



#10310-05020-00107

Comments: \_\_\_\_\_ Application Number: \_\_\_\_\_ Commission/Group: \_\_\_\_\_

Date Received: \_\_\_\_\_ Planning Area: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Acreage: \_\_\_\_\_

Zoning Fee: \$315 Address Fee \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Accepted by \_\_\_\_\_

### BOARD OF ZONING ADJUSTMENT APPLICATION

**PAID**  
APR 12 2010

#### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance
- Special Permit

**BUILDING SERVICES**

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: Requesting a 0.6' variance to code section 3333.23(a) to change minimum side yard least distance from 5.0' to 4.4'

#### LOCATION

1. Certified Address Number and Street Name 82 Cypress Avenue

City Columbus State Ohio Zip 43222

Parcel Number (only one required.) 010-056249

#### Co-APPLICANT (IF DIFFERENT FROM OWNER)

2. Name NRP Boulevard Homes LLC

3. Address 5309 Transportation Blvd. City Cleveland Zip 44125

4. Phone# (216) 475-8900 Fax # (216) 475-9300

5. Email Address csteigerwald@nrpgroup.com

#### PROPERTY OWNER(S) AND Co-APPLICANT

6. Name City of Columbus Land Re Development Office

7. Address 109 N. Front Street City Columbus Zip 43215

8. Phone# (614) 645-5263 Fax # \_\_\_\_\_

9. Email Address landredevelopmentoffice@columbus.gov

Check here if listing additional property owners on a separate page

#### ATTORNEY / AGENT (CIRCLE ONE)

10. Name M. Neff Design Group, Engineers and Surveyors

11. Address 14855 Broadway #100-23 City Maple Heights Zip 44137

12. Phone# (216) 663-8820 Fax # (216) 663-8821

13. Email Address matto@neffdesign.com

#### SIGNATURES

14. Applicant Signature \_\_\_\_\_

15. Property Owner Signature Adrian

16. Attorney/Agent Signature \_\_\_\_\_

Date

Application #

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue Columbus, Ohio 43224



# AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Matthew C. Neff  
of (1) MAILING ADDRESS M Neff Design Group, 14855 Broadway, #100-2B, Maple Heights, OH 44137  
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 82 Cypress Avenue  
for which the application for a rezoning, variance, special permit or graphics plan was filed  
with the Department of Development, Building Services Division on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(4) City of Columbus Land ReDevelopment Office  
109 N. Front Street  
Columbus, OH 43215

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

NRP Boulevard Homes, LLC  
(216) 475-8900

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

(5) The Franklinton Area Commission  
Carol J. Stewart  
(614) 279-9382

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

SIGNATURE OF AFFIANT

(8)

*Matthew C. Neff*

Subscribed to me in my presence and before me this 3<sup>rd</sup> day of April, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8)

*J. F. Enloe*  
May 11, 2014

My Commission Expires:

Notary Seal Here



**NRP BOULEVARD HOMES LLC**  
c/o CHERYL STEIGERWALD  
5309 TRANSPORTATION BLVD  
CLEVELAND OHIO 44125

**CITY OF COLUMBUS**  
c/o DONNA HUNTER  
109 N FRONT STREET  
COLUMBUS OHIO 43215

**M NEFF DESIGN GROUP**  
c/o MATTHEW C NEFF  
14855 BROADWAY AVE 100-2B  
MAPLE HEIGHTS OHIO 44137

**FRANKLINTON AREA COMMISSION**  
c/o CAROL J STEWART  
192 S PRINCETON AVENUE  
COLUMBUS OHIO 43223

**REBECCA A HUNLEY**  
93 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**DONALD ZEIS**  
c/o 87 DAKOTA AVENUE  
12960 F STONECREEK DRIVE  
PICKERINGTON OHIO 43147

