



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: 13310-0-00580

Date Received: 8/12/13

Commission/Group: Av. South

Existing Zoning: RRR

Application Accepted by: R. Reiss

Fee: \$630.00

Comments: 10/22/13

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.

Zoning variance for 85-99 Marilla Drive, Columbus, Ohio 43207 to create a lot split between the two parcel numbers 010-111473 and 010-111567

LOCATION

1. Certified Address Number and Street Name 85-99 Marilla Road

City Columbus

State Ohio

Zip 43207

Parcel Number (only one required) 010-111473

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Brian S. Artz

Address 560 E. Town Street

City/State Columbus, OH

Zip 43215

Phone # 614-221-0944

Fax # 614-221-2340

Email bartz@adwllp.com

PROPERTY OWNER(S):

Name Marilla Road LLC

Address 1924 Maiden Ln.

City/State Springfield, OH

Zip 45504

Phone # 937-325-5783

Fax #

Email keifrose@sbcglobal.net

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

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)



Attorney



Agent

Name Brian S. Artz

Address 560 E. Town Street

City/State Columbus, OH

Zip 43215

Phone # 614-221-0944

Fax # 614-221-2340

Email: bartz@adwllp.com

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

APPLICANT SIGNATURE

Brian S. Artz

PROPERTY OWNER SIGNATURE

ATTORNEY / AGENT SIGNATURE

Brian S. Artz

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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AFFIDAVIT

13310-00580
85 & 99 Marilla Rd.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Chad M. Draheim

of (1) MAILING ADDRESS 560 E. Town 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) Marilla Road LLC

AND MAILING ADDRESS

1924 Maiden Ln.

Springfield, OH 45504

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

Brian S. Artz

614-221-0944

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

(5) Far South Columbus Area Commission

Becky Walcott

723 Ivorton Road South, Columbus, OH 43207

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
James J. Appell	100 Highview Blvd. Columbus, OH 43207	100 Highview Blvd. Columbus, OH 43207
Crystal L. Burke	55 Marilla Rd. Columbus, OH 43207	762 Obetz Rd. Columbus, OH 43207
Robert & Deborah Small	70 Marilla Rd. Columbus, OH 43207	70 Marilla Rd. Columbus, OH 43207
Darby J. Watson	69 Marilla Rd. Columbus, OH 43207	69 Marilla Rd. Columbus, OH 43207
Jennifer L. Bennett	75 Marilla Rd. Columbus, OH 43207	75 Marilla Rd. Columbus, OH 43207

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

SIGNATURE OF AFFIANT

(8) Chad M. Draheim

Subscribed to me in my presence and before me this

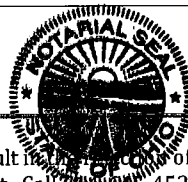
9TH day of August, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) Scott E. Dewhurst

My Commission Expires:

Notary Seal Here



SCOTT E. DEWHIRST
Attorney At Law
Notary Public, State of Ohio

My commission has no expiration date
Sec. 147.03 R.C.

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APPLICANT:

Brian S. Artz
560 E. Town Street
Columbus, OH 43215

SURROUNDING PROPERTY OWNERS:

Robert & Deborah Small
70 Marilla Rd.
Columbus, OH 43207

Phyllis C. Fellure
88 Marilla Rd.
Columbus, OH 43207

Highview Place OAG LLC
PO Box 21988
Columbus, OH 43211

SUBJECT PROPERTY OWNERS:

Marilla Road LLC
c/o Rosemary Keifer
1924 Maiden Ln.
Springfield, OH 45504

James J. Appell
100 Highview Blvd.
Columbus, OH 43207

Darby J. Watson
69 Marilla Rd.
Columbus, OH 43207

Timothy D. Gardner
135 Marilla Rd.
Columbus, OH 43207

Kathie E. Long
124 Marilla Rd.
Columbus, OH 43207

AREA COMMISSION/CIVIC GROUP:

Far South Columbus Area Commission
Becky Walcott
723 Ivorton Road South
Columbus, OH 43207

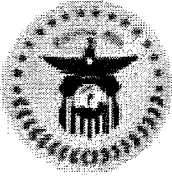
Crystal L. Burke
762 Obetz Rd.
Columbus, OH 43207

Jennifer L. Bennett
75 Marilla Rd.
Columbus, OH 43207

Faith A. Groom
105 Marilla Rd.
Columbus, OH 43207

Connie J. Stevens
110 Marilla Rd.
Columbus, OH 43207

13310-00580
85 & 99 Marilla Rd.



