

Exhibit "A"

USE VARIANCE APPLICATION TO CITY COUNCIL



City of Groveport
Building & Zoning Department
655 Blacklick St
Groveport, OH 43125
614-830-2045

Date: 4-7-17
Case # 2017-03
Fee: \$150.00

The Zoning Inspector of the City of Groveport, Ohio has refused to issue a Certificate of Zoning Compliance at the following address as it is in violation of Zoning Code number: _____

Address of property 4833 Heddon Road

Parcel # 185-001095-00. The property is currently zoned RURAL

The property is currently being used for PAY POND & BAIT STORE

The proposed use of the property is RESIDENTIAL USE IN EXISTING COMMERCIAL BLDG

I appeal to City Council for a Use Variance that will allow me to do the following: _____

RESIDENTIAL USE IN EXISTING COMMERCIAL BLDG

Refusal constitutes a hardship because SEE ATTACHMENTS

Applicant Name: VANESSA RILEY Phone: 614-402-0201

Address: P.O. Box 322 Groveport OH 43125

Property Owner Name: VANESSA RILEY Phone: 614-402-0201

Address: P.O. Box 322 Groveport OH 43125

SUBMITTAL REQUIREMENTS: Applicant shall submit this application including the property owners list (see attached form), the filing fee, and twenty (20) copies of the following items to make a complete packet.

- ☒ Dimensions and size of existing and proposed lots and easements.
- ☒ Size and location of existing and proposed development such as buildings, structures, signs, water supply, waste water treatment, driveways, and parking, etc.
- ☒ Existing and proposed use of all parts of land and buildings.
- ☐ Any additional information concerning the subject tract and neighboring tracts as may be required by the Zoning Enforcement Officer or City Council in order to determine compliance with and provide enforcement of the Zoning Resolution.

APPLICANT'S AFFIDAVIT:

To the best of my (our) knowledge, the above statements and attached site plan are, in all respects true and accurate descriptions of the existing status and proposed plans for the property identified in this application.

Applicant's Signature

Contact phone number

Applicant's Printed Name

Email address

PROPERTY OWNERS LIST

List of all adjoining property owners, contiguous to, and directly across the street from such proposed development. List must be in accordance with the Franklin County Auditor's current tax list and must include all the below information.

The Auditor's website is: www.franklincountyauditor.com Go to *Your Property*, *Property Search*, put your address in, then go to *Mapping*, and then *Buffer Search*. If you need assistance, call the City of Groveport Building Department at 614-830-2045.

Parcel Number: 185-001150-00

Owner's Name: FRANKLIN Co. Commissioners
Address: 373 S High St, Floor 26
City & State: Columbus, OH Zip Code: 43215

Site Address: 4801 Hendron Rd

Mail Address: Name: FRANKLIN Co. Commissioners
Address: Same
City & State: Zip Code:

Parcel Number: 185-002948-00 / 185-002949

Owner's Name: FRANKLIN Co. Commissioners
Address: 373 S High St, Floor 26
City & State: Columbus, OH Zip Code: 43215

Site Address: 4871 Hendron Road / 0 Hendron Rd

Mail Address: Name: FRANKLIN Co. Commissioners
Address: Same
City & State: Zip Code:

Parcel Number: 185-001399-00

Owner's Name: AMERICA Electric Power
Address:
City & State: Zip Code:

Site Address: 4001 Bixby Road

Mail Address: Name: Columbus Southern Power; Tax Dept 27th Floor
Address: P.O. Box 16428
City & State: Columbus, OH Zip Code: 43216

PROPERTY OWNERS LIST

List of all adjoining property owners, contiguous to, and directly across the street from such proposed development. List must be in accordance with the Franklin County Auditor's current tax list and must include all the below information.

The Auditor's website is: www.franklincountyauditor.com Go to *Your Property, Property Search*, put your address in, then go to *Mapping*, and then *Buffer Search*. If you need assistance, call the City of Groveport Building Department at 614-830-2045.

