

THE CITY OF
COLUMBUS

ANDREW J. GANTHER, MAYOR

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

OFFICE USE ONLY

Application Number: CV21-092 Date Received: 8/24/21

Application Accepted by: HF Fee: \$2,250.00

Assigned Planner: Hayley Feightner; hfeightner@columbus.gov; 614-645-3526

LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 103 Forno Road, Columbus, OH Zip: 43207

Is this application being annexed into the City of Columbus? ☐ YES ☒ NO (select one)
If the site is currently pending annexation, the Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Address or Zoning Number: 010 - 245503

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): L - M, Limited Manufacturing Acreage: 5.501 +/-

Area Commission or Civic Association: Far South Columbus Area Commission

Proposed Use or reason for request: See Exhibit B

(Elaborate in Statement of Hardship)

APPLICANT:

Applicant Name: NRP Properties, LLC; c/o Dave Perry Phone Number: (614) 228-1727 Ext.: --

Address: David Perry Company, Inc.; 411 E Town St, Fl 1 City/State: Columbus, OH Zip: 43215

Email Address: dave@daveperryco.net

PROPERTY OWNER(S): ☐ Check here if listing additional property owners on a separate page

Name: COB Tail Properties, LLC; c/o Michael Held Phone Number: (614) 582-6011 Ext.: --

Address: 100 Forno Road City/State: Columbus, OH Zip: 43207

Email Address: mheld@oldtrailprinting.com

ATTORNEY / AGENT: (Check one if applicable) ☒ Attorney ☐ Agent FOR APPLICANT

Name: Donald Plank Phone Number: (614) 947-8600 Ext.: --

Address: Plank Law Firm, 411 E Town St, Fl 2 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com

SIGNATURES:

APPLICANT SIGNATURE NRP Properties LLC by David B. Perry

PROPERTY OWNER SIGNATURE Michael A. Held COB TAIL PROPERTIES

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.

Council Variance Application

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

AFFIDAVIT

APPLICATION #: CV21- 092

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David B. Perry
of (1) MAILING ADDRESS David Perry Company, Inc., 411 East Town Street, Floor 1, 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 the
name(s) and mailing address(es) of all the owners of record of the property located at
(2) PROPERTY ADDRESS OR ZONING NUMBER 103 Forno Road, Columbus, OH 43207
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and
Zoning Services, on (3) 8/24/21

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

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

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

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

(4) COB Tail Properties, LLC
100 Forno Road
Columbus, OH 43207

NRP Properties, LLC
c/o Dave Perry, (614) 228-1727

(5) Far South Columbus Area Commission, c/o Mike Walker
926 Tellega Avenue, Columbus, OH 43207
m_walker_sr@yahoo.com

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

SIGNATURE OF AFFIANT

David B. Perry

Sworn to before me and signed in my presence this 11th day of August, in the year 2021

MaryAlice Wolf
(7) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires October 24, 2023

This Affidavit expires six (6) months after date of notarization.

Exhibit A, Public Notice List
103 Fornoff Road
CV21- 092
August 23, 2021

APPLICANT:

NRP Properties, LLC
c/o Dave Perry, Agent
David Perry Company, Inc.
411 East Town Street, Floor 1
Columbus, OH 43215

PROPERTY OWNER:

COB Tail Properties, LLC
100 Fornoff Road
Columbus, OH 43207

ATTORNEY FOR APPLICANT:

Donald Plank
Plank Law Firm
411 East Town Street, Floor 2
Columbus, OH 43215

COMMUNITY GROUP:

Far South Columbus Area Commission
c/o Mike Walker
926 Tellega Avenue
Columbus, OH 43207

SURROUNDING PROPERTY OWNERS WITHIN 125 FEET

Ohio Wire Form & Spring Co.
2270 South High Street
Columbus, OH 43207

Frank Ferri
(or current occupant)
829 Macon Alley
Columbus, OH 43206

James Charlene F. Freeman
(or current occupant)
115 Dering Avenue
Columbus, OH 43207

