

# Application for Variance

City of Gahanna, Ohio ■ Planning Commission  
200 S. Hamilton Road, Gahanna, OH 43230 ■ Phone: (614) 342-4025 ■ Fax: (614) 342-4117

**\*REQUIRED INFORMATION:** All correspondence will be addressed to the applicant. Planning Commission members or City staff may conduct a site visit prior to a Planning Commission Public Hearing.

\*Applicant Name: JEA Development - Rachel Rudiger \*Phone: 360-977-0175  
 \*Applicant Address: 13242 Galena Way Apple Valley, MN 55124 \*Fax: NA  
 \*Applicant Email: rachel.rudiger@jeacorp.com

\*Applicant's Relationship to Project: Land Owner:  Option Holder:  Cont. Purchaser:  Agent:

\*Property Owner Name: Pierce Partners, LLC Apple \*Phone: 614-496-6587 Partners,  
 \*Property Owner Address: 5201 Morse Road Columbus, OH 4323055124 \*Fax: \_\_\_\_\_  
 \*Contact Name: Mike Pierce Road \*Email: mike@pierceconstruction.com

\*Address for Requested Variance: 5195 - 5221 Morse Road Gahanna, OH  
 \*Parcel ID#: Multiple - See Below \*Current Zoning: SO-Suburban Office  
027-000101, 025-011232, 027-000100, 027-000102

\*Description of Variance Requested: Request for Reduction in Setback along Adjacent AR Zoned Parcels to the East and South of the proposed Site.  
 Please see the included Letter/Statement addressing the conditions of the need for this variance.

\*Applicant's Signature: *Rachel Rudiger* \*Date: 10/28/2015

**\*SUBMISSION REQUIREMENTS:** Applications are not complete until all submission requirements are received and accepted by the Planning and Zoning Administrator.

1. Two (2) 11" x 17" copies of a survey and legal description of the property certified by a registered surveyor.
2. One (1) digital copy of completed application and associated documents.
3. A list of contiguous property owners and their mailing addresses.
4. Pre-printed mailing labels for all contiguous property owners.
5. A statement of the reason(s) for the Variance request. The statement must address the three (3) conditions listed on page 2 of this application in order for Planning Commission to grant approval for the Variance.
6. Application Fee of \$150 for Single-Family Residential Districts and \$300 for all other Zoning Districts.

**\*PLANNING AND ZONING ADMINISTRATOR REVIEW AND APPROVAL:**

Code Sections to be varied: 1153.01(C)(A) & (3)

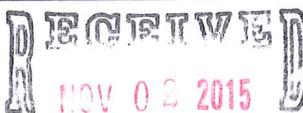
Description of the governing code and the requested variance: To reduce the east and south building setback requirements as they pertain to adjacent residential zoning.

In accordance with Section 1131 of the Codified Ordinances of the City of Gahanna, Ohio, I hereby certify that this project, as stated above, was for approved by the City of Gahanna Planning Commission on \_\_\_\_\_. The applicant shall comply with any conditions approved by the Planning Commission and shall comply with all building, zoning and landscaping regulations now in place.

Planning & Zoning Administrator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For Internal Use:**

SunGard File No. 15110001  
 PC File No. V-18-2015  
 Public Hearing Date: 11-18-2015



SN  
 BY (Received).....

(Paid)

(Accepted by PZA)

## CHAPTER 1131 - VARIANCES

### 1131.04 PUBLIC HEARING.

At such hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, and the Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

October 28, 2015

City of Gahanna / Planning Commission  
200 S. Hamilton road  
Gahanna, OH 43230  
(614) 342 - 4025

**RE: Application for Variance - Request for Reduced Setback**

Planning Commission,

On behalf of JEA Senior Living/Development, we are Requesting a Variance for a Reduction in Building Setback to the East and South of our proposed Alzheimer Special Care Center. Our Site is Zoned SO – Suburban Office, which is allowed for our use. The existing adjacent parcels to the East and South of our Site is Zoned AR.

The Parcel to the East is a narrow 16.5' Strip of Land zoned AR, which JEA Senior Living/Development will own and not develop; leaving the strip as landscape/green space. The Required Building Setback from the AR Parcel to the East is **52'**. We are proposing a Building Setback of **33.5'** (worst case scenario), with a reduction of 18.5'. However, with the AR Parcel being left as Landscape/Open Space, this leaves an additional 16.5' buffer, for a total buffer of **50'**.

The Parcels to the South are Zoned AR as well, and consist of a Multi-family Neighborhood. The Required Building Setback from the AR Parcel to the South is **76'**. We are proposing a Building Setback of **69.9'** (worst case scenario), with a reduction of 6.1'. We are requesting this Reduction in Setback to accommodate the Proposed ROW Increase for the Improvement/Widening of Morse Road, which also pushes the 36' Parking Setback forward. In addition, we have aligned our proposed parking and building similar to the Existing Building to the West to maintain a consistent and harmonious street frontage along Morse Road.

- A. There are special circumstances or conditions applying to the land, building or use referred to in the application.**  
Do to the Separate Parcel to the East Zoned AR, at which JEA will own, our setbacks must be taken from the AR Property Line. This reduces the proposed buffer area by 16.5'; which will still remain buffer/green space. In order to accommodate the ROW Increase along Morse Road, we need a variance to reduce the required setback along the South Parcels to develop this project.
- B. The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.**  
In order to accommodate the ROW Increase along Morse Road, we need a variance to reduce the required setback along the South Parcels to develop this project. With that said, we have made a substantial effort on our proposed Landscape Plan to provide ample screening for our neighbors to the South.
- C. The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to the property or improvements in such neighborhood.**  
We feel the request for a variance to reduce setbacks to the East and South does not adversely impact the health or safety of the existing Surroundings. The Approval of this Variance will create complimentary street frontage and neighboring developments along Morse Road.

We look forward to meeting you and discussing our proposed Alzheimer Special Care Center with you.