Parcel Number: 185- 001 137

Owner's Name: Columbus & Southern Ohio Electric Co
Address: 3801 Bixby Rd
City & State: Groveport, OH Zip Code 43125

Site Address: 3801 Bixby Rd

Mail Address: Name: Columbus Southern Power - Tax Dept 27th FL
Address: P.O. Box 16428
City & State: Columbus, OH Zip Code 43216

Parcel Number: 185-001359

Owner's Name: Bob Ward Family
Address: 4905 Hendron Rd
City & State: Groveport, OH Zip Code 43125

Site Address: 4905 Hendron Rd

Mail Address: Name: Robert Ward Sr.
Address: 5141 Bixford Ave
City & State: Canal Winchester, OH Zip Code 43110

Parcel Number: 185-002894

Owner's Name: Denny Dalton & James Collins
Address: 4997 Hendron Rd
City & State: Groveport, OH Zip Code 43125

Site Address: 0 London Groveport Rd

Mail Address: Name: Same
Address: _____
City & State: _____ Zip Code _____

Parcel Number: 185-001093-00

Owner's Name: Robert Lingo
Address: 4802-4810 Hedron Road
City & State: Groveport Ohio Zip Code: 43125

Site Address: 4802-4810

Mail Address: Name: Robert Lingo
Address: 4364 LANDMARK ROAD
City & State: Groveport Ohio Zip Code: 43125

Vanessa J. Riley
4833 Hendron Rd.
Groveport, OH 43125
April 7, 2017

City of Groveport Mayor and Council Members
655 Blacklick ST
Groveport, OH 43125

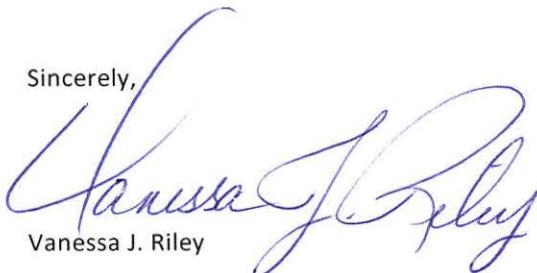
Dear City of Groveport Mayor and Council Members:

The purpose of this letter is to explain the circumstances of why I am requesting my existing commercial building located at 4833 Hendron Road be re-zoned to residential. I was raised in Groveport and started a business here in 1991. Currently I operate the business twenty-four hours a day, seven days a week. Due to the mild weather in the fall and winter, I have had to remain at the business to call upon customers. Recently, I was divorced after twenty-eight years of marriage. My ex-husband and I up until the divorce, ran the business together but resided on Upton Dr. in Columbus. In 2011, my ex-husband was arrested there for domestic violence, aggravated menacing, and resisting arrest. His behavior after this arrest became more violent and controlling toward me and my children. At this point, I started staying more at my place of business knowing that the Groveport Police Department would respond much faster in time of need than if I were to stay in the City of Columbus. In 2013 my ex-husband was arrested by Groveport Police at our place of business for Assault, Domestic Violence, and Negligent Assault. He was found guilty on all three charges. I then placed a Civil Protection Order upon him. I did this through the courts and with the help of Prosecutor Kevin Shannon. The protection order was violated by my ex-husband nine times. Each time I reported to the Groveport Police Department. He was then found guilty of Menacing by Stalking. I honestly believe and so do many others that I would not be here today if it weren't for Chief Portier, his officers, and Prosecutor Kevin Shannon. I am still scared of my ex-husband but do have a piece of mind knowing that I am more protected here in the City of Groveport.

My divorce has also left me in a financial bind due to my ex-husband purposely maxing out my credit after separating. I sold the family home to relieve me of that financial responsibility because I could not afford two mortgages. I needed to keep the business because it is my only source of income. I cannot afford to pay employees so this is why I need to remain here with my daughter twenty-four hours a day.

In closing, I ask that you all consider my past and current circumstances and allow the re-zoning of my building.