Donald Blevins, LLC
3258 South Avenue
Columbus, OH 43207

Mary B., Harry Elliott
(or current occupant)
93 Dering Avenue
Columbus, OH 43207

Jerry D. Crabtree
(or current occupant)
89 Dering Avenue
Columbus, OH 43207

Michael T. Johnson
(or current occupant)
3204 T Avenue
Columbus, OH 43207

Happy Rental Properties, LLC
P.O. Box 25
Harrisburg, OH 43126

Judy A. Mulkey
(or current occupant)
61 Dering Avenue
Columbus, OH 43207

Roland E. Hamler
(or current occupant)
120 Fornoff Road
Columbus, OH 43207

Charles Ellis
(or current occupant)
150 Fornoff Road
Columbus, OH 43207

103 Fornoff Road
CV21-____, August 23, 2021
Exhibit A, Public Notice List
Page 1 of 2

Cheryl Steigerwald
The NRP Group, LLC
1228 Euclid Avenue, 4th Floor
Cleveland, OH 44115

Dering Avenue Group, LLC
218 Colonial Avenue
Worthington, OH 43085

Euceda Painting & More, LLC
31 Dering Avenue
Columbus, OH 43207

Gregory L. Nemeth
P.O. Box 307
Rayland, OH 43943

Muze Property Management, LLC
P.O. Box 1461
Grove City, OH 43123

Man S. and Man H. Leung
723 Westray Drive
Westerville, OH 43081

Steven Hemmert
(or current occupant)
2315 S 5TH Street
Columbus, OH 43207

RS XII Columbus Owner 1 LP
717 N Harwood Street, Suite 2800
Dallas, TX 75201

Aaron Pechota
The NRP Group, LLC
1228 Euclid Avenue, 4th Floor
Cleveland, OH 44115

Scott Skinner
The NRP Group, LLC
1228 Euclid Avenue, 4th Floor
Cleveland, OH 44115

Kyle Grutsch
(or current occupant)
55 Dering Road
Columbus, OH 43207

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-092

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
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, 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 format:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. COB Tail Properties, LLC; 100 Fornoff Road, Columbus, OH 43207; # Cols based emps: 0 Contact: Michael Held, (614) 582-6011	2. NRP Properties, LLC; 1228 Euclid Avenue, 4th Fl., Cleveland, OH 44115; # Cols based emps: 15 Contact: Aaron Pechota, (216) 584-0601
3. -----	4. -----

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 23rd day of August, in the year 2021

SIGNATURE OF NOTARY PUBLIC

Margaret Alice Wolf

My Commission Expires

Notary Seal Here

This Project Disclosure Statement expires six (6) months after date of notarization.

DESCRIPTION OF 5.595 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Section 4, Township 4, Range 22, Congress Lands, being all of that 5.501 acre tract of land described in a deed to **DMSS Leasing Compnay, P.L.L. (NKA Cob Tail Properties, LLC)**, of record in Instrument Number 199808270218295 (See Name Change Affidavit of record in Instrument Number 202011060175870), all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southwest corner of said 5.501 acre tract, being on the existing north right-of-way line for Dering Avenue (50 feet wide – public);

Thence **North 03 degrees 43 minutes 41 seconds East**, a distance of **517.26 feet** to the northwest corner of said 5.501 acre tract, being on the existing south right-of-way line for Fornoff Road (40 feet wide – public);

Thence **South 86 degrees 24 minutes 44 seconds East**, along the existing south right-of-way line for Fornoff Road and along the north line of said 5.501 acre tract, a distance of **469.38 feet** to the northeast corner of said 5.501 acre tract;

Thence **South 03 degrees 25 minutes 44 seconds West**, along the east line of said 5.501 acre tract, a distance of **518.21 feet** to the southeast corner of said 5.501 acre tract, being on the existing north right-of-way line for Dering Avenue;

Thence **North 86 degrees 17 minutes 49 seconds West**, along the existing north right-of-way line for Dering Avenue and along the south line of said 5.501 acre tract, a distance of **472.09 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **5.595 acres**, all of which is located within Franklin County Auditor's parcel number 010-245503.

