

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: CV16-021 Date Received: 3-9-16
Application Accepted by: JB + MM Fee: N/A - converted from BZA
Comments: Assigned to Tim Dietrich; 614-645-6665; tedietrich@columbus.gov
Sharon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 911 N. Fourth Street Zip: 43215

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: 010-009792-00

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

Current Zoning District(s): R-4

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:

Development of 7 townhomes in 2 dwellings.

Acreage: .017

APPLICANT:

Name: John A. Gleason Phone Number: 614-227-2062 Ext.: _____

Address: 41 South High Street, Suite 3100 City/State: Columbus, Ohio Zip: 43215

Email Address: jgleason@porterwright.com Fax Number: 614-227-2100

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

Name: Victor Investments, Ltd. Phone Number: 614-907-4099 Ext.: _____

Address: 17 E. Brickel Street, Suite E City/State: Columbus, Ohio Zip: 43215

Email Address: chad@mulberryohio.com Fax Number: _____

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

Name: John A. Gleason Phone Number: 614-227-2062 Ext.: _____

Address: 41 South High Street, Suite 3100 City/State: Columbus, Ohio Zip: 43215

Email Address: jgleason@porterwright.com Fax Number: 614-227-2062

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

APPLICANT SIGNATURE _____

PROPERTY OWNER SIGNATURE _____

ATTORNEY / AGENT SIGNATURE _____

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

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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 attached statement.

Signature of Applicant _____

Date

3-9-2016

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STATEMENT OF HARSHIP
(911 N. Fourth Street)

Pursuant to this Application, the property owner is proposing to develop a 7 unit residential project at 911 N. Fourth Street (the "Project"). Parcel 010-009792-00 is zoned R-4 and will have 7 townhomes with garages (the "R-4 Parcel"). The property owner anticipates filing a separate application to develop 20 additional residential units along with 1,230 square feet of retail space and a parking area on the property adjacent to the Project that lies on the other side of College Alley, which is zoned CPD (the "CPD Parcel").

The CPD zoning for the adjacent parcel that was completed in 2009 reflects City Council and the Italian Village Commissioners' desire that the property be more intensely developed as mixed-use. The Project will maintain College Alley and provide landscaping and open areas to enhance the property. Both parcels are also subject to the Urban Commercial Overlay. The Project was granted conditional approval by the Italian Village Commission in January 2016, and additional materials will be submitted to the Commission in order to obtain final approval and a Certificate of Appropriateness.

Applicant submits that the Project meets both the Italian Village East Redevelopment Plan and the Short North Design Guidelines, as it does the following: (1) stimulates private investment in the area; (2) turns a vacant parking lot into town homes with front doors facing N. Fourth Street; (3) provides a mix of neighborhood commercial and residential; (4) provides open space with trees and enhances walkability in the area; (5) creates good, attractive utilization of a major street environment; and (6) is compatible with adjacent properties. In order for the project to be feasible, however, the

following variances are needed: (1) allow 2 Dwellings; one with four Dwelling Units and one with 3 Dwelling Units (3332.039); (2) reduction in the number of parking spaces from 11 to 7 (3312.49); (3) increase in lot coverage from 50% to 85% (3332.15); and (4) decrease in the side yard setback from 5 feet to 1 foot (3332.26).

Construction of the Project in accordance with the proposed site plan will have little or no adverse effect on neighboring uses, and, in fact, will constitute a substantial improvement to the neighborhood.

Applicant submits that the Application satisfies the requirements of 3307.09. First, Applicant understands that prior redevelopment projects in the area have been granted similar variances. Second, the circumstances and conditions are not the result of actions of the property owner or Applicant, but are necessitated by the size and condition of the available land. Located on a major thoroughfare, the site is not suitable for single family detached residential. Multifamily development mandates increased density to be feasible and this necessitates the requested variances. Third, granting of the requested variances will preserve a substantial property right that is possessed by owners of other properties in the area. Finally, granting the variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code.

Applicant believes that the overall development of the Project in accordance with the site plan will actually benefit the neighborhood, meet the immediate neighborhood need for neighborhood commercial (a concept fully compatible with the historic use patterns in Columbus historic areas), and is consistent with the Italian Village East Redevelopment Plan, the Short North Guidelines and the Urban Commercial Overlay.