Thank you,

Rachel Rudiger  
Land Use & Design Manager  
JEA Senior Living / Development  
360-977-0175

September 10, 2015

From:

**Colliers International**

Abram M. Schwarz  
Senior Associate  
200 Public Square | Suite 1200  
Cleveland, OH 44114 | United States  
Direct +1 216 239 5072 | Main +1 216 239 5060

RE: JEA - Gahanna, OH – Contiguous Adjacent Property Owners

On September 10<sup>th</sup>, 2015 Colliers International provided JEA will all Contiguous Property Owners adjacent to and across the street from our Proposed Alzheimer Special Care Center Parcel. Below, please find a list of the Parcel IDs, Property Owners, and addresses. Also included is 2 sets of mailing labels to use as needed.

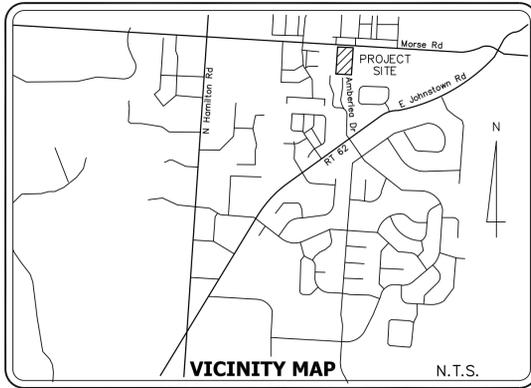
<u>Parcel ID</u>	<u>Name</u>	<u>Address</u>
<b>025-011233-00</b>	Pizzuti/Stonybrook Medical Center LLC	2 Miranova Pl, Suite 800, Columbus, OH 43215
<b>025-011219-00</b>	Morgan, Monica Morgan	6945 Walnut St., New Albany, OH 43054
<b>010-282320-00</b>	Kolik, Jan R	3661 Fish Hawk Landing, Columbus, Ohio 43230
<b>010-274689-00</b>	LC Preserve Crossing LLC	230 West St., Suite 200, Columbus, Ohio 43215
<b>025-013467-00</b>	Baker, Susan M	1351 Amberlea Dr. W, Columbus, Ohio 43230
<b>025-013400-00</b>	Jackson, Elizabeth S	1341 Amberlea Dr., Columbus, Ohio 43230
<b>025-013607-00</b>	Householder, Vicky L and Kenneth L	1318 Amberlea Dr., Columbus, Ohio 43230

Thank you,

Rachel Rudiger  
Land Use & Design Manager  
JEA Senior Living  
360-977-0175

# STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA

## BEING PART OF QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS



ZONING DATA - PARCEL 1 THRU 4	
DISTRICT: <b>SO</b>	SUBURBAN OFFICE
<b>MINIMUM YARD REQUIREMENTS</b>	
FRONT: 40'	SIDES: 10'
REAR: 10'	
MAXIMUM BUILDING HEIGHT: NOT FOUND	
ZONING OFFICE CITY OF GAHANNA (614) 342-4025	

ZONING DATA - PARCEL 5	
DISTRICT: <b>AR</b>	MULTIPLE FAMILY RESIDENTIAL
<b>MINIMUM YARD REQUIREMENTS</b>	
FRONT: 25'	SIDES: 10'
REAR: 25'	
MAX. BUILDING HEIGHT: 2 STORIES ABOVE GRADE	
ZONING OFFICE CITY OF GAHANNA (614) 342-4025	

### PARKING

NO MARKED PARKING SPACES

### FLOOD

NOTE: I DECLARE SUBJECT PROPERTY TO BE LOCATED WITHIN A ZONE "X", WHICH IS NOT A FLOOD HAZARD AREA PER FIRM MAP NO. 39049C0211K, WITH AN EFFECTIVE DATE OF JUNE 17, 2008.

### ENCROACHMENTS/VIOLATIONS

① - NONE EVIDENT

### SURVEYOR'S CERTIFICATION

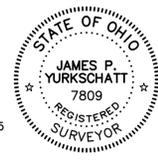
To: Gahanna Care Group, LLC and First American Title Insurance Company;

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a)(b)(c), 8, 9, 10(a), 11(b), 13, 16, 17, 18, and 19 of Table A thereof. The field work was completed on March 26, 2015.

