

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services
Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224-3218
Phone: 614-645-7433 www.columbus.gov

DEPARTMENT OF BUILDING
AND ZONING SERVICES

OFFICE USE ONLY

Application Number: CV14-043/N315-0000-00626 Date Received: 9/2/14
Fee: \$2080 Application Accepted by: SP & TP
Comments: Assigned to Tori Proehl; 645-2749; vjproehl@columbus.gov

LOCATION AND ZONING REQUEST 5531 Central College Rd. Zip 43081
Certified Address (for Zoning Purposes)

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: 010-211708

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

Current Zoning District(s): R - Rural

Civic Association or Area Commission: ROCKY FORK BLACKLICK ACCORD

Proposed use or reason for Council Variance request: Proposed use: General Office and

Acreage: 3.132 ACRES Beauty Salon/Day Spa w/ Fitness

APPLICANT: Name Jeanne M. Cabral, Architect

Address, City, State & Zip 2939 Bexley Park Road Columbus, OH 43209-2236

Phone # 614-239-9484 Fax # 614-754-5113 Email jeannecabral@aol.com

PROPERTY OWNER(S): Name Edwards Real Estate Group LLC

Address, City, State & Zip 5368 Central College Rd. Westerville, OH 43081

Phone # 740-404-3109 Fax # _____ Email edwards_rj@hotmail.com

ATTORNEY/AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Jeanne M. Cabral, Architect

Address, City, State & Zip 2939 Bexley Park Road Columbus, OH 43209

Phone # 614-239-9484 Fax # 614-754-5113 Email jeannecabral@aol.com

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

Applicant Signature Jeanne M Cabral

Property Owner Signature _____

Attorney/Agent Signature Jeanne M Cabral

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

CV14-043

THE CITY OF
COLUMBUS
MICHAEL R. COLEMAN, MAYOR

COUNCIL VARIANCE APPLICATION

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DEPARTMENT OF BUILDING & ZONING SERVICES

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 STATEMENT OF HARDSHIP

Signature of Applicant

Jeanne M Cabral

Date

9-1-14

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Jeanne Cabral Architects

2939 Bexley Park Road
Columbus, OH 43209-2236
614-239-9484
614-537-2654 Cell
614-754-5113 Fax
e-mail: jeannecabral@aol.com

Applicant: Jeanne Cabral
General Offices and Beauty Salon w/ Day Spa and Fitness

9-1-14

Statement of Hardship

The subject property is currently zoned R-Rural and it is located at 5531 Central College Rd. Westerville, OH 43081 (consisting of parcel numbers: 010-211708) located in City of Columbus, Franklin County.

The applicant desires to use the main residential structure as a beauty salon/day spa/office and accessory building as an office and/or fitness center. The existing barn and sheds in various locations will continue to be used as a place for lawn maintenance equipment for this property. These uses are requested in addition the retaining the R-Rural use for the future. Therefore, the applicant seeks the following variances from the City of Columbus Zoning Code (each has an individual statement of hardship):

1. 3332.02

The existing buildings are already zoned R-Rural which will be retained. The applicant seeks a variance from the requirement under 3332.02 that general offices, beauty salon/spa and fitness center are not allowed uses. The applicant desires to have a main use of the house to a beauty salon with day spa and fitness. The large barn will be used as an office or fitness center. The applicant seeks this variance under the hardship that the inability of applicant to provide multiple income streams to make for a long-term financial success impairs the applicant's ability to earn a living and further improve the property. The nature of the beauty salon is a low intensity use. Therefore, there would be no additional odors or emissions. There are no additions to or exterior changes to the house except for an addition of a handicapped ramp on the left side of the house. The house is located front and center of a 3.132 acre site – well away from existing neighbors. Existing paving is substantial and only requires an additional 1,196 sq. ft. of new paving in order to provide the 19 spaces of parking required based on 3,260 sq.ft as salon, spa and fitness center and 2,400 sq. ft. as general office. The curb cuts are adequate in width; the main curb cut is 50 ft. wide and the right in only curb cut is 15 ft. wide.

If unsuccessful in this variance request, the applicant may not be able to retain ownership of the property, so effectively no business would be utilizing this facility or, worst case, a more intense use allowed under R-Rural include park, fire station, library, school or church could take its place.

