

# 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: CV23-025 Date Received: 2/21/23  
Application Accepted by: KP Fee: \$1275  
Assigned Planner: Tim Dietrich; 614-645-6665; tedietch@columbus.gov

### LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 30 and 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 - 104058 (part) and 010 - 245503

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

Current Zoning District(s): AR-1 (Z21-091) and AR-1 (Z22-043) Acreage: 7.51 +/-

Neighborhood Group: 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 East 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: 2229 Cobtail Way City/State: Blacklick, OH Zip: 43004

Email Address: mhheld53@gmail.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 East Town Street, Floor 2 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com

### SIGNATURES:

APPLICANT SIGNATURE NRP Properties, LLC by Dave B. Perry, Agent

PROPERTY OWNER SIGNATURE SEE SUPPLEMENTAL PROPERTY OWNER LIST

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.*

CV23- 025  
30 and 103 Forno Road

SUPPLEMENTAL PROPERTY OWNER LIST

COB Tail Properties, LLC  
c/o Michael Held  
2229 Cobtail Way  
Blacklick, OH 43004

*COB Tail Properties, LLC by  
David B. Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

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

*Man S. Leung by David B.  
Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

*Man H. Leung by David B.  
Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

# 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**

Application No. CV23- 025

**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 NRP Properties LLC  
by David B. Perry, Agent Date 2/21/2023

Signature of Attorney Donald Blank Date 2/21/2023

**Exhibit B**  
**Statement of Hardship**  
**CV23-025 , 30 and 103 Forno Road**

The site is a total of 7.51 +/- acres with 5.494 +/- acres located on the south side of Forno Road and 2.016 +/- acres located on the north side of Forno Road. The south site is PID: 010-245503, zoned L-M, Limited Manufacturing and subject to Ordinance 0188-2022, passed 02/07/2022 (CV21-092) by which a 175 dwelling unit apartment complex is permitted. Rezoning application Z21-091 is pending to rezone the site to the AR-1, Apartment Residential District. The north site is PID: 010-104058 (part), zoned C-4, Commercial, and subject to Ordinance 2000-2022, passed 07/18/2022 (CV22-024) by which an 80 dwelling unit apartment building and 6,000 SF of commercial use are permitted. Rezoning application Z22-043 is pending to rezone the site to the AR-1, Apartment Residential District.

Applicant is a developer of affordable housing. Applicant has obtained Ohio Housing Finance Agency (OHFA) funding for the development of both the north and south sites for a total of 245 dwelling units and 6,250 (max) SF of commercial space on the north site. The Average Median Income (AMI) will range from 30% - 80% with an average of 60%. Consistent with City policy for affordable housing developments, applicant is proceeding with the pending rezoning applications (Z21-091, Z22-043) for the AR-1, Apartment Residential District. This variance application is submitted for applicable variances for both the north and south sites.

Applicant has a hardship in that variances are required in conjunction with establishing AR-1 zoning to reflect the multi-family use. 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:

North site (2.016 +/- acres):

- 1). Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District Use, to permit 6,250 SF (max) of commercial uses with required parking of 1 space per 250 gross SF or less.
- 2). Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit and one parking space per 250 square feet of retail use for a total of 111 required parking spaces for 65 dwelling units and 6,250 SF of commercial use(s) with code required parking of 1 space per 250 SF or less, while the applicant proposes 110 total parking spaces.
- 3). Section 3321.05(A)(1), Vision Clearance, to reduce the 10'x10' clear vision triangle on the north side of the intersection of parking lot and Service Road C to 9'x10'.
- 4). Section 3333.18(C)(2), Building Lines, to reduce the building setback along the public Service Road C (50') from 25' to 5'.