Date of Map: June 29, 2015

JAMES P. YURKSCHATT  
CAMPBELL & ASSOCIATES, INC. REG. NO. 7809

06/29/2015  
DATE



SCHEDULE B, SECTION 2 - SURVEY RELATED ITEMS FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NCS-715117-OR1 DATED: FEBRUARY 24, 2015 REVISED: JUNE 25, 2015		
ITEM	DESCRIPTION	COMMENT
1	DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.	NONE EVIDENT
2	ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN IN THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR BY MAKING INQUIRY OF THE PERSONS IN POSSESSION OF THE LAND.	NONE EVIDENT
3	ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE, INCLUDING DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, OR ANY OTHER FACTS THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND, AND THAT ARE NOT SHOWN IN THE PUBLIC RECORDS.	NONE EVIDENT
5	RIGHTS OF PARTIES IN POSSESSION OF ALL OR ANY PART OF THE PREMISES, INCLUDING, BUT NOT LIMITED TO, EASEMENTS, CLAIMS OF EASEMENTS OR ENCUMBRANCES THAT ARE NOT SHOWN IN THE PUBLIC RECORDS.	NONE EVIDENT
10	EASEMENT BY SETH C. MORRISON AND SARAH MORRISON TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, DATED FEBRUARY 24, 1938, FILED FOR RECORD MARCH 15, 1938 AND RECORDED IN VOLUME 1079, PAGE 216 OF FRANKLIN COUNTY RECORDS. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	EASEMENT FOR ELECTRIC TRANSMISSION AND FACILITIES. AFFECTS PARCELS 1, 2, 3 AND 5 ALONG SOUTH LINE OF MORSE ROAD. EXTENT INDETERMINATE, NO SPECIFIC SIZE OR LOCATION GIVEN. POLES/UTILITY LINES AS SHOWN.
11	EASEMENT BY CLAIRE N. SMITH TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, DATED DECEMBER 28, 1965, FILED FOR RECORD JANUARY 11, 1966 AND RECORDED VOLUME 2705, PAGE 162 OF FRANKLIN COUNTY RECORDS. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	10' EASEMENT FOR ELECTRIC TRANSMISSION AND FACILITIES. AFFECTS THE EASTERLY 10' OF PARCEL 5.
12	EASEMENT FOR HIGHWAY PURPOSES BY GEORGE W. HATTLIE AND RUTH M. HATTLIE TO THE COUNTY OF FRANKLIN, DATED JUNE 8, 1968, FILED FOR RECORD JULY 5, 1968 AND RECORDED IN VOLUME 2908, PAGE 329 OF FRANKLIN COUNTY RECORDS. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	40' PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR PUBLIC HIGHWAY AND ROAD PURPOSES. AFFECTS THE NORTHERLY 40' OF PARCELS 1 AND 2. ESTABLISHED CURRENT R/W LIMITS.
13	INTENTIONALLY DELETED. (FORMERLY READ: EASEMENT BY EILEEN KNEZEVICH AND EDWARD R. KNEZEVICH TO COLUMBUS AND SOUTHERN OHIO ELECTRIC COMPANY, DATED OCTOBER 30, 1972, FILED FOR RECORD DECEMBER 12, 1972 AND RECORDED IN VOLUME 3294, PAGE 483 OF FRANKLIN COUNTY RECORDS.) DOES NOT AFFECT AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NO. 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	DOES NOT AFFECT SUBJECT PROPERTY
14	INTENTIONALLY DELETED. (FORMERLY READ: DEED OF EASEMENT BY BRIAN D. KRING TO TRIANGLE REAL ESTATE SERVICES, INC., DATED JULY 18, 2002, AND FILED FOR RECORD AUGUST 5, 2002 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200208050191168.) DOES NOT AFFECT AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NO. 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	DOES NOT AFFECT SUBJECT PROPERTY
15	EASEMENT AND RIGHT OF ENTRY AGREEMENT BY AND BETWEEN TIME WARNER CABLE AND M.H. MURPHY DEVELOPMENT COMPANY, DATED FEBRUARY 25, 2004, AND FILED FOR RECORD DECEMBER 10, 2004 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200412100281135. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	EASEMENT IS BLANKET IN NATURE. AFFECTS ENTIRETY OF PARCEL 5. SERVES CONDOMINIUM COMPLEX TO THE SOUTH OF SUBJECT PROPERTY.
16	DEED OF EASEMENT BY M.H. MURPHY DEVELOPMENT COMPANY TO THE CITY OF GAHANNA, OHIO, DATED AUGUST 20, 2004, AND FILED FOR RECORD DECEMBER 27, 2004 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200412270290126. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	EASEMENT FOR WATERLINE AND APPURTENANCES. AFFECTS ENTIRETY OF PARCEL 5. SERVES CONDOMINIUM COMPLEX TO THE SOUTH OF SUBJECT PROPERTY.
18	DEED OF EASEMENT BY REX MICHAEL PIERCE AND JOSETTE PIERCE TO THE CITY OF GAHANNA, OHIO, DATED APRIL 18, 2008, AND FILED FOR RECORD MAY 27, 2008 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200805270080650. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	EASEMENT FOR WATERLINE AND APPURTENANCES. AFFECTS THE SOUTHERLY 30' OF PARCEL 2. (0.085 AC.)
19	DEED OF EASEMENT BY PIERCE PARTNERS, LLC TO THE CITY OF GAHANNA, OHIO, DATED APRIL 18, 2008, AND FILED FOR RECORD MAY 27, 2008 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200805270080651. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	EASEMENT FOR WATERLINE AND APPURTENANCES. AFFECTS THE SOUTHERLY 30' OF PARCELS 1 AND 4. (0.188 AC.)
20	TERMS AND CONDITIONS OF EASEMENT AGREEMENT BY AND BETWEEN PIERCE PARTNERS, LLC AND PIZZUTI/STONYBROOK MEDICAL CENTER LLC, DATED SEPTEMBER 5, 2008, AND FILED FOR RECORD SEPTEMBER 9, 2008 AS FRANKLIN COUNTY RECORDER'S DOCUMENT NO. 200809090136266. AS SHOWN ON SURVEY PREPARED BY JAMES P. YURKSCHATT, REG. NO. 7809 OF CAMPBELL & ASSOCIATES, INC., JOB NUMBER 20150047, DATED MARCH, 2015, LAST REVISED JUNE 29, 2015.	AFFECTS INGRESS/EGRESS, AND PARKING EASEMENT OVER PARCEL 2. SHARED MAINTENANCE OBLIGATIONS AFFECT PARCELS 1, 2 AND 3.
21	RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN ANY PUBLIC ROAD OR HIGHWAY.	PUBLIC ROAD RIGHT-OF-WAYS AS SHOWN ON SURVEY.
22	NOTWITHSTANDING THE REFERENCE TO ACREAGE OR SQUARE FOOTAGE IN THE DESCRIPTION SET FORTH IN SCHEDULE A HEREOF, THIS COMMITMENT/POLICY DOES NOT INSURE NOR GUARANTEE THE ACREAGE OR QUANTITY OF LAND SET FORTH THEREIN.	ACREAGE AS SHOWN ON SURVEY.

