



If you have questions about this form call 645-4522

Comments: _____ Commission/Group: _____

Date Received: 30 MAR. 2011 Planning Area: _____

Date of Hearing: 2/2/2011 Acreage: _____

Zoning Fee: \$ 315 Address Fee _____

Existing Zoning _____ Accepted by ff

BOARD OF ZONING ADJUSTMENT APPLICATION

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.

Applicant wishes to split residential lot and seeks a variance from zoning code frontage requirements, as well as any other provision requiring relief.

LOCATION

1. Certified Address Number and Street Name 5990 Godown Road
 City Columbus State OH Zip 43235

Parcel Number (only one required.)

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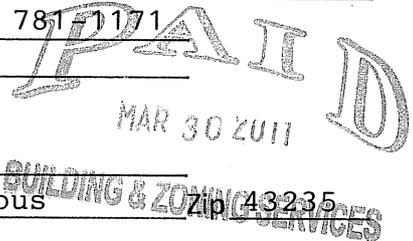
APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Benjamin B. Nelson, Esq.

3. Address 67 E. Wilson Bridge Rd. City Worthington Zip 43085

4. Phone# (614) 781-1400 Fax # (614) 781-1171

5. Email Address ben@hrabcaklaw.com



PROPERTY OWNER(S)

6. Name Morad Kalil

7. Address 5990 Godown Road City Columbus Zip 43235

8. Phone# _____ Fax # _____

9. Email Address _____

Check here if listing additional property owners on a separate page

ATTORNEY/AGENT (CIRCLE ONE)

10. Name Benjamin B. Nelson, Esq.

11. Address 67 E. Wilson Bridge Rd. City Worthington Zip 43085

12. Phone# (614) 781-1400 Fax # (614) 781-1171

13. Email Address ben@hrabcaklaw.com

SIGNATURES

14. Applicant Signature

15. Property Owner Signature _____

16. Attorney/Agent Signature _____

One Stop Shop Zoning Report

Building Services Division
 Department of Development
 Report date: 2/25/2011 2:46:35 PM

Parcel Report

Parcel ID	Owner	Address
010148968	KALIL MORAD M	5990 GODOWN RD COLUMBUS OH 43235

Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
ANNEX6841	R1	H-35	11	Residential	(View Document)

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.

11310-00000-00170
5990 GODOWN ROAD

AFFIDAVIT



(See next page for instructions.)

11310-00000-00170
5990 GODOWN ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1) NAME** Benjamin B. Nelson, Esq. of
(1) MAILING ADDRESS 67 E. Wilson Bridge Rd., Worthington, OH 43085

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 OWNER'S NAME

(4) Morad Kalil

AND MAILING ADDRESS

5990 Godown Road

Columbus, OH 43235

APPLICANT'S NAME AND PHONE #

(same as listed on front of application)

Benjamin B. Nelson; (614) 781-1400

AREA COMMISSION OR CIVIC GROUP

(5) Northwest Civic Association

AREA COMMISSION ZONING CHAIR OR

CONTACT PERSON AND ADDRESS

Attn.: Marilyn Goodman, Zoning Chair
P.O. Box 20134, Columbus, OH 43220

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

*Please see attached Proximity Report

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

SIGNATURE OF AFFIANT

(8) *Benjamin B. Nelson*

Subscribed to me in my presence and before me this 25th day of March, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) _____

My Commission Expires: _____

Notary Seal Here



MICHAEL HRABCAK
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.



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:

*Please see attached Affidavit in Support of Application/Statement of Hardship

**11310-00000-00170
5990 GODOWN ROAD**

STATE OF OHIO)
) SS: AFFIDAVIT
COUNTY OF FRANKLIN)

AFFIDAVIT IN SUPPORT OF APPLICATION TO
BOARD OF ZONING ADJUSTMENT
STATEMENT OF HARDSHIP

Now comes affiant, Morad Kalil, by and through counsel, and provides this background and statement of hardship in support of his application to the Board of Zoning Adjustment, whereby affiant seeks a variance by the Board from the Zoning Code’s frontage requirements, and any other requirements in need of relief, for the reasons set forth in the application, as well in this affidavit.

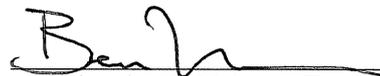
Affiant has read Section 3307.09 regarding variances by the Board and believes affiant’s application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance, as set forth therein.

