

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: CV16-027 Date Received: 4/5/2016

Application Accepted by: MM, TD Fee: \$800

Comments: Assigned to James Burdin; JBurdin@columbus.gov; 614-645-1341
Shannon Pine; spine@columbus.gov; 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1124 North 4th Street Zip: 43201

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: 010-038134, 010-007725

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

Current Zoning District(s): AR-3 (Pending Z16-023)

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:

See Exhibit 'B'

Acreage: 0.40 +/-

APPLICANT:

Name: Damado 1 LLC, c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----

Address: Plank Law Firm, 145 E Rich St, Floor 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: Damado 1 LLC, c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----

Address: Plank Law Firm, 145 E Rich Street, Floor 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, 3rd Floor 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

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

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AFFIDAVIT (See instruction sheet)

Application Number: CV16-027

STATE OF OHIO

COUNTY OF FRANKLIN

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

of (1) MAILING ADDRESS 145 East Rich Street, 3rd Floor, 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 1124 North 4th Street, Columbus, OH 43201

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) April 5, 2016

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Damado 1 LLC c/o Donald Plank
Plank Law Firm

145 E Rich Street, 3rd Floor

Columbus, OH 43215

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

Damado 1 LLC

Donald Plank 614-947-8600

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

(5) Italian Village Commission

c/o Connie Torbeck

Historic Preservation Office

50 W. Gay Street, 4th FL, Columbus, OH 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

Donald Plank

Sworn to before me and signed in my presence this 1ST day of APRIL, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018
My Commission Expires

Notary Seal Here



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

This Affidavit expires six (6) months after the date

PLEASE NOTE: Incomplete information will result in the rejection of the application.
Applications must be submitted by appointment. Call 614-645-4522 for an appointment.
Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
1124 North Fourth Street
CV16-027
March 25, 2016

APPLICANT

Damado 1 LLC
c/o Donald Plank
Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

PROPERTY OWNER

Damado 1 LLC
c/o Donald Plank
Plank law Firm
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

Italian Village Commission
C/o Connie Torbeck
Historic Preservation Office
50 West Gay Street, 4th Floor
Columbus, Ohio 43215

PROPERTY OWNERS WITHIN 125 FEET

FK IV LP
2362 N High Street
Columbus, OH 43202

Jesse Cyrus Jr
3495 Hevensport Road
Carroll, OH 43112

New Victorians
c/o New Victorians Inc.
455 3rd Avenue
Columbus, OH 43201-3363

New Victorians Inc.
455 3rd Avenue
Columbus, OH 43201-3363

Shirley Waller et al
236 E 4th Avenue
Columbus, OH 43201

Patrick Walsh
242 E Fourth Avenue
Columbus, OH 43201

Thelma Black
1275 E 15th Avenue
Columbus, OH 43211

The New Victorians Inc.
455 3rd Avenue
Columbus, OH 43201-3363

1086 North Fourth ST LS
1020 Dennison Avenue
Columbus, OH 43201

Green Room Brewing LLC
1101 N Fourth Street
Columbus, OH 43201

Columbia Gas of Ohio Inc.
200 Civic Center Drive
7815 Walton Pkwy
New Albany, OH 43054-8233

1124 North Fourth Street
CV16-_____
Exhibit A, Public Notice
Page 1 of 2, 03/25/2016

Heidi Koestner
C/o Revisions Remodeling Ltd.
PO Box 16142
Columbus, OH 43216-6142

Absolute Properties LLP
6434 Scioto Court
Westerville, OH 43082

ALSO NOTIFY

David B. Perry
David Perry Company, Inc.
145 E Rich Street, FL 3
Columbus, OH 43215

Damado 1 LLC
C/o Kevin Lykens
1020 Dennison Avenue, Suite 102
Columbus, OH 43201

Shremshock Architects
c/o Karrick Sherrill
7400 W Campus Road, #150
New Albany, OH 43054

1124 North Fourth Street
CV16-_____
Exhibit A, Public Notice
Page 2 of 2, 03-25-2016

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

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 # CV16-027

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank, Plank Law Firm
of (COMPLETE ADDRESS) 145 E Rich Street, 3rd Floor, 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. Damado 1 LLC 375 E Fifth Avenue Columbus, OH 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens (614) 565-4209	2. _____
3. _____	4. _____

☐ 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 1ST day of APRIL, in the year 2016

Notary Seal Here

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires

11-5-2018

PLEASE NOTE: Incomplete information will result in the rejection of your application.
Applications must be submitted by appointment. Call 614-645-4523 for an appointment.
Please make checks payable to the Columbus City Treasurer.



