



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: _____
Date Received: _____
Commission/Civic: _____
Existing Zoning: _____ Application Accepted by: _____ Fee: _____
Comments: _____

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

Variance Special Permit

Indicate what the proposal is and list applicable code sections.

To request a variance from Section 3312.27 to reduce the parking setback from 10 feet to three and a half feet on High Street, and from 10 feet to four feet on Torrence Road.

LOCATION

I. Certified Address Number and Street Name 3592 N. High St.
City Columbus, State Ohio Zip 43214
Parcel Number (only one required) 010-058314 & 010-058312

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Wendy's
Address One Dave Thomas Boulevard City/State Dublin, Ohio Zip 43017
Phone # 614.764.8414 Fax # _____ Email greg.alexander@wendys.com

PROPERTY OWNER(S):

Name Berlin Rhoma V D M SU, Trustee
Address 3636 North High Street City/State Columbus, Ohio Zip 43214
Phone # _____ Fax # _____ Email _____
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE) Attorney Agent

Name David Hodge, Esq., Underhill & Hodge LLC
Address 8000 Walton Parkway, Suite 260 City/State New Albany, Ohio Zip 43054
Phone # 614.335.9320 Fax # 614.335.9329 Email: david@underhillyaross.com

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

APPLICANT SIGNATURE Wendy's By: David Hodge
PROPERTY OWNER SIGNATURE Berlin Rhoma V D M SU, Trustee By: David Hodge
ATTORNEY / AGENT SIGNATURE _____ By: David Hodge

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer



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AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge, Esq.
of (1) MAILING ADDRESS Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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 3592 N. High St., Columbus, Ohio 43214
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
AND MAILING ADDRESS

(4) Berlin Rhoma V D M SU, Trustee
3636 North High Street
Columbus, Ohio 43214

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

Wendy's
614.764.8414

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

(5) Clintonville Area Commission
Dana Bagwell
3982 North High Street, Columbus, Ohio 43214

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

Please see attached list of property owners.

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 18th day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC
My Commission Expires _____

Notary Seal



(8) Kimberly R. Grayson
Kimberly R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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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) David Hodge, Esq.
of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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
Wendy's	One Dave Thomas Boulevard, Dublin, Ohio 43017

SIGNATURE OF AFFIANT David Hodge

Subscribed to me in my presence and before me this 18th day of April, in the year 2016

SIGNATURE OF NOTARY PUBLIC Kimberly R. Grayson

My Commission Expires: January 11, 2021



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021

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STATEMENT OF HARDSHIP

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
 - 1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 - 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 - 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.
 - 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.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached Statement of Hardship.

Signature of Applicant _____ Date _____

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Statement of Hardship

3592 North High Street

The applicant, Wendy's, currently operates a restaurant on this property, which is located at the northeast corner of High Street and Torrence Road. Wendy's seeks three variances to accommodate a raze and rebuild for a new, pilot concept, restaurant on the property. The following variances are necessary:

C.C. 3312.27 – Parking setback line.

This section requires parking and maneuvering setbacks to be 10 feet from the street right-of-way line, the applicant requests a reduction to 3.5 feet on High Street, and 4 feet on Torrence Road. Along High Street the southern access point will be closed and landscaping will be installed within that area. In addition, along the rear of the property a 4 foot landscape island will be installed and that perimeter will be landscaped in accordance with buffering standards.

C.C. 3356.11 – C-4 district setback lines.

This section requires a minimum building setback of 60 feet from the property line at High Street, a variance is requested to reduce the building setback to 26.5 feet. The 60 foot setback requirement is unreasonable along this stretch of High Street, poses a practical difficulty to the applicant, and renders the property practically undevelopable.