Possible development of multi-family housing is problematic due to Rocky Fork Creek and the area to the west of the creek taking a sizable portion of the southwestern portion of the property.

These proposed uses will retain the rural nature and open space of the parcel as it is now, will not increase noise levels, will not emit noxious smells or chemicals and will retain the structures.

Applicant seeks to allow additional uses as follows:

- a. Beauty Salon with Spa and Fitness Center
- b. General Offices

2. 3332.21

Applicant requests a parking setback variance from 25' to 5' from the property line along the street. Existing paving is currently 5' from the property line. There is a line of mature trees between the street and the paving. Leaving the paving as-is will reduce any destruction of trees and natural landscaping in other parts of the property as well as keep the parking areas as far from the neighbors as possible.

The applicant respectfully requests all of the hardship variance above for the aforementioned reasons. In summary, these variance requests:

- affect the ability of the site to effectively function as an income source for the owner as they will move to a another residence;
- are necessary for the applicant to have the ability retain ownership of this real estate in order to move forward with the project; and
- retain natural, mature foliage, trees and landscaping with the least impact on the neighbors and the parcel; and
- provide reasonable alternatives to use an existing site rather than move or demolish the existing buildings and not to significantly increase impervious surface in the area.;

For all the reasoning mentioned, the applicant seeks a hardship variance from the section mentioned, allowing the applicant to have full use of the subject property as a commercial facility.

AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-143

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeanne M. Cabral
of (1) MAILING ADDRESS 2939 Bexley Park Road Columbus, OH 43209

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 5531 Central College Rd.
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) Edwards Real Estate Group LLC
AND MAILING ADDRESS 5368 Central College Rd. Westerville, OH 43081

APPLICANT'S NAME AND PHONE # (4) Jeanne M. Cabral, Architect 614-239-9484
(same as listed on front of application)

AREA COMMISSION OR CIVIC GROUP (5) Rocky Fork Blacklick Accord - Christine Leeds
AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS 50 W. Gay St. Columbus, OH 43215

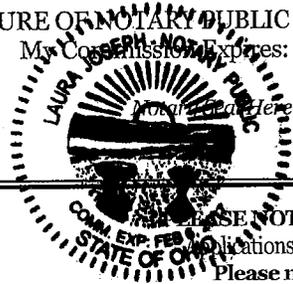
and that the attached document (6) is a list of the **names and complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of 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) Jeanne M Cabral

Subscribed to me in my presence and before this 2 day of September, in the year 2014

SIGNATURE OF NOTARY PUBLIC (8) Laura Joseph
My Commission Expires: Feb. 6, 2017



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APRIL & JERRY CARVER
6747 BETHANY DR.
WESTERVILLE, OH 43081

CITY OF COLUMBUS OH
REAL ESTATE MGMT
90 W. BROAD ST. #425
COLUMBUS, OH 43215

EDWARDS REAL ESTATE
GROUP LLC
5531 CENTRAL COLLEGE RD.
WESTERVILLE, OH 43081

JEANNE CABRAL
ARCHITECTS
2939 BEXLEY PARK ROAD
COLUMBUS, OH 43209

NANCY & BRADLEY FELKEY
6753 BETHANY DR.
WESTERVILLE, OH 43081

SUSAN C. GALLAGHER
6756 AMY GLENN
WESTERVILLE, OH 43081

ROBERT & SONDR A HENNINGS
6711 BETHANY DR.
WESTERVILLE, OH 43081

HARRY & MARY KOORS
6762 AMY GLENN
WESTERVILLE, OH 43081

ALBERT LANG, JR
5582 CENTRAL COLLEGE RD.
WESTERVILLE, OH 43081

ANDREW & DEANN
MARGRAFF
5500 CENTRAL COLLEGE RD.
WESTERVILLE, OH 43081

TIMOTHY & CINDY MORAN
6717 BETHANY DR.
WESTERVILLE, OH 43081

NICHOLAS & MARJORIE
NEARY
6721 BETHANY DR.
WESTERVILLE, OH 43081

DAVID A. PEASE
5536 CENTRAL COLLEGE RD.
WESTERVILLE, OH 43081

STEPHANIE J. PIERCE
6750 AMY GLENN
WESTERVILLE, OH 43081

SCOT & COLEEN ROBERTSON
6733 BETHANY DR.
WESTERVILLE, OH 43081

KRIS S. SULZBERGER
6741 BETHANY DR.
WESTERVILLE, OH 43081

MORAD & AMANY TAWFIK
5596 CENTRAL COLLEGE RD.
WESTERVILLE, OH 43081

KARL & KIM WEBER
6727 BETHANY DR.
WESTERVILLE, OH 43081

CHRISTINE LEEDS
ROCKY FORK COMM
50 W. GAY ST. 4TH FLOOR
COLUMBUS, OH 43215

COUNCIL VARIANCE APPLICATION

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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 # CV14-043