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

13310-00580
85 & 99 Marilla Rd.

One Stop Shop Zoning Report Date: Tue Aug 13 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 85 MARILLA RD COLUMBUS, OH

Mailing Address: 1924 MAIDEN LN
1924 MAIDEN LN

Owner: MARILLA ROAD LLC

Parcel Number: 010111473

ZONING INFORMATION

Zoning: 783, Residential, RRR
effective 7/21/1958, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: Far South Columbus Area Commission

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

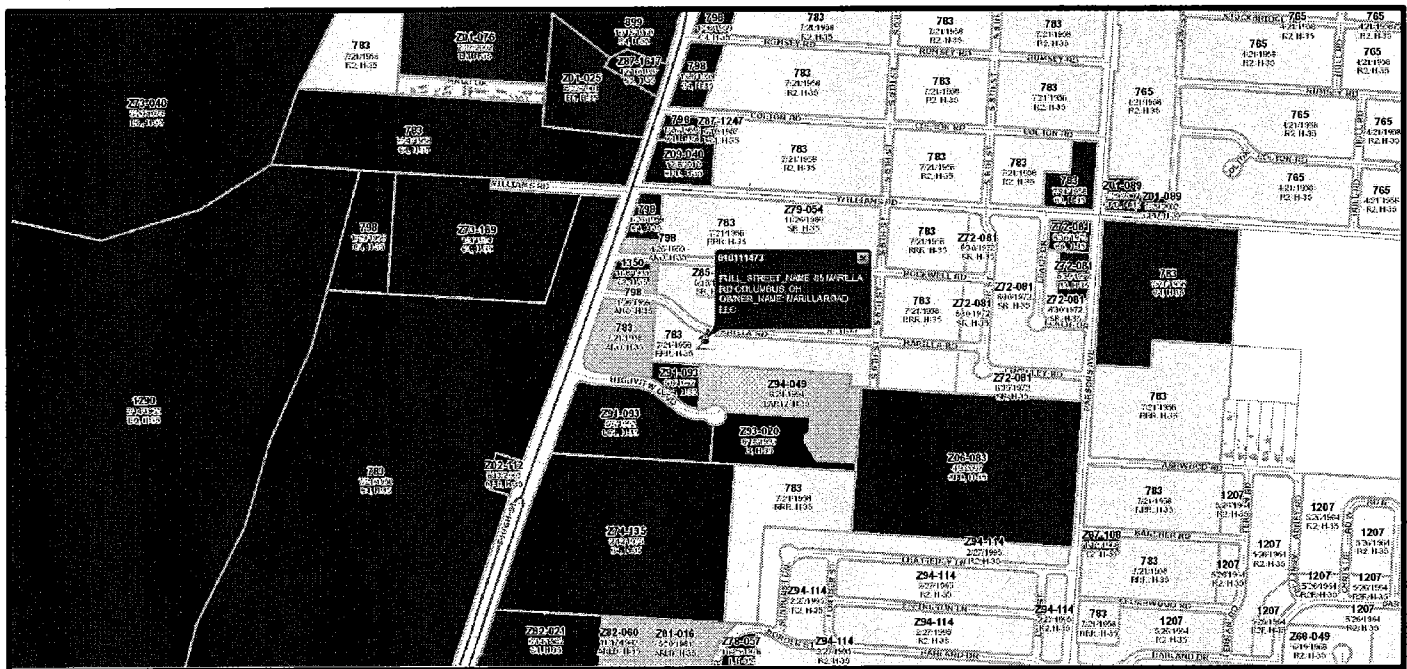


Exhibit A

13310-00580
85 & 99 Marilla Rd.