The totality of the circumstances justifies the approval of the requested variances. The southern curb-cut will be closed, as it exists this curb-cut is technically too close to the High Street / Torrence Road intersection. The redevelopment therefore constitutes an improvement to the traffic patterns at this intersection as well as the onsite circulation. In addition, the parking spaces along the east side of the property are currently on the property line and allow uninhibited access into the alley. The required buffering is not provided between this commercial use and the residence further the east. This is a legal nonconformity that will be rectified with this redevelopment with the 4 foot island being created and landscaping in accordance with the Zoning Code being installed.

These special circumstances and conditions do not apply generally to other properties in the C-4 zoning district. There are existing nonconformities on the property and this redevelopment proposal remedies those conditions making this site an improvement in terms of both aesthetics and functionality. These special circumstances and conditions are not the result of actions of the applicant, the existing development on the property predates many of the applicable development standards and the proposal constitutes an improvement. The approval of these variances will allow for the proposed redevelopment of a use permitted in the underlying C-4, in a responsible way, more protective of surrounding owners and the neighborhood generally than the current development. The grant of the variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent or purpose of the Zoning Code.

The applicant respectfully requests that the variances be granted.

Wendy's

Signature of Applicant: David Hodge - attorney

Date: April 18, 2016



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: 010058314,010058312