Bearings described herein are based on Grid North, NAD 83, per the Franklin County GIS.

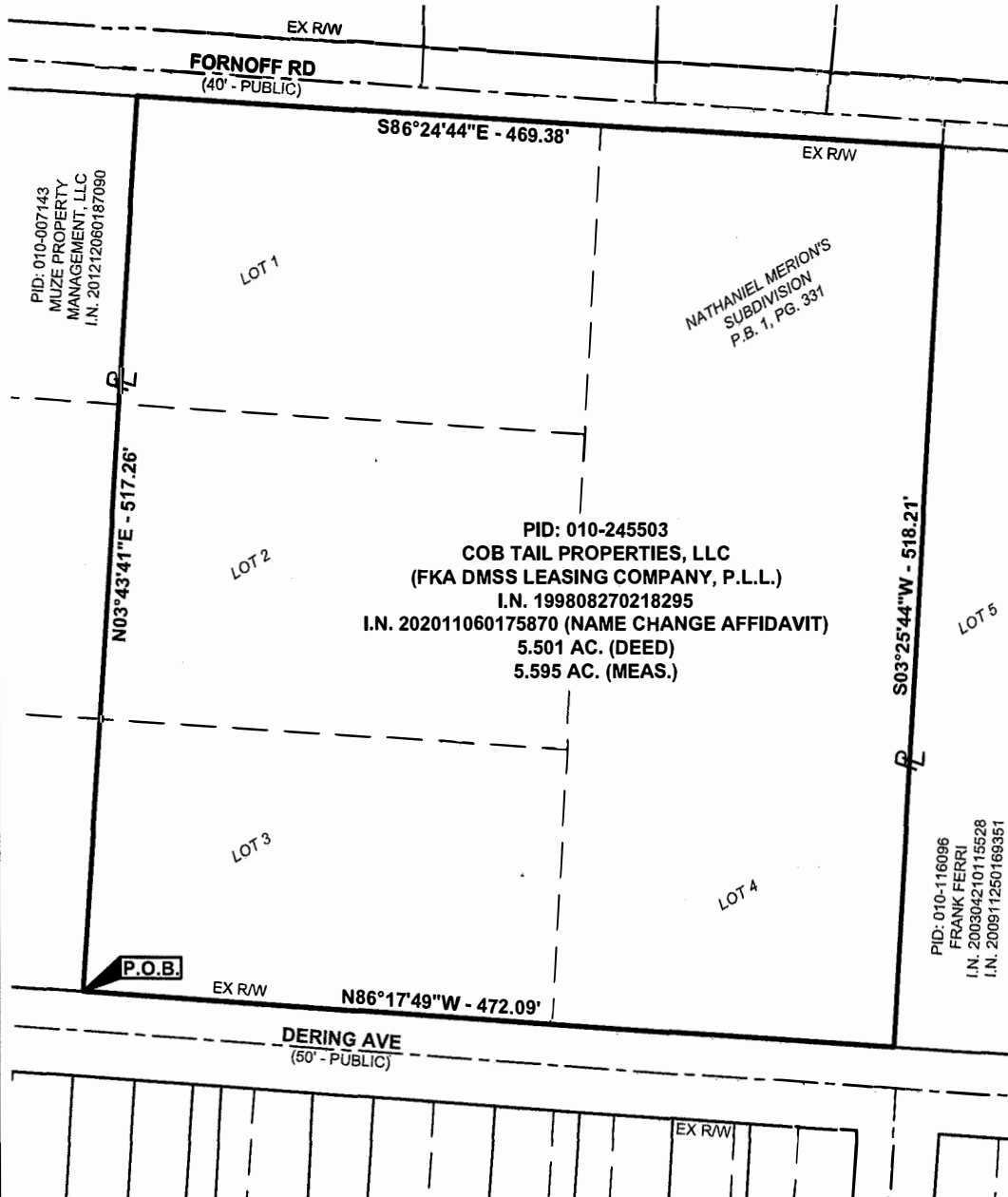
This description is intended for zoning purposes only, was prepared from Franklin County GIS Data, and does not represent an actual field survey.

STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS
SECTION 4, TOWNSHIP 4, RANGE 22
CONGRESS LANDS



0 40' 80'
SCALE: 1"=80'

CV21-092



BASIS OF BEARINGS

Bearings are based on Grid North,
NAD 83, per the Franklin County GIS.

THIS EXHIBIT IS INTENDED FOR ZONING PURPOSES ONLY,
WAS PREPARED FROM FRANKLIN COUNTY GIS DATA, AND
DOES NOT REPRESENT AN ACTUAL FIELD SURVEY

PLOT DATE: 08/20/2021 1:43 AM

the
NRP
group



AMERICAN
STRUCTUREPOINT
INC.

2550 Corporate Exchange Dr. Ste 300 | Columbus, Ohio 43231
TEL 614.901.2235 | FAX 614.901.2236
www.structurepoint.com

ZONING EXHIBIT
FOR
NRP - DERING AVE
COLUMBUS, OHIO

DATE:	08/20/2021
DRAWN BY:	JBY
CHECKED BY:	BPB
JOB NUMBER:	2021.00860

1 of 1

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

CV21-092

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

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(s) requested as detailed below (use separate page if needed or desired):

See Exhibit B

Signature of Applicant

*NBD Properties, LLC
by Donald B. Perry, Agent*

Date

8-23-2021

Signature of Attorney

Donald Perry

Date

8/23/21

Exhibit B

Statement of Hardship CV21-____, 103 Fornoff Road

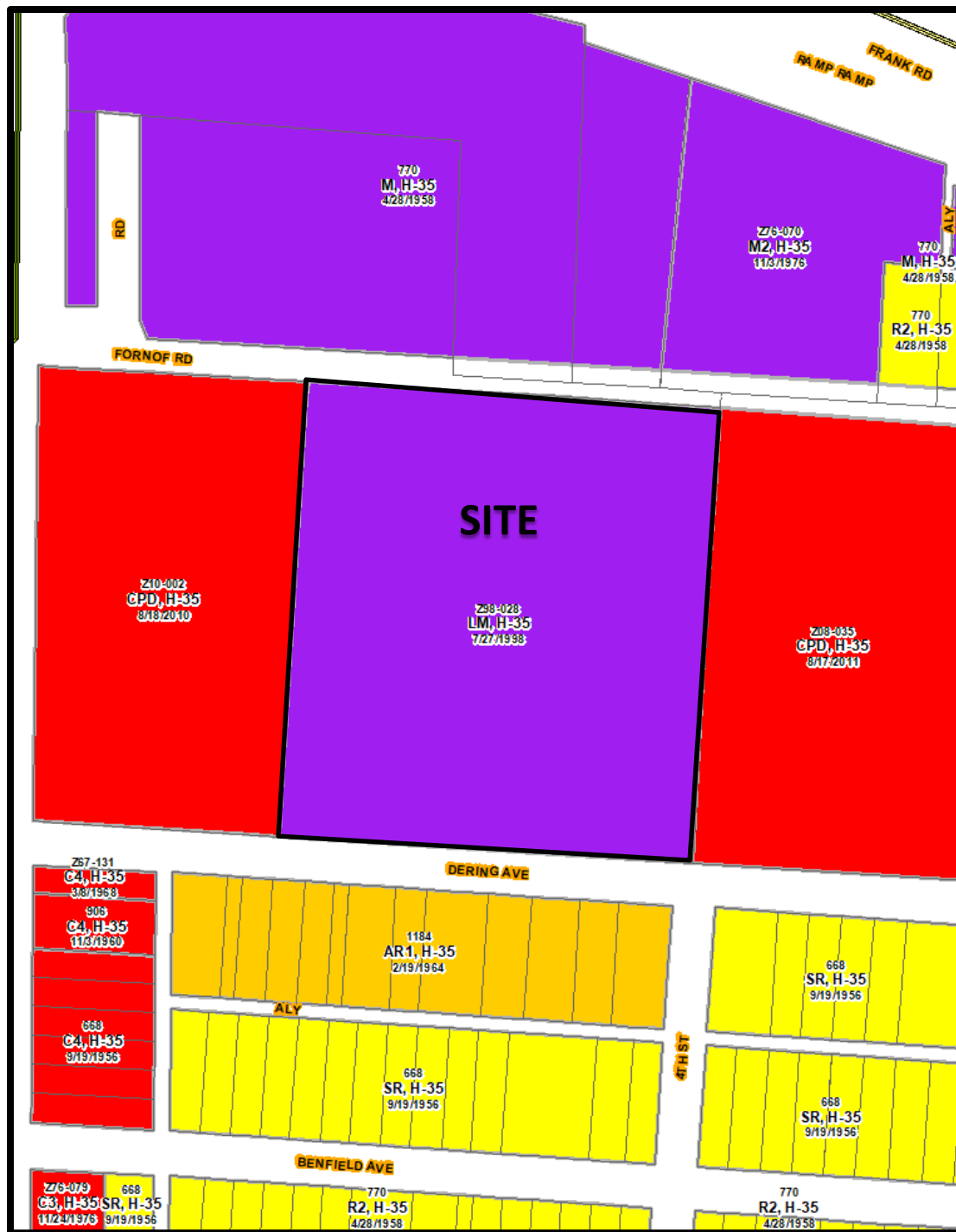
The site is 5.61 +/- acres and being Franklin County Auditor Tax Parcel 010-245503, located on the south side of Fornoff Road and the north side of Dering Avenue, beginning 300 +/- feet east of S. High Street. The site is zoned L-M, Limited Manufacturing (Ordinance 1971-98, passed July 27, 1998, Z98-028) and is undeveloped.

Applicant proposes to redevelop the site with an affordable housing apartment complex with a maximum of 175 dwelling units. An application for financing will be submitted to the Ohio Housing Finance Agency (OHFA). In accordance with City of Columbus application policy for affordable housing projects requiring zoning, this variance application is submitted for variance to the L-M. Manufacturing District to permit multi-family housing and also related variances to permit the project. A rezoning application will be submitted prior to the variance ordinance being sent to Columbus City Council. Time is of essence to make timely application to OHFA. The property is under contract for sale subject to: 1) zoning to permit the proposed multi-family development and 2) subject to OHFA and other applicable funding. The apartment complex will provide housing targeted for residents with income at 30% - 80% of Area Median Income (AMI).

Until funding is secured, rezoning the site to a residential district will create a hardship on the current property owner as the property won't be purchased by applicant without Ohio Housing Finance Agency (OHFA) funding. This variance request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets, increase the risk of fire, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing consistent with City of Columbus objectives for development of affordable housing.