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

CV16-027

**Zoning Description ~ 0.40+/- Acre
East of N. Fourth Street
North of E. 4th Avenue**

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 4 and 5, Township 5, Range 22, Refugee Lands, being part of Lots 6-13 of Wakefield Hughes and Samuel's Subdivision of record in Plat Book 2, Page 220, part of Lots 1, 2, 8, 9 and 10 of Lizzie and Frederick Wheeldon's Subdivision of record in Plat Book 2, Page 212, part of Lots 29-30 of Wm. G. Deshler's Amended Addition to Phelans Mount Pleasant Addition of record in Plat Book 1, Page 302 and all of the tracts conveyed to Damado 1 LLC of record in Instrument Number 201501160007225 and more particularly described as follows:

Beginning at the southwesterly corner of said Damado tracts, being in the southerly line of said Lot 11 and northeasterly right-of-way intersection of N. Fourth Street and E. 4th Avenue;

Thence **N 08° 55' 30" W**, along the westerly line of said Damado tracts and being the easterly right-of-way line of said N. Fourth Street, **183.7 feet+/-** to the northwesterly corner of said Damado tracts, being in the northerly line of said Lot 6 and the southeasterly right-of-way intersection of said N. Fourth Street and E. Greenwood Avenue;

Thence **S 87° 30' 00" E**, along the northerly line of said Damado tracts, being the northerly line of said Lot 6 and Lot 13 and along the southerly right-of-way line of said E. Greenwood Avenue, **95.6 feet+/-** to the northeasterly corner of said Damado tracts, being the northeasterly corner of said Lot 13 and being the southwesterly right-of-way intersection of said E. Greenwood Avenue and a 15 foot Alley;

Thence **S 09° 22' 00" E**, along the easterly line of said Damado tracts, being the easterly line of said Lots 12 and 13 and being the westerly right-of-way line of said 15 foot Alley, **184.0 feet+/-** to the southeasterly corner of said Damado tracts, being the southeasterly corner of said Lot 12 and being the northwesterly right-of-way intersection of said 15 foot Alley and said E. 4th Avenue;

Thence **N 87° 30' 00" W**, along the southerly line of said Damado tracts, being the southerly line of said Lots 11 and 12 and being the northerly right-of-way line of said E. 4th Avenue, **97.1 feet+/-** to the **Point of Beginning**. Containing **0.40+/- acre**.

This exhibit was prepared on March 31, 2016 and is based on information obtained from the Franklin County Auditor's Office and Franklin County Recorder's Office and is not intended to be used for the transfer of land.

ADVANCED CIVIL DESIGN, INC.

Zoning Exhibit

City of Columbus, Franklin County, Ohio
Section 4 & 5, Township 5, Range 22
Refugee Lands

Z:\16-0001-725\DWG\PRODUCTION DRAWINGS\SURVEY\0001-725 zoning exhibit.dwg Layout 1 Mar 31, 2016 - 2:30:00pm dbickham



This exhibit is based on information obtained from the Franklin County Auditor's Office and Franklin County Recorder's Office and is not intended to be used for the transfer of land.

GRAPHIC SCALE



1 inch = 30 feet

DRAWN BY: DRB	JOB NO.: 16-0001-725
DATE: 03/31/2016	CHECKED BY:

ADVANCED
CIVIL DESIGN
ENGINEERS SURVEYORS

422 Beecher Road
Gahanna, Ohio 43230
ph 614.428.7750
fax 614.428.7755

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

CV16-027

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 Hank

Date

4/1/16

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

Exhibit B

Statement of Hardship

CV16- 027

1124 N Fourth Street

The development site consists of 0.40 +/- acres located on the east side of N Fourth Street (60') between E 4th Avenue (60') and E Greenwood Avenue (32'). Rezoning application Z16-_____ is pending to rezone the site from the R-4, Residential District to the AR-3, Apartment Residential District. Applicant proposes to develop the site with a 36 dwelling unit apartment building, as depicted on the submitted site plan. This variance application is submitted in conjunction with and companion to the rezoning application for variances to applicable AR-3 development standards to permit the proposed development.

