



COUNCIL VARIANCE 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: CV11-008 / 11315-00000-00130
Date Received: 4/7/11
Application Accepted By: S. Pine Fee: \$2400 Total
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 813 Kinnear Road, Columbus, OH Zip 43212
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. PID: 130-011852
Parcel Number for Certified Address: 130-011852 and 420-268862
 Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): AR-2, pending, Z11-010
Recognized Civic Association or Area Commission: None
Proposed use or reason for Council Variance request: See Statement of Hardship
Acreage: 5.79 Ac

APPLICANT: Name Kinnear Road Redevelopment LLC c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

PROPERTY OWNER(S): Name Julia E. Pfeifer c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

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

ATTORNEY / AGENT Attorney Agent
Name Donald Plank, Plank Law Firm
Address 145 East Rich Street, 3rd Flr. City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Donald Plank, attorney for applicant
PROPERTY OWNER SIGNATURE Donald Plank, attorney for owner
ATTORNEY / AGENT SIGNATURE Donald Plank

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.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

Supplemental Property Owners List

Council Variance: CV11-008, 813 Kinnear Road, Columbus OH, 43212

- 1) Julia E. Pfeifer
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215
PID: 130-011852
(pending annexation)

- 2) Nittany Lions LTD
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215
PID: 420-268862



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-008

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME Donald Plank
of (1) MAILING ADDRESS Plank Law Firm, 145 East Rich Street, 3rd Flr., 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 813 Kinnear Road, Columbus, OH 43212

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) 4/7/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Julia E. Pfeifer c/o Donald Plank
Plank Law Firm
145 Est Rich Street, 3rd Flr.
Columbus, OH 43215

See Supplemental Property Owner List

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

Kinnear Road Redevelopment LLC c/o Donald Plank
(614) 947-8600

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

(5) None

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.

SEE EXHIBIT B

SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 5th day of APRIL, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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Exhibit A
813 Kinnear Road
CV11-008
April 5, 2011

APPLICANT:

Kinnear Road Redevelopment LLC
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

PROPERTY OWNER:

Julia E. Pfeifer
c/o Donald Plank,
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

Nittany Lions LTD
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

COMMUNITY GROUP/COALITION:

N/A

**SURROUNDING PROPERTY
OWNERS (125 Feet)**

CSX Transportation Inc.
Tax Department
500 Water Street
Jacksonville, FL 32202

Linda M. Coubeaux
1724 Rhoda Avenue
Columbus, OH 43212

Joel and Michelle Swearingen
1744 Rhoda Avenue
Columbus, OH 43212

Diane V Goubeaux
1712 Rhoda Avenue
Columbus, OH 43212

Pauline F Smith et al
1730 Rhoda Avenue
Columbus, OH 43212

Brian and Joan Garrett
9701 Cherry Fork Road
Winchester, OH 45697

Nicholas Beeler
1718 Rhoda Avenue
Columbus, OH 43212

Kelly Geier
1738 Rhoda Avenue
Columbus, OH 43212

Hakeem Shittu
1758 Rhoda Avenue
Columbus, OH 43212

SHEET 1 of 2

April 5, 2011
CV11-008
813 Kinnear Road

Shaun A Fontanella
1764 Rhoda Avenue
Columbus, OH 43212

Havonda A. Basich
1772 Rhoda Avenue
Columbus, OH 43212

Ty C Henkaline
1778 Rhoda Avenue
Columbus, OH 43212

James W Manning Jr.
1784 Rhoda Avenue
Columbus, OH 43212

Karen S. Slone
1790 Rhoda Avenue
Columbus, OH 43212

Stephen and Lois Kellough
1798 Rhoda Avenue
Columbus, OH 43212

Donald C Cochran TR
Lenor R Cochran TR
One Woodside Drive
Mount Vernon, OH 43050

William and Holly Waidelich
9715 Bellflower Drive
Zionsville, IN 46077

Michael R Wile
1230 W. 5th Avenue
Columbus, OH 43212

James R Adams
1824 Rhoda Avenue
Columbus, OH 43212

EMKA LLC
1830 Rhoda Avenue
Columbus, OH 43212

Keith and Gwenyth Ley
1838 Rhoda Avenue
Columbus, OH 43212

Bradley D Sauder
31 Glenbrook Road
Leola, PA 17540

Rail Products International, Inc.
Magnetek-National Electric Coil
800 King Avenue
Columbus, OH 43212

