

## 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: CV21-094 Date Received: 8/25/21  
Application Accepted by: KP Fee: \$1,950  
Assigned Planner: Kelsey Priebe; krpriebe@columbus.gov; 614-645-1341

### LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 70 Obetz Road, Columbus, Ohio 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 - 111574 (part)

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

Current Zoning District(s): C - 4 Acreage: 3.066

Area Commission or Civic Association: Far South Columbus Area Commission

Proposed Use or reason for request: See Exhibit B

**APPLICANT:** (Elaborate in Statement of Hardship)

Applicant Name: Woda Cooper Cos., Inc.; 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: T. Ronald Sams Trustee, Barbara A. Sams Trustee Phone Number: (614) 402-0223 Ext.: --

Address: 138 Jana Kay Court City/State: Columbus, OH Zip: 43207

Email Address: momsams@hotmail.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 Woda Cooper Companies, Inc. by David B. Perry, Agent

PROPERTY OWNER SIGNATURE T. Ronald Sams and Barbara A. Sams, Trustees, by David B. Perry, Agent

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. *permission*

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### STATEMENT OF HARDSHIP

**Columbus City Code Section 3307.10 - Variances by City Council.**

CV21- 094

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

*Woda Cooper Companies, Inc.*  
*by David B. Plank, Agent*

Date

*8-23-2021*

Signature of Attorney

*Donald Plank*

Date

*8/23/21*

**Exhibit B**  
**Statement of Hardship**  
**CV21- 094 , 70 Obetz Road**

The site is 3.066 +/- acres and being part of Franklin County Auditor Tax Parcel 010-111574, located on the north side of Obetz Road, 280 +/- feet east of S. High Street and adjacent to the intersection of Obetz Road and Southpoint Boulevard. The site will be split from the remainder of PID 010-111574.

Applicant proposes to develop the site with an 80 dwelling unit apartment building as affordable housing for seniors, as depicted on the site plan, "Site Plan – 70 Obetz Road", hereafter Site Plan.

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 C-4, Commercial District 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. 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 building will provide housing targeted for senior residents with Area Median Income (AMI) averaging 60%.

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 3356.03, C-4 Permitted Uses, to permit ground level residential use, thereby permitting an 80 dwelling unit (max) apartment building.
- 2). Section 3309.14, Height Districts, to permit a 45' building height in the H-35 Height District.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 120 spaces (1.5 spaces/DU) to 118 spaces (1.47 spaces/DU).
- 4). Section 3356.11, C-4 District Setback Lines, to reduce the building setback from 40 feet (Columbus Multi-Modal Thoroughfare Plan) to 15', net of right of way dedication totaling 40' from C/L of Obetz Road.

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### AFFIDAVIT

APPLICATION #: CV21-094

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 70 Obetz 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) 8/25/21

(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.

(4) T. Ronald Sams Tr. and Barbara A. Sams Tr.

138 Jana Kay Court

Columbus, OH 43207

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

Woda Cooper Companies, Inc.

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

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

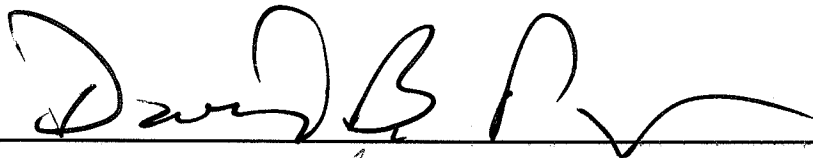
(5) Far South Columbus Area Commission, c/o Michael Walker

926 Tellega Avenue, Columbus, OH 43207

Email: 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



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

Notary Seal Here

(7) SIGNATURE OF NOTARY PUBLIC

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**  
**70 Obetz Road**  
**CV21- 094**  
**August 11, 2021**

**APPLICANT:**

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

**PROPERTY OWNER:**

T. Ronald Sams, Tr and  
Barbara A. Sams, Tr  
138 Jana Kay Court  
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 Michael Walker  
926 Tellega Avenue  
Columbus, OH 43207