**DONALD J MARVIN**  
c/o 73 CYPRESS AVENUE  
83 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**DELENA DANIELS**  
79 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**ISAAC N MCCAIN**  
73 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**GLOVER TAISEN**  
69 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**JOANNA BAUGHMAN**  
c/o 65 DAKOTA AVENUE  
61 DAKOTA AVENUE  
COLUMBUS OHIO 43222

**TRACY W BROWN**  
92 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**KATHY TOOPS**  
88 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**CHRISTINA M HIGGINS**  
80 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**BRENDA L HIGGINS**  
76 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**LEWIS BUZZARD JR**  
c/o 70 CYPRESS AVENUE  
1656 BROWN ROAD  
COLUMBUS OHIO 43223

**STEWART MEMORIAL CME  
CHURCH**  
c/o 66 CYPRESS AVENUE  
60 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**MICHAEL K BRADSHAW**  
c/o 89 AND 91 CYPRESS AVENUE  
6115 HERITAGE LAKES DRIVE  
HILLIARD OHIO 43026

**MARVIN S BURNS**  
83 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**L STEVEN LOVE**  
c/o 75 CYPRESS AVENUE  
3782 ASHTON ROAD  
COLUMBUS OHIO 43227

**SCOTT BROWN**  
65 CYPRESS AVENUE  
COLUMBUS OHIO 43222

**EXECUTIVE TRUST INC**  
c/o 63 CYPRESS AVENUE  
4663 EXECUTIVE DRIVE  
COLUMBUS OHIO 43220

NRP BOULEVARD HOMES LLC  
c/o CHERYL STEIGERWALD  
5309 TRANSPORTATION BLVD  
CLEVELAND OHIO 44125

CITY OF COLUMBUS  
c/o DONNA HUNTER  
109 N FRONT STREET  
COLUMBUS OHIO 43215

M NEFF DESIGN GROUP  
c/o MATTHEW C NEFF  
14855 BROADWAY AVE 100-2B  
MAPLE HEIGHTS OHIO 44137

FRANKLINTON AREA COMMISSION  
c/o CAROL J STEWART  
192 S PRINCETON AVENUE  
COLUMBUS OHIO 43223

REBECCA A HUNLEY  
93 DAKOTA AVENUE  
COLUMBUS OHIO 43222

DONALD ZEIS  
c/o 87 DAKOTA AVENUE  
12960 F STONECREEK DRIVE  
PICKERINGTON OHIO 43147

DONALD J MARVIN  
c/o 73 CYPRESS AVENUE  
83 DAKOTA AVENUE  
COLUMBUS OHIO 43222

DELENA DANIELS  
79 DAKOTA AVENUE  
COLUMBUS OHIO 43222

ISAAC N MCCAIN  
73 DAKOTA AVENUE  
COLUMBUS OHIO 43222

GLOVER TAISEN  
69 DAKOTA AVENUE  
COLUMBUS OHIO 43222

JOANNA BAUGHMAN  
c/o 65 DAKOTA AVENUE  
61 DAKOTA AVENUE  
COLUMBUS OHIO 43222

TRACY W BROWN  
92 CYPRESS AVENUE  
COLUMBUS OHIO 43222

KATHY TOOPS  
88 CYPRESS AVENUE  
COLUMBUS OHIO 43222

CHRISTINA M HIGGINS  
80 CYPRESS AVENUE  
COLUMBUS OHIO 43222

BRENDA L HIGGINS  
76 CYPRESS AVENUE  
COLUMBUS OHIO 43222

LEWIS BUZZARD JR  
c/o 70 CYPRESS AVENUE  
1656 BROWN ROAD  
COLUMBUS OHIO 43223

STEWART MEMORIAL CME  
CHURCH  
c/o 66 CYPRESS AVENUE  
60 CYPRESS AVENUE  
COLUMBUS OHIO 43222

MICHAEL K BRADSHAW  
c/o 89 AND 91 CYPRESS AVENUE  
6115 HERITAGE LAKES DRIVE  
HILLIARD OHIO 43026

MARVIN S BURNS  
83 CYPRESS AVENUE  
COLUMBUS OHIO 43222

L STEVEN LOVE  
c/o 75 CYPRESS AVENUE  
3782 ASHTON ROAD  
COLUMBUS OHIO 43227

SCOTT BROWN  
65 CYPRESS AVENUE  
COLUMBUS OHIO 43222