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jeanne M. Cabral

Of [COMPLETE ADDRESS] 2939 Bexley Park Rd. Columbus, OH 43209

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. Edwards Real Estate Group LLC 5368 Central College Rd. Westerville, OH 43081 R. J. Edwards 740-404-3109	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Jeanne M Cabral

Subscribed to me in my presence and before this 2 day of September, in the year 2014

SIGNATURE OF NOTARY PUBLIC Joseph
My Commission Expires Feb. 10, 2017



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

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City of Columbus Zoning Plat



CV14-043

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: 010211708

Zoning Number: 5531

Street Name: CENTRAL COLLEGE RD

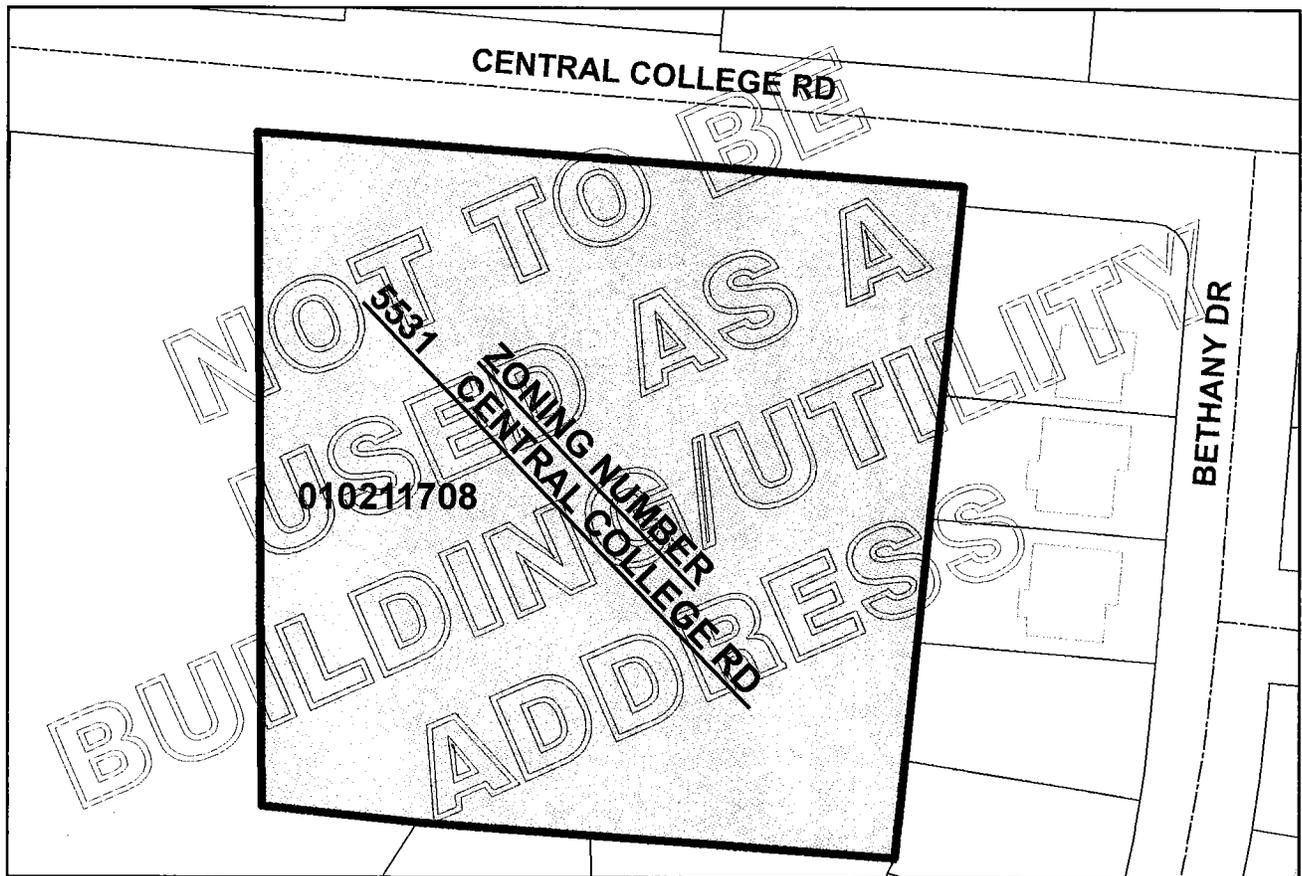
Lot Number : N/A

Subdivision: N/A

Requested By: JEANE CABRAL ARCHITECTS (JEANNE CABRAL)

Issued By: *Jennifer L. Gallgaher*

Date: 8/28/2014



SCALE: 1 inch = 100 feet

GIS FILE NUMBER: 22819

JENNIFER L. GALLGAHER, P.E., DEPUTY DIRECTOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO



No: 010-211708

Commonly known as: 5531 Central College Road, Westerville, OH 43081

Exhibit "A" - Legal Description

TRACT I:

Situated in the State of Ohio, County of Franklin, and in the Township of Plain, being located in Section 14, Township 2, Range 16, United States Military Lands, and being part of the tract of land as conveyed to Arthur Pestel by deed of record in Deed Book 1086, Page 245, Recorder's Office, Franklin County, Ohio, containing approximately 1.272 acres, and more particularly bounded and described as follows:

Beginning at a railroad spike in the centerline of Central College Road at the northeasterly corner of the 1.074 acre tract as conveyed to Merle Piper by deed of record in Deed Book 3454, Page 496;

thence South $84^{\circ} 45' 00''$ East, with the centerline of said Central College Road, a distance of 143.77 feet to a railroad spike;