Sincerely,



Vanessa J. Riley

**DEED OF EXECUTOR, ADMINISTRATOR, TRUSTEE,
GUARDIAN, RECEIVER OR COMMISSIONER**

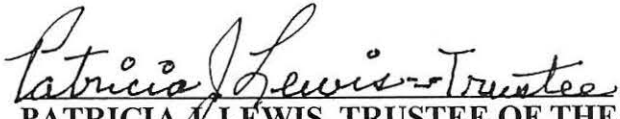
PATRICIA J. LEWIS, TRUSTEE OF THE AMENDED AND RESTATED TRUST AGREEMENT OF PATRICIA J. LEWIS DATED SEPTEMBER 7, 2012 the Grantor(s), by power conferred by the Trust Agreement of Patricia J. Lewis, and every other power, for _____ Dollars paid, grant(s) with fiduciary covenants, to **VANESSA J. RILEY**, the Grantee(s), whose tax mailing address is _____, the following real property:

See Exhibit "A," attached hereto and incorporated herein by this reference for legal description.

Subject to the following: The lien of any taxes and assessments not now due and payable; zoning ordinances and regulations; legal highways; conditions, restrictions, reservations and easements of record; and all coal, oil, gas, and other mineral rights and interests previously transferred or reserved of record.

Prior Instrument Reference-Instrument No. 200911170165452
Property Address-4833 Hendron Road/Groveport, Ohio 43125
Parent Parcel Nos. 185-001095-00 and 185-001075-00 (Split)

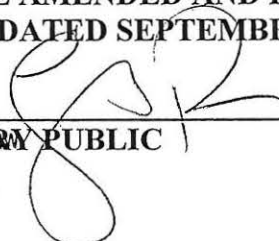
Executed this 5th day of May, 2014.


**PATRICIA J. LEWIS, TRUSTEE OF THE
AMENDED AND RESTATED TRUST
AGREEMENT OF PATRICIA J. LEWIS
DATED SEPTEMBER 7, 2012**

**STATE OF OHIO
COUNTY OF FRANKLIN, ss:**

The foregoing instrument was acknowledged before me this 5th day of May, 2014 by **PATRICIA J. LEWIS, TRUSTEE OF THE AMENDED AND RESTATED TRUST AGREEMENT OF PATRICIA J. LEWIS DATED SEPTEMBER 7, 2012.**




LAWRENCE S. PRESS, ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

This Instrument prepared by:
Lawrence S. Press
Attorney at Law
5900 Sawmill Road, Suite 100
Dublin, Ohio 43017

**DESCRIPTION OF A
11.716 ACRE TRACT
CITY OF GROVEPORT,
FRANKLIN COUNTY, OHIO**

Situate in the State of Ohio, County of Franklin, City of Groveport, and being a part of Section 20, Township 11 North, Range 21 West, Congress Lands East of the Scioto, and being part of an Original 13.936 acre tract as conveyed to Patricia J. Lewis, Trustee of the Trust Agreement of Patricia J. Lewis dated November 13, 2009 by deed of record, Instrument Number 200911170165452, Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows;

Commencing for reference at a Franklin County Geodetic Monument (FCGS 5659) at a P.T. of a curve to the right in the centerline of Bixby Road (60 feet wide);

Thence North 73°51'26" East, a distance of 106.77 feet, along the centerline of Bixby Road to the westerly line of a 9.123 acre tract as conveyed to Chesapeake and Ohio Railway as conveyed from the Hocking Valley Railway Co. by deed recorded in Deed Book 924 page 338, now known as CSX Transportation Inc., successor by merger, whose merger documents have been summarized and recorded as Official Record 13276A14 and subsequently re-recorded as Official Record 13283G13, as originally partition by Franklin County Probate Court on July 2, 1867 and described as parcels number 24 and 25 in Probate Court Complete Record Volume 5, page 482;