EXECUTIVE TRUST INC  
c/o 63 CYPRESS AVENUE  
4663 EXECUTIVE DRIVE  
COLUMBUS OHIO 43220



Signature of Applicant *[Handwritten Signature]* Date 4/8/10

**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.

STATE OF OHIO APPLICATION # \_\_\_\_\_  
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Matthew C. Neff  
 of (COMPLETE ADDRESS) M Neff Design Group, 14855 Broadway, #100-23, Maple Heights, OH 44137  
 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
100% NRP Boulevard Homes LLC	5307 Transportation Blvd, Cleveland, OH 44125
→ 28.67% T. Richard Bailey	" " " " " "
→ 28.66% J. David Heller	" " " " " "
→ 28.67% Alan Scott	" " " " " "
→ 14% Boulevard Homes E-Graphic	" " " " " "
→ 2% Andrew N. Tanner	" " " " " "
→ 2% Kenneth W. Outcalt	" " " " " "
→ 7% Aaron Pechota	" " " " " "
→ 3% John Leonard	" " " " " "

SIGNATURE OF AFFIANT *[Handwritten Signature]*  
 Subscribed to me in my presence and before me this 8<sup>th</sup> day of April, in the year 2010  
 SIGNATURE OF NOTARY PUBLIC *[Handwritten Signature]*  
 My Commission Expires: May 11, 2014

Notary Seal Here





# 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 do 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 Attached...*

---



---



---



---



---



---



---



---



---



---



---



---

## BOULEVARD HOMES

---

- With regard to the 30 foot wide lots, it is imperative that we receive a variance for the side yards. First, our unit mix consists of one 3-bedroom unit and two 4-bedroom unit types. Secondly, many of the project's lots are located next to or in close vicinity off each other. Given the unit mix and lot locations, four bedroom units need to be placed on AR1 lots. This will provide a variety of façade styles along one street and maintain the integrity of the neighborhood.
- In order for a four bedroom unit to comply with OHFA requirements, a twenty-four foot width is necessary. OHFA's provides specific dimensional and square footage requirements for bedrooms, hallways, bathrooms, and kitchens. In order for 4 bedrooms to meet OHFA requirements and fit into each unit they need to be stacked next to each other along the front and back of the unit. To make the home narrower would result in non-compliance with OHFA and create nonfunctional space.
- According to the Ohio Residential Code, unprotected openings need to be a minimum of 3' from each other and the lot line. With the houses being 3'-0" from the lot line, the home will still comply. Furthermore, since the 4 bedroom units are wider, bedroom egress windows will fit along the front and back of the unit easily. This will free the side yard in case of an emergency.

16468

Conveyance
Mandatory <u>205.50</u>
Permissive <u>205.50 TS</u>
FRANKLIN COUNTY AUDITOR

200910230153522  
 Pgs: 15 \$132.00 T28090058711  
 10/23/2009 3:33PM BXTSP BOX  
 Robert G. Montgomery  
 Franklin County Recorder

