



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: 11310-00000-00383
Date Received: 14 JULY 2011
Commission/Group: _____
Existing Zoning: _____ Application Accepted by: AF Fee: \$ 315
Comments: _____

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.

In conjunction with the approved CVS/pharmacy at the northeast corner of High Street & Williams Road, the developer is proposing to install a driveway turn-around for the residential property owner to help minimize vehicular conflict between the property owner and pharmacy traffic leaving the CVS site. City Code requires a 25' parking/maneuvering setback per Section 3312.27. The proposed turn-around will be located less than 25' from the Williams Road Right-of-Way.

LOCATION

1. Certified Address Number and Street Name 61 E. Williams Road
City Columbus State Ohio Zip 43207
Parcel Number (only one required) 010-111536

APPLICANT: (IF DIFFERENT FROM OWNER)

Name _____
Address _____ City/State _____ Zip _____
Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name Steven C. & Tempa B. Freeman
Address 61 E. Williams Road City/State Columbus, Ohio Zip 43207
Phone # 614-492-0536 Fax # _____ Email _____
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name Seth Dorman (Skilken D.S.)
Address 4270 Morse Road City/State Columbus, Ohio Zip 43230
Phone # 614-342-6668 Fax # 614-342-6669 Email: dorman@skilken.com

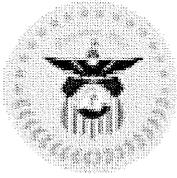
SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE _____
PROPERTY OWNER SIGNATURE Steven Freeman Tempa Freeman
ATTORNEY / AGENT SIGNATURE Seth Dorman

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

For all questions regarding this form and fees please call: 614-645-4522

Please make all checks payable to the Columbus City Treasurer



CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICE

One Stop Shop Zoning Report Date: Thu Jul 21 2011

Zoning General Inquiry: 614-645-8637

SITE INFORMATION

Address: 61 E WILLIAMS RD COLUMBUS OH 43207

Mailing Address: 95 METHODIST HILL DR
ROCHESTER, NY 14623

Owner: FREEMAN STEVEN C FREEMAN TEMP.

Parcel Number: 010111536

ZONING INFORMATION

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

Historical District: N/A

Council Variance: N/A

Historical Site: No

Board of Zoning Adjustment (BZA): N/A

Overlay: N/A

Graphic Commission: N/A

Flood Zone: OUT

Area Commission: Far South Columbus Area Commission

Airport Noise Environ: N/A

Planning Overlay: N/A

PENDING ZONING ACTION

Zoning: N/A

Council Variance: N/A

Board of Zoning Adjustment (BZA): N/A

Graphic Commission: N/A



Limited Power of Attorney

We, Steven C. & Tempa B. Freeman of 61 E. Williams Road, Columbus, Ohio, hereby appoint Seth Dorman, of Grove City, Ohio, as my attorney-in-fact (my "**Attorney**") with the following powers:

1. Grant of Power. My **Attorney** shall have full power to act for me and in my name and to do all such things that I could do if personally present with respect to the variance necessary to construct a driveway turn-around for my home at 61 E. Williams Road, Columbus, Ohio.

2. Exoneration of Third Persons. Each person relying or acting upon this durable power of attorney shall be entitled to presume conclusively that this durable power of attorney is in full force and effect. Any person may rely on a copy of this durable power of attorney certified by my **Attorney** to be in effect and to be a true and correct copy. Such certified copy shall be considered as an original and shall relieve any person to whom or which a certified copy is delivered of any duty to inquire further. No person relying in good faith upon this durable power of attorney shall be required to see the application and disposition of any moneys or other property paid or delivered to my **Attorney**.

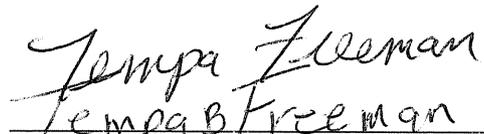
3. Severability. If any provision of this durable power of attorney shall be invalid or unenforceable under applicable law, said provision shall be ineffective to the extent of such invalidity only, without in any way affecting the remaining parts of said provision or the remaining provisions of this durable power of attorney.

4. Headings. The headings in this durable power of attorney are inserted for convenient reference and shall be ignored in its construction.

5. Governing Law. The laws of Ohio shall govern all questions pertaining to the validity and construction of this durable power of attorney.

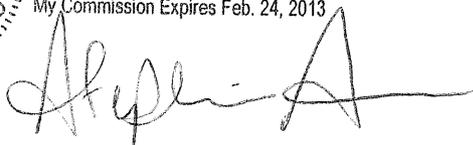
In Witness Whereof, I have signed this Durable Financial Power of Attorney on this 9 day of July, 2011.