### GENERAL NOTES

- THE PROPERTY ABUTS AND HAS LEGAL ACCESS TO MORSE ROAD, A PAVED, PUBLICLY DEDICATED RIGHT-OF-WAY.
- THERE ARE NO DIVISION OR PARTY WALLS ON THE PROPERTY WITH RESPECT TO ADJOINING PROPERTIES.
- ALL VISIBLE IMPROVEMENTS AND UTILITIES ARE LOCATED ON THE SURVEY.
- THE SITE CONTAINS NO WETLAND AREAS AS DELINEATED BY APPROPRIATE AUTHORITIES.
- THERE IS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO EVIDENCE OF ANY PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES.
- THERE IS NO OBSERVED EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

SCHEDULE A - LEGAL DESCRIPTION	
FILE NO. NCS-715117-OR1	DATED: FEBRUARY 24, 2015 REVISED: JUNE 25, 2015

SITUATED IN THE COUNTY OF FRANKLIN, IN THE STATE OF OHIO AND IN THE TOWNSHIP OF JEFFERSON:

#### PARCEL 1

BEING LOCATED ON LOT NO. 1, OF SECTION 2, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS, AND BEING 1.182 ACRES OFF THE EASTERLY SIDE OF THE 2.406 ACRE TRACT CONVEYED TO GEORGE W. AND RUTH M. HATTLIE BY DEED OF RECORD IN DEED BOOK 1789, PAGE 17, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF MORSE ROAD AND THE NORTHERLY LINE OF THE SAID SECTION 2, SAID POINT BEING LOCATED NORTH 89° 44' EAST, 122.0 FEET FROM THE NORTHWESTERLY CORNER OF THE SAID GEORGE W. AND RUTH M. HATTLIE 2.406 ACRE TRACT;

THENCE, ALONG THE CENTERLINE OF THE SAID MORSE ROAD AND THE NORTHERLY LINE OF THE SAID 2.406 ACRE TRACT, NORTH 89° 44' EAST, 117.9 FEET TO A POINT AT THE NORTHEASTERLY CORNER OF THE SAID 2.406 ACRE TRACT AND THE NORTHWESTERLY CORNER OF THE 1 ACRE TRACT CONVEYED TO MARIE F. MAHAFFEY BY DEED OF RECORD IN DEED BOOK 2428, PAGE 589 AND DEED BOOK 2788, PAGE 197, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THENCE, ALONG THE WESTERLY LINE OF THE SAID MAHAFFEY PARCELS AND THE EASTERLY LINE OF THE SAID GEORGE W. AND RUTH HATTLIE 2.406 ACRE TRACT, SOUTH 0° 05' WEST, (PASSING AN IRON PIN AT 30.0 FEET) 437.03 FEET TO AN IRON PIN AT THE SOUTHEASTERLY CORNER OF THE SAID 2.406 ACRE TRACT AND IN THE NORTHERLY LINE OF THE 16.698 ACRE TRACT CONVEYED TO CLAIRE N. SMITH BY DEED OF RECORD IN DEED BOOK 2676, PAGE 48, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THENCE ALONG THE SOUTHERLY LINE OF SAID 2.406 ACRE TRACT, SOUTH 89° 44' WEST, 117.90 FEET TO AN IRON PIN;

THENCE, NORTH 0° 05' EAST, (BEING PARALLEL TO THE WESTERLY LINE OF THE SAID 2.406 ACRE TRACT AND PASSING AN IRON PIN AT 407.03 FEET) 437.03 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.182 ACRES, MORE OR LESS.

#### PARCEL 2

BEING LOCATED IN LOT NO. 1 OF SECTION 2, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS, AND BEING 1.224 ACRES OFF THE WESTERLY SIDE OF THE 2.406 ACRE TRACT CONVEYED TO GEORGE W. AND RUTH M. HATTLIE BY DEED OF RECORD IN DEED BOOK 1789, PAGE 17, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF MORSE ROAD, AND THE NORTHERLY LINE OF THE SAID SECTION 2, SAID POINT BEING THE NORTHWESTERLY CORNER OF THE SAID GEORGE W. AND RUTH M. HATTLIE 2.406 ACRE TRACT, BEING ALSO THE NORTHEASTERLY CORNER OF THE 2.301 ACRE TRACT CONVEYED TO WILLIAM H. AND CLARA HARRIS BY DEED OF RECORD IN DEED BOOK 2894, PAGE 26, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THENCE ALONG THE CENTERLINE OF THE SAID MORSE ROAD AND THE NORTHERLY LINE OF THE SAID 2.406 ACRE TRACT, NORTH 89 DEGREES 44' EAST 122.0 FEET TO A POINT;

THENCE SOUTH 0 DEGREES 05' WEST, (BEING PARALLEL TO THE WESTERLY LINE OF THE SAID 2.406 ACRE TRACT AND PASSING AN IRON PIN AT 30.0 FEET) 437.03 FEET TO AN IRON PIN IN THE SOUTHERLY LINE OF THE SAID 2.406 ACRE TRACT AND IN THE NORTHERLY LINE OF THE 16.698 ACRE TRACT CONVEYED TO CLARIE N. SMITH BY DEED OF RECORD IN DEED BOOK 2676, PAGE 48, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

THENCE ALONG THE SOUTHERLY LINE OF THE SAID 2.406 ACRE TRACT AND THE NORTHERLY LINE OF THE SAID 16.698 ACRE TRACT, SOUTH 89 DEGREES 44' WEST, 122.0 FEET TO AN IRON PIN AT THE SOUTHWESTERLY CORNER OF THE SAID 2.406 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF THE WILLIAM H. AND CLARA HARRIS 2.301 ACRE TRACT;

THENCE ALONG THE EASTERLY LINE OF THE SAID 2.301 ACRE TRACT NORTH 0 DEGREES 05' EAST, (PASSING AN IRON PIN AT 407.03 FEET), 437.03 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.224 ACRE MORE OR LESS.

#### PARCEL 3

BEING A PART OF LOT 1, QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 16, U.S. M. LANDS AND BEING A PART OF THE TRACT CONVEYED TO GERALD M. AND THELMA L. PHILLIPS BY DEED OF RECORD IN DEED BOOK 1507, PAGE 335, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A SPIKE IN THE CENTER LINE OF MORSE ROAD AND BEING WESTERLY 16.5 FEET FROM THE NORTHEAST CORNER OF THE SAID PHILLIPS TRACT;

THENCE ALONG THE WEST LINE OF A 16.5 FOOT LANE, SOUTH 0 DEGREE 05' WEST 281.03 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 44' WEST 155 FEET TO AN IRON PIN;

THENCE NORTH 0 DEGREE 05' EAST (PASSING AN IRON PIN AT 251.03 FEET) 281.03 FEET TO A NAIL IN THE CENTERLINE OF MORSE ROAD;

THENCE ALONG THE CENTER LINE OF SAID ROAD, NORTH 89 DEGREES 44' EAST 155 FEET TO THE PLACE OF BEGINNING, CONTAINING ONE ACRE, MORE OR LESS.