TRANSFERRED

OCT 23 2009

CLARENCE E. MINGO II  
AUDITOR  
FRANKLIN COUNTY, OHIO

**DEED BY RECEIVER**

*TSB-CTS* *Wisconsin*  
 Michael S. Polsky as Receiver for CSMC, Inc. d/b/a Central States Mortgage, an ~~Ohio~~ *Wisconsin* Corporation ("Grantor"), pursuant to Court Order in Milwaukee County, Wisconsin Circuit Court Case No. 09-cv-004763 and every other power, for Ten Dollars (\$10.00) and other good and valuable consideration paid by The City of Columbus, Ohio, (the "GRANTEE"), grants with fiduciary covenants, to the GRANTEE, the following real property: *TAX MAILING ADDRESS: MORTGAGE CODE 9006, 189 N. FRONT ST., COLUMBUS, OHIO 43215*  
 SEE EXHIBIT A, attached hereto and incorporated by reference  
*a/k/a CSMC Inc Central States Mortgage*

Executed this 14th day of October, 2009

*MSP*  
 Michael S. Polsky as Receiver for CSMC, inc.  
 d/b/a Central States Mortgage, a Wisconsin corporation

STATE OF WISCONSIN  
COUNTY OF Milwaukee, ss:

Be it remembered, that on this 14th day of October, 2009, before me, the subscriber, personally came the above named Michael S. Polsky as Receiver for CSMC, Inc. d/b/a Central States Mortgage, a Wisconsin corporation, the GRANTOR in the foregoing deed, and acknowledged the signing of the same to be his voluntary act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.



*Cathy J. Beyer*  
 Notary Public

This instrument was prepared by:  
 McCormick & McCormick, LLC  
 Attorneys at Law  
 1515 Bethel Rd., Suite 200  
 Columbus, OH 43220  
 CTS file # 09-\_\_\_\_\_

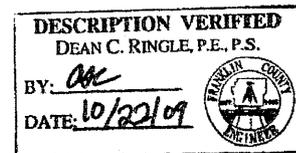
**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND CITY OF COLUMBUS AND BEING FURTHER DESCRIBED AS FOLLOWS:  
BEING LOT NUMBER THREE HUNDRED FORTY-SEVEN (347) OF WEST PARK ADDITION, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 4, PAGE 264, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.**

Commonly known as: 82 South Cypress Avenue, Columbus, OH 43222  
Parcel Number:

F-003  
940F  
(010)  
56249





# City of Columbus

## Address Plat

### CERTIFIED HOUSE NUMBERS

The House Numbers Contained on This Form  
are Herein Certified for Securing  
of Building & Utility Permits