Print Name: Steven C. Freeman


Print Name: Tempa B. Freeman

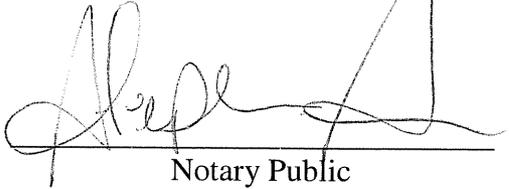


STEPHANIE DINKINS
Notary Public, State of Ohio
My Commission Expires Feb. 24, 2013



State of Ohio)
) ss:
County of _____)

On this 9 day of July, 2011, before me personally appeared Steven C. Freeman, known by me or satisfactorily proven to be the person who executed the above Durable Financial Power of Attorney, and acknowledged that he executed such instrument as his free act and deed. I further attest that Steven C. Freeman appears to be of sound mind and not under or subject to duress, fraud or undue influence.

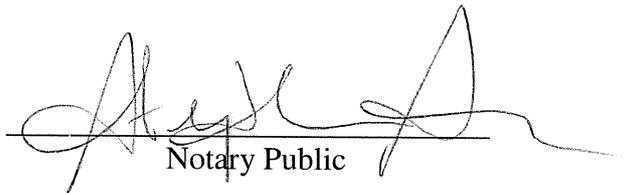

Notary Public



STEPHANIE DINKINS
Notary Public, State of Ohio
My Commission Expires Feb. 24, 2013

State of Ohio)
) ss:
County of _____)

On this 9 day of July, 2011, before me personally appeared Tempa B. Freeman, known by me or satisfactorily proven to be the person who executed the above Durable Financial Power of Attorney, and acknowledged that she executed such instrument as her free act and deed. I further attest that Tempa B. Freeman appears to be of sound mind and not under or subject to duress, fraud or undue influence.


Notary Public



STEPHANIE DINKINS
Notary Public, State of Ohio
My Commission Expires Feb. 24, 2013



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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Seth Dorman (Skilken D.S.)
of (1) MAILING ADDRESS 4270 Morse Road, Columbus, Ohio 43230
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)

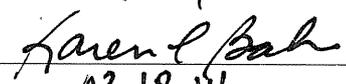
SUBJECT PROPERTY OWNERS NAME	(4) <u>Steven C. & Tempa B. Freeman</u>
AND MAILING ADDRESS	<u>61 E. Williams Road</u> <u>Columbus, Ohio 43207</u>
APPLICANT'S NAME AND PHONE # (same as listed on front of application)	<u>Seth Dorman, Skilken D.S. (Agent for Property Owner)</u> <u>614-342-6668</u>
AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS	(5) <u>Scioto Southland Civic Association/Far South Columbus Area Commission</u> <u>Ted Eisleben/Mindi Hardgrow</u> <u>4080 S. High Street, Columbus, Ohio 43207</u>

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
See attached		

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

SIGNATURE OF AFFIANT (8) 
Subscribed to me in my presence and before me this 12TH day of July, in the year 2011

SIGNATURE OF NOTARY PUBLIC (8) 
My Commission Expires: 03-18-14



KAREN L. BAKER
Notary Public, State of Ohio
My Commission Expires 03-18-14

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

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Variance Request – Parking Setback Line 61 Williams Road, Columbus, Ohio

The proposed variance is from Section 3312.27 (Parking Setback Line) of the City of Columbus Codified Ordinances; which specifically states that “A parking setback line establishes how close parking, loading or maneuvering may be located to a street right-of-way line. This line shall be located a minimum distance from a street right-of-way and be related to a building line as follows...2. Where a required building setback line is 25 feet or greater, the parking setback line shall be 25 feet from the street right-of-way line. On Williams Road, along the frontage for 61 Williams Road, the right-of-way line is located 30 feet south of the centerline, which means the maneuvering setback line for this property would be 55 feet south of the centerline.

The applicant is requesting a variance from the 25 foot maneuvering setback line for the installation of a driveway turn-around in conjunction with the construction of the approved CVS/pharmacy store that will be located at the northeast corner of High Street and Williams Road. Specifically, the requested variance is for 15 feet in order to start the driveway turn-around 10 feet from the Williams Road right-of-way. Installing the turn-around in compliance with the 25 foot maneuvering setback would mean disturbing the aesthetic character of the house whose entrance sits atop a small hill and would also mean removal of the property owners’ sidewalk leading to their front door; as well as a tree and some landscaping that is meaningful to the property owner and helps to establish the property’s curb appeal from Williams Road. In a good neighbor agreement with the Scioto Southland Civic Association, the developer for the CVS store committed to applying for any variances and/or permits necessary to install a driveway turn-around for the owner of 61 Williams Road. This gesture was made in recognition of the vehicular traffic that will be leaving the CVS Store traveling east bound on Williams Road, which could potentially conflict with the property owners as they are exiting their property. Presently, the only manner in which they are able to exit their property is in reverse; the proposed driveway turn-around would give the property owners the ability to leave their property in a forward fashion, which is significantly safer for the property owner given the existing level of service on Williams Road.