- A. Affiant, Morad Kalil, owns the property known as 5990 Godown Road, Columbus, Ohio 43235 (“Subject Property”) pursuant to the quit-claim deed attached hereto as Exhibit “A”.
- B. Attached to Exhibit “A” is the current legal description for the Subject Property.
- C. The Subject Property has a Zoning Classification “R1” and contains a residential building thereon.
- D. On or about November 10, 2010, affiant filed an application for lot split, Application No. 10330-00504, to split the Subject Property into two parcels.
- E. Since that time, affiant has ascertained the need to split the Subject Property into three parcels. A copy of the updated proposed split is attached hereto as Exhibit “B”.

- F. The Subject Property is primarily surrounded by condominium units and other rental properties, property owned by a Christian church, and property owned by The Ohio State University.
- G. Further documents and information with regard to the Subject Property, including but not limited to, the address card from the Division of Planning and Operations, and zoning and parcel report, are attached hereto as Exhibit "C".
- H. Proximity report information obtained from the Franklin County Auditor website is attached hereto as Exhibit "D".
- I. Proximity report information printed and obtained from the offices of the Franklin County Auditor is attached hereto as Exhibit "E".
- J. E-plot and A-plot maps obtained from the offices of the Franklin County Auditor, consisting of the highlighted subject site using all data layers, are attached hereto as Exhibit "F". Maps to engineers scale are separately included with affiant's application.
- K. Affiant in good faith believes he meets all Zoning Code requirements to accomplish the proposed split, other than certain frontage requirements contained in Section 3332.19 of the Zoning Code.
- L. Affiant seeks a variance by the Board from the Zoning Code's frontage requirements, and any other requirements in need of relief.
- M. As a part of the proposed lot split, affiant proposes to extend his driveway to access the split parcels and agrees to record any and all easements as may be required and/or necessary to accomplish the same.

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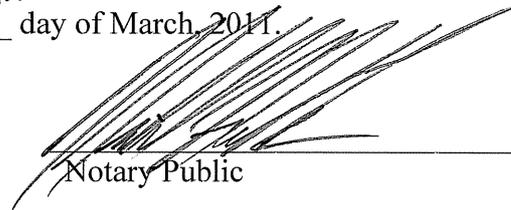
- N. Further, affiant has had numerous communications with the City of Columbus Department of Sanitation, as well as with an engineer, regarding the sewer/sanitation requirements anticipated for the proposed lot split, including main line sewer extensions, and agrees that the requested variance approval may be conditioned upon meeting the sewer/sanitation requirements of the City of Columbus as it relates to the proposed split.
- O. The variance requested herein will provide no additional burden to the existing or neighboring properties.
- P. The grant of a variance will not be injurious to neighboring properties and will not be contrary to public interest or the intent or purpose of the zoning code.


Benjamin B. Nelson, Esq.
Attorney for Morad Kalil

Sworn to and subscribed before me this 25th day of March, 2011.



MICHAEL HRABCAK
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.