Parcel ID: 010-056249

Project Name: SINGLE FAMILY HOME

House Number: 82

Street Name: S CYPRESS AVE

Lot Number: 347

Subdivision: WEST PARK

Work Done: NEW

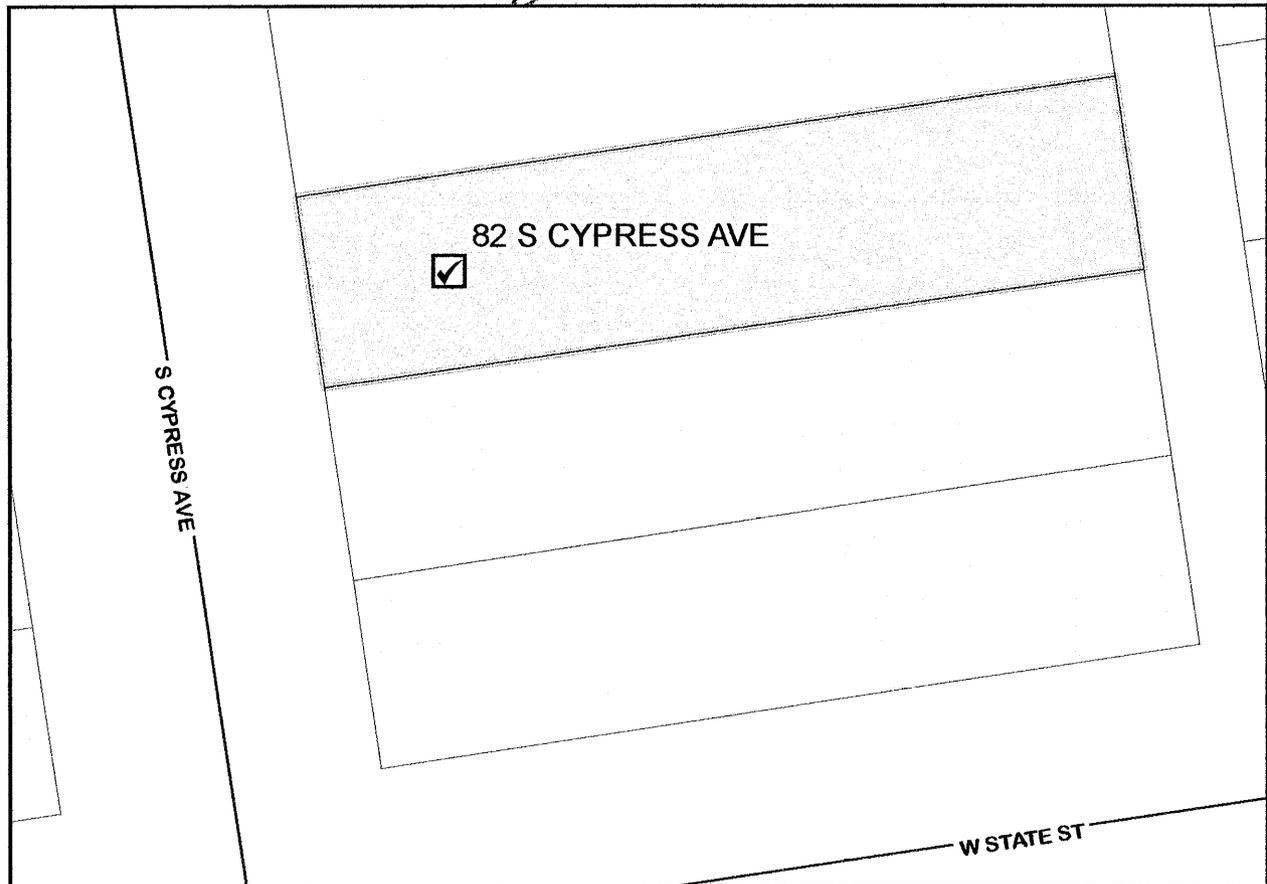
Complex: N/A

Owner: CITY OF COLUMBUS

Requested By: NRP CONTRACTORS LLC

Printed By: *Louis O. McLean*

Date: 3/12/2010



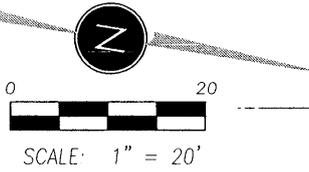
PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