Italian Village is a dense, historic, urban neighborhood, built long before Columbus had a zoning code. The proposed development is appropriate for the neighborhood. Applicant development standards reflect suburban design standards inappropriate for and out of character with urban development. Applicant has a hardship and practical difficulty with complying with suburban development standards being applied to an urban in-fill development in a historic district. There are many examples of non-compliance with current development standards in this and other City of Columbus historic districts.

Applicant requests the following variances:

- 1) 3309.14(A), Height Districts, to permit a 46' (max) tall building in the H-35 district.
- 2) 3333.15(C), Basis of Computing Area, to increase permitted lot coverage (building) from 50% to 64%.
- 3) 3333.18, Building Lines, to reduce the N Fourth Street and E 4th Avenue building setback lines from 40' (Thoroughfare Plan) and 14' to nine (9) feet and zero (0) feet, respectively.
- 4) 3333.23(b)(d), Minimum Side Yard Permitted, to reduce the minimum side yard on the north side of the building, adjacent to E Greenwood Avenue (32', alley), from 7.67' (one-sixth building height) to zero (0) feet .
- 5) 3333.24, Rear Yard, to reduce rear yard from 25% of lot area to 18%.
- 6) 3333.26, Height District, to permit a 46' (max) building in the H-35 district.
- 7) 3312.09, Aisle, to reduce the required depth of 60 degree parking spaces from 20' to 18' and to reduce the required maneuvering area for 60 degree parking spaces from 17' to 15'.
- 8) 3312.13(B), Driveway, to reduce the width of the driveway entrance to the enclosed parking area from 20' to 12'.

- 9) 3312.27(3), Parking Setback Line, to reduce the E 4th Avenue parking setback line from 14' to 7'.
- 10) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce code required parking for 36 dwelling units from 54 spaces to 46 spaces (1.27/DU)
- 11) 3321.05, Vision Clearance, to reduce the required vision clearance at the entrance/exit for the enclosed parking level on E Greenwood Avenue (alley) from a 10' vision clearance triangle to a 5' vision clearance triangle; to reduce the required vision clearance at E Greenwood Avenue (alley) and the unnamed east 15' alley from a 10' vision clearance triangle to a 2' vision clearance triangle to permit a trash enclosure, as noted on the site plan; to reduce the required vision clearance at E 4th Avenue and the unnamed 15' alley from a 10' vision clearance triangle to an 8' vision clearance triangle; and to reduce the clear vision triangle at the intersection of N Fourth Street and E 4th Avenue from 30' to 14'.