**SURROUNDING PROPERTY OWNERS WITHIN 125 FEET**

City of Columbus, Ohio  
90 West Broad Street  
Columbus, OH 43215

Meldon Enterprises, LLC  
1078 Carnoustie Circle  
Grove City, OH 43123

Allen K., Sharon E. Skaggs  
(or current occupant)  
139 Jana Kay Court  
Columbus, OH 43207

Donna J. Tussey  
(or current occupant)  
147 Jana Kay Court  
Columbus, OH 43207

Carole F. Goodfleisch  
(or current occupant)  
122 Obetz Road  
Columbus, OH 43207

Matthew Kelley  
(or current occupant)  
118 Obetz Road  
Columbus, OH 43207

Andrew J., Bonnie R. Fagan  
(or current occupant)  
125 Obetz Road  
Columbus, OH 43207

Zane G., Nora C. Chafin  
(or current occupant)  
117 Obetz Road  
Columbus, OH 43207

New Southpointe Village, Ltd.  
400 South 5<sup>th</sup> Street, Suite 400  
Columbus, OH 43215

Beth Brown  
(or current occupant)  
8975 East Ringgold-Fairfield Road  
Circleville, OH 43113

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**70 Obetz Road**  
**CV21-094, August 11, 2021**  
**Exhibit A, Public Notice List**  
**Page 1 of 2**

George J. Kontogiannis  
(or current occupant)  
400 South 5<sup>th</sup> Street, Suite 400  
Columbus, OH 43215

South High Hotel, LLC  
3910 South High Street  
Columbus, OH 43207

TH Midwest, Inc.  
1014 Vine Street, 7<sup>th</sup> Floor  
Cincinnati, OH 45202

EMRO Marketing Co.  
3860 South High Street  
Columbus, OH 43207

High Street Property, LLC  
8111 Smiths Mill Road  
New Albany, OH 43054

Jon White  
Woda Cooper Companies, Inc.,  
500 South Front Street, Suite 10  
Columbus, OH 43215

Frank Fugate  
Woda Cooper Companies, Inc.,  
500 South Front Street, Suite 10  
Columbus, OH 43215

Camellia Court Apartments of  
Columbus II, Ltd.  
25 Phillips Parkway  
Montvale, NJ 07645

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### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-094

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. T. Ronald Sams, Trustee, Barbara A. Sams, Trustee 138 Jana Kay Court, Columbus, OH 43207 # Columbus based employees: Zero (0) Contact: T. Ronald Sams, (614) 402-0223	2. Woda Cooper Companies, Inc., 500 S. Front Street, Suite 10, Columbus, OH 43215 Number Columbus based emps: 131 Contact: Jon White, (614) 396-3211
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 23<sup>rd</sup> day of August, in the year 2021