SCALE: 1 inch = 30 feet

GIS FILE NUMBER: 238735

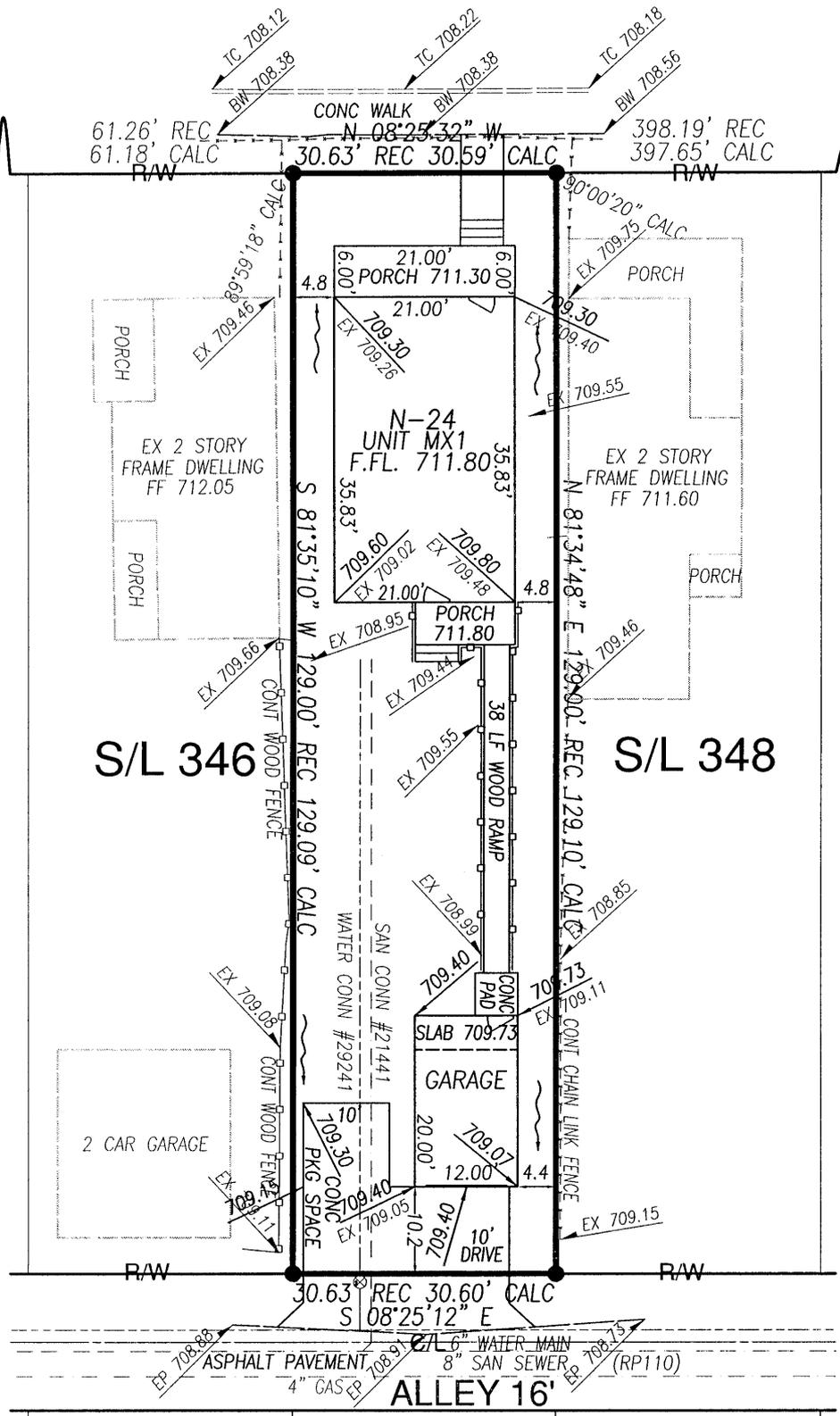
# S. CYPRESS AVENUE 50'

THIS LOT IS IN THE FLOOD HAZARD ZONE X AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MAP NUMBER 39049C0309K EFFECTIVE DATE JUNE 17, 2008



W. STATE STREET 60'

W. CAPITOL ST



PLANNERS | ENGINEERS | SURVEYORS  
**mNEFF design group**  
 DESIGNING LAND FOR YOUR WORLD  
 14855 Broadway Avenue, Suite 100 2B - Maple Heights, Ohio 44137  
 tel: 216 663 8820 fax: 216 663 8821  
 www.mneffdesign.com

PROPOSED SITE PLAN  
**N-24: 82 S. CYPRESS AVENUE**  
 PID: 010-056249  
 S/L 347 WEST PARK ADDITION, PLAT BOOK 4, PAGE 264 FCR  
 CITY OF COLUMBUS, COUNTY OF FRANKLIN, STATE OF OHIO