STATEMENT OF HARDSHIP

1. The Applicant is seeking to relocate the lot line which presently bisects the lot and the residence structure at 99 Marilla Road, Columbus, Ohio 43207, by relocating it to approximately equal distance between the residence structure at 99 Marilla Road and the residence structure at 85 Marilla Road, Columbus, Ohio 43207.
2. The property owner purchased these two parcels in one transaction several years ago and was not aware that the property line divided the residence structure at 99 Marilla Road right through the existing structure.
3. It was only upon a recent attempt to sell one of the properties that the property line issue came to light, and the property owner is merely trying to relocate the property line between the two existing residential structures so that the two parcels can be sold separately.
4. The proposed relocation of the lot line between 85 and 99 Marilla Road properties will involve variances relating to: a) lot width, b) maximum side yard, c) minimum side yard, and minimum lot area. The Applicant proposes to split off a portion of the parcel at 85 Marilla Road and combine it with the parcel at 99 Marilla Road.
5. There are special circumstances and conditions attributable to these two parcels because of the location of the residence structure at 99 Marilla Road that justify the required variances.
6. These special circumstances and conditions are not the result of any actions on the part of the Applicant. The properties were acquired by the present owner in their existing state.
7. All of the requested variances are minor variances and have no real or significant adverse impact on the adjoining property owners or other properties in the neighborhood.
8. The Applicant is aware of no opposition to these variance requests at the time of this application.
9. The Applicant is not aware of any other properties in the same area that suffer from these circumstances.
10. It is necessary that the appropriate variances be granted to the owner of these subject properties to preserve a substantial property right of the owner.
11. The granting of these variances is not contrary to the public interest or the intent and purpose of the Zoning Code and is not contrary to the public health, safety and welfare of the neighborhood.

8-9-13

Date



Brian S. Artz

Applicant

Brian Artz

From: Richards, Trena S. [TSRichards@Columbus.gov]
Sent: Monday, July 22, 2013 2:47 PM
To: Brian Artz
Subject: 13330-00308 85-99 Marilla Rd.

Follow Up Flag: Follow up
Flag Status: Flagged

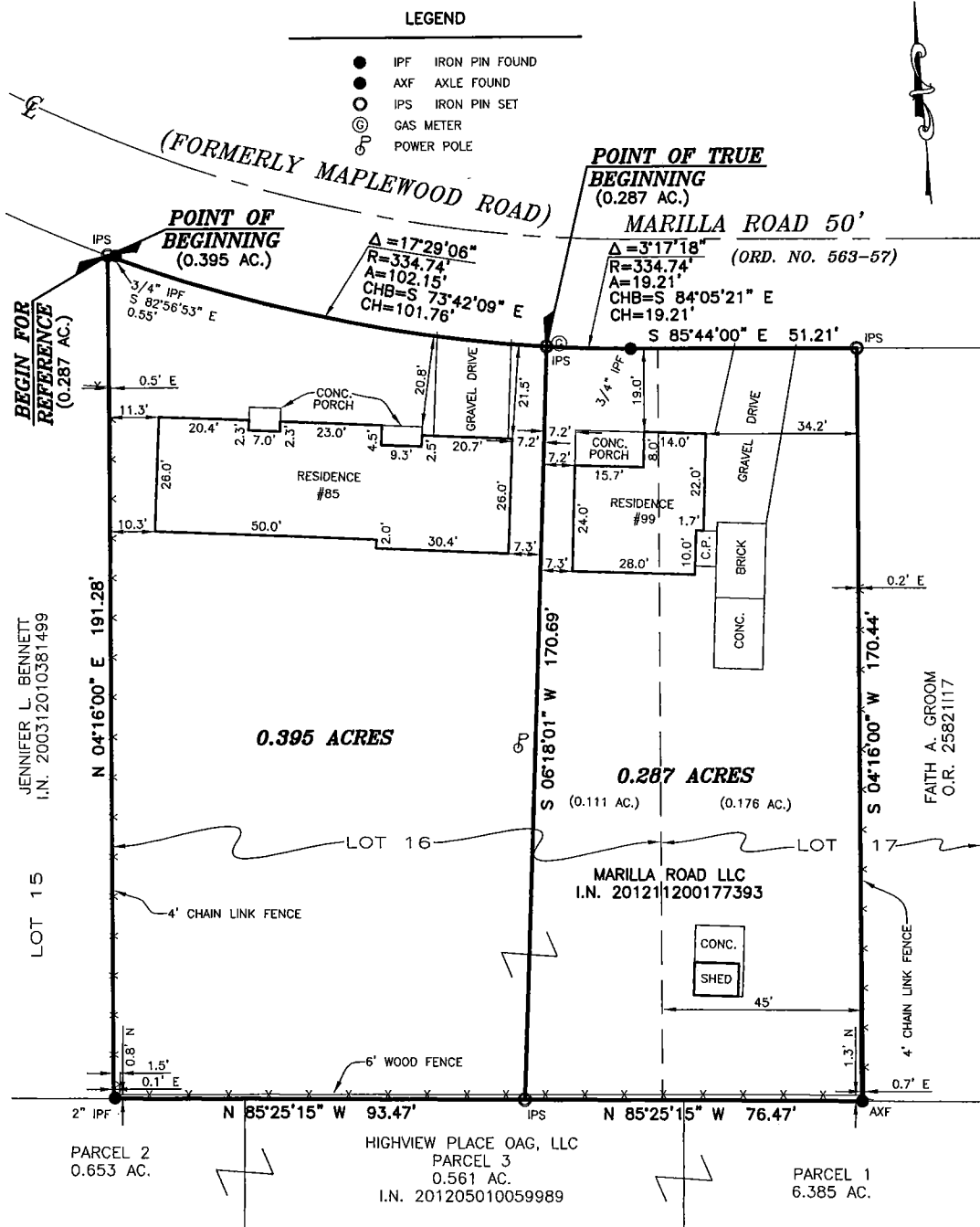
The following comments have been received on this lot split. Please direct your questions/comments to the contact person listed below.