The following is the applicant’s response to the conditions for variance as outlined in Section 3307.09 of the City of Columbus Codified Ordinances:

- 1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.** With the approval of the CVS/pharmacy Store at the northeast corner of High Street and Williams Road, this property and the property immediately east (69 Williams Road) are the most directly impacted by the commercial traffic that will be exiting the site onto Williams Road. As part of the approved CVS/pharmacy Commercial Planned District (CPD), a full service curb cut will be located on Williams Road, which will permit left-hand (east bound) turns onto that street; and although other residents on Williams Road now presently have to back out of their driveways onto the public street their driveway is located outside of the potential impact area

such that traffic exiting the CVS site will not impair their ability to get out of their driveways. In addition, the established building setback on Williams Road predates the current parking/maneuvering setback and does not permit adequate space to comply with the 25' requirement in a manner that is reasonable or attractive from the perspective of trying to provide the property owner with a safe means of egress from their property that is also not detrimental to the value of the home and property.

2. **That the special circumstances or conditions are not the result of the actions of the property owner or applicant.** Clearly, the special circumstances or conditions that are created by the development of the northeast corner of High and Williams Road with a CVS/pharmacy are not the result of the actions of the property owner. The requested variance would afford the property owner an opportunity to have a driveway turn-around installed for them in a location of their choosing and provide them a safer way to exit their property that will minimize the potential conflicts with the commercial traffic leaving the CVS site going eastbound on Williams Road.
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.** The developer in committing to install a driveway turn-around is not interested in ruining the value of the property or the aesthetic rhythm of the property owner's front yard space and existing landscaping. Given the established building setback line on Williams Road the front yards in this subdivision are historically smaller and by granting the variance the City will be preserving the value of the property by allowing the property owner to locate the driveway turn-around in a manner that protects that balance of the existing front yard space and keeps the maneuvering area as far away from the front door of the house as possible.
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.** The granting of this variance will not be injurious to neighboring properties and will be protecting the public interest and intent and purpose of the Zoning Code by allowing the property owner a safer means of egress from their property than they currently enjoy, and perhaps preventing vehicular conflicts with the patrons of the new CVS/pharmacy as they exit the site onto Williams Road.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: M DATE: 6/8/11