As set forth above, the Project provides a mix of commercial and residential on the N. Fourth Street corridor, as well as trees, open space and better walkability in the area. For these reasons, Applicant respectfully requests that the above variances be granted.

COPY

**HISTORIC DISTRICT COMMISSION
RECOMMENDATION
ITALIAN VILLAGE COMMISSION**

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 901 North Fourth Street
APPLICANT'S NAME: Mulberry (Applicant)

4th Street Partners, LLC. (Owner)

APPLICATION NO.: 16-2-21

COMMISSION HEARING DATE: 2-16-2016

The Victorian Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3319 and the architectural guidelines:

☒ **Variance or Zoning Change Request**

- ☐ Rezoning
- ☒ Parking Variance
- ☐ Change of Use
- ☐ Lot Split
- ☐ Special permit
- ☒ Setbacks
- ☒ Other

ACTION:

Upon review of Application #16-2-21, 901 North Fourth Street, the Italian Village Commission recommends approval of the proposed variance, as follows:

Request for Variance Recommendation

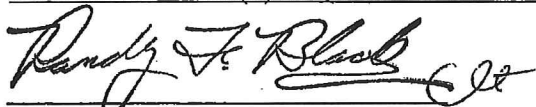
- 1) 3312.49 - Reduction of parking spaces from 46 to 27.
- 2) 3332.15 - Increase in lot coverage.
- 3) 3332.26 - Decrease in the side yard setback on the R-4 Parcel from 5 feet to 1 foot.
- 4) 3332.29 - Increase in height on the CPD Parcel to 53 feet.

MOTION: Lapp/Sutton (4-0-0) APPROVAL RECOMMENDED

RECOMMENDATION:

☒ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.



Randy F. Black
Historic Preservation Officer



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

AFFIDAVIT (See instruction sheet)

Application Number: CV16-021

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1) NAME** John A. Gleason

of **(1) MAILING ADDRESS** 41 South High Street, Suite 3100, Columbus, Ohio 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 911 N. Fourth Street, Columbus, Ohio 43215

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on **(3)** 3-9-16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Victor Investments, Ltd.

AND MAILING ADDRESS

17 East Brickel Street, Suite E

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

John A. Gleason

(same as listed on front application)

614-227-2062

AREA COMMISSION OR CIVIC GROUP

(5) Italian Village Commission

AREA COMMISSION ZONING CHAIR

Connie Torbeck, Assistant Historic Preservation Officer

OR CONTACT PERSON AND ADDRESS

50 West Gay Street, 4th Floor, Columbus, Ohio 43215

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 [Signature]

Sworn to before me and signed in my presence this 9th day of March, in the year 2016

Rev [Signature]

(8) SIGNATURE OF NOTARY PUBLIC [Signature]

2/21/18
My Commission Expires



BETH ANNE GUNDRUM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES ON 2/21/18

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

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Please make checks payable to the Columbus City Treasurer

John Gleason, Esq.
Porter, Wright, Morris & Arthur
41 S. High Street
Suite 3100
Columbus, OH 43215

Victor Investments, Ltd
17 East Brickel Street
Suite E
Columbus, OH 43215

John Gleason, Esq.
Porter, Wright, Morris & Arthur
41 S. High Street
Suite 3100
Columbus, OH 43215

JDS Jeffrey Partners LLC
224 E. First Street
Columbus, OH 43201

Italian Village Commission
Attn: Connie Torbeck
50 West Gay Street, 4th Floor
Columbus, OH 43215

KN Investments LLC
908 N. Fourth Street
Columbus, OH 43201

LS Development Systems
883 N. Fourth Street
Columbus, OH 43201

Allan M. Hurtt
898 Hamlet Street
Columbus, OH 43201

Michael S. Blue
915 N. Fourth Street
Columbus, OH 43201

Chad A. Seiber
919 N. Fourth Street
Columbus, OH 43201

Gregory Anglin
930 Hamlet Street
Columbus, OH 43201

Melinda Ann McCallin
924 Hamlet Street
Columbus, OH 43201

Norman & Wendy Penn
918-920 Hamlet Street
Columbus, OH 43201

Christopher M. Hammer
910-912 Hamlet Street
Columbus, OH 43201

Ellen A. and Matthew C. Carraro
904 Hamlet Street
Columbus, OH 43201

Christopher R. Urban
902 Hamlet Street
Columbus, OH 43201

True North Rentals LLC
930 N. Fourth Street
Columbus, OH 43201

Robert J. Wagner
929 N. Fourth Street
Columbus, OH 43201

Terry T. Dininger
931 N. Fourth Street
Columbus, OH 43201

Dianna E. Zweig, Trustee
199 E. 2nd Street
Columbus, OH 43201

Chad E. Hoenie & Steven R. Grant
932 Hamlet Street
Columbus, OH 43201

Mikayla Pollitt
936 Hamlet Street
Columbus, OH 43201

CV16-021

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Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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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 # CV16-021