Storage Equities Inc.
PS Partners III Mid-Ohio
PO Box 25025
Glendale, CA 91221

Livingston Limited Inc.
Management Group Inc.
1515 Lake Shore Drive, # 250
Columbus, OH 43204

Lennox Town Center Limited
Developers Diversified
3300 Enterprise Boulevard
PO Box 228042
Beachwood, OH 44122

ALSO NOTIFY:

James D. Schrim, III
Kinnear Road Redevelopment LLC
500 West Wilson Bridge Road
Suite 145
Worthington, Ohio 43085

David B. Perry
David Perry Co., Inc.
145 East Rich Street, Flr. 3
Columbus, OH 43215

Nittany Lions LTD
1930 Cambridge Blvd.
Columbus, OH 43212

Brady Ehrhardt
Kinnear Road Redevelopment LLC
500 W. Wilson Bridge Road
Suite 145
Worthington, Ohio 43085

Glen A. Dugger, Esq.
Smith and Hale LLC
37 West Broad Street, Suite 725
Columbus, OH 43215

Andrew Wecker, Esq.
Kinnear Road Redevelopment LLC
500 W. Wilson Bridge Road
Suite 145

Julia E. Pfeifer
3234 Kiess Road
Bucyrus, OH 44820

SHEET 2 of 2
April 5, 2011
CV11 - 008
813 Kinnear Road



COUNCIL VARIANCE 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 # CV11-008

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 East Rich Street, 3rd Flr., 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 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

<p>1. Julia E. Pfeifer c/o Donald Plank, Plank Law Firm 145 East Rich Street, 3rd Flr. Columbus, OH 43215 # of Columbus Based Employees: 0 Contact: Donald Plank, (614) 947-8600</p>	<p>2. Kinneer Road Redevelopment LLC c/o Donald Plank, Plank Law Firm 145 East Rich Street, 3rd Flr. Columbus, OH 43215 # of Columbus Based Employees: 0 Contact: Donald Plank, (614) 947-8600</p>
<p>3. Nittany Lions LTD 1930 Cambridge Boulevard Columbus, OH 43212 # of Columbus Based Employees: 0 Contact: Ray Tesner, (614) 738-1661</p>	<p>4. _____</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 5th day of April, in the year 2011

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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

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Please make all checks payable to the Columbus City Treasurer