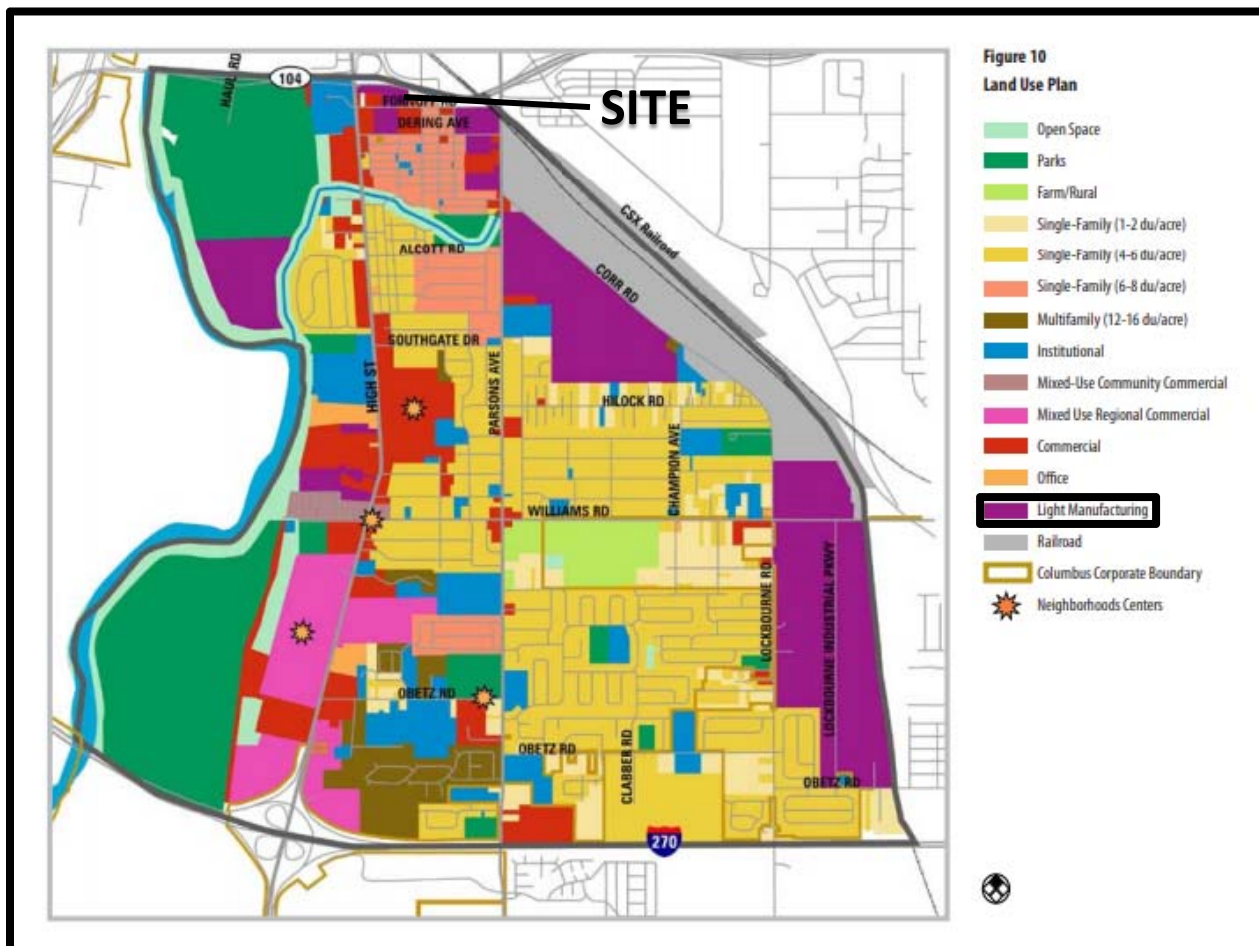
Applicant requests the following variances:

- 1). Section 3363.01, M, Manufacturing District, to permit an apartment complex with up to 175 dwelling units.
- 2). Section 3370.05, Permitted Uses, to permit an apartment complex with up to 175 dwelling units by varying the permitted uses of the Limitation Text of Ordinance 1971-98/Z98-028.
- 3). Section 3370.06, Standards, to vary height (35') and the Dering Road parking, building and maneuvering setback (50') established in the Limitation Text of Ordinance 1971-98/Z98-028, to permit a 60' height for two (2) apartment buildings and a 32' Dering Road parking, building and maneuvering setback.



CV21-092
103 Forno Rd.
Approximately 5.5 acres

Scioto Southland Plan (2007)



CV21-092
103 Fornoff Rd.
Approximately 5.5 acres



CV21-092
103 Forno Rd.
Approximately 5.5 acres