South Site (5.494 +/- acres):

Section 3333.255, Perimeter Yard, to reduce the east and west perimeter yards from 25' to 10'

# 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

**AFFIDAVIT**

Application No. CV23- 025

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) per PROPERTY ADDRESS or ZONING NUMBER 30 and 103 Fornofoff 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

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(3) COB Tail Properties, LLC  
c/o Michael Held  
2229 Cobtail Way, Blacklick, OH 43004

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

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

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

NEIGHBORHOOD GROUP  
ZONING CHAIR OR CONTACT PERSON  
AND EMAIL ADDRESS

(4) Far South Columbus Area Commission  
c/o Mike Walker  
Email: m\_walker\_sr@yahoo.com

and that the attached document (5) 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 21<sup>st</sup> day of February, in the year 2023

Mary Alice Wolf  
(6) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires

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



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

CV23- 025  
30 and 103 Forno Road

SUPPLEMENTAL PROPERTY OWNER LIST

COB Tail Properties, LLC  
c/o Michael Held  
2229 Cobtail Way  
Blacklick, OH 43004

*COB Tail Properties, LLC by  
David B. Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

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

*Man S. Leung by David B.  
Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

*Man H. Leung by David B.  
Perry, by permission 02/21/2023*  
\_\_\_\_\_  
Signature Date

**Exhibit A, Public Notice List  
30 and 103 Fornoff Road  
CV23- 025  
February 13, 2023**

**APPLICANT:**

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

**COMMUNITY GROUP:**

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

**PROPERTY OWNERS:**

COB Tail Properties, LLC  
c/o Michael Held  
2229 Cobtail Way  
Blacklick, OH 43004

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

**ATTORNEY FOR APPLICANT:**

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

**SURROUNDING PROPERTY OWNERS WITHIN 125 FEET**

Cheryl Steigerwald  
The NRP Group, LLC  
1228 Euclid Avenue, 4<sup>th</sup> Floor  
Columbus, OH 44115

Muze Property Management, LLC  
2320 South High Street  
Columbus, OH 43207

Scott Skinner  
The NRP Group, LLC  
1228 Euclid Avenue, 4<sup>th</sup> Floor  
Columbus, OH 44115

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

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

Frank Ferri  
(or current occupant)  
2707 Bromfield Place  
Lewis Center, OH 43035

Star 2022-SFR3 Borrower, LP  
591 West Putnam Avenue  
Greenwich, CT 06830

AM Investment Solutions, LLC  
171 Green Meadows Drive, South  
Lewis Center, OH 43035

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

Allora Properties, LLC  
13663 South Duskywing Way  
Riverton, UT 84096

Aaron Pechota  
The NRP Group, LLC  
1228 Euclid Avenue, 4<sup>th</sup> Floor  
Columbus, OH 44115

**30 and 103 Fornoff Road  
CV23-\_\_\_\_; February 21, 2023  
Exhibit A, Public Notice List  
Page 1 of 2**

Frieland High, LLC  
2100 Integrity Drive, South  
Columbus, OH 43209

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

C & M Investments Ohio, LLC  
1107 Olney Drive  
Columbus, OH 43227

New Beginningz, LLC  
P.O. Box 25  
Harrisburg, OH 43126

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

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

Dering Avenue Group, LLC  
P.O. Box 782  
Worthington, OH 43085

Tyler Riegler  
The NRP Group, LLC  
1228 Euclid Avenue, 4<sup>th</sup> Floor  
Columbus, OH 44115

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



# 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 #: CV23- 025

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)

<p>1. COB Tail Properties, LLC; 2229 Cobtail Way, Blacklick, OH 43004; Cols-based emps: Zero (0) Contact: Michael Held, (614) 582-6011</p>	<p>2. NRP Properties, LLC; 1228 Euclid Avenue, 4th Fl., Cleveland, OH 44115; # Cols-based emps: 15 Contact: Scott Skinner, (408) 656-8126</p>
<p>3. Man S. Leung and Man H. Leung; 723 Westray Dr, Westerville, OH 43081; # Cols-based emps: Zero (0) Contact: Man S. Leung, (614) 580-9770</p>	<p>4. -----</p>

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 21<sup>st</sup> day of February in the year 2023

MaryAlice Wolf  
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here  
\_\_\_\_\_  
My Commission Expires



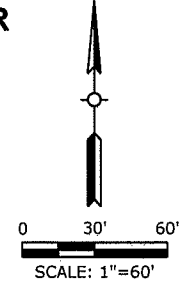
MaryAlice Wolf  
Notary Public, State of Ohio  
My Commission Expires October 24, 2023