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) John A. Gleason

of (COMPLETE ADDRESS) 41 South High Street, Suite 3100, Columbus, Ohio 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

1. Victor Investments, Ltd. 17 E. Brickel Street, Suite E Columbus, Ohio 43215	2.
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 9th day of March, in the year 2016

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



BETH ANNE GUNDRUM
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES ON 2/21/18

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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: 010009792

Zoning Number: 911

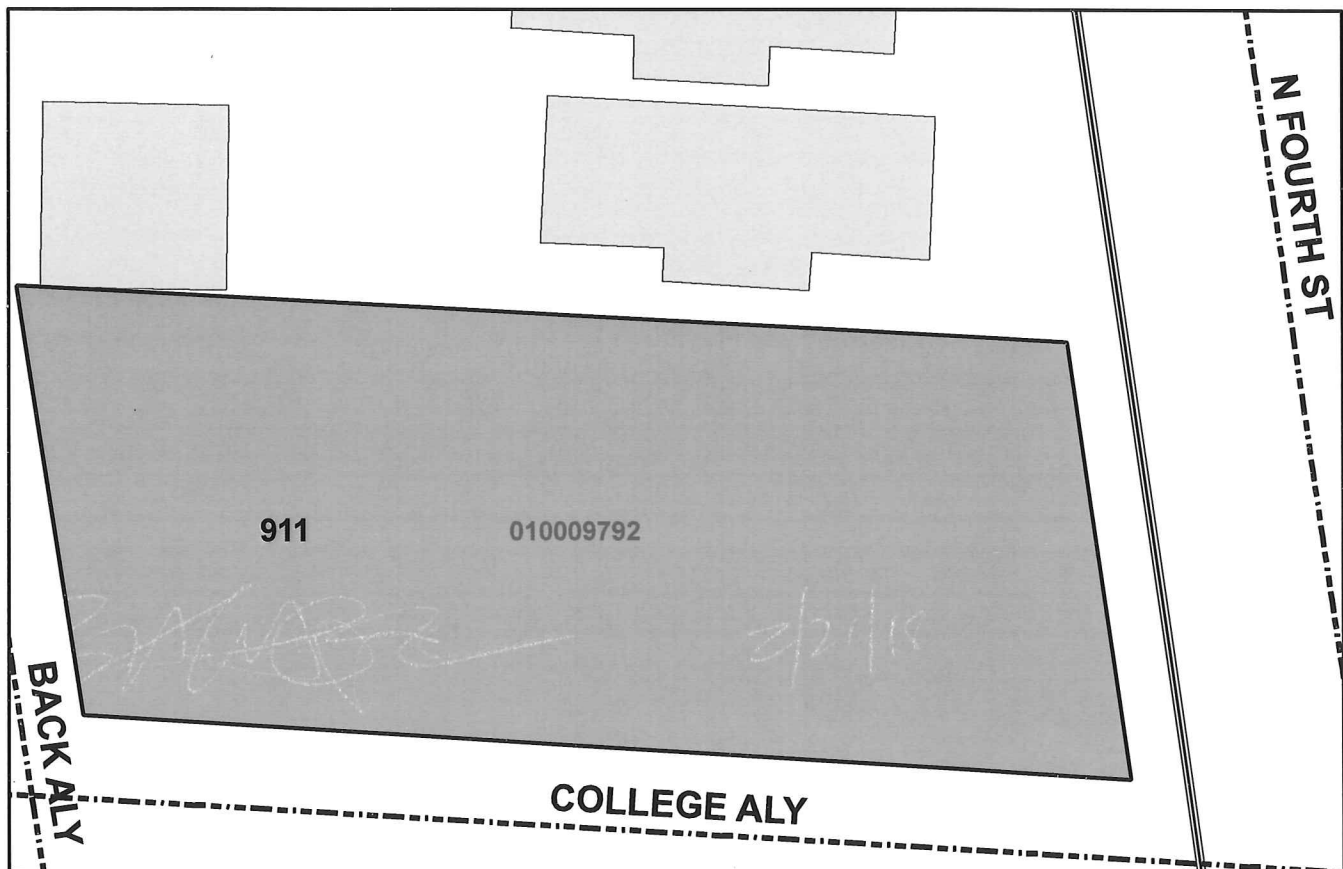
Street Name: N 4TH ST

Lot Number : N/A

Subdivision: N/A

Requested By: PORTER WRIGHT MORRIS & ARTHUR LLP (JOHN GLEASON)

Issued By: *Adyana Amarion* Date: 2/12/2016



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

SCALE: 1 inch = 25 feet

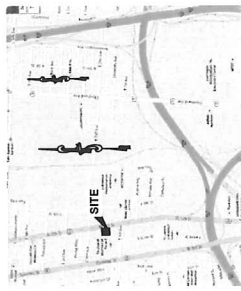
GIS FILE NUMBER: 56804

CV16-021

901 N. Fourth Street

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

Being Lot Number Fifteen (15) of E. SORIN'S SUBDIVISION of Lots Nos. 49-52 of William Phelan's Mount Pleasant Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 286, Recorder's Office, Franklin County, Ohio.



LOCATION MAP
NO. 1000

SHEET INDEX
SHEETS 1-10
SHEETS 11-20
SHEETS 21-30
SHEETS 31-40
SHEETS 41-50
SHEETS 51-60
SHEETS 61-70
SHEETS 71-80
SHEETS 81-90
SHEETS 91-100

