

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV16-011 Date Received: 2/2/16  
Application Accepted by: JB + TD Fee: \$960  
Comments: Assigned to Michael Maret 614-2749; mjmaret@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes only): 1341 Norton Avenue Zip: 43212

Is this application being annexed into the City of Columbus? Select one:  YES  NO

*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*

Parcel Number for Certified Address: 010-068131

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

Current Zoning District(s): AR-3, Apartment Residential (Z16-008) pending)

Area Commission or Civic Association: 5th by Northwest Area Commission

Proposed Use or reason for Council Variance request:

Multi-family, variances in conjunction with Z16-008

Acreage: 2.82 +/-

**APPLICANT:**

Name: 1341 Norton Partners LLC c/o Phone Number: 614-947-8600 Ext.: --  
Donald Plank, Plank Law Firm

Address: 145 E Rich St., FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**PROPERTY OWNER(S)**  Check here if listing additional property owners on a separate page

Name: Grandview 1341 LLC c/o Phone Number: 614-947-8600 Ext.: ---  
Donald Plank, Plank Law Firm

Address: 145 E Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**ATTORNEY / AGENT** (Check one if applicable):  Attorney  Agent

Name: Donald Plank, Plank Law Firm Phone Number: 614-947-8600 Ext.: ---

Address: 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**SIGNATURES** (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

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.*

**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 checks payable to the Columbus City Treasurer

CV16-011

**STATEMENT OF HARDSHIP**

Chapter 3307 of the Columbus Zoning Code

**Section 3307.10 Variances by City Council**

A. Permit a variance 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 or unusual hardships 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 the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

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.

**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 requested as detailed below:**

See Exhibit "B"

Signature of Applicant

*Donald Plank*

Date

2/1/16

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## Exhibit B

### Statement of Hardship

#### CV16- 011 , 1341 Norton Avenue

Rezoning application Z16-~~008~~ is pending to rezone the 2.82 +/- acre site to AR-3, Apartment Residential for a proposed apartment building. This variance application is submitted for variances to certain applicable site development standards of the AR-3, Apartment Residential District as a companion application to the pending rezoning for the proposed site development. The site plan titled "Zoning Site Plan – 1341 Norton Avenue", hereafter "Site Plan", is the site development plan. Applicant proposes an apartment building for a maximum of 162 dwelling units and accessory uses. The existing industrial building will be removed. The proposed land use and development is consistent with a wide range of uses in the area as well as the mixed use pattern, including higher density housing within close proximity to retail and restaurant use, office and transit uses developing in this urban area.

This council variance application is submitted in conjunction with and as companion to rezoning application Z16, ~~008~~ for variances related to the proposed development of the property. Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and applicant has a practical difficulty with code compliance to develop the property in a comprehensive, coordinated way, as proposed. The Zoning Code standards for multi-family use are designed for suburban development, thereby necessitating variances for urban redevelopment. Many redevelopment projects in the 5<sup>th</sup> by Northwest Area Commission area have required similar variances.

Applicant requests the following variances:

- 1). 3312.27, Parking Setback Line, to reduce the Norton Avenue parking setback line from 25 feet to two (2) feet to permit surface parking as depicted on the Site Plan.
- 2). 3333.18, Building Lines, to reduce the Norton Avenue building setback line from 25 feet to zero (0) feet, as depicted on the Site Plan.

Applicant requests the following conditions to be included in the variance ordinance.

- 1). Site development shall be conditioned upon the Site Plan titled "Zoning Site Plan – 1341 Norton Avenue", dated \_\_\_\_\_ and signed by \_\_\_\_\_.
- 2). There shall be a maximum of 162 dwelling units.
- 3). Parking shall comply with 1.5 spaces per dwelling unit.