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

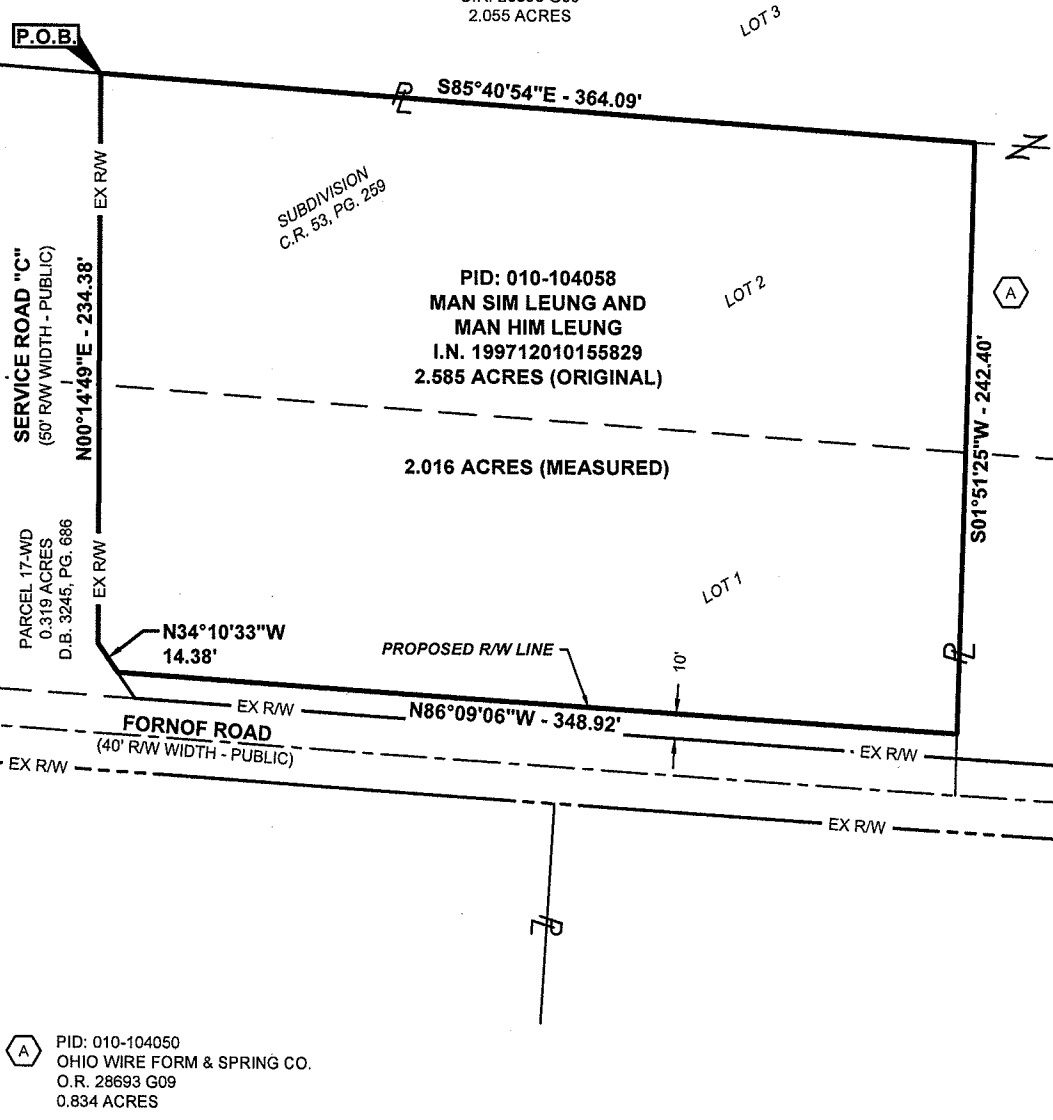
**STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS  
SECTION 4, TOWNSHIP 4, RANGE 22  
CONGRESS LANDS EAST OF SCIOTO RIVER**

**BASIS OF BEARINGS**

Bearings described hereon are based on North 86 degrees 09 minutes 06 seconds West for the north right-of-way line for Fornof Road, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.