04-01-2016



City of Columbus Zoning Plat

CV16-027



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: 010007725, 010038134

Zoning Number: 1124

Street Name: N 4TH ST

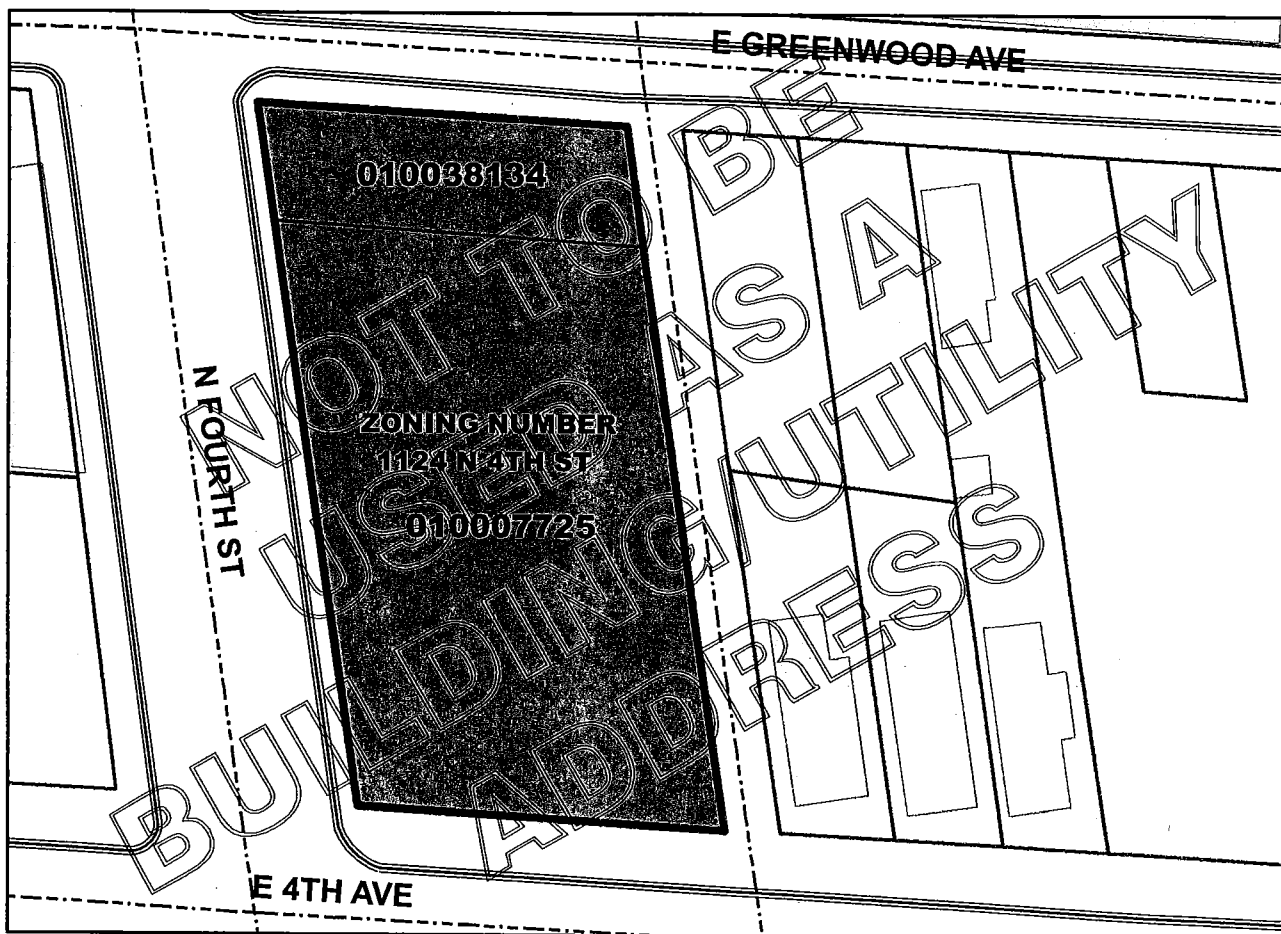
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Adyana Amarian*