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-011

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank

of (1) MAILING ADDRESS Plank Law Firm, 145 E Rich St., FL 3 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 ADDRESS CARD FOR PROPERTY 1341 Norton Avenue

for which 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) Grandview 1341 LLC

c/o Donald Plank, Plank Law Firm

145 E. Rich Street, FL 3

Columbus, Ohio 43215

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

1341 Norton Partners LLC

c/o Donald Plank, Atty (614) 947-8600

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

(5) 5th by Northwest Area Commission

c/o Mr. Bruce McKibben

1094 Lincoln Rd. Columbus, OH 43212

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

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

(8) SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 1<sup>ST</sup> day of FEBRUARY 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires



**Stacey L. Danza**  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

Notary Seal Here

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

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Please make checks payable to the Columbus City Treasurer

CV16-011

**EXHIBIT A, Public Notice**  
1341 Norton Avenue  
Z16-\_\_\_\_\_  
January 19, 2016

**APPLICANT**

1341 Norton Partners, LLC  
c/o Dave Perry  
David Perry Company, Inc.  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Grandview 1341 LLC  
c/o Dave Perry  
David Perry Company, Inc.  
145 East Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY**

Donald Plank, Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

5<sup>th</sup> By Northwest Area Commission  
c/o Bruce McKibben, Zoning Chair  
1094 Lincoln Road  
Columbus, Ohio 43212

5<sup>th</sup> By Northwest Area Commission  
c/o Rebecca Obester, Chair Person  
1802 Kings Court, Unit C  
Columbus, Ohio 43212

**PROPERTY OWNERS WITHIN 125 FEET**

Holly Avenue Living, LLC  
470 Old Worthington Road  
Westerville, Ohio 43082

Grimesbach Properties, Ltd.  
1390 Holly Avenue  
Columbus, Ohio 43212

990 West Third Avenue LLC  
990 West 3<sup>rd</sup> Avenue  
Columbus, Ohio 43212

Christopher R. Kern  
Kathy Schmidt  
900 West 3<sup>rd</sup> Avenue  
Columbus, Ohio 43212

Centro Inc. Highpearl Inc.  
3363 Tremont Road, Suite 305  
Columbus, Ohio 43221

Commons at Third Housing Limited  
Partnership  
2335 N Bank Drive  
Columbus, Ohio 43220

Goodwill Industries of Central Ohio, Inc  
1331 Edgehill Road  
Columbus, Ohio 43212

Fifth Avenue Design Center LLC  
4844 Adele Court  
Woodland Hills, CA 91364

RTR of Columbus Ltd  
1356 Norton Avenue  
Columbus, Ohio 43212

Edgehill, LLC  
1200 Glenn Avenue  
Columbus, Ohio 43212

Sarah Smith, TR  
1160 Millcreek Lane  
Columbus, Ohio 43220

**1341 Norton Avenue**  
**Z16-\_\_\_\_\_**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 01/19/2016**



CV16-011

Third & Norton Properties, LLC  
1480 Dublin Road  
Columbus, Ohio 43215

Banner Die Tool & Stamping Co.  
1308 Holly Avenue  
Columbus, Ohio 43212

**ALSO NOTIFY**

Michael Amicon  
1341 Norton Partners, LLC  
1298 Grandview Avenue  
Columbus, Ohio 43212

Grandview 1341 LLC  
c/o Edward Friedman  
536 S Wall Street, Suite 300  
Columbus, Ohio 43215

1341 Norton Avenue  
Z16-  
Exhibit A, Public Notice  
Page 2 of 2, 01/19/2016

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

**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 # CV16-011

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich St., FL 3 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  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

<p>1. 1341 Norton Partners LLC 1289 Grandview Avenue Columbus, OH 43212 # Columbus Based Employees: 0 Contact: Mike Amicon, 614-286-2143 and Mark Inks</p>	<p>2. Grandview 1341, LLC 536 S. Wall Street, Suite 300 Columbus, Ohio 43215 # Columbus Based Employees: 0 Contact: Edward Friedman 614-419-1383</p>
<p>3. _____</p>	<p>4. _____</p>

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

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 1<sup>ST</sup> day of FEBRUARY, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires

11-5-2018

Notary Seal Here



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Please make checks payable to the Columbus City Treasurer.