PID: 010-104050  
OHIO WIRE FORM & SPRING CO.  
O.R. 28693 G09  
2.055 ACRES



**A** PID: 010-104050  
OHIO WIRE FORM & SPRING CO.  
O.R. 28693 G09  
0.834 ACRES

**THIS EXHIBIT IS INTENDED FOR ZONING PURPOSES ONLY.  
IT WAS PREPARED USING AN ACTUAL FIELD SURVEY  
PERFORMED BY AMERICAN STRUCTUREPOINT, INC.**



2550 Corporate Exchange Dr, Ste 300 | Columbus, Ohio 43221  
TEL 614.961.2235 | FAX 614.961.2236  
www.americanstructurepoint.com

**2.016 ACRE ZONING EXHIBIT  
FOR  
NRP - DERING MULTIFAMILY  
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO**

DATE:	02/20/2023
DRAWN BY:	MJMW
CHECKED BY:	MJMW
JOB NUMBER:	2021.00860

**1 of 1**

PLOT DATE: 20200203 2:44 PM  
FILE: 17-0700003

#### DESCRIPTION OF 2.016 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 4, Township 4, Range 22, Congress Lands East of Scioto River, being part of that original 2.585 acre tract of land described in a deed to **Man Sim Leung and Man Him Leung**, of record in **Instrument Number 199712010155829**, all record 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 intersection of the north line of said 2.585 acre tract with the existing east right-of-way line for Service Road "C" (50' R/W width);

Thence **South 85 degrees 40 minutes 54 seconds East**, along the north line of said 2.585 acre tract, a distance of **364.09 feet** to the northeast corner of said tract;

Thence **South 01 degrees 51 minutes 25 seconds West**, along the east line of said 2.585 acre tract, a distance of **242.40 feet** to a point;

Thence **North 86 degrees 09 minutes 06 seconds West**, across said 2.585 acre tract, along the proposed north right-of-way line for Fornof Road (currently 40' R/W width), a distance of **348.92 feet** to a point on the existing east right-of-way line for said Service Road "C", being on the southwesterly line of said 2.585 acre tract;

Thence **North 34 degrees 10 minutes 33 seconds West**, along the existing east right-of-way line for said Service Road "C", along the southwesterly line of said 2.585 acre tract, a distance of **14.38 feet** to a point;

Thence **North 00 degrees 14 minutes 49 seconds East**, along the existing east right-of-way line for said Service Road "C", along a west line of said 2.585 tract, a distance of **234.38 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **2.016 acres**, all of which is located within Franklin County Auditor's parcel number 010-104058.

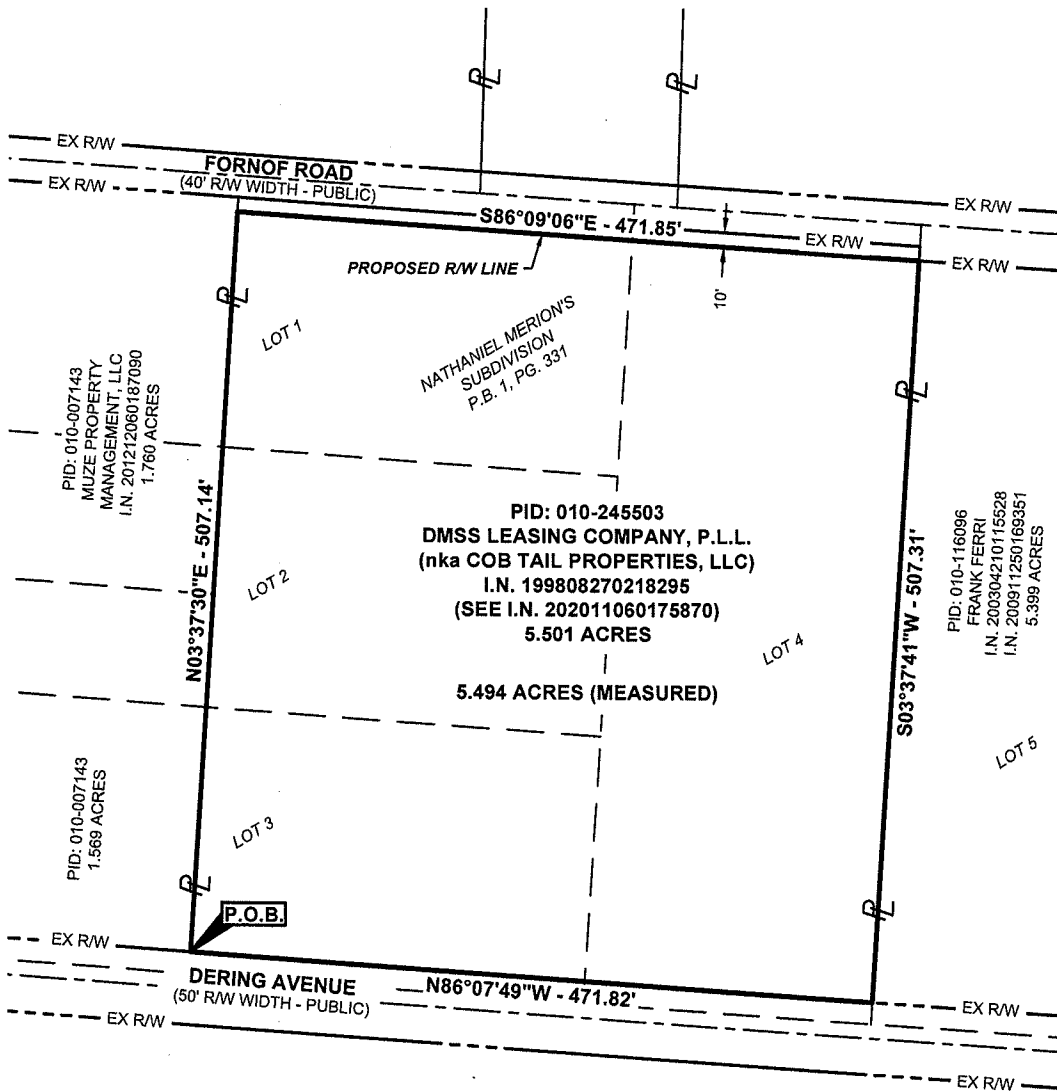
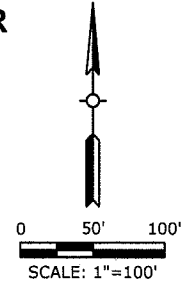
Bearings described hereon are based on North 86 degrees 09 minutes 06 seconds West for the north right-of-way line for Fornof Road, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