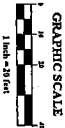
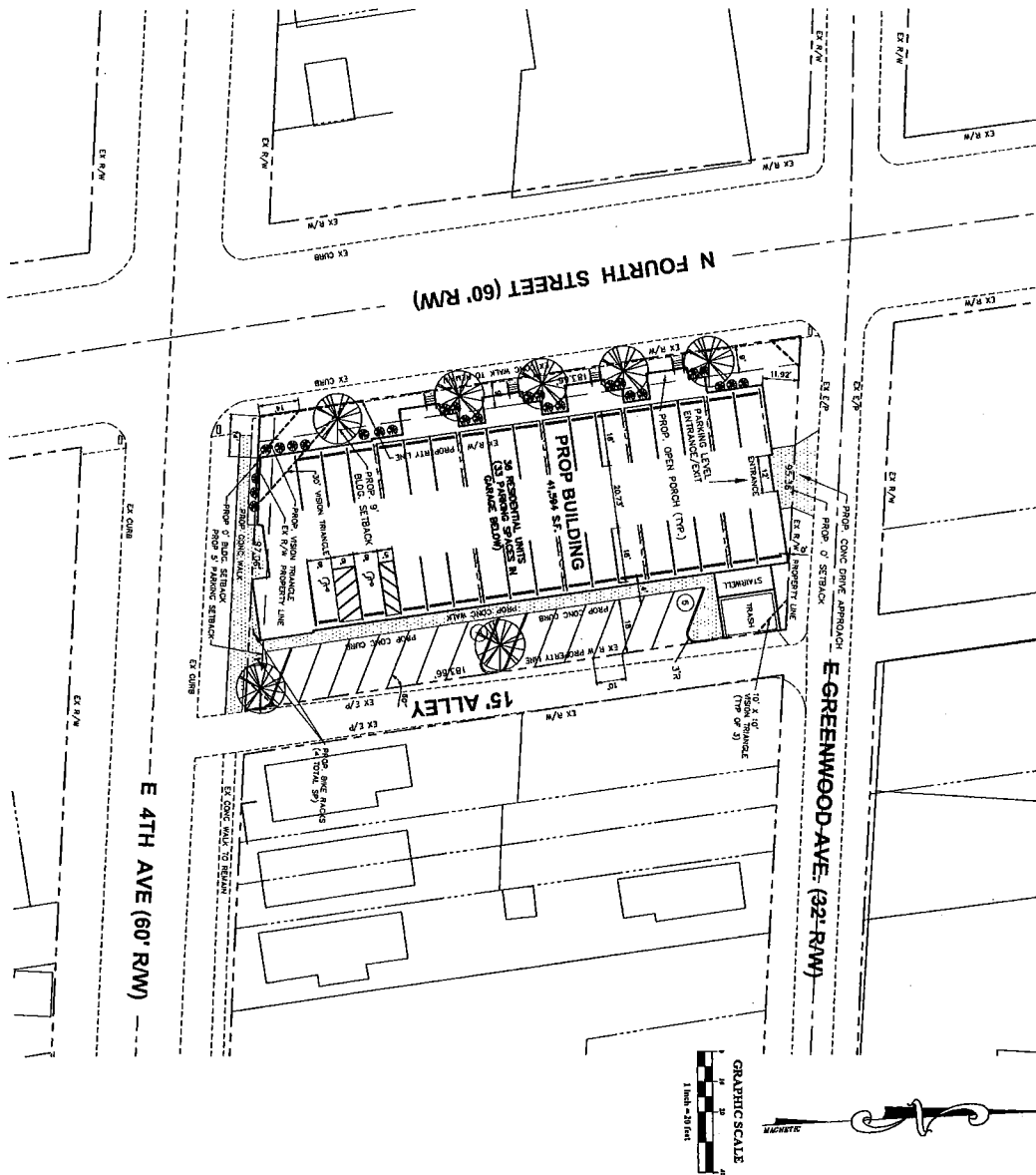
Date: 3/25/2016



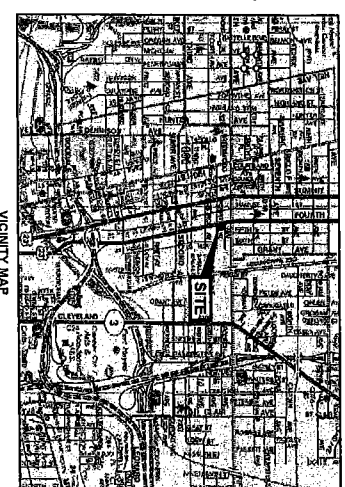
JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 60279



GRAPHIC SCALE
1 inch = 30 feet



VICINITY MAP
SCALE: 1" = 1/4" MI

SITE DATA TABLE:

PROPOSED ZONING:	AR-3 (CIV. - RESIDENTIAL)
EXISTING ZONING:	R-4
ZONING ADDRESS:	1124 N. FOURTH STREET
TOTAL SITE AREA:	0.40 ACRES
TOTAL UNITS:	36
DENSITY:	89.09 UNITS/ACRE
HEIGHT:	H=35, ACTUAL HEIGHT: ROOF = 46' (MAXIMUM)

PARKING CALCULATIONS:

UNITS:	36
TOTAL SPACES REQUIRED:	1.5 SPACES/UNIT = 54 (VARIANCE REQUESTED)
TOTAL SPACES PROVIDED:	46 (2 W/A.C. ACCESS) (13 SURFACE SPACES, 33 GARAGE SPACES)