Stacey L. Danza  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

**1341 Norton Avenue**

Z16- 008

CV16- 011

**Legal Description, 2.82 +/- acres**

PARCEL 1

Situated in the City of Columbus, County of Franklin in the State of Ohio and bounded and described as follows:

Being two parcels of land out of the "6.7475 acre tract of land" formerly owned by Catherine Murphy, lying south of West Fifth Avenue in said City of Columbus, Ohio, and being a part of Half Section No. 6, Township No. 5, Range No. 22, Refugee Lands, and being more particularly bounded and described as follows:

Parcel No. 1: Beginning at an iron pin at the intersection of the southerly line of the property of Hoadley Cut Stone Company, Inc., with the westerly line of Norton Avenue, said iron pin being located South 0 deg. 10 min East, (old bearing S. 0 deg. 06'E), a distance of 292.70 feet from an iron pin marking the intersection of the southerly line of Fifth Avenue with the westerly line of said Norton Avenue, which last mentioned iron pin is, in turn located South 89 deg. 17' East (old bearing S. 89 deg. 13' E), a distance of 421.59 feet from the intersection of the southerly line of Fifth Avenue with the westerly line of said '6.7475 acre tract of land'; thence from said point of beginning, with the westerly line of said Norton Avenue, and parallel to and 25 feet distance westwardly at right angles from the easterlyline of said '6.7475 acre tract of land', South 0 deg. 10' East (old bearing South 0 deg. 06' East), a distance of 255.30 feet to an iron pin; thence South 89 deg. 50' West (old bearing S. 89 deg. 54' West) a distance of 201.55 feet to an iron pin in the easterly line of the 20 foot railroad right-of-way conveyed by The Northwest Boulevard Company to The Hocking Valley Railway Company by deed dated January 5, 1928, and recorded in Deed Book 882, Page 131, Recorder's Office, Franklin County, Ohio: thence with the easterly line of said 20 foot railroad right-of-way, North 0 deg. 10' West, (old bearing N. 0 deg. 06' West), a distance of 136.30 feet to an iron pin at the south end of "Parcel

No. 2" as described in the deed from The Northwest Boulevard Company to Hoadley Cut Stone Company, Inc., dated June 23, 1927 and recorded in Deed Book 864, Page 149, Recorder's Office, Franklin County, Ohio; thence, with the easterly line of said "Parcel No. 2", North 11 deg. 51' East (old bearing North 11 deg. 55' East) a distance of 94.31 feet to an iron pin; thence with the easterly line of said "Parcel No. 2", North 7 deg. 28 min. East (old bearing N 7' deg. 32'E) a distance of 26.95 feet to an iron pin, (said last mentioned iron pin being 23.2 feet distance North 89 deg. 50k' east from an iron pin at the intersection of the easterly line of said 20 foot railroad right-of-way with the northwesterly corner of said "Parcel No. 2", thence with the southerly line of the property of Hoadley Cut Stone Company, Inc., (described as "Parcel No. 1" in said deed recorded in Deed Book 864, Page 149), North 89 deg. 50' East (old bearing No. 89 deg. 54 E), a distance of 178.35 feet to the point of beginning, containing an area of **1.147 acres.**

#### PARCEL II

Situated in the City of Columbus, County of Franklin in the State of Ohio and bounded and described as follows:

Parcel No. 2: Beginning at the iron pin marking the southwesterly corner of the above described 1.147 acre tract designated as Parcel No. 1: thence with the southerly line of said Parcel No. 1, North 89 deg. 50' East a distance of 13.0 feet; thence South 9 deg. 04' West a distance of 81.05 feet to an iron pin in the Easterly line of said 20 foot railroad right-of-way; thence with the easterly line of said 20 foot railroad right-of-way, North 0 deg. 10' West a distance of 80 feet to the point of beginning containing an area of **0.012 acres.**

#### PARCEL III

Situated in the City of Columbus, County of Franklin in the State of Ohio and bounded and described as follows:

Parcel No. 3: Being a parcel of land partly out of the '6.7475 acre tract of land' conveyed by Catherine Murphy to The Northwest Boulevard Company by deed dated April 14, 1927 and recorded in Deed Book 857, Page 299, Recorder's Office, Franklin County, Ohio, and partly out of the "Eliza Steitz ten acre tract of land", conveyed by Mabel Steitz et al., to The Northwest Boulevard Company by deed dated April 10, 1926, and recorded in Deed Book 825, Page 1, Recorder's Office, Franklin County, Ohio, said parcel of land lying between West Third Avenue and West Fifth Avenue in said City of Columbus, Ohio, and being part of Half Section No. 6, Township No. 5, Range No. 22, Refugee Lands, and being more particularly bounded and described as follows:

Beginning at an iron pin in the westerly line of Norton Avenue, which iron pin marks the southeasterly corner of the 1.147 acre tract of land conveyed by The Northwest Boulevard Company to Sinclair B. Nace and Edward E. Nace by deed dated May 23, 1930, and recorded in Deed Book 921, Page 523, Recorder's Office, Franklin County, Ohio, which 1.147 acre tract is designated in said deed as "Parcel No. 1", said point of beginning is located South 0 deg. 10' East, a distance of 548.0 feet from an iron pin marking the intersection of the southerly line of Fifth Avenue with the westerly line of said Norton Avenue, which last mentioned iron pin is, in turn, located South 89 deg. 17' East, a distance of the 421.59 feet from the intersection of the southerly line of Fifth Avenue with the westerly line of said '6.7475 acre tract of land', thence from said point of beginning with the westerly line of said Norton Avenue, South 0 deg. 10' East, a distance of 78.90 feet to an iron pin in the south line of said '6.7475' acre tract of land, and marking an angle in the westerly line of said Norton Avenue; thence, continuing with the said westerly line of said Norton Avenue, South 0 deg. 23' East a distance of 382.73 feet to an iron pin marking the intersection of the said westerly line of said Norton Avenue with the northeasterly line of a 20 foot railroad right-of-way conveyed by The Northwest Boulevard Company to The Hocking Valley Railway Company by deed dated January 5, 1928 and recorded in Deed Book 882, Page 131, Recorder's Office, Franklin County, Ohio; thence, with the northeasterly line of the above described 20 foot railroad right-of-way, with a curve to the right having a radius of 400.275 feet, through an angle of 60 deg. 28' 20", to an iron pin marking a 'point of tangent', the above described are being measured by a long chord whose course is

North 30 deg. 24' 10" west and whose length is 403.12 feet; thence continuing with the easterly line of said 20 foot railroad right-of-way North 0 deg. 10' West a distance of 33.39 feet to an iron pin, marking the southerly corner of a 0.012 acre parcel of land designated as "Parcel No. 2" in the above mentioned deed from The Northwest Boulevard Company to Sinclair B. Nace and Edward E. Nace, recorded in Deed Book 921, Page 523; thence with the easterly line of said 0.012 acre tract of land North 9 deg. 04' East a distance of 81.05 feet to an iron pin in the southerly line of the above described 1.147 acre tract of land, designated as "Parcel No. 1" in the said deed to Sinclair B. Nace and Edward E. Nace; thence with the said Southerly line of said 1.147 acre tract of land, North 89 deg. 50' East a distance of 188.55 feet to the point of beginning, containing an area of **1.660 acres**.

Being the same premises conveyed to Columbus Metal Products, Inc. by Deed from Columbus Metal Products, Inc. dated April 20, 1964, filed for record May 4, 1964 and recorded in Deed Book 2557, Page 265, Office of the Recorder, County of Franklin. Said Columbus Metal Products, Inc. by merger became Holophane Company, Inc. as evidenced by certificate of ownership filed June 15, 1964 in Deed Book 2836, Page 168, Office of the Recorder, County of Franklin, State of Ohio, together with all improvements thereon and all appurtenant right, privileges and easements thereunto belonging (all of the foregoing begin hereinafter referred to as the "Premises").

Parcel No.: 01-068131

Street Address: 1341 Norton Avenue, Columbus, Ohio 43212

1/29/16



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

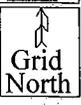
MAP ID: s

DATE: 1/19/16



Disclaimer

Scale = 250



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.