This description is intended for zoning purposes only. It was prepared using an actual field survey prepared by American Structurepoint, Inc.

**STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF COLUMBUS  
SECTION 4, TOWNSHIP 4, RANGE 22  
CONGRESS LANDS EAST OF SCIOTO RIVER**

**BASIS OF BEARINGS**

Bearings described hereon are based on North 86 degrees 09 minutes 06 seconds West for the north right-of-way line for Fornof Road, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.



THIS EXHIBIT IS INTENDED FOR ZONING PURPOSES ONLY.  
IT WAS PREPARED USING AN ACTUAL FIELD SURVEY  
PERFORMED BY AMERICAN STRUCTUREPOINT, INC.



5.494 ACRE ZONING EXHIBIT  
FOR  
NRP - DERING MULTIFAMILY  
CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

DATE:	02/20/2023
DRAWN BY:	MWM
CHECKED BY:	MJW
JOB NUMBER:	2021.00680

**1 of 1**

PLOT DATE: 2/20/2023 3:30 PM  
JOB NO: 2021.00680

#### DESCRIPTION OF 5.494 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Section 4, Township 4, Range 22, Congress Lands East of Scioto River, being part of that **5.501 acre** tract of land described in a deed to **DMSS Leasing Company, P.L.L. (nka Cob Tail Properties, LLC)**, of record in **Instrument Number 199808270218295** (see Affidavit of Name Change 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' R/W width);

Thence **North 03 degrees 37 minutes 30 seconds East**, along the west line of said 5.501 acre tract, a distance of **507.14 feet** to a point;

Thence **South 86 degrees 09 minutes 06 seconds East**, across said 5.501 acre tract, along the proposed south right-of-way line for Fornof Road (currently 40' R/W width), a distance of **471.85 feet** to a point on the east line of said 5.501 acre tract;

Thence **South 03 degrees 37 minutes 41 seconds West**, along the east line of said 5.501 acre tract, a distance of **507.31 feet** to the southeast corner of said 5.501 acre tract, being on the existing north right-of-way line for said Dering Avenue;