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: 130011852, 420268862

Zoning Number: 813

Street Name: KINNEAR RD

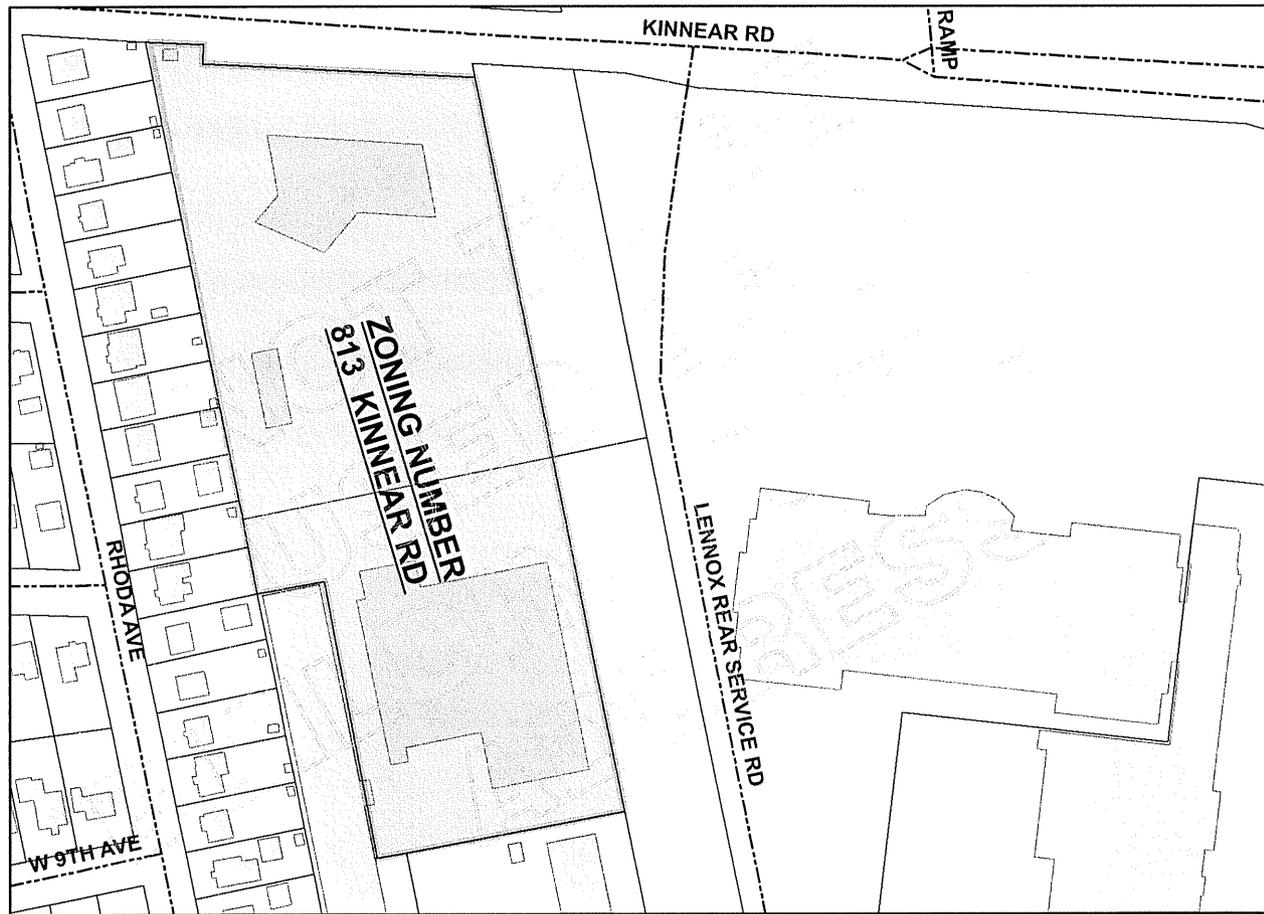
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY CO (DAVE PERRY)

Issued By: *Patricia A. Austin*

Date: 4/4/2011



SCALE: 1 inch = 200 feet



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

GIS FILE NUMBER: 1685

CV11-008

Exhibit B
Statement of Hardship
Council Variance: CV11-008, 813 Kinnear Road, Columbus, OH 43215

This application is submitted in conjunction with rezoning application Z11-010. By rezoning application Z11-010, applicant proposes to rezone 4.57 +/- acres of the 5.79 +/- acre site to the AR-2, Apartment Residential District for multifamily residential development of the site with 216 dwelling units. 1.22 +/- acres will be rezoned from L-M, Limited Manufacturing to L-M, Limited Manufacturing. The site is within the SR 315/Kinnear Road Tech Corridor and within 0.10 mile to less than 1 mile of considerable shopping, employment, educational and research facilities. The multi-family residential component is targeted at the graduate student and young professional seeking high quality housing within a short distance of school, employment, shopping and entertainment opportunities. The project is a significant urban redevelopment that provides urban housing opportunities as well as preserving the existing office use. This application is submitted to request variances in conjunction with the rezoning. The Columbus Zoning Code multi-family residential districts (AR) and related development standards are designed for green field development rather than urban development. The PUD, Planned Unit Development District can't accommodate urban projects due to the maximum density permitted of eight (8) dwelling units per acre, which is also a greenfield/suburban density standard. Applicant has a hardship with application of suburban development standards to an urban redevelopment site.