Zoning Number: 3592

Street Name: N HIGH ST

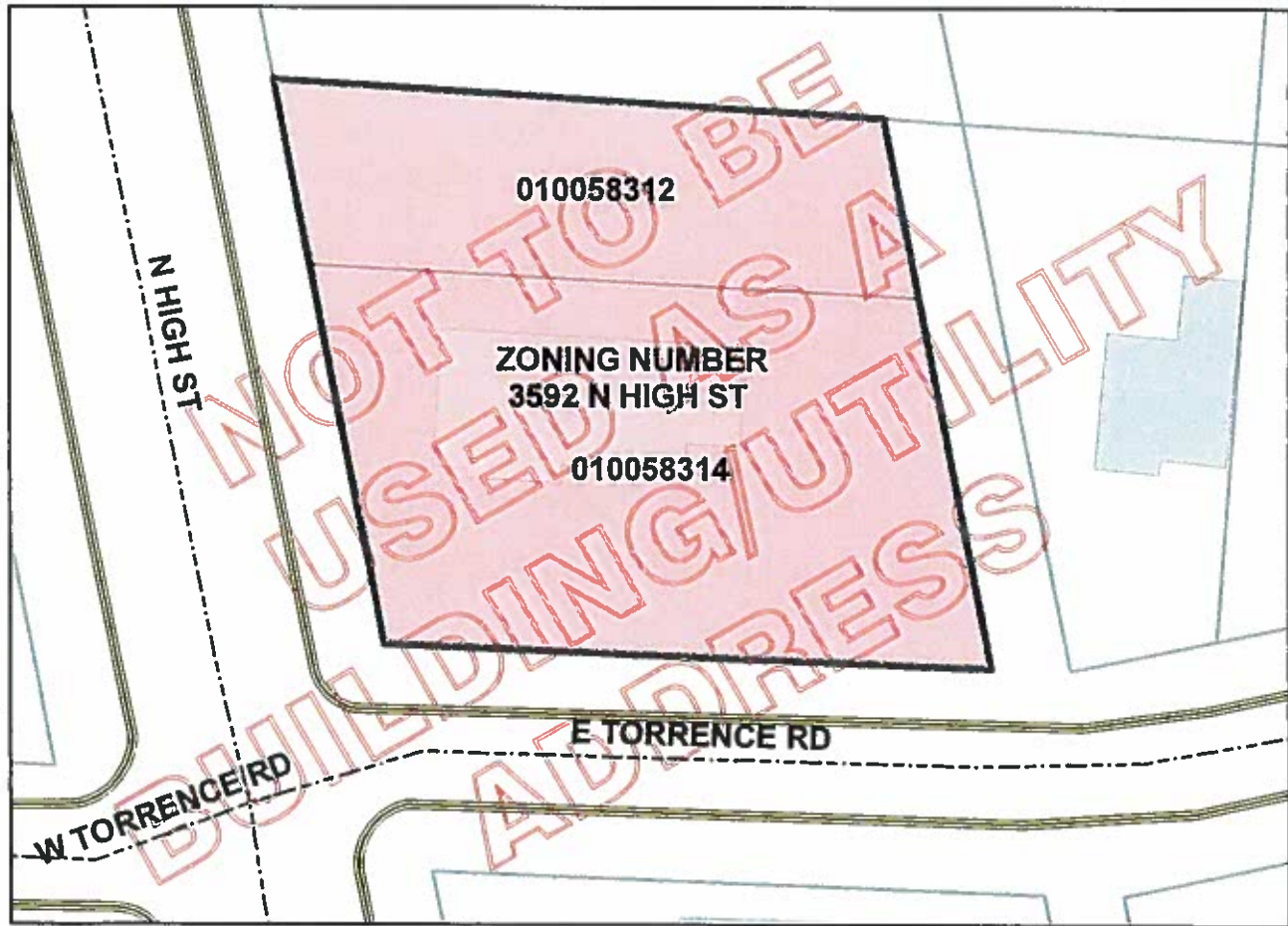
Lot Number: N/A

Subdivision: N/A

Requested By: UNDERHILL & HODGE LLC (DAVID HODGE)

Issued By: *Adyana Umariam*

Date: 4/12/2016



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 61876

PROPERTY OWNER:

Berlin Rhoma V D M SU, Trustee
3636 North High Street
Columbus, Ohio 43214

APPLICANT:

The Wendy's Corporation
Attn: Greg Alexander
One Dave Thomas Boulevard
Dublin, Ohio 43017

ATTORNEY:

David Hodge, Esq.
Underhill & Hodge LLC
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054

AREA COMMISSION:

Clintonville Area Commission
Attn: Dana Bagwell
3982 North High Street
Columbus, Ohio 43214

SURROUNDING PROPERTY OWNERS:

Robert & Joan McClean
20 Torrence Road
Columbus, Ohio 43214

Patricia Rugola
30 Torrence Road
Columbus, Ohio 43214

Robert & Ann Shelly
35 East Brevoort Road
Columbus, Ohio 43214

Thomas & Victoria Palmer
29 Brevoort Road
Columbus, Ohio 43214

Larry and Susan Alley
23 Brevoort Road
Columbus, Ohio 43214

Cory Wiseman
17 Brevoort Road
Columbus, Ohio 43214

Central Ohio Youth for Christ, Inc.
3630 North High Street
Columbus, Ohio 43214

Management Plus LLC
3620 North High Street
Columbus, Ohio 43214

City of Columbus
Engine House No. 19
3601 North High Street
Columbus, Ohio 43214

Martin & Jessica Jarmond
27 Torrence Road
Columbus, Ohio 43214

Margaret Sullivan
21 Torrence Road
Columbus, Ohio 43214

Seahorse 2 LLC
3580 North High Street
Columbus, Ohio 43214

Thomas & Judith Tansky, Trustees
3559 North High Street
Columbus, Ohio 43214

Situated in the State of Ohio, County of
Franklin and in the City of Columbus:

Being Lots Nos. One (1), Two (2) and Three
(3) of OAKLAND PARK ADDITION, as the same are
numbered and delineated upon the recorded
plat thereof, of record Plat Book 9, page 18,
Recorder's Office, Franklin County, Ohio.