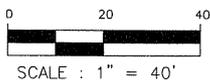
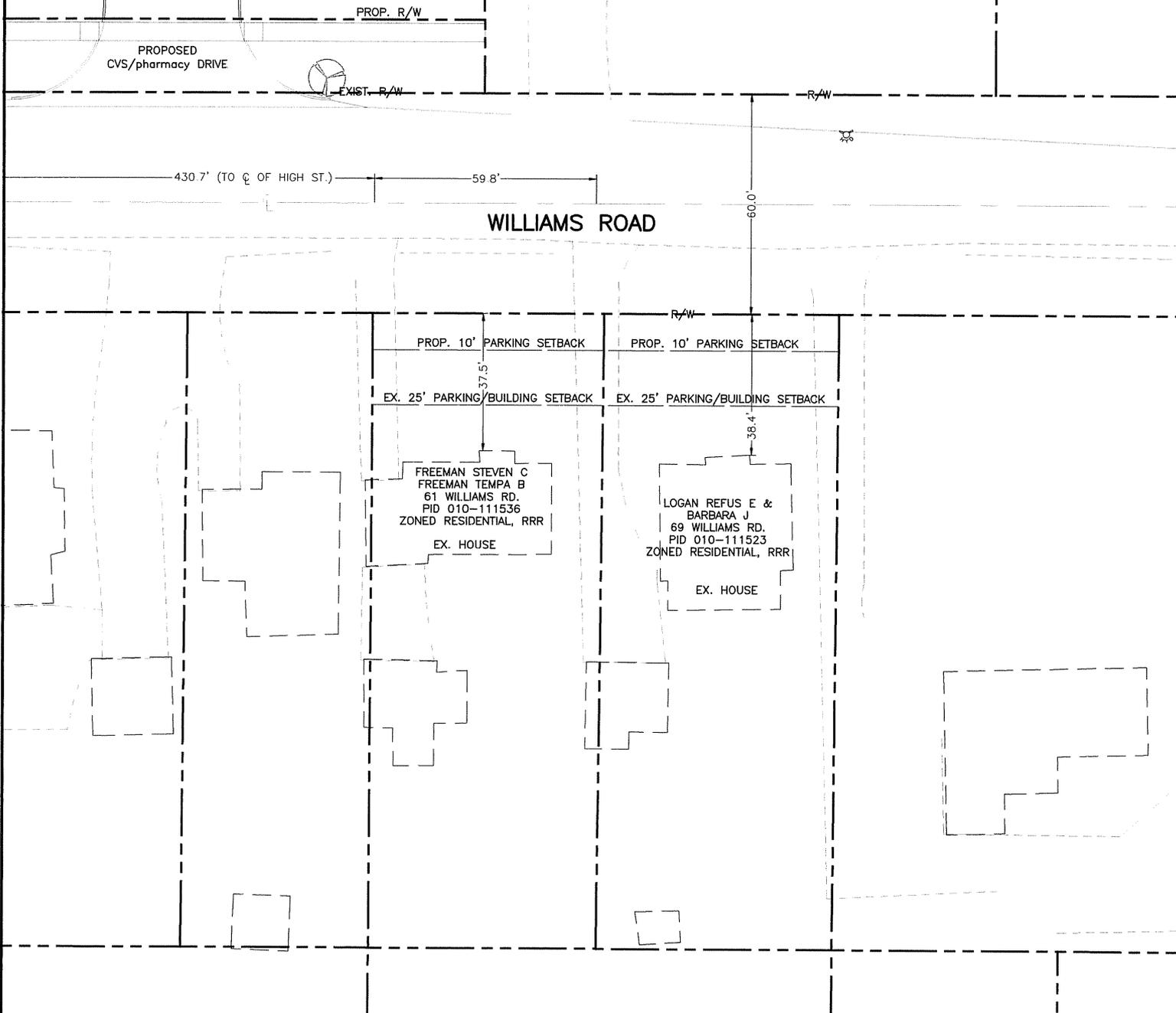


Disclaimer

Scale = 100



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.



 P & L Systems, Inc. Surveyors & Planners	
171 Channing Cross Dr. Westerville, Ohio 43081 Phone: (614) 891-4970 Fax: (614) 891-4984	
LOCATION: 61 & 69 WILLIAMS RD. COLUMBUS, OHIO	
DATE: 5-25-11	
DRAWN BY: JH	CHECKED BY: MC
TITLE DRIVEWAY EXHIBIT	SHEET



WILLIAMS ROAD

60.0'

R/W

PROP. 10' PARKING SETBACK

PROPOSED ASPHALT

20'

12'

37.5'

BUSH/TREE TO BE RELOCATED. NEW LOCATION TO BE SPECIFIED BY OWNER

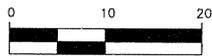
EX. 25' PARKING/BUILDING SETBACK

FREEMAN STEVEN C FREEMAN TEMPA B
61 WILLIAMS RD.
PID 010-111536
ZONED RESIDENTIAL, RRR

EX. HOUSE

EX. HOUSE

EX. HOUSE



SCALE : 1" = 20'



P & L Systems, Inc.
Surveyors
Planners

171 Charring Cross Dr.
Westerville, Ohio 43081
Phone: (614) 891-4970
Fax: (614) 891-4984

LOCATION: 61 WILLIAMS RD.
COLUMBUS, OHIO

DATE: 5-25-11

DRAWN BY: JH CHECKED BY: MC

TITLE DRIVEWAY EXHIBIT SHEET



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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.

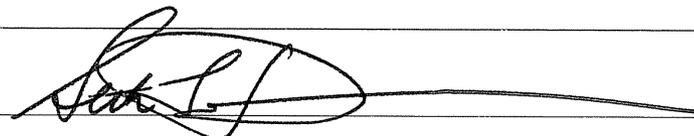
APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

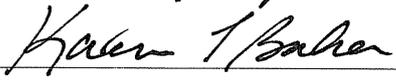
Being first duly cautioned and sworn (NAME) Seth Dorman (Skilken D.S.)
of (COMPLETE ADDRESS) 4270 Morse Road, Columbus, Ohio 43207

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
Steven C. & Tempa B. Freeman	61 E. Williams Road, Columbus, Ohio 43207

SIGNATURE OF AFFIANT 

Subscribed to me in my presence and before me this 12TH day of July, in the year 2011

SIGNATURE OF NOTARY PUBLIC 

My Commission Expires: 03-18-14

Notary Seal Here



KAREN L. BAKER
Notary Public, State of Ohio
My Commission Expires 03-18-14

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