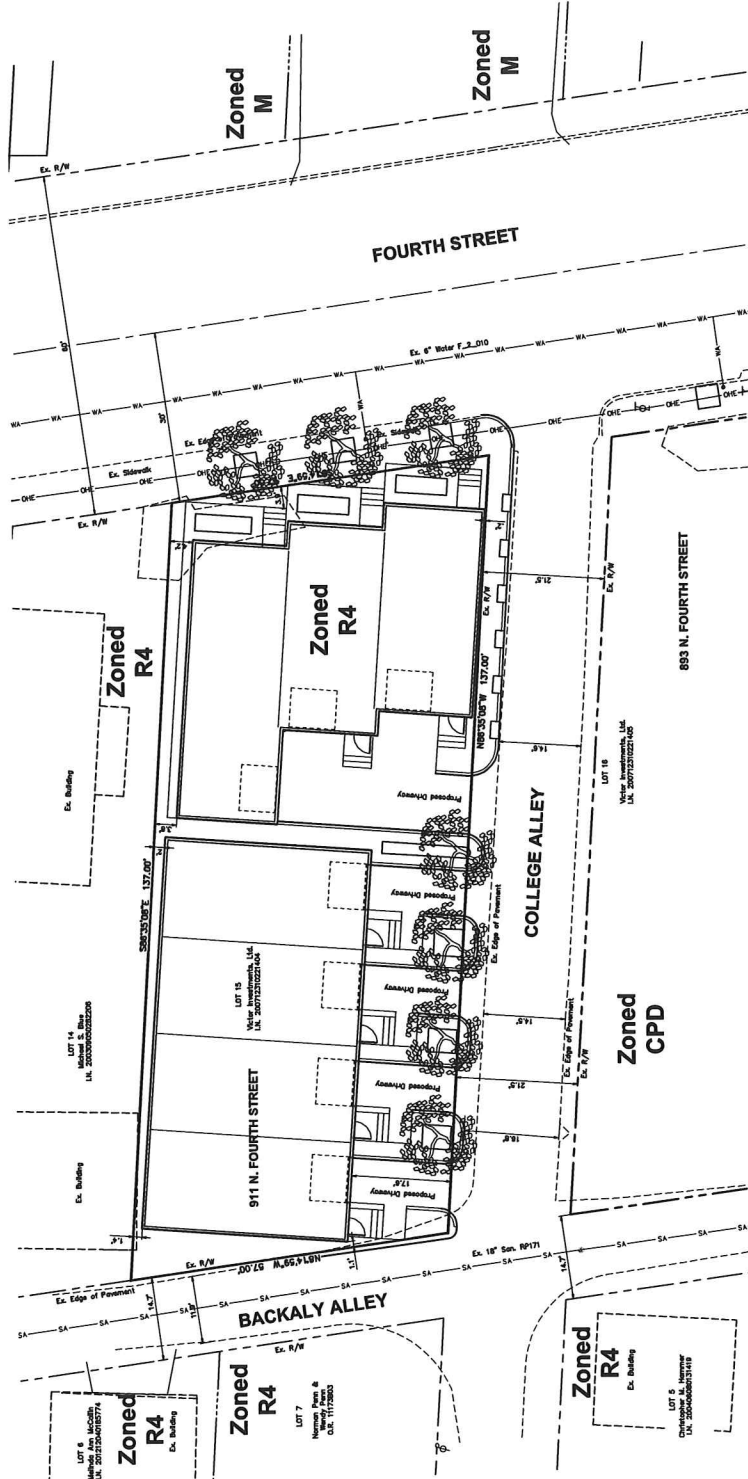


GRAPHIC SCALE
1 inch = 10 feet

THE UNDERSIGNED HEREBY CERTIFIES THAT THE SITE
PLAN IS A TRUE AND CORRECT REPRESENTATION
OF THE ACTUAL SITE CONDITIONS AND THAT THE
SITE PLAN IS A TRUE AND CORRECT REPRESENTATION
OF THE ACTUAL SITE CONDITIONS.

CITY OF COLUMBUS, OHIO
PRELIMINARY COMMERCIAL SITE PLAN
FOR
THE CHRISTOPHER

PLAN PREPARED BY:
ADVANCED
CITY ENGINEERING
INC.
433 RECORD ROAD
COLUMBUS, OHIO 43260
PHONE: 614.462.1700
FAX: 614.462.1700
E-MAIL: info@advancedcityeng.com
SHEET 1 / 2



SITE DATA TABLE LOT A:
ZONING ADDRESS: 911 N. FRONT STREET
TOTAL SITE AREA: 0.17 ACRES (7405 S.F.)
TOTAL LOT AREA: 0.17 ACRES (7405 S.F.)
LOT COVERAGE: 0.14 ACRES (6205 S.F.)
USE: (STRUCTURES & PAVED AREAS)

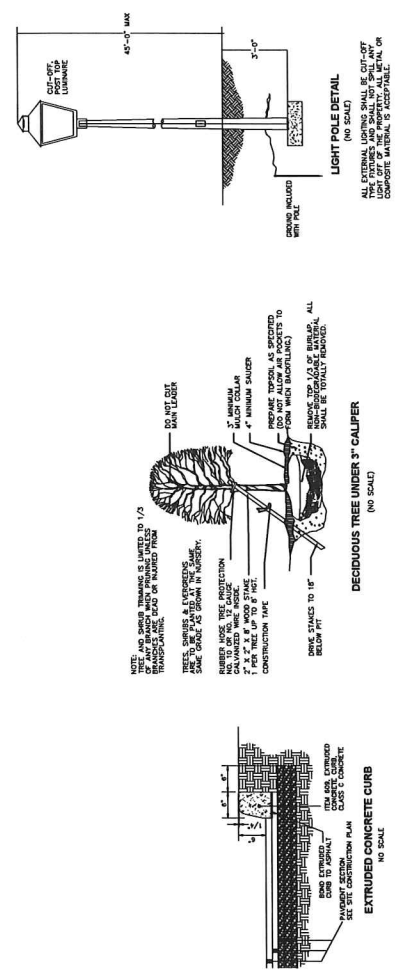
FLOOD NOTE:
By separate writing, the property is located in Zone 1 (Unshaded) Flood Hazard Area. The Flood Hazard Area is shown on the Flood Hazard Map of the City of Columbus, Ohio, which is available for public inspection at the City of Columbus, Ohio, Department of Public Works, Engineering Division, Flood Hazard Map, 1700 North High Street, Columbus, Ohio 43260. The Flood Hazard Map is available for public inspection at the City of Columbus, Ohio, Department of Public Works, Engineering Division, Flood Hazard Map, 1700 North High Street, Columbus, Ohio 43260. The Flood Hazard Map is available for public inspection at the City of Columbus, Ohio, Department of Public Works, Engineering Division, Flood Hazard Map, 1700 North High Street, Columbus, Ohio 43260.