Zoning **Cindy Krebs** **645-2227**

A BZA variance will be required prior to zoning approval of this lot split for the following items: 1) Lot width at the front lot line can be a minimum of 80 feet on a curved street (3332.05 B1), as long as the width of the lot at the building line is 100 feet wide (3332.05 C) for the RRR district. 85 Marilla has the minimum 80 feet wide at the front, but isn't 100 feet wide at the building line. 99 Marilla doesn't meet either minimum. 2) Maximum side yard required in RRR district is 20 percent of the lot's width, up to 32 feet per 3332.25. With the width of the lot at the building line being approximately 98.9 feet on 85 Marilla, the maximum sum of the side yards should be at least 19.78 feet, instead of the 18.5 provided. 99 Marilla meets the minimum in this category. 3) Minimum side yard in RRR district is 7.5 feet. (3332.26 A). Neither lot meets this minimum along the future shared lot line. 4) The minimum lot area for a lot in the RRR district is 20,000 square feet. (3332.08) Neither lot meets this requirement. In addition to the BZA, I would grant conditional approval until proof of combination is provided from the Franklin County Auditor showing that the new parcel split from 010-111473 is added to parcel 010-111567, which runs through the middle of the dwelling at 99 Marilla.

Trena S Richards
Office Assistant III
City of Columbus
Dept. of Building & Zoning Services
757 Carolyn Ave.
Columbus, OH 43224
614-645-6175

13310-00580
85 & 99 Marilla Rd.



FLOOD ZONE NOTE:

THE SUBJECT TRACT LIES IN ZONE X (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP 39049C0338K, WHICH HAS AN EFFECTIVE DATE OF 6/17/2008.

BASIS OF BEARINGS:

THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF SOUTH 85°44'00" EAST (ERRONEOUSLY SHOWN ON PLAT AS SOUTH 85°44'00" WEST) FOR THE SOUTHERLY RIGHT-OF-WAY LINE OF MARILLA ROAD, OF RECORD IN PLAT BOOK 16, PAGE 23, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

NOTE:

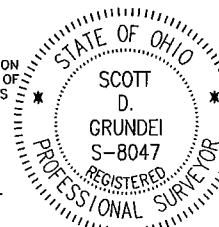
THIS SURVEY DOES NOT REPRESENT ANY EASEMENTS THAT MAY AFFECT THIS TRACT AND DOES NOT REPRESENT ANY UNDERGROUND UTILITIES THAT MAY AFFECT THIS TRACT. ALL IRON PINS SET ARE 3/4" I.D. IRON PIPES 30" LONG, WITH RED PLASTIC CAP STAMPED "LANDMARK SURVEY".

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED FROM AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION IN FEBRUARY OF 2013 AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES AS SHOWN ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

Scott D. Grundei

SCOTT D. GRUNDEI, P.S.
REGISTERED SURVEYOR NO. 8047

2/21/13
DATE



SURVEY OF

0.395 ACRE & 0.287 ACRE

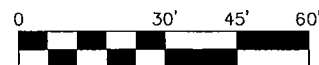
LYING IN

LOTS 16 & 17 OF HOME ACRES

PLAT BOOK 16, PAGE 23

CITY OF COLUMBUS, COUNTY OF FRANKLIN

STATE OF OHIO



SCALE IN FEET
SCALE: 1"=30'



2091
PHOI

DATI

13310-00580
85 & 99 Marilla Rd.