Notary Public

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5990 GODOWN ROAD

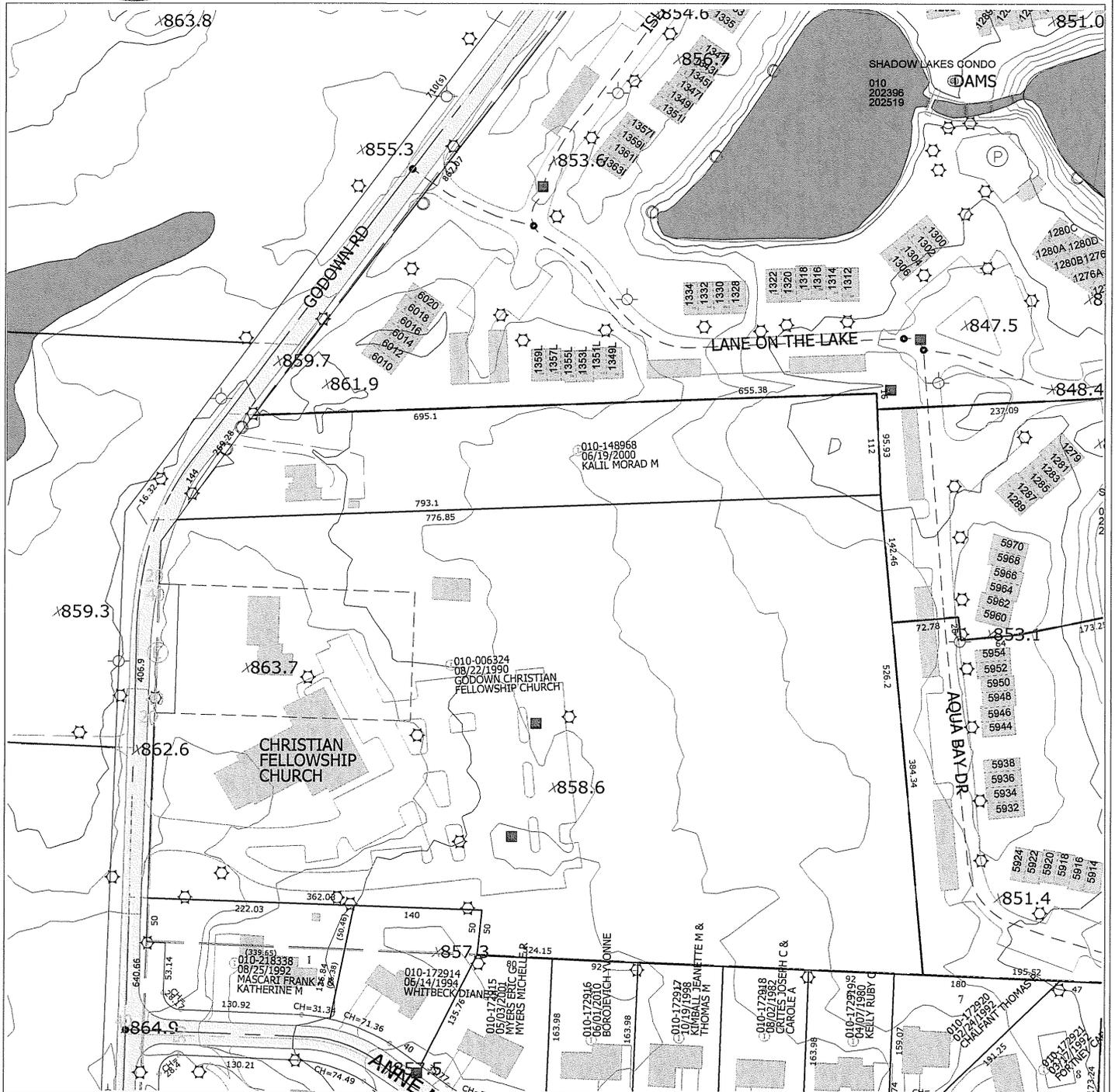


CLARENCE E MIN FRANKLIN COUNTY A

11310-00000-00170
5990 GODOWN ROAD

MAP ID: m

DATE: 3/18/11



Disclaimer

Scale = 160



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. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate





LEGEND

- IPF 3/4" IRON PIN FOUND
- IFS IRON PIN SET

FLOOD ZONE NOTE:

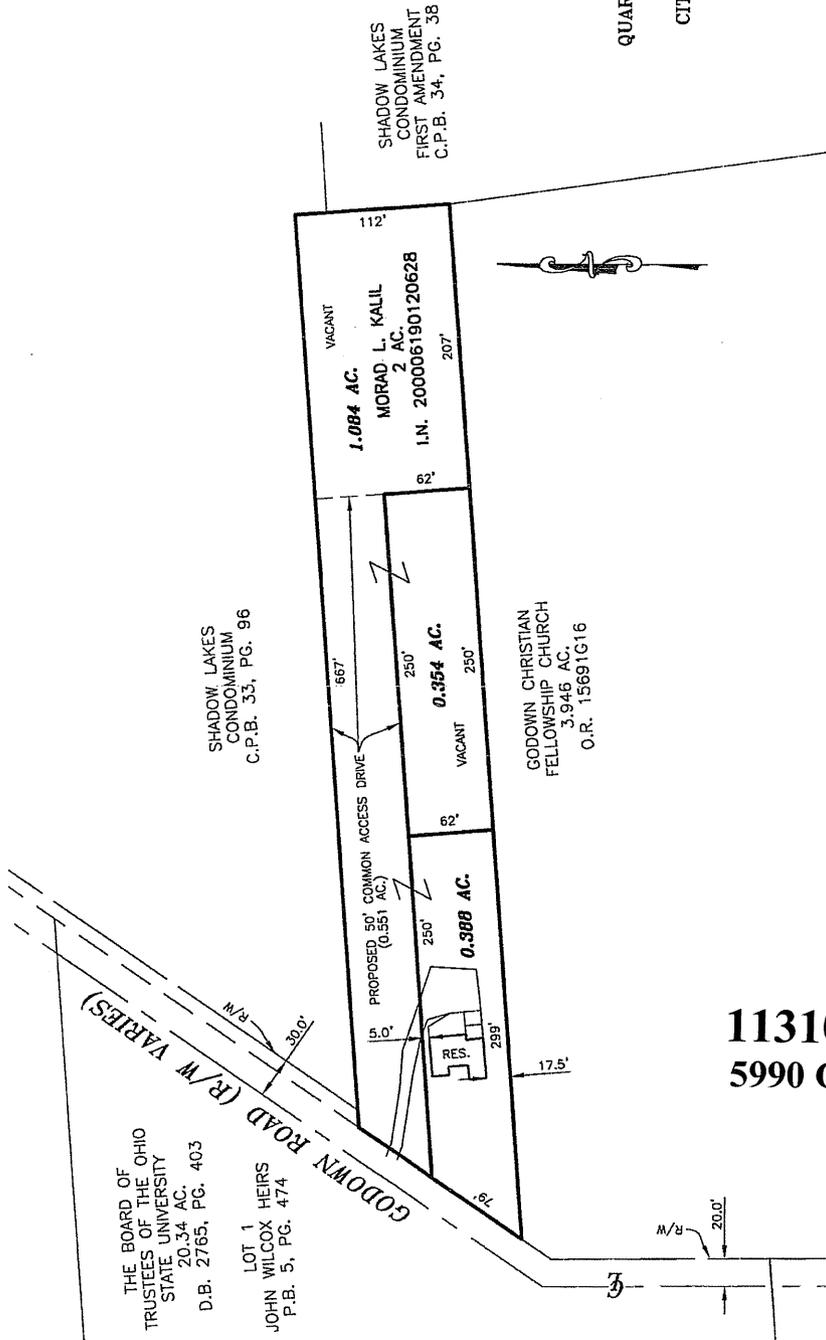
THE SUBJECT TRACT LIES IN ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 3804900158K, WITH AN EFFECTIVE DATE OF JUNE 17, 2008

**EXHIBIT OF
PROPOSED LOT SPLITS
LYING IN**

**QUARTER TOWNSHIP 4, TOWNSHIP 2, RANGE 19
UNITED STATES MILITARY LANDS
CITY OF COLUMBUS, COUNTY OF FRANKLIN
STATE OF OHIO**

**LIS LANDMARK SURVEY
GROUP, INCORPORATED**
2098 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212
PHONE: (614) 465-9000 FAX: (614) 465-9003

DATE: 1/20/11 FILE NO. 124412



THE BOARD OF
TRUSTEES OF THE OHIO
STATE UNIVERSITY
20.34 AC.
D.B. 2765, PG. 403

LOT 1
JOHN WILCOX HEIRS
P.B. 5, PG. 474

SHADOW LAKES
CONDOMINIUM
C.P.B. 33, PG. 96

SHADOW LAKES
CONDOMINIUM
FIRST AMENDMENT
C.P.B. 34, PG. 38

GODOWN CHRISTIAN
FELLOWSHIP CHURCH
3.946 AC.
O.R. 15691C16

**11310-00000-00170
5990 GODOWN ROAD**

MWN BY: TNW

tabbles®

EXHIBIT

B



Signature of Applicant Ben Nelson Date 3/25/11

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this ap
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indic:

11310-00000-00170
5990 GODOWN ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION #

Being first duly cautioned and sworn (NAME) Benjamin B. Nelson, Esq.
of (COMPLETE ADDRESS) 67 E. Wilson Bridge Rd., Ste. 100, Worthington, OH 43085
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
Morad Kalil	5990 Godown Road, Columbus, OH 43235

SIGNATURE OF AFFIANT

Ben Nelson

Subscribed to me in my presence and before me this 25th day of March, in the year 2011

SIGNATURE OF NOTARY PUBLIC

[Signature]

My Commission Expires:

Notary Seal Here



MICHAEL HRABCAK
Attorney at Law
Notary Public, State of Ohio
My Commission Has No Expiration
Section 147.03 R.C.