Storm Sewer Plan: CC-XXXX
Sanitary Sewer Plan: CC-XXXX
Private Water Service Plan: WSP-#

THE PROJECT COMPLIES WITH THE FOLLOWING SECTIONS OF THE
COLUMBUS ZONING CODE:

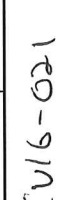
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016-021



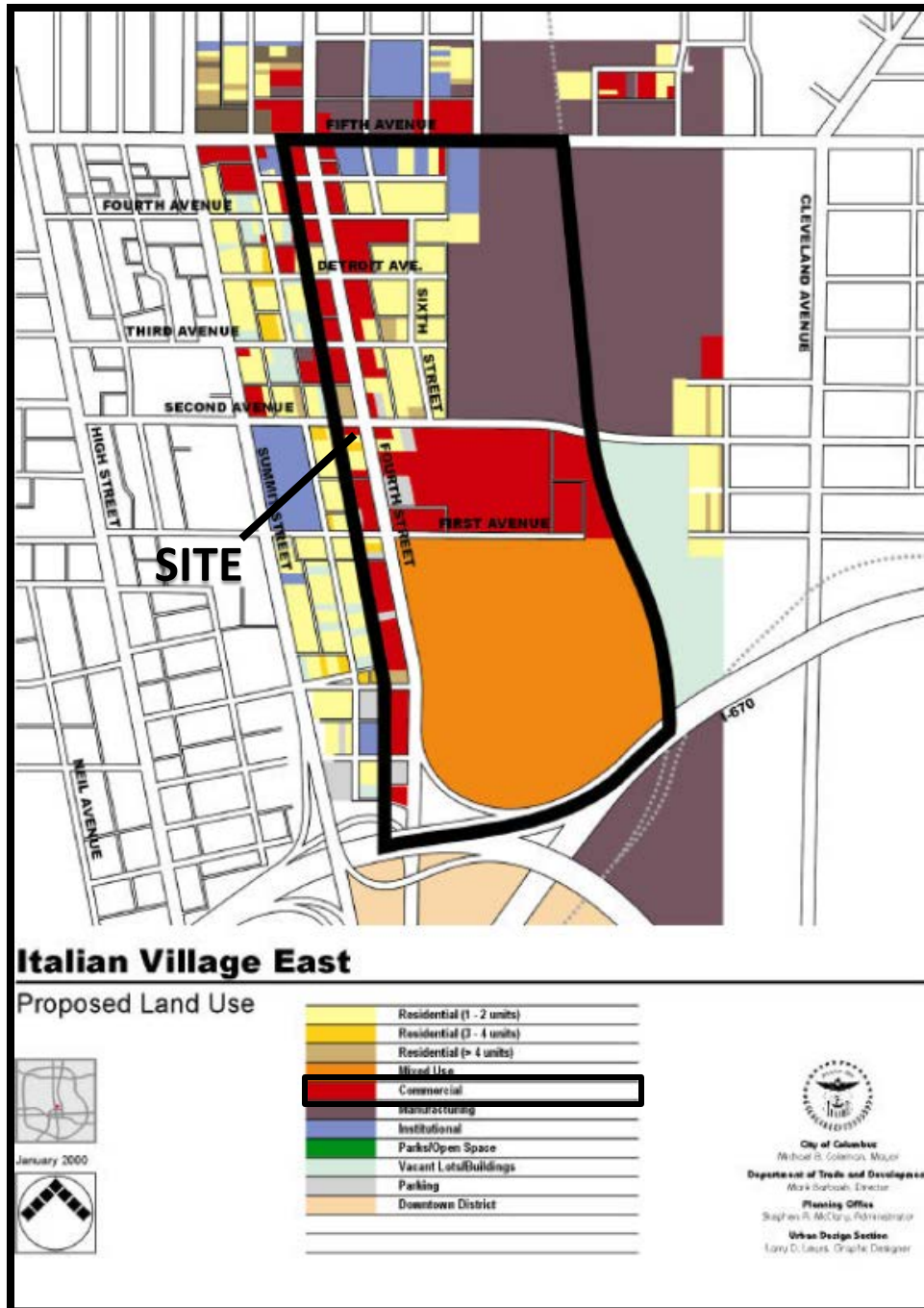
GENERAL NOTES

[illegible]





CV16-021
911 North Fourth Street
Approximately 0.17 acres



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911 North Fourth Street
Approximately 0.17 acres