Thence South 42°08'24" East, a distance of 1177.33 feet, along the westerly line of the said 9.123 acre tract to a concrete monument with ½" rebar (found) at the northeasterly corner of a 48.468 acre tract as conveyed to Patricia J. Lewis, Trustee of the Trust Agreement of Patricia J. Lewis dated November 13, 2009 by deed of record, Instrument Number 200911170165452, said monument being a southwesterly corner of a 47.392 acre tract as conveyed to Columbus and Southern Ohio Electric Company by deed of record, Deed Book 1070, Page 471 and Deed Book 624, Page 552, all of the above aforementioned references to the Recorder's Office, Franklin County, Ohio;

Thence South 85°57'39" East, a distance of 144.42 feet, crossing the said 9.123 acre tract to a capped iron pin with a Central cap, (found) at the northwesterly corner of the said original 13.936 acre tract, said iron pin being a southwesterly corner of the said 47.392 acre tract, and said monument being also the **True Place of Beginning** of the herein described tract of land;

Thence South 85°57'39" East, a distance of 1118.66 feet, (passing a capped iron pin w/C&T, found at 704.27 feet), along the northerly line of the said original 13.936 acre tract, along the southerly line of the said 47.392 acre tract, and also along the southerly line of a 23.725 acre tract as conveyed to American Electric Power, a New York Corporation by deed of record Official Record 10605B19 to a capped 5/8" rebar w/Franklin County Engineer cap, found (a capped 5/8" rebar w/Franklin County Engineer cap, found, bears South 85°57'39" East, 59.98 feet) at the northeasterly corner of the original 13.936 acre tract, and said rebar being also a southwesterly corner of a 8.309 acre tract as conveyed to the Franklin County Commissioners by deed of record Instrument Number 200809120138675, all of the above aforementioned references to the Recorder's Office, Franklin County, Ohio;

Thence along the easterly line of the said original 13.936 acre tract and also along the westerly line of the said 8.309 acre tract by the following described six (6) courses:

1. South 04°06'50" West, distance of 54.52 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found);
2. South 43°50'41" East, a distance of 97.38 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found);

3. South 35°57'37" East, a distance of 60.91 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found);
4. South 12°54'45" East, a distance of 127.86 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found);
5. North 70°14'32" East, a distance of 60.44 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found);
6. South 12°51'53" East, a distance of 31.61 feet, to a capped 5/8" rebar w/Franklin County Engineer cap, (found) at the southeasterly corner of the said original 13.936 acre tract, said rebar being in the northerly line of a 5.953 acre tract as conveyed to the State of Ohio by deed of record Deed Book 3282, Page 175, Recorder's Office, Franklin County Ohio, and said rebar being also in the northerly right-of-way line of London-Groveport Road (S.R.317), as per ODOT plans FRA-317-6.38;

Thence along the southerly line of the said original 13.936 acre tract, along the northerly line of the said 5.953 acre tract, and also along the northerly right-of-way line of said London-Groveport Road (S.R.317) by the following four (4) described courses:

1. South 66°47'25" West, a distance of 209.80 feet, to a capped iron pin w/Haines cap, (found);
2. South 58°09'45" West, a distance of 216.72 feet, to a capped iron pin w/Haines cap, (found);
3. South 52°28'11" West, a distance of 217.81 feet, to a an iron pin (set);
4. South 53°43'34" West, a distance of 81.16 feet, to a capped iron pin w/Haines cap, (found) at the southwesterly corner of the said original 13.936 acre tract, said iron pin being the northwesterly corner of the said 5.953 acre tract, and said iron pin being also in the easterly line of the said 9.123 acre tract;

Thence North 42°08'24" West, a distance of 1032.27 feet, along the westerly line of the said original 13.936 acre tract, and also along the easterly line of the said 9.123 acre tract to the **True Place of Beginning**, containing 11.716 acres, more or less, subject to all easements, restrictions and rights-of-way of record.