# City of Columbus Zoning Plat



CV16-011

## 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: 010068131

Zoning Number: 1341

Street Name: NORTON AVE

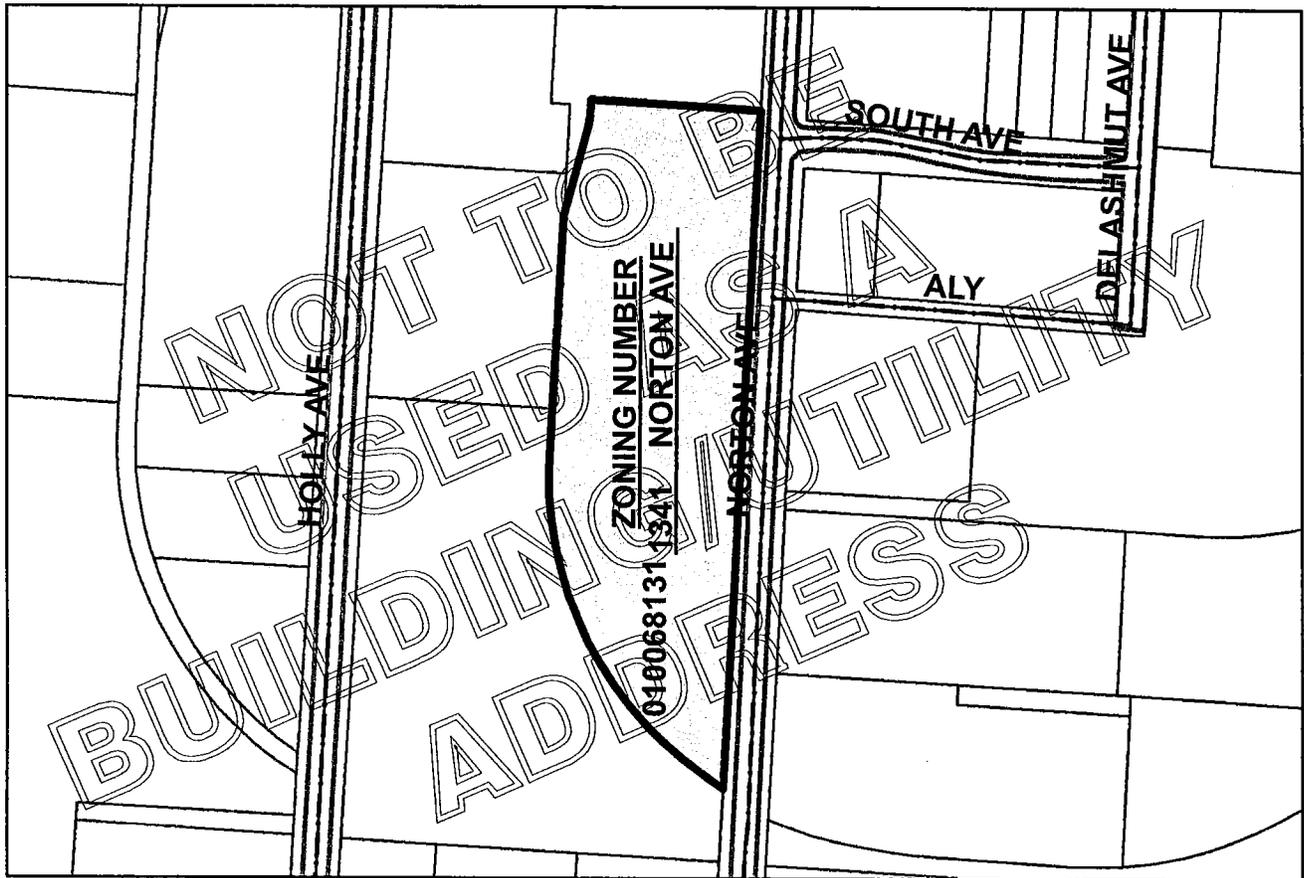
Lot Number N/A

Subdivision: N/A

Requested By: BEHAL SAMPSON DIETZ (KEITH WITT)

