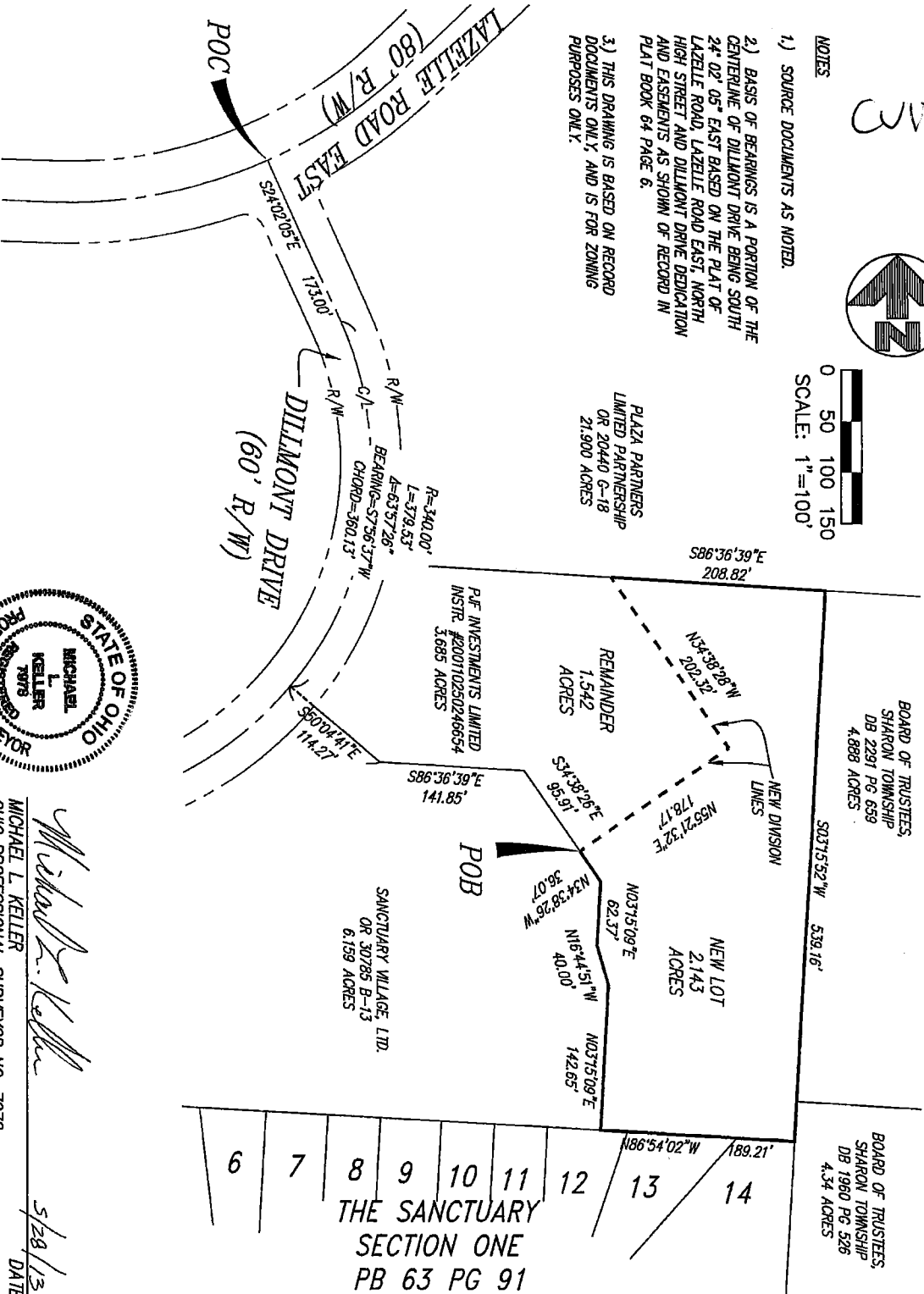
CUB-027



SCALE: 1"=100'

NOTES

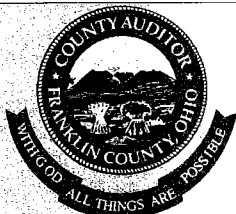
- 1.) SOURCE DOCUMENTS AS NOTED.
- 2.) BASIS OF BEARINGS IS A PORTION OF THE CENTERLINE OF DILLMONT DRIVE BEING SOUTH 24° 02' 05" EAST BASED ON THE PLAT OF LAZELLE ROAD, LAZELLE ROAD EAST, NORTH HIGH STREET AND DILLMONT DRIVE DEDICATION AND EASEMENTS AS SHOWN OF RECORD IN PLAT BOOK 64 PAGE 6.
- 3.) THIS DRAWING IS BASED ON RECORD DOCUMENTS ONLY, AND IS FOR ZONING PURPOSES ONLY.