SIGNATURE OF NOTARY PUBLIC

MaryAlice Wolf

Notary Seal Here

My Commission Expires



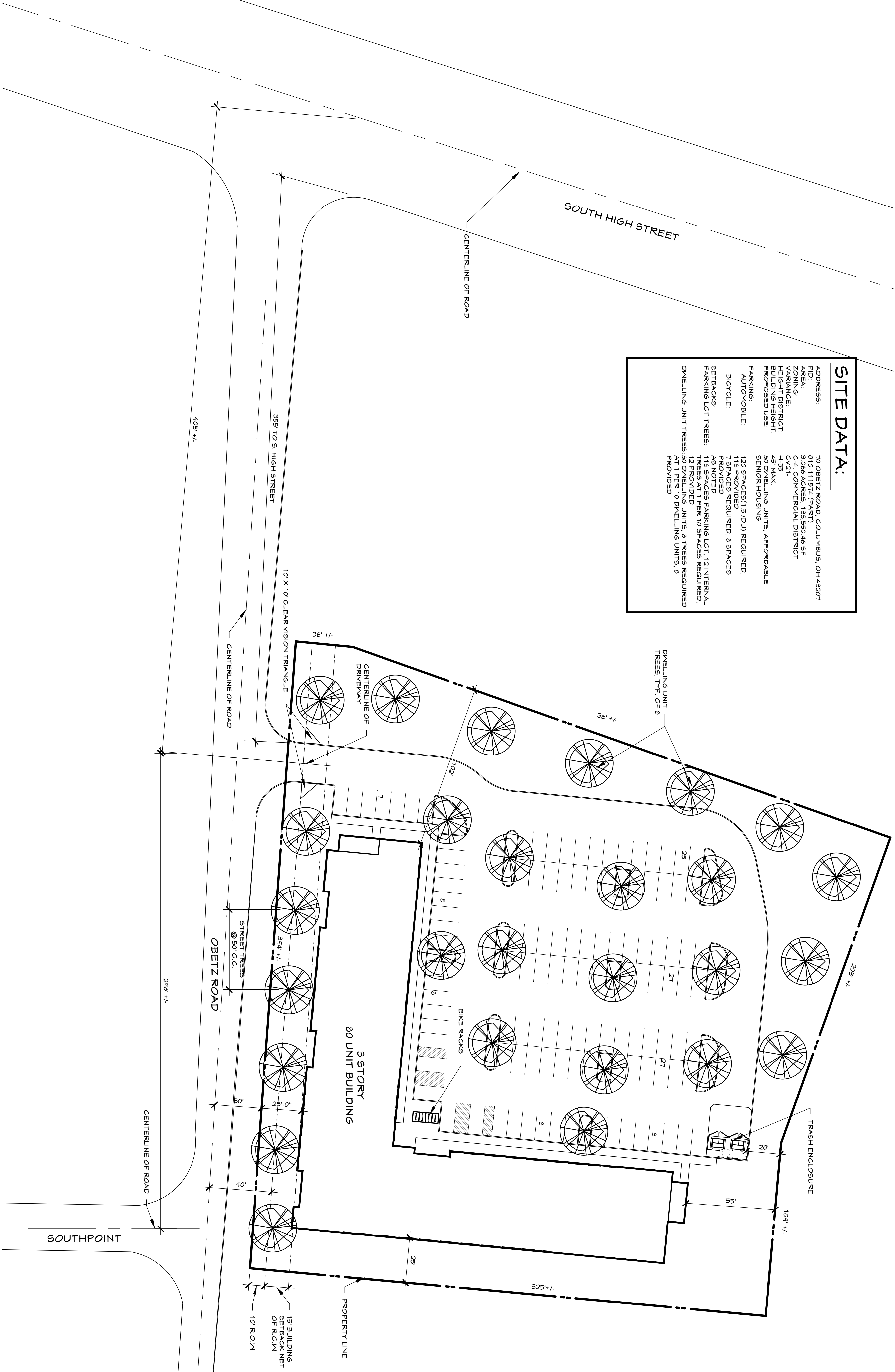
MaryAlice Wolf  
Notary Public, State of Ohio  
My Commission Expires October 24, 2023

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



SITE DATA:

ADDRESS: 70 OBETZ ROAD, COLUMBUS, OH 43207  
SUBDIVISION: 70 OBETZ ROAD SUBDIVISION  
AREA: 3.06+/- ACRES, 131,550.46 SF  
ZONING: C-4, COMMERCIAL DISTRICT  
VARIANCE: CV21  
HEIGHT DISTRICT: H-35  
BUILDING HEIGHT: 48' MAX  
PROPOSED USE: SENIOR HOUSING  
PARKING: 120 SPACES (1.5 / DU) REQUIRED,  
AUTOMOBILE: 118 PROVIDED  
BIKE RACKS: 15 SPACES REQUIRED, 8 SPACES PROVIDED  
SETBACKS: 118 SPACES PARKING LOT, 12 INTERNAL TREES AT 1 PER 10 SPACES REQUIRED,  
PARKING LOT TREES: 12 PROVIDED  
DWELLING UNIT TREES: 20 DWELLING UNITS, 8 TREES REQUIRED PROVIDED



SITE PLAN

ARCHITECT OF RECORD:

PCI DESIGN GROUP, INC.  
500 SOUTH FRONT STREET SUITE 975  
COLUMBUS, OHIO 43215



PROJECT TYPE:

SENIOR  
HOUSING

SHEET TITLE:

SITE PLAN

DATE:

8/24/2021  
DRAWN BY:

PROJECT TITLE:

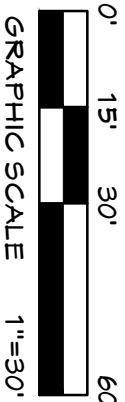
70 OBETZ ROAD  
COLUMBUS, OHIO 43207

SERIES:

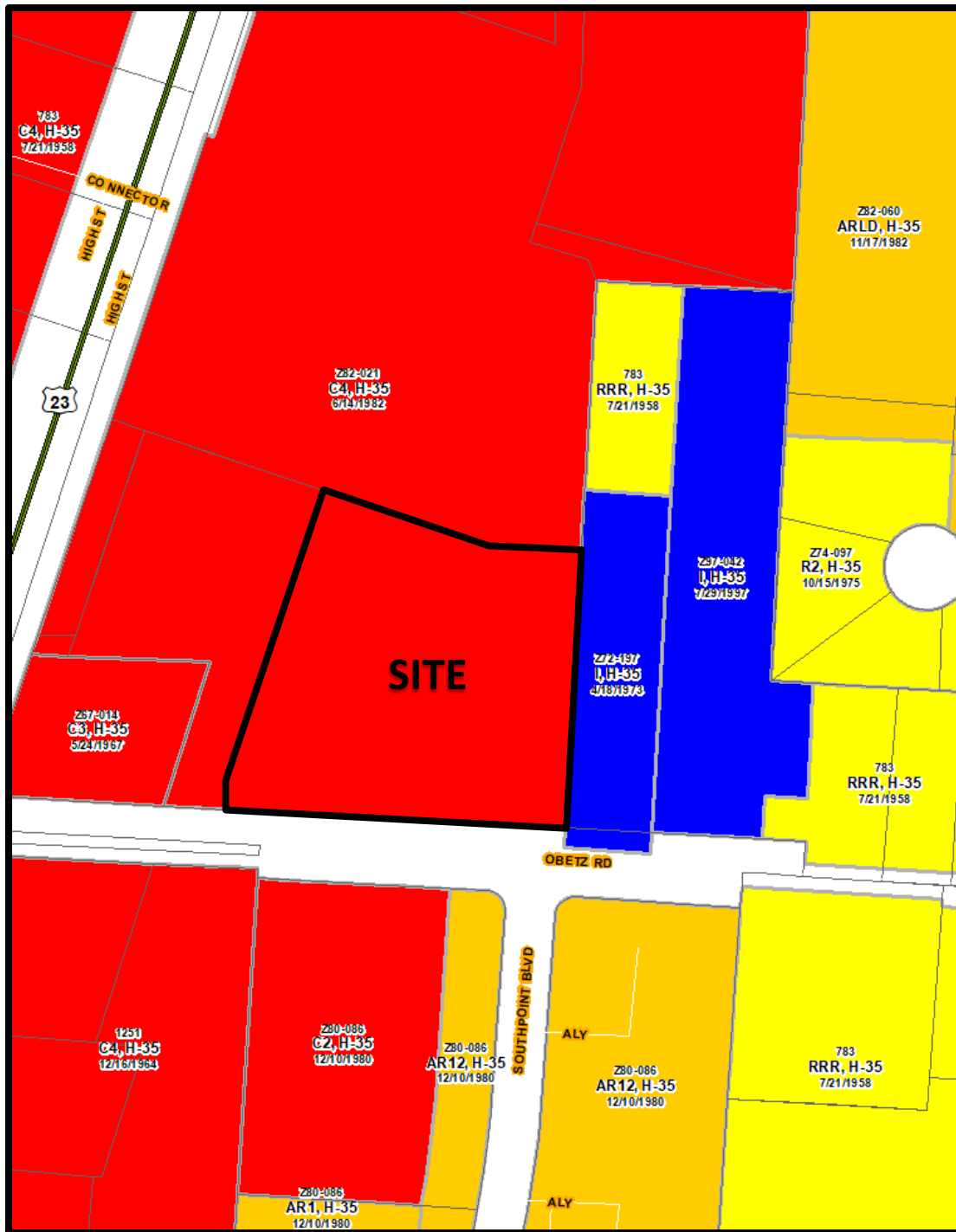
ZONING  
APPLICATION

SHEET:

A1.0

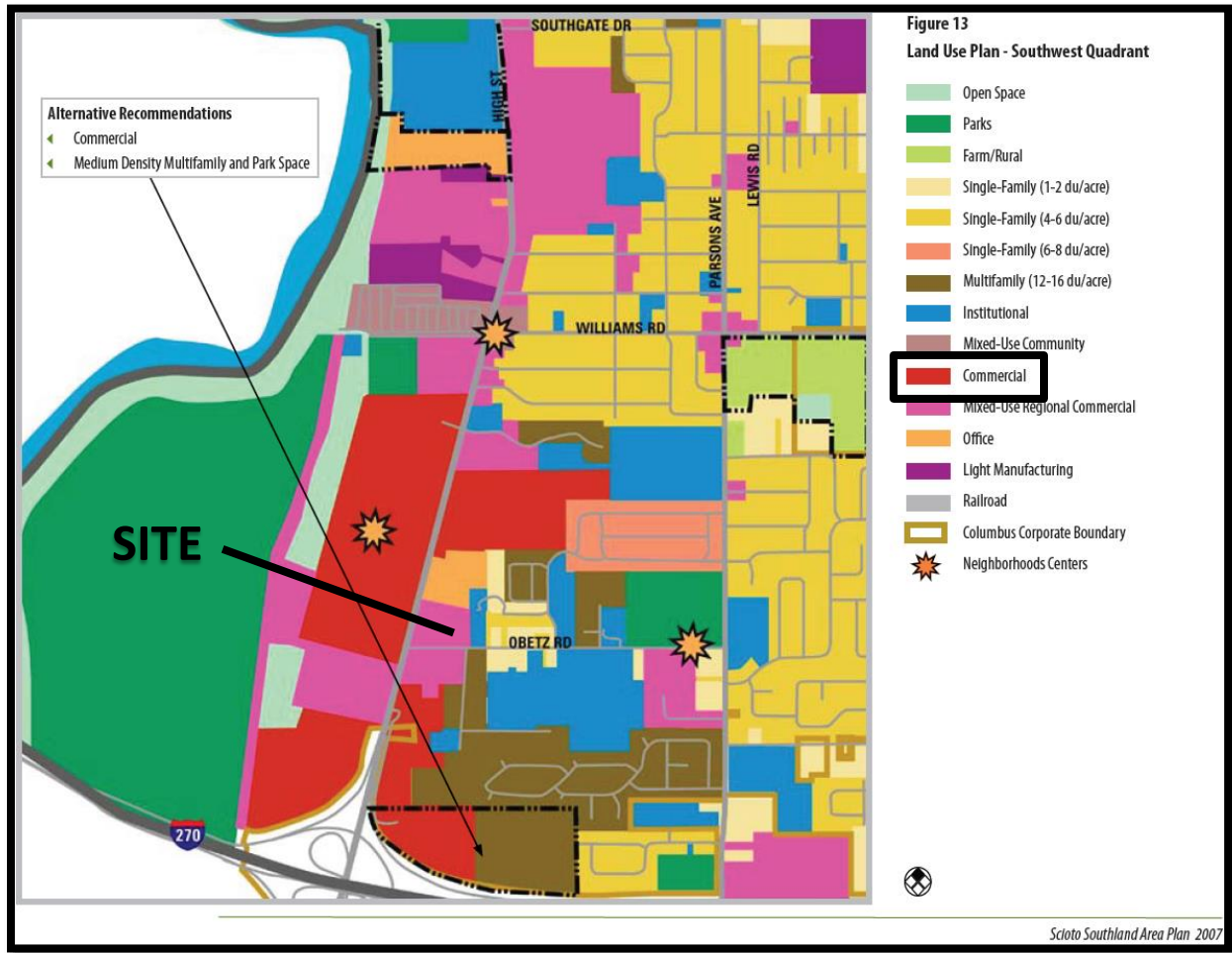






CV21-094  
70 Obetz Rd.  
Approximately 3.07 acres

Scioto Southland Plan (2007)



CV21-094  
70 Obetz Rd.  
Approximately 3.07 acres



CV21-094  
70 Obetz Rd.  
Approximately 3.07 acres