Issued By: Patricia A. Austin

Date: 3/7/2014



SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 18031

PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

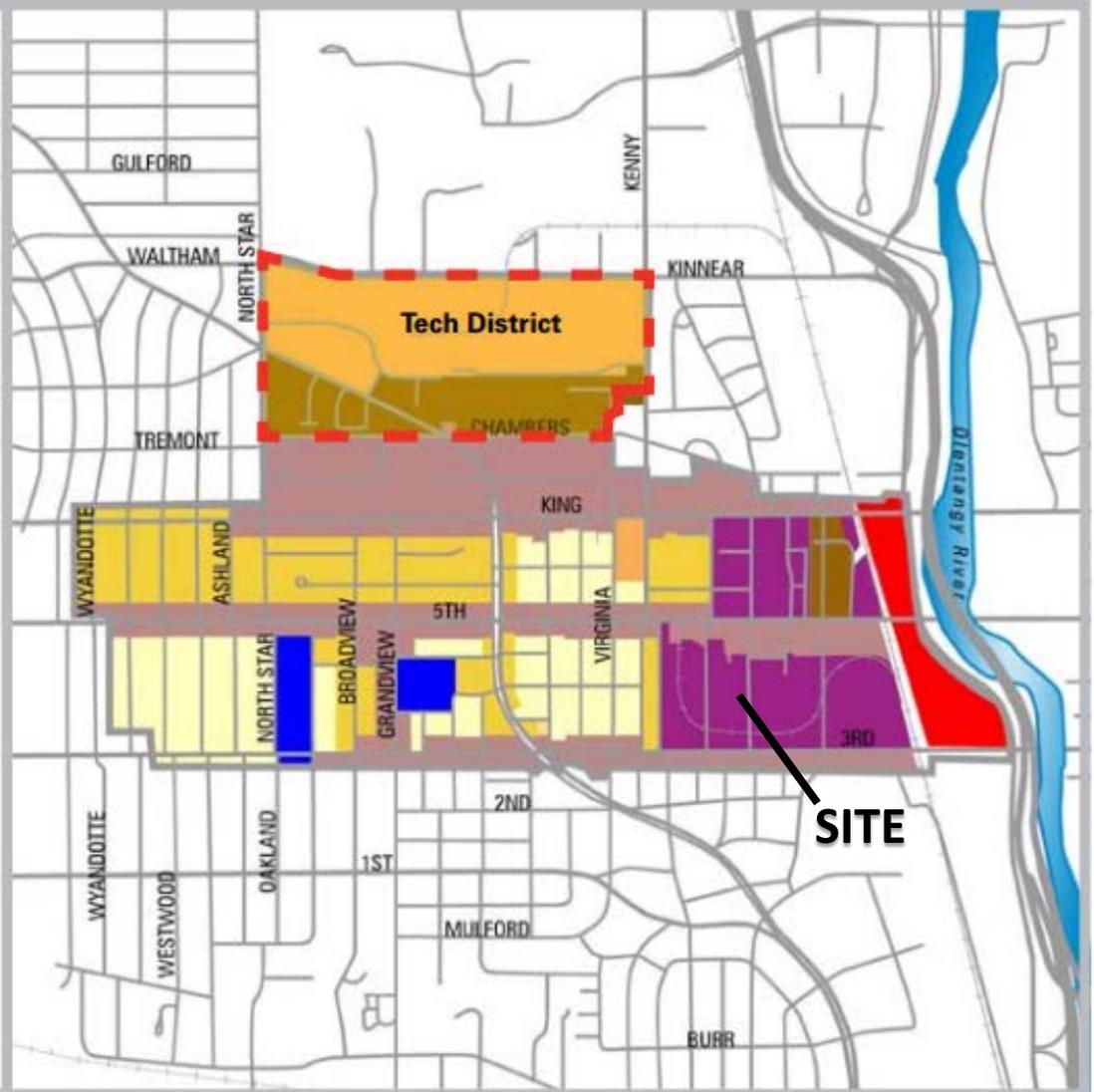






**Figure 7  
Land Use Plan**

- Commercial (Community)
- Industrial (Light)
- Institutional
- Mixed Use
- Office
- Multifamily
- Medium Density  
Mixed Residential
- Single/Two Family



CV16-011  
1341 Norton Avenue  
Approximately 2.82 acres



CV16-011  
1341 Norton Avenue  
Approximately 2.82 acres