The bearings described herein are based on the bearing of (N05°23'56"E), and is based on the Ohio State Coordinate System South Zone and the North American Datum of 1983 (NSRS 2007), as established from a GPS survey performed by the Franklin County Engineer's Survey Department in 2009, Occupying Monuments "Hamilton" and "Hamilton Azimuth".

Iron pins set are 5/8" rebar with yellow plastic cap stamped "Franklin County Engineer".

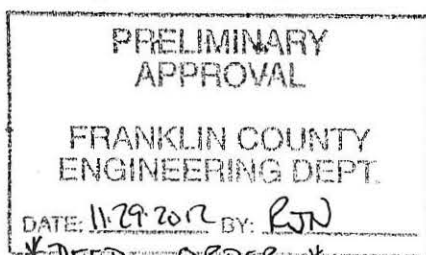
This description was prepared from an actual field survey of the premises in August, September and November 2012, by the Franklin County Engineer's Office, along with public records on file in the Franklin County Recorder's Office and the Franklin County Engineer's Office.

David L. Pearson
 David L. Pearson
 Ohio Registered Surveyor No. 7298



11/26/2012

Date



* COMBINATION OF TAXING PARCELS *

EXHIBIT OF A 11.716 ACRE TRACT

BEING A PART OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 21 WEST,
CONGRESS LANDS EAST OF THE SCIOTO
CITY OF GROVEPORT, FRANKLIN COUNTY, OHIO
INCLUDING HISTORIC HENDRON CEMETRY



GRID NORTH



NOTE:

IRON PINS SET ARE 5/8" REBAR WITH YELLOW PLASTIC
CAP STAMPED "FRANKLIN COUNTY ENGINEER".

LEGEND

- ⊗ - CAPPED 5/8" REBAR WITH "FRANKLIN COUNTY ENGINEER"
CAP, FOUND.
- ⊙ - CAPPED IRON PIN WITH "HAINES" CAP, FOUND.



CHESAPEAKE AND OHIO RAILWAY
FROM HOCKING VALLEY RAILWAY CO.,
D.B.924, PG.338,
NOW KNOWN AS CSX TRANSPORTATION, INC.,
O.R.13276A14 AND 13283G13
ORIGINAL PARTITION PARCELS 24 AND 25,
COMPLETE RECORD VOL. 5, PG.482
9.123 AC. TRACT

BASIS OF BEARINGS:

BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF
(N05°23'56"E) AND IS BASED ON THE OHIO STATE COORDINATE
SYSTEM SOUTH ZONE AND THE NORTH AMERICAN DATUM OF 1983
(NSRS 2007), AS ESTABLISHED FROM A GPS SURVEY PERFORMED
BY THE FRANKLIN COUNTY ENGINEER'S SURVEY DEPARTMENT IN
2009, OCCUPYING MONUMENTS "HAMILTON" AND HAMILTON AZIMUTH".

THIS PLAT WAS PREPARED FROM AN ACTUAL FIELD SURVEY IN
AUGUST, SEPTEMBER AND NOVEMBER 2012, BY THE FRANKLIN
COUNTY ENGINEER'S OFFICE, ALONG WITH PUBLIC RECORDS ON FILE
IN THE FRANKLIN COUNTY RECORDER'S OFFICE AND THE FRANKLIN
COUNTY ENGINEER'S OFFICE.

DAVID L. PEARSON
OHIO REGISTERED SURVEYOR NO. 7298

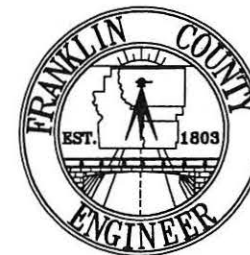
DATE

11/26/2012

| BEARING TABLE | | |
|---------------|-------------|----------|
| Course | Bearing | Distance |
| L1 | S04°06'50"W | 54.52' |
| L2 | S43°50'41"E | 97.38' |
| L3 | S35°57'37"E | 60.91' |
| L4 | S12°54'45"E | 127.86' |
| L5 | N70°14'32"E | 60.44' |
| L6 | S12°51'53"E | 31.61' |
| L7 | S66°47'25"W | 209.80' |
| L8 | S58°09'45"W | 216.72' |
| L9 | S52°28'11"W | 217.81' |
| L10 | S53°43'34"W | 81.16' |