thence South $6^{\circ} 34' 40''$ West, (passing an iron pin at 32.15 feet, a distance of 387.10 feet to an iron pin;

thence North $(85^{\circ} 08' 37''$ West, a distance of 142.14 feet to an iron pin;

thence North $6^{\circ} 20' 00''$ East, (passing an iron pin at the southeasterly corner of said 1.074 acre tract at 172.44 and another at 355.89 feet), a distance of 388.04 feet to the place of beginning, containing 1.272 acres of land, more or less.

Subject, however, to all legal highways and/or rights of way and easements of previous record.

TRACT II:

Situated in the State of Ohio, County of Franklin, and in the Township of Plain, being located in Sections 14 and 15 of Township 2, Range 16, United States Military Lands, and being part of the Arthur Pestel Farm as recorded in Deed Book 1086, Pages 245 and 246, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at a spike where the centerline of Central College Road intersects that part of Harlem Road that is south of Central College Road, being also the northeasterly corner of the said Arthur Pestel Farm;

thence along the centerline of the said Central College Road, North $84^{\circ} 45'$ West, 942.25 feet to a nail, being the True Place of Beginning and the northeasterly corner of the tract herein intended to be described;

thence South $6^{\circ} 20'$ West, (passing an iron pin at 32.15 feet), 215.6 feet to an iron pin;

thence North 84° 45' West, 206.45 feet to an iron pin in the easterly line of power line easement;

thence along the said easterly line of the said power line easement, being 50 feet easterly at right angles from and parallel to the centerline of the said power line easement North 0° 39' east, (passing an iron pin set 100 feet and a second iron pin at 184.14 feet), 216.24 feet to a nail in the centerline of the said Central College Road;

thence along the centerline of the said Central College Road South 84° 45' East, 227.87 feet to the Place of Beginning, Containing 1.074 acres, more or less.