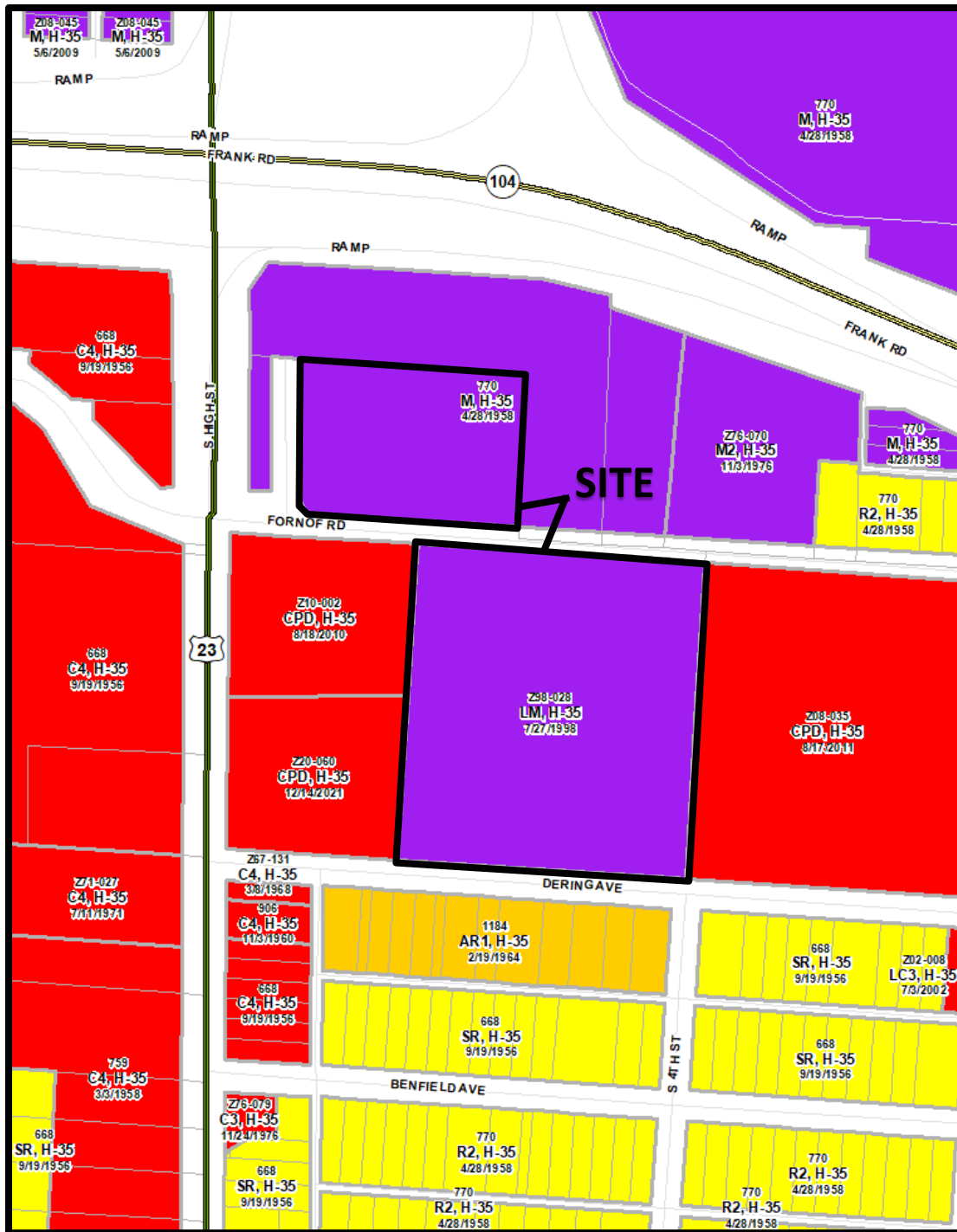
Thence **North 86 degrees 07 minutes 49 seconds West**, along the existing north right-of-way line for said Dering Avenue, along the south line of said 5.501 acre tract, a distance of **471.82 feet** to the **POINT OF BEGINNING** for this description.

The above description contains a total area of **5.494 acres**, all of which is located within Franklin County Auditor's parcel number 010-245503.

Bearings described hereon are based on North 86 degrees 09 minutes 06 seconds West for the north right-of-way line for Fornof Road, measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 Adjustment), as established utilizing a GPS survey and an NGS OPUS solution.