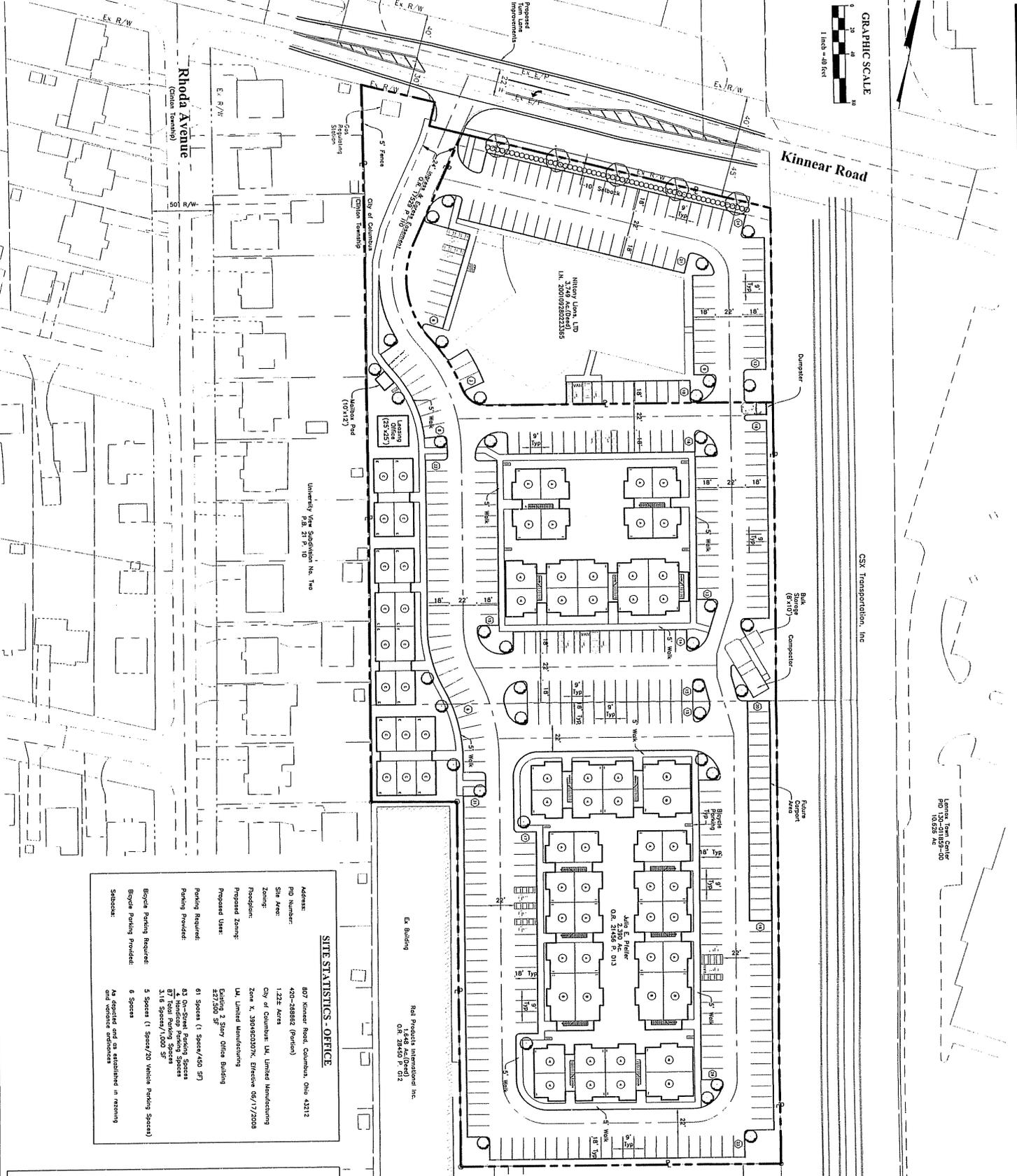
Applicant requests the following variances:

- 1) Section 3333.025, AR-2, Apartment Residential District, which Section prohibits the primary access for commercial and/or industrial vehicular access, while applicant proposes to permit vehicular access to property zoned L-M, Limited Manufacturing (807 Kinnear Road) and developed with an office building to be from the common existing Kinnear Road curbcut/driveway for both the office building and the proposed multi-family residential development.
- 2) 3333.255, Perimeter Yard, which Section requires a perimeter yard based on 10% of the average lot width, while applicant proposes zero (0) perimeter yard.
- 3) 3312.25, Maneuvering, which Section requires maneuvering area for parking spaces to be located on-site, while certain parking spaces for the office site will maneuver across a property line, but all code required maneuvering shall be provided by easement
- 4) 3312.29, Minimum Number of Parking Spaces Required, which Section requires 324 parking spaces at 1.5 per dwelling unit, while applicant proposes to provide 278 parking

spaces (1.29/dwelling unit), but parking based on bedrooms will be provided as 1.16 spaces/bedroom.