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#### PARCEL 4

BEGINNING AT A RAILROAD SPIKE IN THE CENTERLINE OF MORSE ROAD AT THE NORTH EAST CORNER OF SAID PHILLIPS TRACT;

THENCE ALONG THE CENTER LINE OF SAID ROAD, SOUTH 89 DEGREES 44' WEST 16.5 FEET TO A POINT;

THENCE ALONG THE WEST LINE OF A 16.5 FOOT LANE, SOUTH 0 DEGREE 05' WEST 281.03 FEET TO AN IRON PIN BEING THE NORTH EAST CORNER OF THE TRACT HEREIN INTENDED TO BE DESCRIBED -

THENCE ALONG THE WEST LINE OF THE 16.5 FOOT LANE, SOUTH 0 DEGREE 05' WEST 156 FEET TO AN IRON PIN;

THENCE SOUTH 89 DEGREES 44' WEST 155 FEET TO AN IRON PIN;

THENCE NORTH 0 DEGREE 05' EAST 156 FEET TO AN IRON PIN;

THENCE NORTH 89 DEGREES 44' EAST 155 FEET TO THE PLACE OF BEGINNING, CONTAINING 0.555 ACRE, MORE OR LESS.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR EGRESS AND INGRESS TO AND FROM THE ABOVE DESCRIBED 0.555 ACRE TRACT ALONG THE 16.5 FOOT LANE WHICH ADJOINS THE ABOVE DESCRIBED PARCEL 3 AND PARCEL 4 IMMEDIATELY TO THE EAST, WHICH LANE IS NOW USED AS A DRIVEWAY AND IS PART OF THE 6.397 ACRE PARCEL CONVEYED TO EDWARD R. KNEZEVICH AND EILEEN L. KNEZEVICH BY DEED OF RECORD IN DEED BOOK 3256, PAGE 688, AND WHICH LAND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A RAILROAD SPIKE IN THE CENTERLINE OF MORSE ROAD AT THE NORTHEAST CORNER OF THE TRACT CONVEYED TO GERALD M. AND THELMA L. PHILLIPS OF RECORD IN DEED BOOK 1507, PAGE 335;

THENCE ALONG THE CENTERLINE OF MORSE ROAD SOUTH 89 DEGREES 44' WEST 16.5 FEET TO A POINT;

THENCE ALONG THE WEST LINE OF THE 16.5 FOOT LANE AND THE EAST LINE OF THE ABOVE DESCRIBED FIRST PARCEL AND SECOND PARCEL, SOUTH 0 DEGREE 5' WEST 437.03 FEET TO THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED SECOND PARCEL;

THENCE NORTH 89 DEGREES 44' EAST 16.5 FEET TO A POINT IN THE EAST LINE OF THAT CERTAIN 6.397 ACRE TRACT OF LAND CONVEYED TO EDWARD R. KNEZEVICH AND EILEEN L. KNEZEVICH BY CLAIRE N. SMITH BY DEED OF RECORD IN DEED BOOK 3256, PAGE 688;

THENCE ALONG THE EAST LINE OF SAID 6.397 ACRE TRACT OF LAND NORTH 0 DEGREE 5' EAST 437.03 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, BUT EXCLUDING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED TRACT WHICH LIES WITHIN THE RIGHT OF WAY OF MORSE ROAD.

#### PARCEL 5

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA, QUARTERTOWNSHIP 2, TOWNSHIP 1, RANGE 16, UNITED STATES MILITARY LANDS, BEING 0.165 ACRE OF THAT ORIGINAL 11.881 ACRE TRACT AS DESCRIBED IN A DEED TO MH MURPHY DEVELOPMENT COMPANY, OF RECORD IN INSTRUMENT NO. 200309180299229, ALL RECORDS REFERENCED HEREIN BEING TO THOSE LOCATED IN THE RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT FRANKLIN COUNTY GEODETIC SURVEY MONUMENT NO. 5571 FOUND IN THE CENTERLINE OF MORSE ROAD, BEING SOUTH 86°32'28" EAST, A DISTANCE OF 3,086.97 FEET FROM FRANKLIN COUNTY GEODETIC SURVEY MONUMENT NO. 6616 RESET FOUND AT THE CENTERLINE INTERSECTION OF MORSE ROAD AND HAMILTON ROAD;

THENCE SOUTH 86°47'45" EAST, ALONG THE CENTERLINE OF MORSE ROAD, A DISTANCE OF 9.42 FEET TO A MAG NAIL FOUND AT THE NORTHWESTERLY CORNER OF A 14.0 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO ROLLIN E. MORGAN AND MONICA M. WHITEHEAD, OF RECORD IN INSTRUMENT NO. 20020108006686;

THENCE SOUTH 03°49'39" WEST, ALONG THE WESTERLY LINE OF SAID 14.0 ACRE TRACT AND THE EASTERLY PERIMETER OF SAID 11.881 ACRE TRACT, PASSING A 1" O.D. PIPE (NO CAP) IN THE SOUTHERLY RIGHT-OF-WAY LINE OF MORSE ROAD, AT A DISTANCE OF 30.00 FEET, A TOTAL DISTANCE OF 437.08 FEET TO AN IRON PIN SET;

THENCE NORTH 86°31'23" WEST, THROUGH SAID 11.881 ACRE TRACT WITH A NEW DIVISION LINE, A DISTANCE OF 16.50 FEET TO AN 1/2" REBAR FOUND (NO CAP) AT THE SOUTHEASTERLY CORNER OF THAT 0.555 ACRE TRACT DESCRIBED AS SECOND PARCEL IN A DEED TO PIERCE PARTNERS, LLC, OF RECORD IN INSTRUMENT NO. 200705240090479;