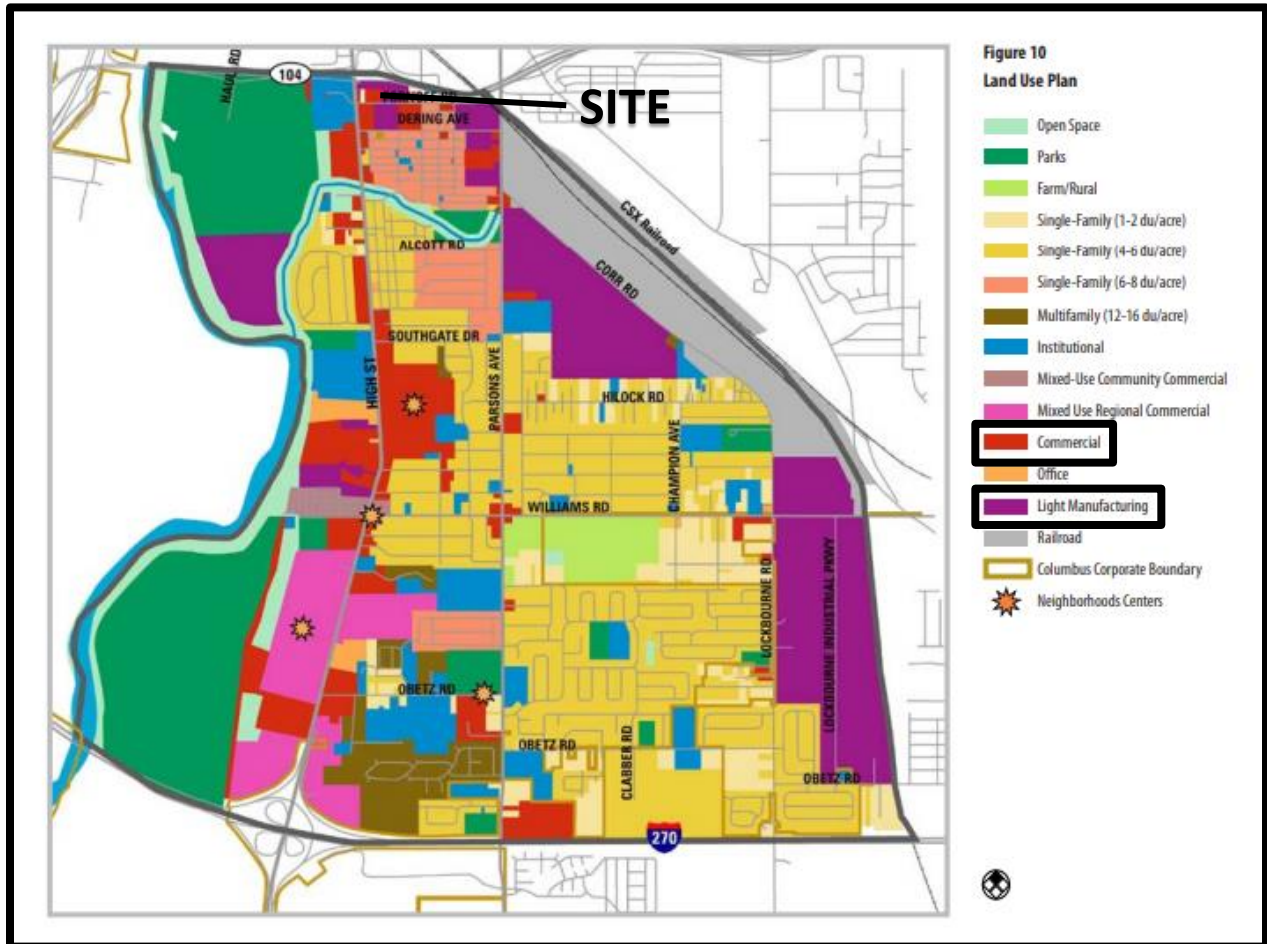
This description is intended for zoning purposes only. It was prepared using an actual field survey prepared by American Structurepoint, Inc.





CV23-025  
 30 Fornoff Rd.  
 Approximately 7.51 acres

Scioto Southland Plan (2007)



CV23-025  
30 Fornoff Rd.  
Approximately 7.51 acres





CV23-025  
30 Fornoff Rd.  
Approximately 7.51 acres