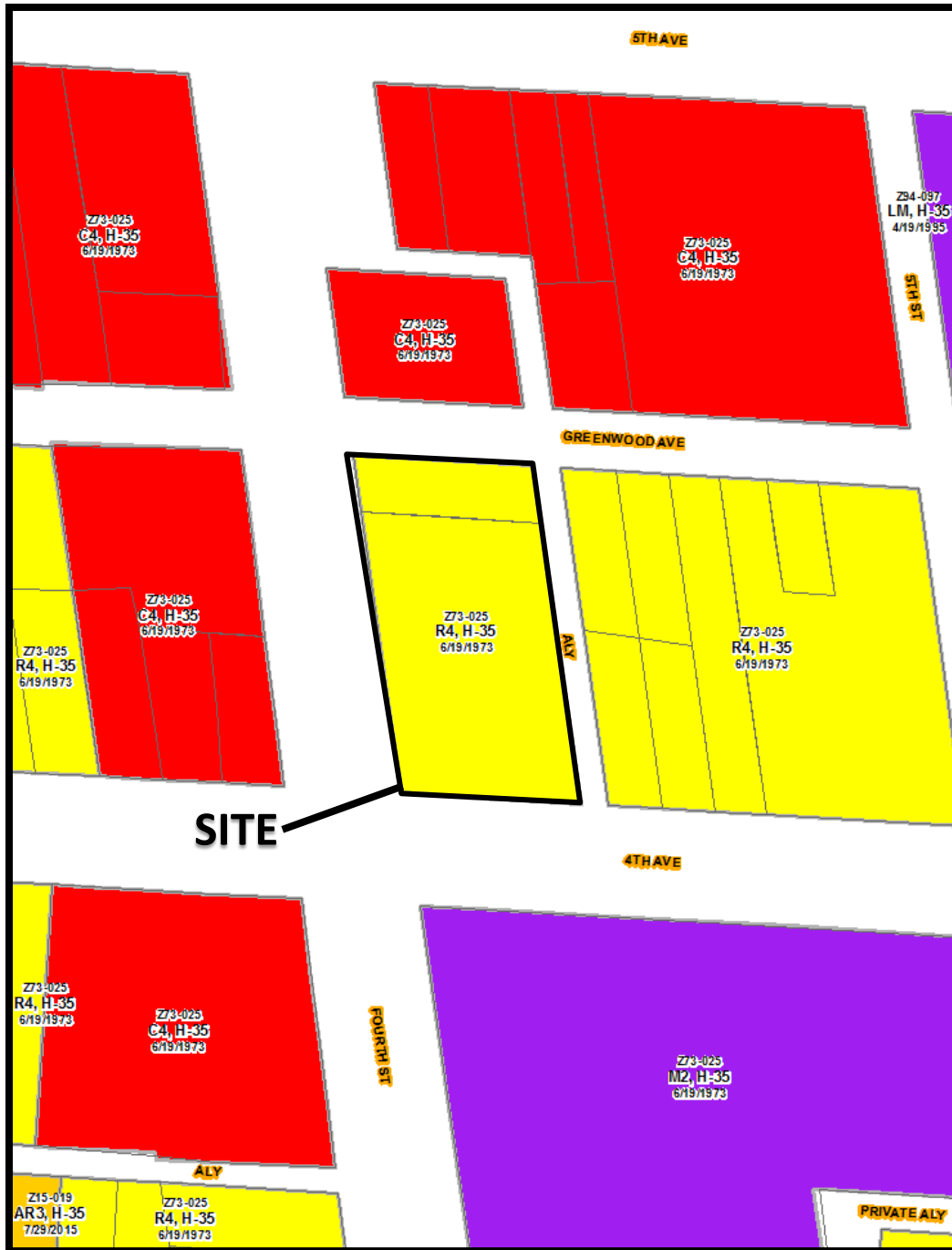
BICYCLE PARKING REQUIRED: 1 SPACE/UNIT = 36 SPACES/UNIT
1.28 SPACES/UNIT
2 * 26 X 11/20 = 4 BICYCLE SPACES REQUIRED
2 * 26 X 11/20 = 4 BICYCLE SPACES PROVIDED
(2-4' TYPE RACKS)