THENCE NORTH 03°49'39" EAST, ALONG THE EASTERLY LINE OF SAID 0.555 ACRE TRACT, THE EASTERLY LINE OF THAT 1 ACRE TRACT DESCRIBED AS FIRST PARCEL IN A DEED TO PIERCE PARTNERS, LLC, OF RECORD IN INSTRUMENT NO. 200705240090479, PASSING AN 3/4" O.D. PIPE (NO CAP) IN THE SOUTHERLY RIGHT-OF-WAY LINE OF MORSE ROAD AT A DISTANCE OF 407.03 FEET, A TOTAL DISTANCE OF 437.03 FEET TO A MAG NAIL FOUND IN THE CENTERLINE OF MORSE ROAD AT THE NORTHEASTERLY CORNER OF SAID 1 ACRE TRACT;

THENCE SOUTH 86°32'28" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 7.08 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.165 ACRE OF LAND.

BEARINGS HEREIN ARE BASED ON SOUTH 86°32'28" EAST, FOR THE CENTERLINE OF MORSE ROAD, OF RECORD IN INSTRUMENT NO. 200309180299229.

IRON PINS SET CONSIST OF A 1" (O.D.) IRON PIPE, 30" LONG WITH A PLASTIC CAP INSCRIBED "M-E COMPANIES/S-6872".

THIS DESCRIPTION WAS PREPARED BY M-E COMPANIES, INC. AND IS BASED ON AN ACTUAL FIELD SURVEY OF THE PREMISES IN SEPTEMBER 2008.

#### EASEMENT PARCEL

THE INGRESS/EGRESS AND PARKING EASEMENTS AND OTHER BENEFICIAL RIGHTS CREATED UNDER THE EASEMENT AGREEMENT RECORDED UNDER DOCUMENT NO. 200809090136266 ("EASEMENT AGREEMENT").

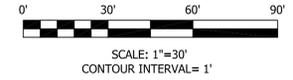
### ALTA/ACSM SURVEY

GAHANNA SPECIAL CARE CENTER  
5195-5221 MORSE ROAD  
GAHANNA, OHIO 44230

Revisions	Date
Buyers' counsel comments and revised commitment	6/29/15

	CAMPBELL & ASSOCIATES, INC. Surveying (330) 945-4117 3485 Fortuna Drive Suite 100 Akron, Ohio 44312	Date: MARCH, 2015 By: DLG/BH Scale: 1"= 30' Job: 20150047 Sheet 1 of 2
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**STATE OF OHIO, COUNTY OF FRANKLIN, CITY OF GAHANNA**  
**BEING PART OF QUARTER TOWNSHIP 2, TOWNSHIP 1, RANGE 16,**  
**UNITED STATES MILITARY LANDS**