The site plan titled "Kinnear Road Redevelopment Site Development Plan" dated _____ and signed _____ by Donald Plank, Attorney for Applicant, is submitted to depict the proposed development, including a west bound left turn lane in Kinnear Road, and shall be referenced in the Ordinance.

04-05-11



Central Term Center
PO 10,528 Ash

CSX Transportation, Inc.

Kinnear Road

Rhoda Avenue
(Clinton Township)

Nelson Linn, Ltd
1348 Ac(Ow'd)
LN. 500195222385

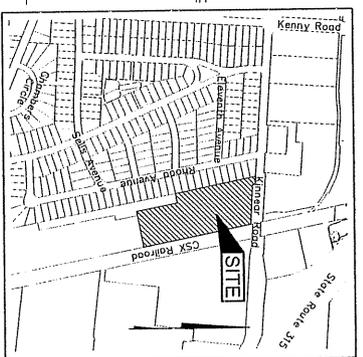
University View Speculation No. Two
P.O. 21 P. 10

Rail Projects International Inc.
O.R. 28450 P. 012

John E. Rydler
O.R. 21458 P. 013

Rail Projects International Inc.
O.R. 28634 P. E15

LOCATION MAP
IN SCALE



SITE STATISTICS - OFFICE

Address: 807 Kinnear Road, Columbus, Ohio 43212
 PID Number: 420-28882 (Portion)
 Site Area: 1.22± Acres
 City of Columbus: U.I. United Manufacturing
 Zone X, 389452337K, Effective 06/17/2008
 Proposed Zoning: U.I. United Manufacturing
 Building: 2-Story Office Building
 Proposed Users: 237,500 SF
 Height District: H-35
 Proposed Zoning: L-46-2, Limited Apartment Residential
 Proposed Use: 10 Buildings, 1 Leasing Office
 240 Bedrooms
 324 Spaces (1.5 Spaces/Unit)
 247 On-Street Parking Spaces
 20 Covered Parking Spaces
 278 Total Parking Spaces
 118 Spaces/Bedroom
 14 Spaces (1 Space/20 Vehicle Parking Spaces)
 18 Spaces
 1/2 CV/216 Units = 108 CF Storage Capacity
 As depicted and as stipulated in zoning and variance ordinances

SITE STATISTICS - APARTMENTS

Address: 811 Kinnear Road, Columbus, Ohio 43212
 PID Number: 130-01852
 Site Area: 420-28882 (2.18 Ac)
 City of Columbus: U.I. United Manufacturing
 Zone X, 389452337K, Effective 06/17/2008
 Proposed Zoning: L-46-2, Limited Apartment Residential
 Proposed Use: 10 Buildings, 1 Leasing Office
 240 Bedrooms
 324 Spaces (1.5 Spaces/Unit)
 247 On-Street Parking Spaces
 20 Covered Parking Spaces
 278 Total Parking Spaces
 118 Spaces/Bedroom
 14 Spaces (1 Space/20 Vehicle Parking Spaces)
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 As depicted and as stipulated in zoning and variance ordinances