TRACT III:

Situated in the State of Ohio, County of Franklin, and in the Township of Plain, being located in Sections 14 and 15, Township 2, Range 16, United States Military Lands, and being part of that tract of land as conveyed to Arthur Pestel by deed of record in Deed Book 1086, Page 245, all references being to records of the Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin at the southeasterly corner of the 1.074 acre tract as conveyed to Merle Piper by deed of record in Deed Book 3454, Page 496;

thence South 6° 20' 00" West, with a southerly extension of the easterly line of said 1.074 acre tract a distance of 172.44 feet to an iron pin;

thence North 85° 08' 37" West, a distance of 189.22 feet to an iron pin in the easterly line of a power line easement;

thence North 0° 39' 00" East, with the easterly line of said power line easement, a distance of 174.27 feet to the southwesterly corner of said 1.074 acre tract;

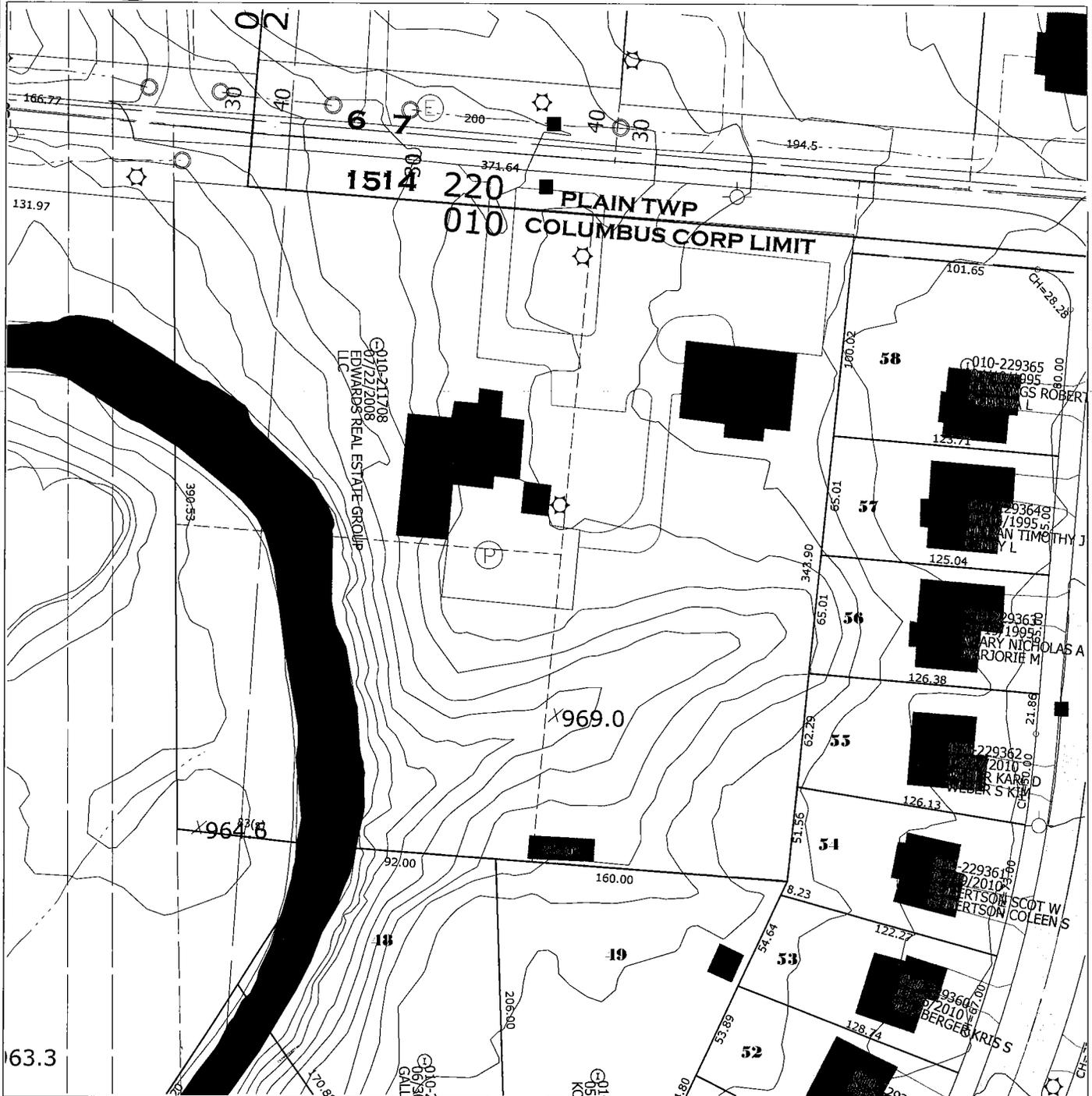
thence South 84° 45' 00" East, with the southerly line of said 1.074 acre tract, a distance of 206.45 feet to the Place of Beginning, Containing 0.786 acres of land, more or less.