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: 010111473, 010111567

Zoning Number: 87

Street Name: MARILLA RD

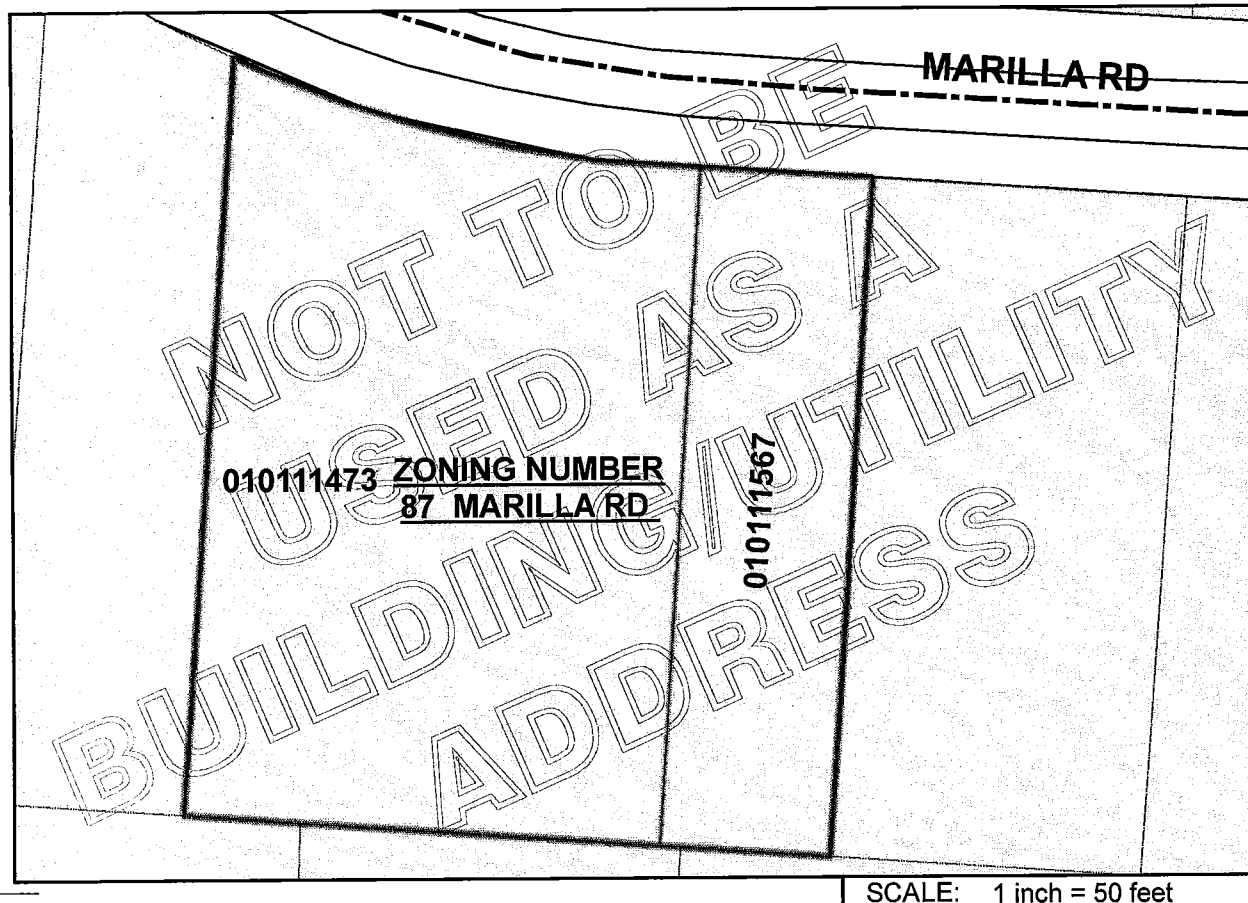
Lot Number: 16 & 17

Subdivision: HOME ACRES

Requested By: ARTZ, DEWHIRST & WHEELER, LLP (CHAD DRAHEIM)

Issued By: *Patricia A. Austin*

Date: 8/1/2013



SCALE: 1 inch = 50 feet



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

GIS FILE NUMBER: 13816



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

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

13310-00580
85 & 99 Marilla Rd.

Being first duly cautioned and sworn (NAME) Brian S. Artz
of (COMPLETE ADDRESS) 560 E. Town Street, 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

Marilla Road LLC

1924 Maiden Ln. Springfield, OH 45504

SIGNATURE OF AFFIANT

Brian S. Artz

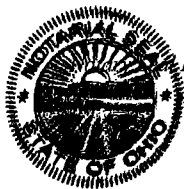
Subscribed to me in my presence and before me this 9th day of August, in the year 2013

SIGNATURE OF NOTARY PUBLIC

Chad M. Draheim

My Commission Expires:

9/26/15



Here
Chad M. Draheim
Notary Public, State of Ohio
My Commission Expires 09-26-2015

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