Michael L. Keller
MICHAEL L. KELLER
OHIO PROFESSIONAL SURVEYOR NO. 7978
DATE 5/28/13

		<p>PROPOSED LOT SPLIT</p> <p>LANDS OF P/JF INVESTMENTS LIMITED 1/4 TWP 2, TWP 2, R 18 USML CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO</p>		<p>STATE OF OHIO MICHAEL L. KELLER REGISTERED PROFESSIONAL SURVEYOR NO. 7978</p>
<p>NO. DATE DESCRIPTION</p>		<p>PROJECT NO. PROJECT NO.</p>		<p>DATE DATE</p>
<p>SCALE: 1"=100'</p>		<p>SHEET NAME:</p>		<p>SHEET NO. 1 OF 1</p>

CV13-027



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 3/22/13



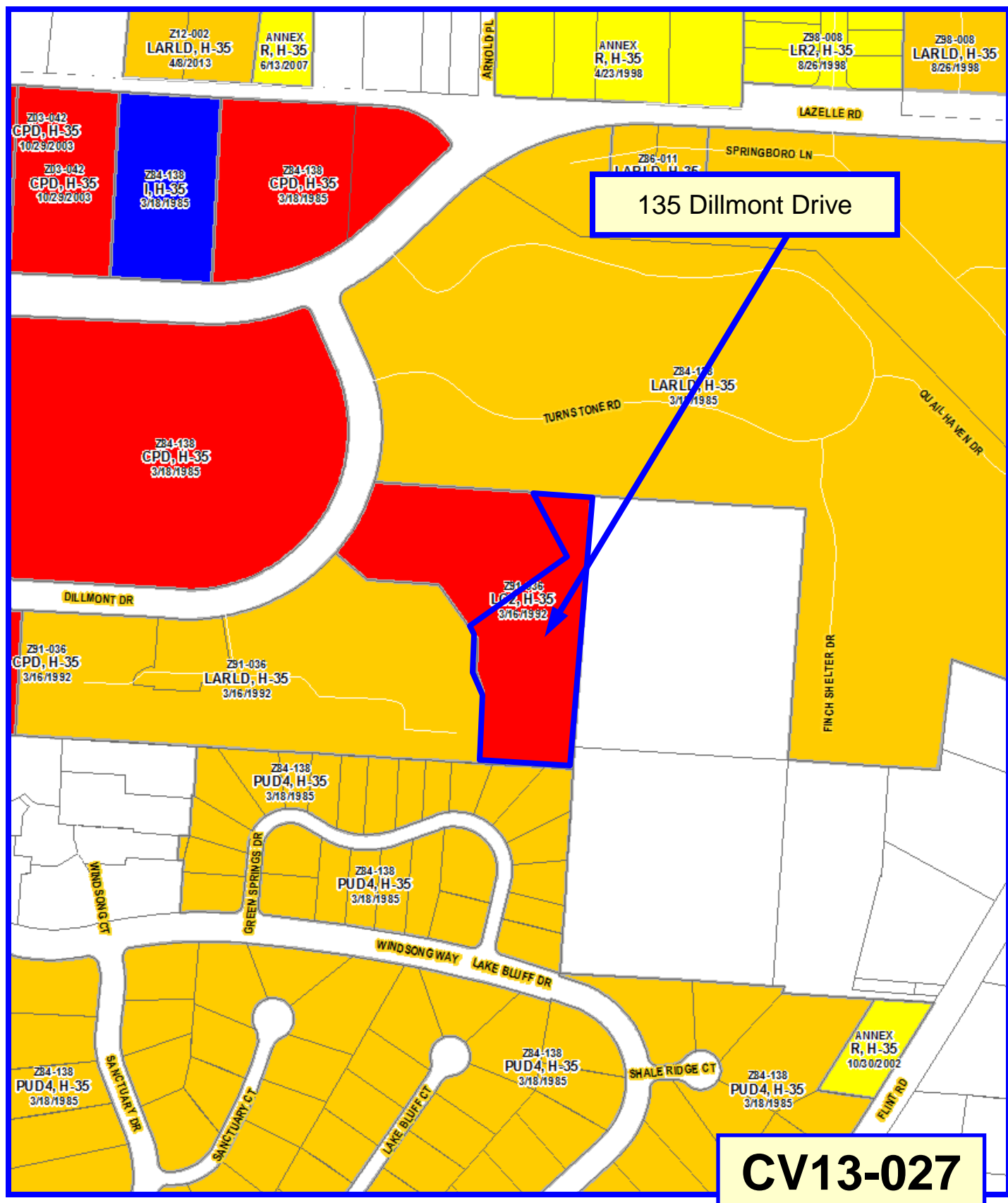
Disclaimer

Scale = 200



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





135 Dillmont Drive

CV13-027