Subject, however, to all legal highways, and/or rights of way and easements of previous record.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C DATE: 9/2/14

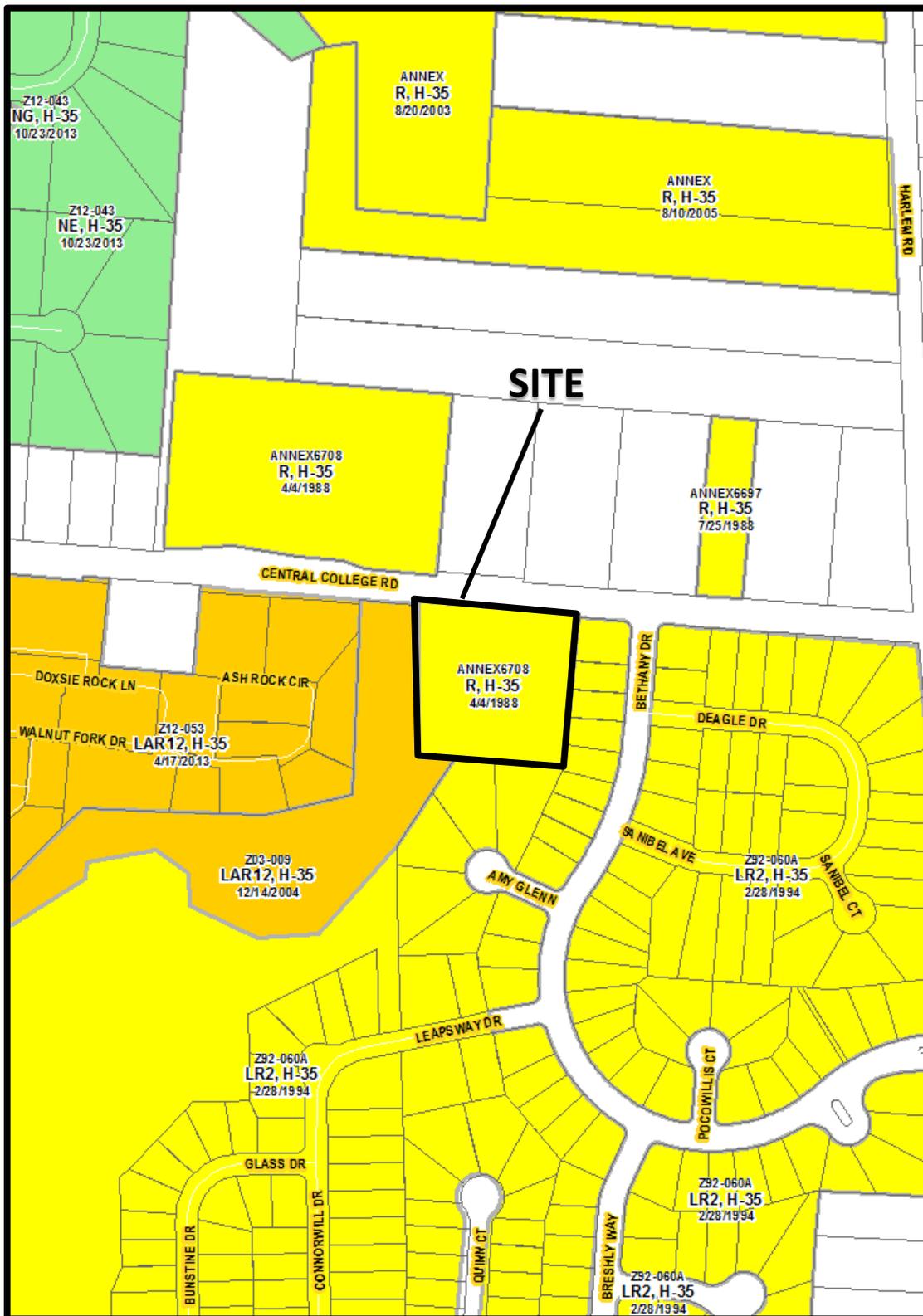


Disclaimer

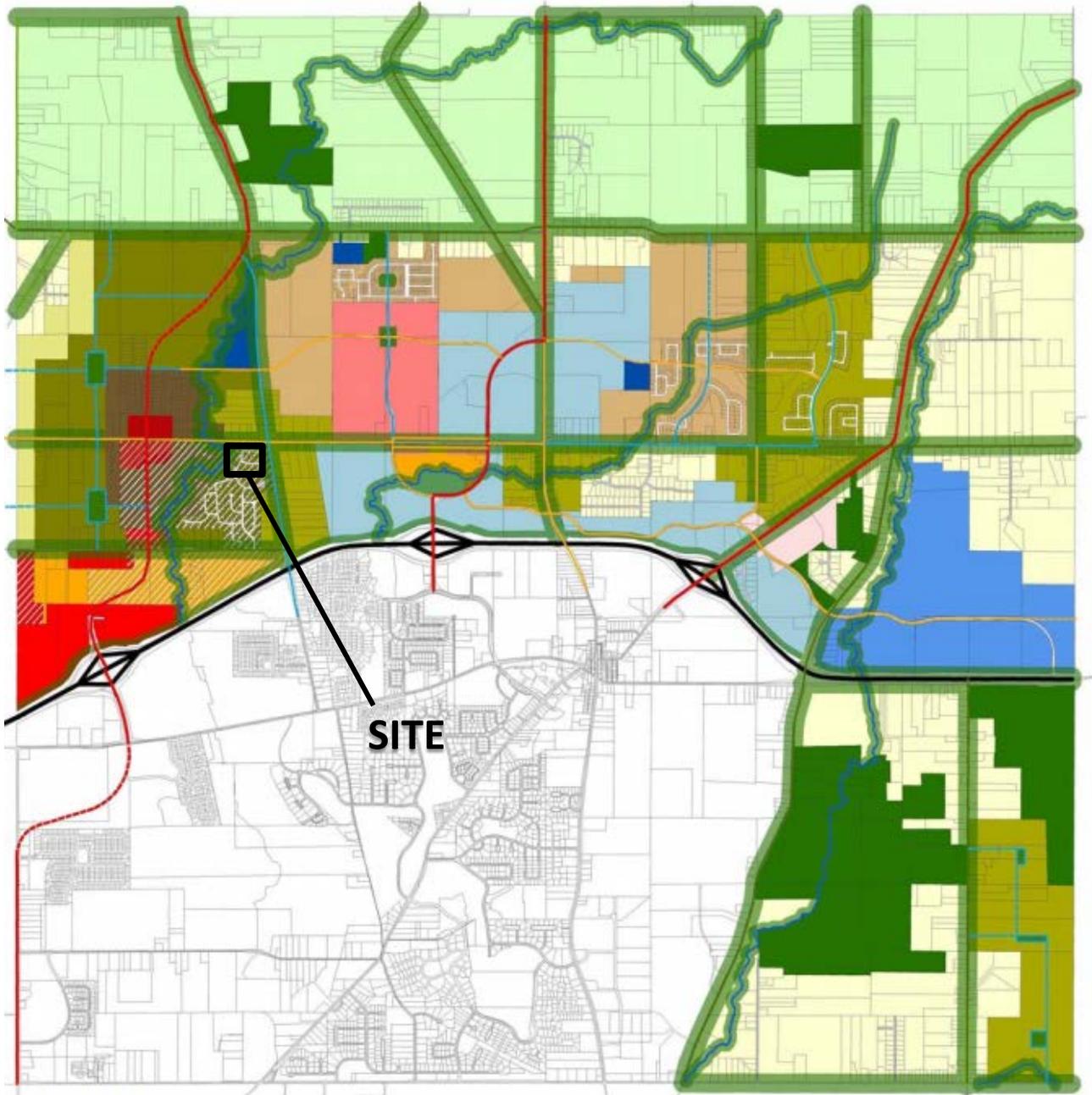
Scale = 80



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.