COLUMBUS AND SOUTHERN OHIO
ELECTRIC COMPANY
47.392 AC. TRACT
D.B. 1070, PG. 471
D.B. 624, PG. 552

AMERICAN ELECTRIC POWER, A
NEW YORK CORPORATION
23.725 AC. TRACT
O.R.10605B19



FRANKLIN COUNTY COMMISSIONERS
8.309 AC. TRACT
INST. NO. 200809120138675

11.716 ACRES

PATRICIA J. LEWIS, TRUSTEE OF THE
TRUST AGREEMENT OF PATRICIA J. LEWIS
DATED NOVEMBER 13, 2009
(ORIGINAL) 13.936 AC. TRACT
INST. NO.200911170165452

(81.96' Deed)

I.P.
(Set)

C/L LONDON-GROVEPORT RD.
(PER ODOT FRA-317-6.38)

STATE OF OHIO
4.920 AC. TRACT
D.B.3282, PG.175

| DATE: 11/16/12 | | DRAWING: 11.716 |
|----------------|-------------|-----------------|
| | | DRAWN BY: DKT |
| REVISIONS | | |
| DATE | DESCRIPTION | BY |
| | | |
| | | |
| | | |
| | | |

March 16, 2017

Vanessa J. Riley
4871 Hendron Road
Groveport, Ohio 43215

RE: 4949 Hendron Road
Groveport, Ohio 43215
Tax District #185, Parcel #001095-00

Dear Vanessa;

The tax and property records on file with the Franklin County Auditor's and /or Recorder's office identify you as the owner of said property.

When doing the annual semipublic septic inspection, January 2017, I observed that the septic tank was flooded, over the inlet and outlet of septic tank and service was required. I also informed you that the outlet of tank should be checked for blockages. You provided our office, in January with septic pumping slip and that outlet was not blocked. I made a follow up inspection in February and tank was flooded again.

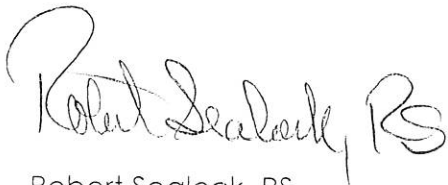
I completed a review of the property and found out that the existing septic system was not designed for the building addition and usage and thus creating the flooding of septic tank. This septic system is not large enough to handle, current usage. Which I informed you of and instructed you to contact, City of Groveport Building Official Stephen Moore, 614-830-2045, smoore@groveport.org to bring the building and zoning under compliance. You were also required to have a soil scientist, perform soil work on this property, with septic design. I have been in contact with Mr. Moore and he has not had any contact with you and Clearwater Lake.

Ohio Administrative Code 3701-29 (Sewage Treatment Rules) and Ohio Revised Code 3718.011.

To bring the property into compliance the following action is required.

1. Pump septic tank, by a Registered Pumping Company to eliminate overflows onto the ground and provide documentation that tanks are being pumped. Pumping as needed to eliminate the discharge of raw sewage on top of the ground, until corrective measures have taken place.
2. Contact the City of Groveport about building and zoning compliance.
3. Have soil testing completed by a certified soil scientist and septic design, for current building and water usage. Submit soil testing, septic design and information you are in contact with Groveport Building Official.

You will be given 20 days to comply with this notice of violation. If these violations are not corrected, this matter will result in further administrative enforcement or criminal charges.



Robert Sealock, RS
O/M Sanitarian, Water Quality
Franklin County Public Health
280 E. Broad Street
Columbus, Ohio 43215
614-525-4983
rasealock@franklincountyohio.gov