Parcel No. 010-058312 (Lot 1)
010-058314 (Lots 2 & 3)

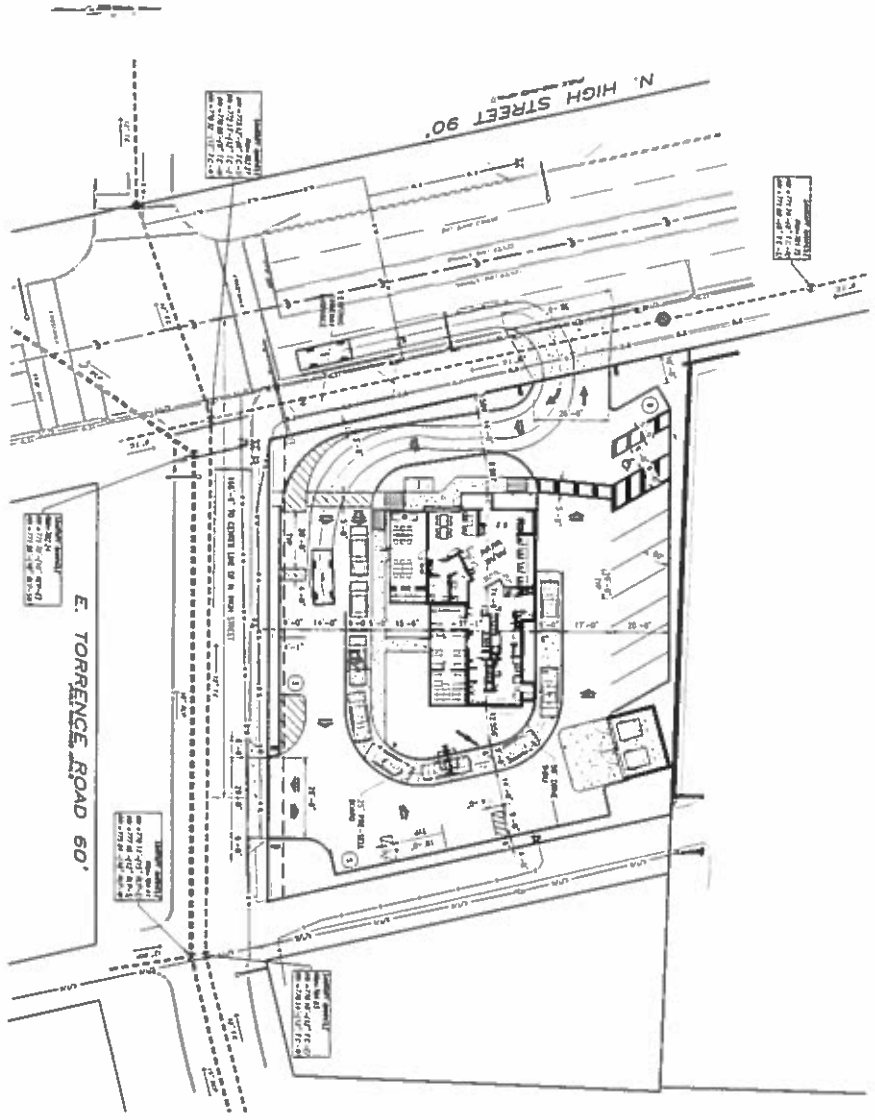
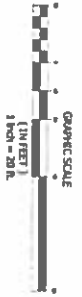
Street Address:

N. High Street (Lot 1)
3592 N. High Street (Lots 2 & 3)

Prior Instrument of Reference:

Inst. No. 199901210016307)

3 WORKING DAYS BEFORE TYPING CALL TOLL FREE 1-800-362-2704 ONE OFFICE PRODUCTION SERVICE



PARKING REQUIREMENTS

Minimum 100 (10) parking stalls for every 175 sq ft of gross floor area of building. 100 sq ft of 175 sq ft = 11.43 stalls.
 145 sq ft of 175 sq ft = 13.14 stalls.
 190 sq ft of 175 sq ft = 17.14 stalls required minimum.
 Minimum 100 (10) parking stalls for every 1000 sq ft of gross floor area of building. 1000 sq ft of 1000 sq ft = 10 stalls.
 1100 sq ft of 1000 sq ft = 11 stalls.
 17 stalls provided.