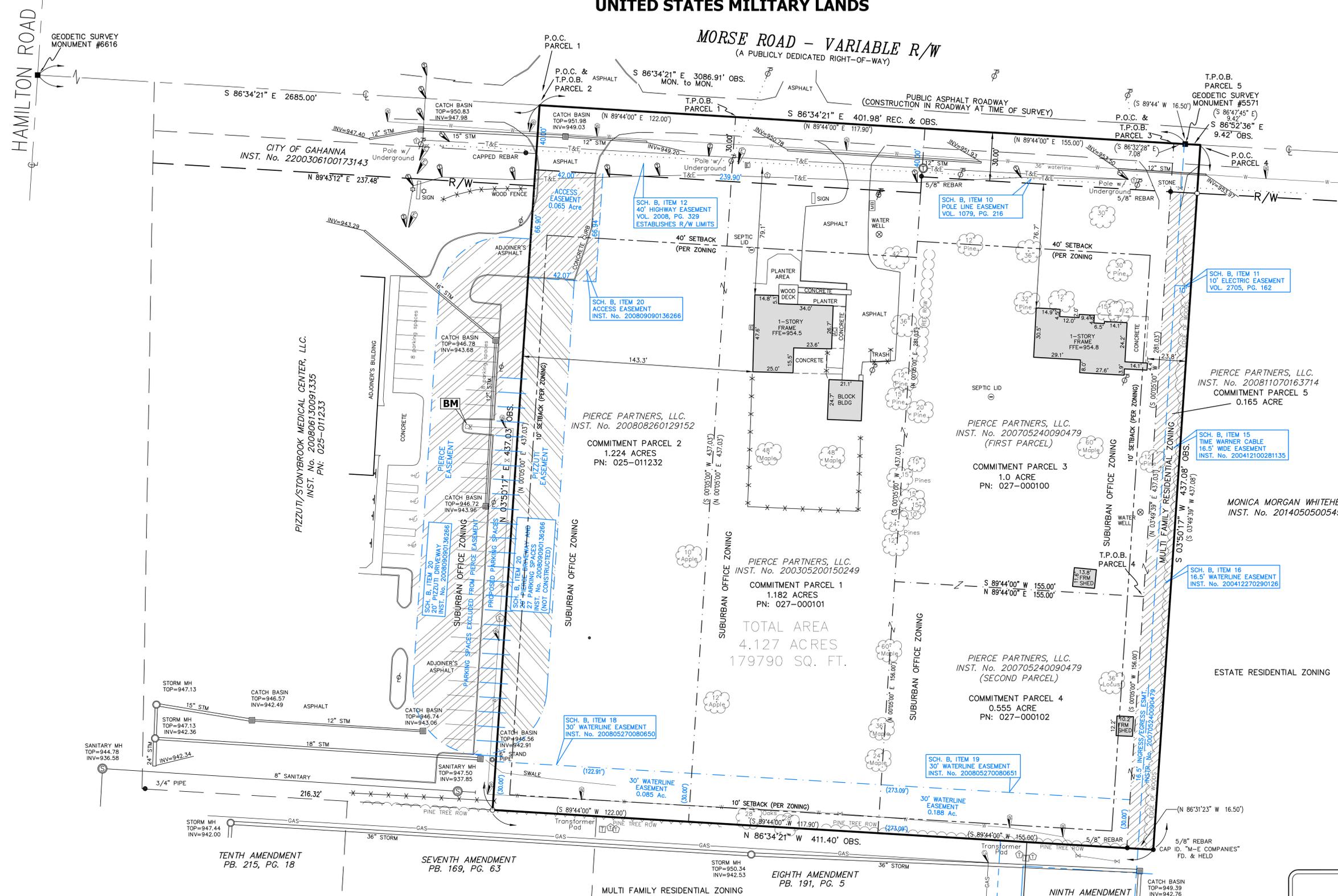


**BASIS OF BEARINGS**  
 THE BASIS FOR BEARINGS FOR THIS SURVEY IS S 86°34'21" E AS THE CENTERLINE OF MORSE ROAD AND IS THE SAME BEARING FOUND ON THE FRANKLIN COUNTY ENGINEER'S CENTERLINE SURVEY PLAT ON MORSE ROAD.

**LEGEND**

- REC. - RECORD DISTANCE
- CALC. - CALCULATED DISTANCE
- OBS. - OBSERVED DISTANCE
- T.P.O.B. - TRUE PLACE OF BEGINNING
- P.O.B. - PLACE OF BEGINNING
- - MONUMENT BOX
- - MONUMENT FOUND, SIZE & TYPE AS INDICATED.
- - 5/8" REBAR, 30 INCHES IN LENGTH, WITH C.&A. I.D. CAP SET
- △ - P.K.(MASONRY) NAIL
- B.O.B. - BASIS OF BEARINGS
- (xxxx'xx" xx.xx') - RECORD BEARING & DISTANCE
- ⊕ - LIGHT POLE
- ⊙ - TELEPHONE POLE
- ⊞ - ELECTRIC METER
- ⊞ - ELECTRIC LINE MARKER
- - VAULT
- ⊞ - HYDRANT
- ⊞ - WATER LINE MARKER
- ⊞ - CATCH BASIN
- ⊞ - WATER METER
- ⊞ - WATER VALVE
- W - WATER LINE
- ⊞ - SANITARY MANHOLE
- ⊞ - STORM MANHOLE
- ⊞ - GAS VALVE
- ⊞ - GAS METER
- ⊞ - GAS LINE MARKER
- ⊞ - CENTERLINE
- R/W - RIGHT-OF-WAY
- ⊞ - FLAGPOLE
- X-X- - FENCE
- - POST
- - - - - SIGN
- FFE - EX. FINISHED FLOOR ELEVATION
- 100 - - - - - EX. CONTOURS
- 1000 x - - - - - EX. SPOT ELEVATION

**MORSE ROAD - VARIABLE R/W**  
 (A PUBLICLY DEDICATED RIGHT-OF-WAY)



**UNDERGROUND UTILITIES**  
 TWO WORKING DAYS  
**BEFORE YOU DIG**  
 CALL 1-800-362-2764 (TOLL FREE)  
 OHIO UTILITIES PROTECTION SERVICE  
 NON-MEMBERS  
 MUST BE CALLED DIRECTLY

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**ALTA/ACSM SURVEY**  
 GAHANNA SPECIAL CARE CENTER  
 5195-5221 MORSE ROAD  
 GAHANNA, OHIO 44230

Revisions	Date
Buyers' counsel comments and revised commitment	6/29/15

Date: MARCH, 2015  
 By: DLG/BH  
 Scale: 1"= 30'  
 Job: 20150047  
 Sheet 2 of 2

**CAMPBELL & ASSOCIATES, INC.**  
 Surveying  
 (330) 945-4117  
 3485 Fortuna Drive Suite 100 Akron, Ohio 44312



## CITY OF GAHANNA

### STAFF COMMENTS

Project Name: Gahanna Alzheimer Special Care Center  
Project Address: 5195-5221 Morse Rd

#### Planning and Development

The applicant is requesting Final Development Plan, Variance, and Design Review approval for a new 66 bed memory care facility. The facility is located on 4 acres of property zoned Suburban Office (SO). Nursing and personal care facilities are a permitted use within the SO zone district. Adjacent properties are developed with a mix of uses which includes office, multifamily, and vacant/undeveloped.

The property is located within the North Triangle Concept Plan. The Plan recommends a 150' open space corridor measured from the centerline of Morse Road. Permitted uses within the open space corridor includes landscaping and signage. The applicant proposes a setback of approximately 100'. This is consistent with the adjacent office development to the west and is similar to other recent approvals in the surrounding area.

The Plan also recommends that direct access to Morse Road be limited to intervals no less than 600'. The site has approximately 410' of frontage with two access points proposed. The western most access is shared with the adjacent office facility.

It should be noted that the North Triangle Concept Plan is meant to guide decisions. It does not mandate the above mentioned recommendations. The Plan was adopted in 1997. Since that time, the properties within the north triangle have developed significantly different than what was anticipated. Most notably, access roads within this area did not develop as the Plan recommended. For this reason, in part, staff has no objection to the applicant's request for two access points on Morse Road. The other factor to consider is the use of the properties to the east. One property is owned by the applicant and the other is a several acres tract of undeveloped land. The location of the proposed access points does not appear to cause any traffic related issues. Additionally, the proposed use, memory care, does not generate a significant amount of traffic. It is estimated that a 66 bed facility would generate approximately 281 trips per day.



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The North Triangle Concept Plan proposed a network of internal roads that would have minimized the need for individual access points, however, properties did not develop as anticipated.

### FDP

A Final Development Plan (FDP) should encourage orderly development and be designed in a manner that is keeping with the overall character of the community. The corridor in which the request is located has experienced a substantial amount of development in the past decade. The corridor is developed with a mix of office, multifamily residential, and senior living facilities. The proposed use is permitted by the zoning and is configured in a manner that is reminiscent of other developments in the area.