CV14-043
 5531 Central College Road
 Approximately 3.1 acres



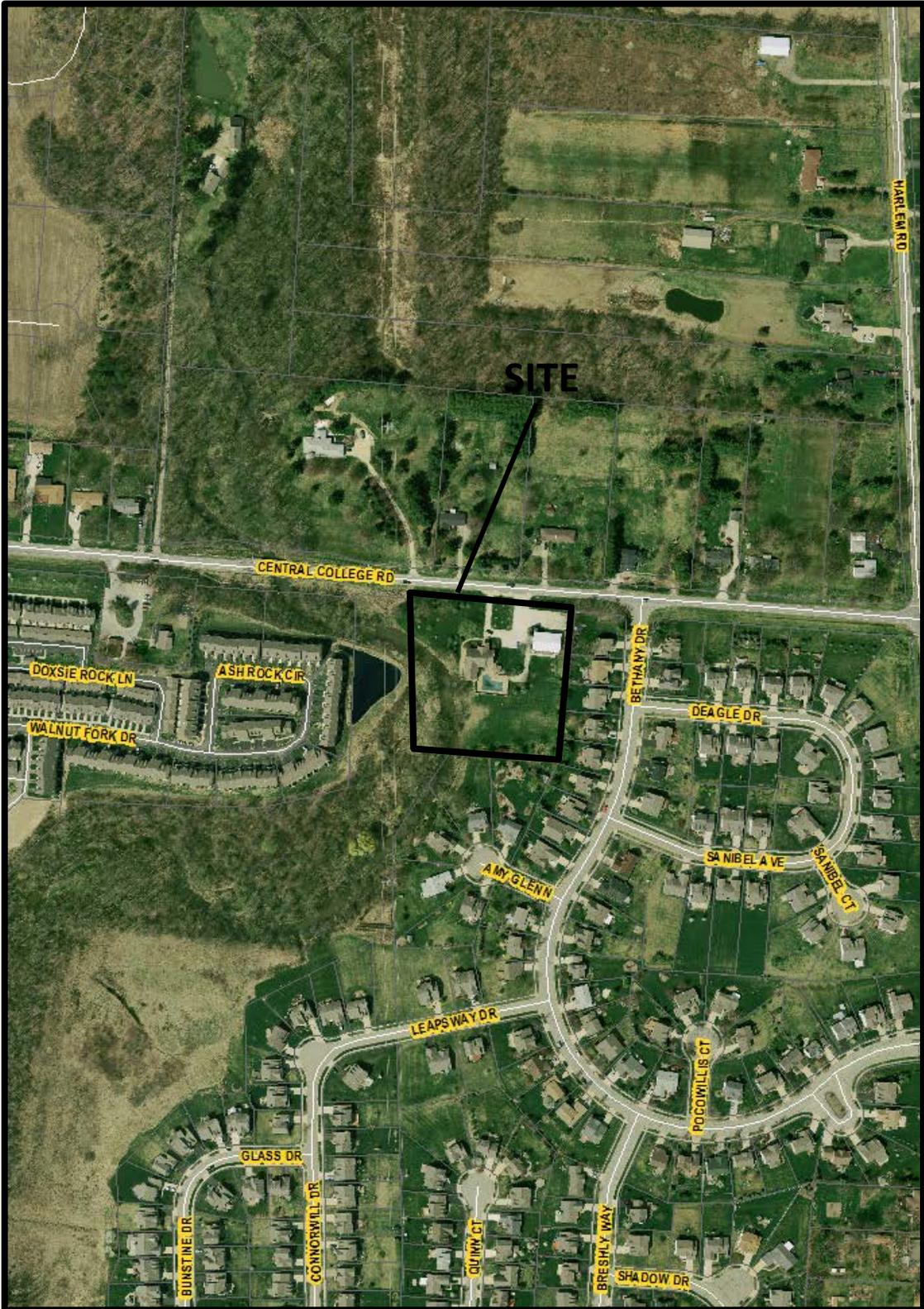
Legend

- | | | |
|------------------|---------------------|--------------------------------|
| Office | Park/Open Space | Edge |
| Office/Warehouse | Village Mixed Use | Neighborhood |
| Town Mixed Use | Town Residential | Neighborhood Center |
| Commercial | Village Residential | Neighborhood Center Commercial |
| Multi-Family | Rural Residential | Park Zone |
| Civic/Schools | | |

CV14-043

5531 Central College Road

Approximately 3.1 acres



CV14-043
5531 Central College Road
Approximately 3.1 acres