ZONING INFORMATION

Zoning District: R-1.1 (Single-Family Detached)
 A minimum one (1) detached single-family dwelling unit per lot.
 Zoning application not required from applicant and zoning standards shall apply.
 City of Lincoln, Nebraska
 Office (416) 487-8417

EXISTING	PROPOSED
Front setback - 30'-0"	30'-0"
Side setback - 10'-0"	10'-0"
Rear setback - 10'-0"	10'-0"
Lot area - 10,000 sq ft	10,000 sq ft
Lot coverage - 10%	10%
Height - 35'-0"	35'-0"
Use - Residential	Residential

Wendy's

CONCEPTUAL SITE PLAN

DATE: 4/15/16
 SHEET NO: CP-2

PLANS: 146

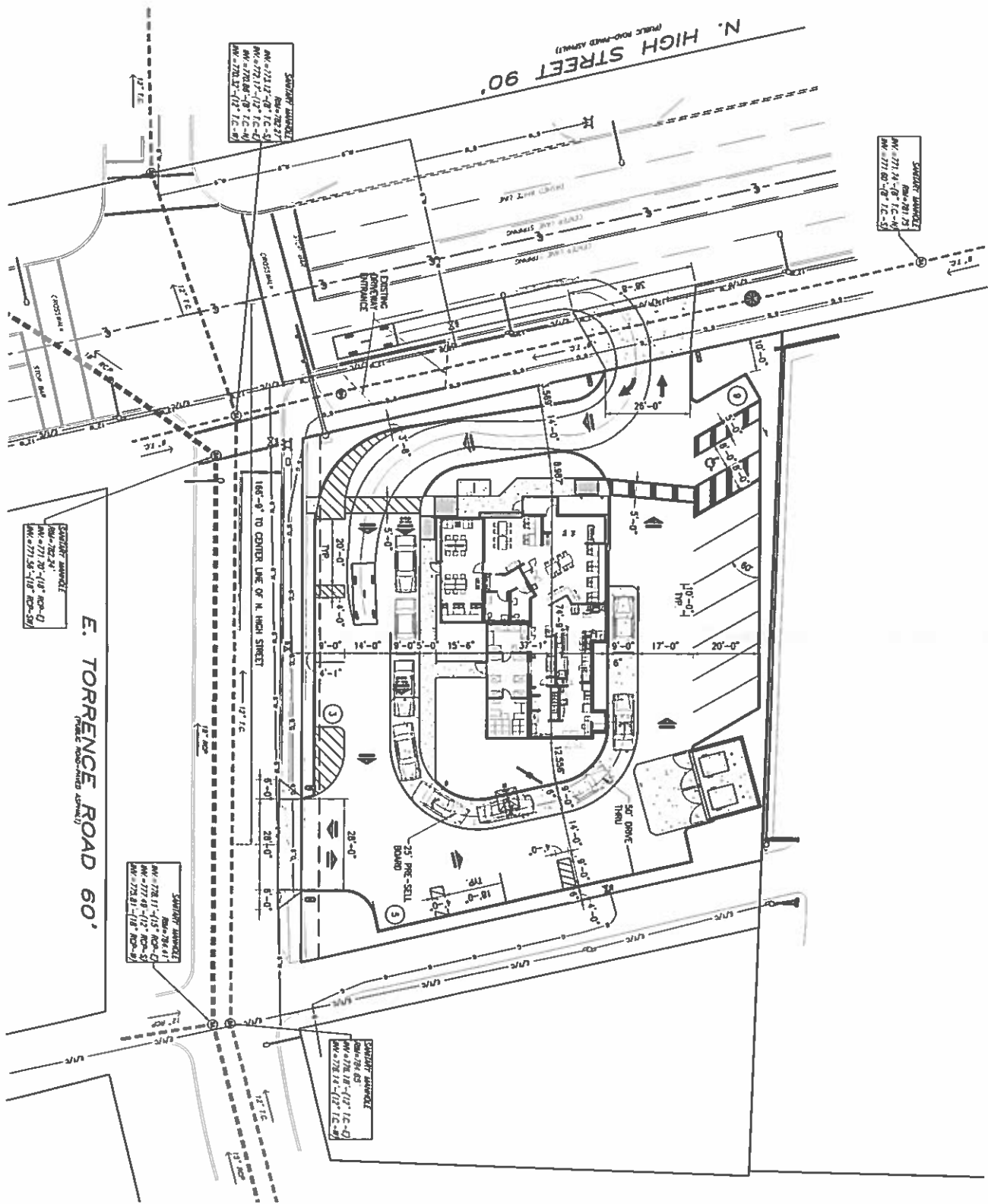
SCALE: 1" = 20'-0"