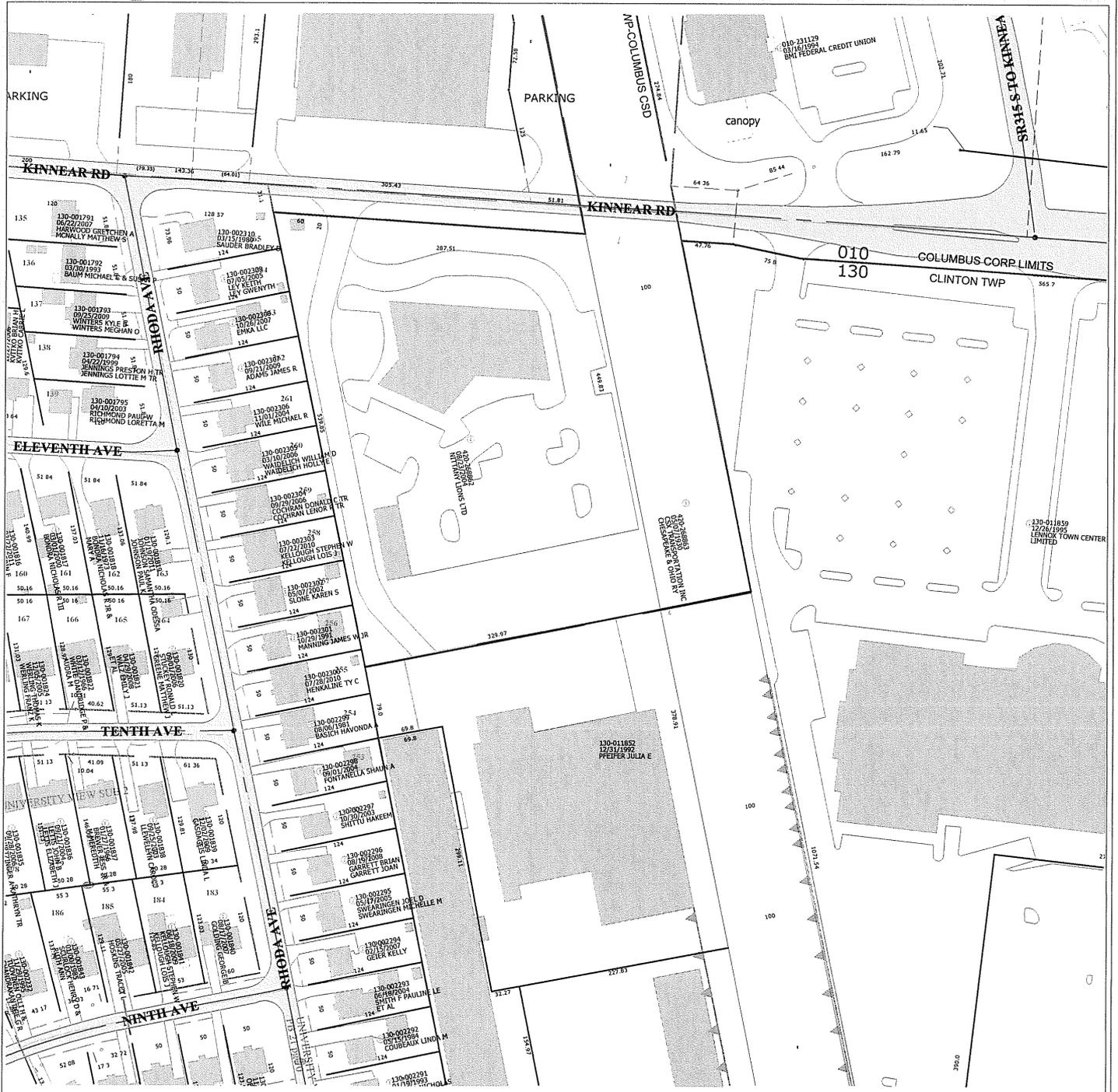
CV1-008



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 4/1/11

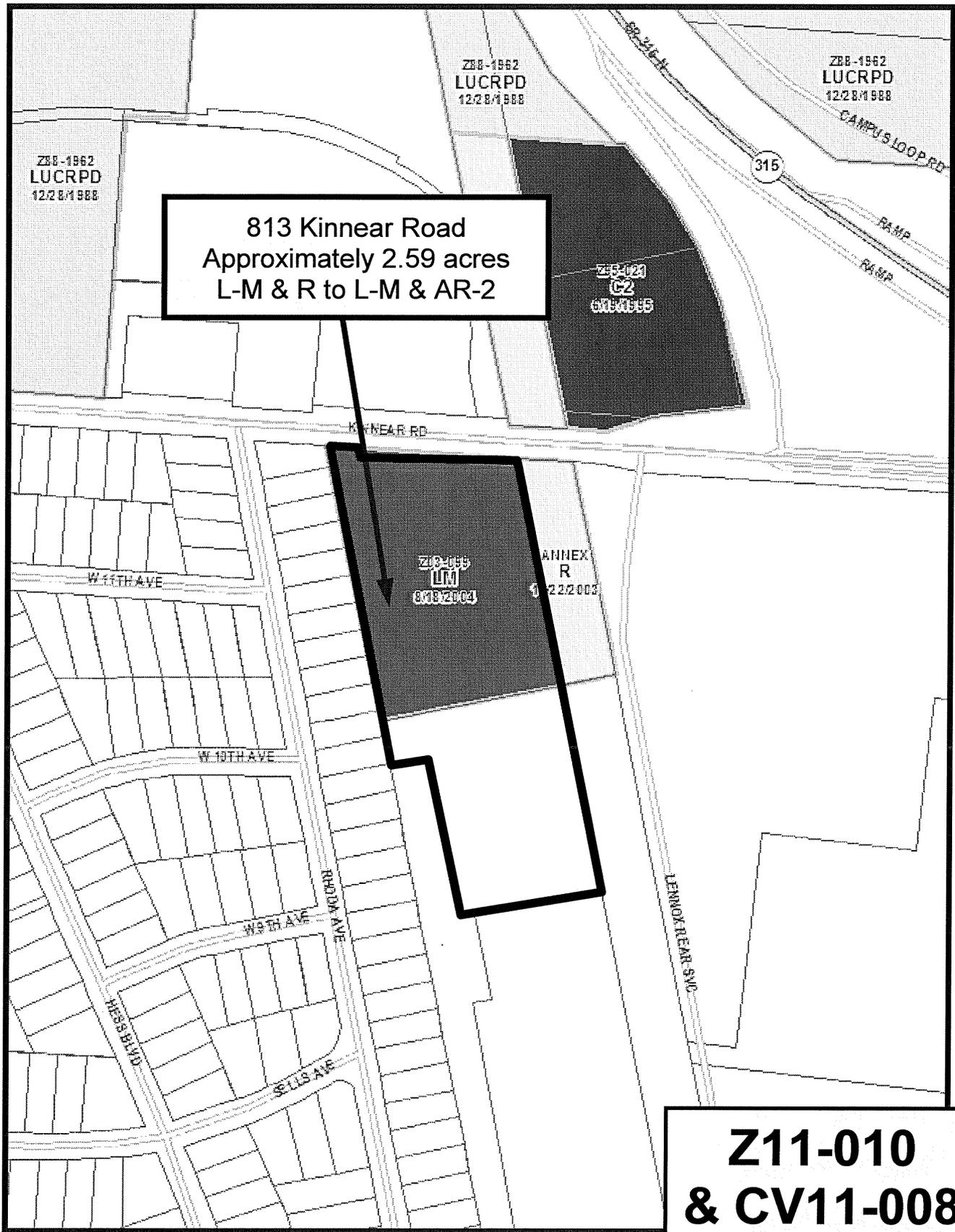


Disclaimer

Scale = 162



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.



813 Kinnear Road
Approximately 2.59 acres
L-M & R to L-M & AR-2

**Z11-010
& CV11-008**

813 Kinnear Road
Approximately 2.59 acres
L-M & R to L-M & AR-2

**Z11-010
& CV11-008**



813 Kinnear Road
Approximately 2.59 acres
L-M & R to L-M & AR-2

The image is a black and white aerial photograph of an industrial and residential area. A specific parcel is highlighted with a thick black border. The parcel is located on the east side of Kinnear Road, south of the intersection with Jennox Road. To the north of Kinnear Road, there is a large industrial building with a sign that reads 'KINNEAR INDUSTRIAL'. To the east of the highlighted parcel, there is a large industrial building with a sign that reads 'JENNOX REAR 540'. To the west of the highlighted parcel, there is a residential area with many small houses. A road labeled '315' is visible in the upper right corner. The highlighted parcel is a rectangular lot with a building on it. The text '813 Kinnear Road' is written in the top left corner of the highlighted area. Below it, the text 'Approximately 2.59 acres' and 'L-M & R to L-M & AR-2' is written. The text 'Z11-010 & CV11-008' is written in the bottom right corner of the image.

**Z11-010
& CV11-008**