Four factors to consider when evaluating an FDP include the following:

1. The proposed development meets the applicable development standards for the zoning code.

*Staff is of the opinion that the request meets the development standards of the zoning code with the exception of the variance requests. All other standards have been met.*

2. The proposed development is in accord with appropriate plans for the area.

*The development is located within the boundaries of the North Triangle Concept Plan. The request varies from some of the recommendations of the Plan in that a 100' open space corridor has been provided along Morse Road and access is proposed at intervals less than 600'. It should be noted that the Plan dates back to 1997. Since that time the area has developed in ways inconsistent with the recommendations of the Plan. Staff recommends approval of the request as submitted as it meets the intent of the Plan's recommendations.*

3. The proposed development would not have an undesirable effect on the surrounding area.



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## CITY OF GAHANNA

*It is staff's opinion that the request would not have an undesirable effect on the surrounding area. The request, if approved, will create new jobs, investment in the area, and is a use which is underrepresented in the community. Studies have shown that central Ohio needs additional senior housing, assisted living, and similar facilities in the region. The region's population is projected to grow by 500,000 people over the next 35 years with the most growth occurring in the 65 or older category.*

4. The proposed development would be in keeping with the existing land use character and physical development potential of the area.

*The development is of a similar size, scale, and appearance as other recent developments in the area. Because of the nature of the use and height of the building, it will be less intense and create less of an impact than other uses in the area.*

### Variance

A variance to the setback requirement to residential zoned property has been requested. The property to the south is developed with multifamily residential, the property to the east is zoned multifamily but not developed. Additionally, the property to the east is also owned by the applicant. A setback of ???' is proposed along the southern property line. The existing multifamily units are approximately 20' from the property. Creating a structure to structure setback of ???'. A setback of ???' is provided along the eastern property line.

Conditions for approval of a variance include the following:

1. There are special circumstances or conditions applying to the land, building, or use.

*Staff believes that a special circumstance exists as the eastern property is zoned residential, however, it is owned by the applicant and too narrow to be developed. If the property were not designated residential on the zoning map then a 10' setback would be required. The reduced setback along the rear property appears justified as the open space corridor along Morse Road makes a significant portion of the property unusable. The proposed use is low intensity and similar in nature to multifamily, thus eliminating any possible compatibility issues caused by the reduced setback.*

2. Granting the variance is necessary for the preservation and enjoyment of property rights.

*Granting the requested variance will allow for the site to develop at an intensity appropriate for the area. The project could build a two story building, however, this would cause an unsafe condition for the residents of the facility. Additionally, the extra building height could create more of a visual impact to neighbors and the drive sequence along Morse Road.*



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3. Granting the application will not adversely affect the health, safety, and welfare of the neighborhood.

*The variances, if granted, would not create an unsafe condition. Approving the request would in fact avoid creating potential safety issues for future residents of the facility by allowing the facility to remain at a single story.*

### Design Review

The primary purpose of design review is to create a design environment that enhances the community through architecture and exterior appearance. Local concerns, economic feasibility and the existing design environment should be a part of the evaluation and approval process.

Applications for design review shall meet the following criteria:

1. Stylistically compatible with other new, renovated, and existing structures in the district in order to maintain design continuity.
2. Contribute to the improvement and upgrading of the architectural and design character of the District.
3. Contribute to the continuing economic and community vitality of the District.
4. Maintain, protect and enhance the physical surroundings of the District.

In keeping with the residential feel of the surrounding area, the applicant proposes to use brick accents and neutral siding (see images below). Design Review District 3, where the site is located, promotes the use of brick as a way of adding visual interest.

### Rendering



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# CITY OF GAHANNA

## Brick Accents (Belcrest 550)



## Siding

**SW 7533  
Khaki Shade**  
Interior / Exterior  
Locator Number: 285-C6

## Trim

**SW 7535  
Sandy Ridge**  
Interior / Exterior  
Locator Number: 284-C6

## Aerial Map



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# CITY OF GAHANNA

## Zoning Map



## Future Land Use Map



Respectfully Submitted By:  
Michael Blackford, AICP  
Deputy Director, Planning and Development





## CITY OF GAHANNA

### STAFF COMMENTS

Project Name: Gahanna Alzheimer Special Care Center  
Project Address: 5195-5221 Morse Rd

The applicant seeks approval for two variances for the project: one to vary the side yard setback requirement, and the other to vary the rear yard setback requirement.

(c) Development Standards. In addition to the provisions of Chapter [1167](#), General Development Standards, Additional Use, Height and Area Regulations, the following standards for arrangement and development of land and buildings are required in the Suburban Office and Institutional District.

(1) Intensity of use. No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

(2) Side yard. A side yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a side yard setback of not less than one-fourth of the sum of the height and depth of the building, but in no case shall be less than fifteen feet and such yard shall be landscaped. Parking space, drives or service area shall be in addition to such yard requirements.

(3) Rear yard. A rear yard of ten feet shall be required. However, lots adjacent to a residential zoning district shall have a rear yard setback of not less than one-fourth of the sum of the height and width of the building, except when adjacent to a dedicated alley having not less than twenty feet of right of way.

A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide, and shall be enclosed by a solid wall or fence except when adjacent to a dedicated alley. If a structure or a series of structures contains more than one facility, the service court, alleyway or combination thereof shall be not less than sixty feet wide.

The site abuts a 16.5' strip of land on the east that is zoned AR, and served as the construction entrance for the Amberlea condos many years ago. It has since returned to natural vegetation. The applicant has explained very well the request for the variance and the specific number of feet requested to be reduced. The request for the variance on the south side is explained in her statement as well. Due to the nature of the use of the property, granting these variances will have no adverse impact on the neighboring properties.

#### **1131.04 PUBLIC HEARING.**

At such hearing the applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require and the Planning Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:



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- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.
- (c) The granting of the application will not materially affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

Respectfully Submitted By:

**BONNIE GARD**

Planning & Zoning Administrator  
Department of Planning & Development  
Division of Building & Zoning



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