NO.	DATE	BY	REVISIONS

DATE: 4/15/16
 SHEET NO: CP-2

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SERIAL NUMBER:
 3 WORKING DAYS
 BEFORE YOU DIG
 CALL TOLL FREE
 1-800-362-2764
 OHIO UTILITIES PROTECTION SERVICE



PARKING REQUIREMENTS

MAXIMUM ONE (1) PARKING STALL FOR EVERY 175 SF OF GROSS FLOOR AREA OF BUILDING, PLUS ONE (1) PARKING STALL FOR EVERY 350 SF OF PAVED AREA.
 BUILDING: 2346 SF + 175 SF = 14.54 STALLS
 PAVED: 414 SF + 350 SF = 1.18 STALLS
 17 STALLS REQUIRED MAXIMUM

MAXIMUM ONE (1) PARKING STALL FOR EVERY 50 SF OF GROSS FLOOR AREA OF BUILDING, PLUS ONE (1) PARKING STALL FOR EVERY 100 SF OF PAVED AREA.
 BUILDING: 2346 SF + 50 SF = 50.92 STALLS
 PAVED: 414 SF + 100 SF = 4.14 STALLS
 55 STALLS REQUIRED MAXIMUM
 17 STALLS PROPOSED

PARKING SPACE SIZE: 10'-0" REQUIRED
 10'-0" PROPOSED

ZONING INFORMATION

ZONING DISTRICT - C-4, H-25 (REGULATORY SCALE COMMERCIAL)
 A RESTAURANT WITH A DRIVE THRU IS A PERMITTED USE WITH THIS ZONING DISTRICT.

ZONING INFORMATION WAS OBTAINED FROM:
 CITY OF COLUMBIAS
 BUILDING AND ZONING SERVICES
 757 COLUMBIAN AVENUE
 COLUMBIAS, OH 43215
 OFFICE: 614.425.8237
 CHRIS FRENCH

DESCRIPTION	REQUIRED	PROPOSED
FRONT BUILDING SETBACK NORTH HIGH STREET	6'-0"	3'-2"
FRONT BUILDING SETBACK TORRENCE ROAD	25'-0"	4'-5"
SIDE YARD SETBACK - NORTH	N/A	49'-0"
SIDE YARD SETBACK - EAST	N/A	47'-5"
PARKING SETBACK FROM ROW LINE	10'-0"	10'-0" N. HIGH ST. 4'-1" TORRENCE RD.
PARKING LOTS WITHIN 60' OF RESPONSIBLY ZONED PROPERTY MUST BE SCREENED WITH A MAXIMUM 4'-FOOT WIDE LANDSCAPE AREA LOOKING SPACE	YES	YES
ACTUAL PARKING	NO	NO
	YES	YES

WENDY'S RESTAURANT
 CITY OF COLUMBIAS
 COUNTY OF FRANKLIN
 STATE OF OHIO
 WENDY'S STORE NO. 10000

SCALE: _____
 PLAN NO. _____
 DATE: 4/15/16
 SHEET NO. CP-2



SCALE: 1" = 20'-0"

No.	DATE	BY	REVISIONS

DRAWN: _____
 CHECK: _____
 PLOT: _____
 PLOT: _____
 PLOT: _____
 PLOT: _____

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