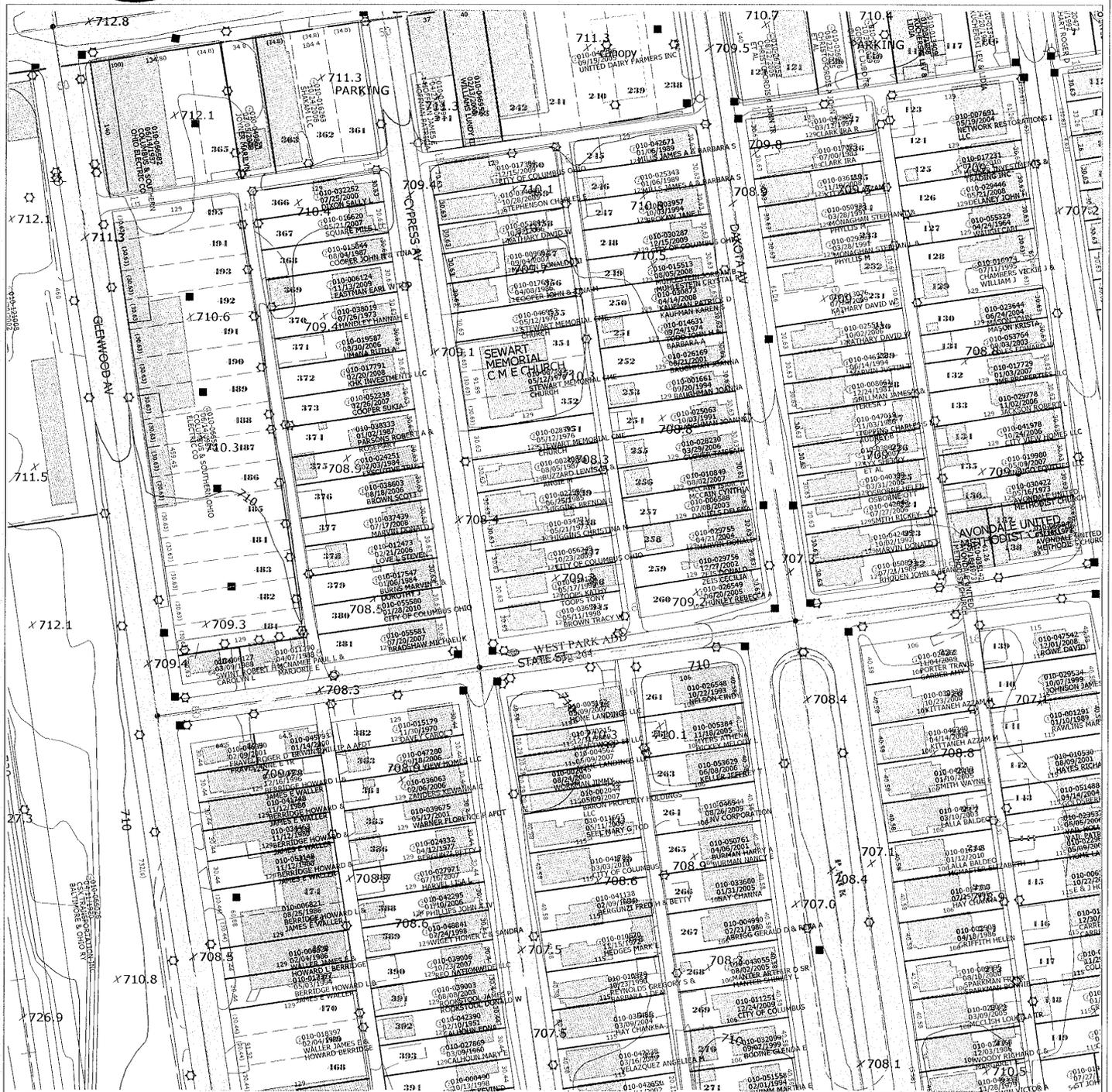
JOB NO. 7489	DATE: March 26, 2010
DRAWN: STP	SCALE: 1"=20'



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 4/12/10



Disclaimer

Scale = 150

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 / Grid Department