PARKING SPACE SHADE TREES REQUIRED: 1 PER 10 PARKING SPACES = 2 TREES
PARKING SPACE SHADE TREES PROVIDED: 2 TREES

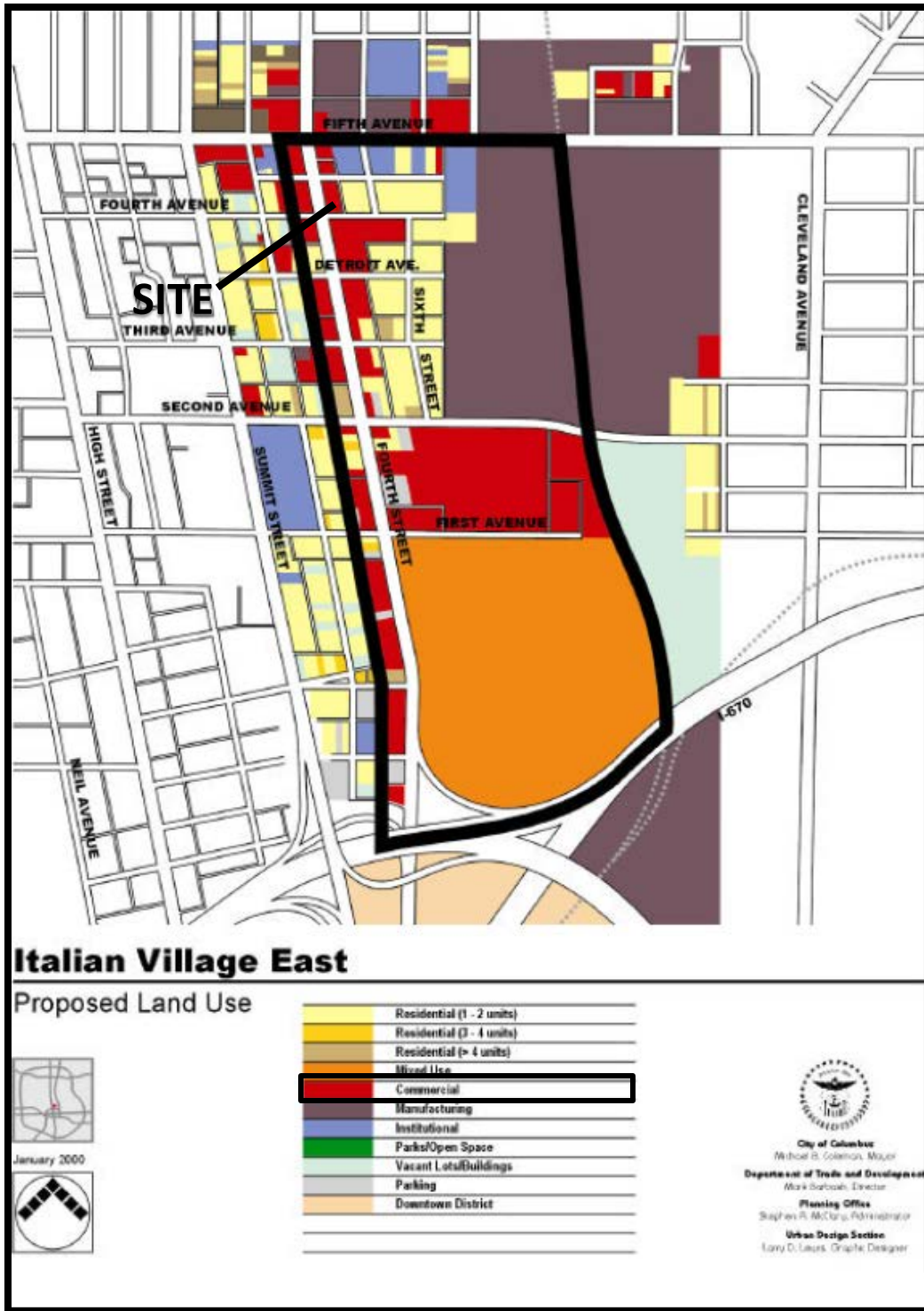
PARCELS (TOTAL SITE AREA)	AREA (SF)	AREA (AC)
(6) P.D. - 010-00775	14,891.30	0.33
(6) P.D. - 010-00134	2,053.54	0.07
PROPOSED LOT COVERAGE		
BUILDING	11,138	0.25
PERVIOUS	15,105	0.34
TOTAL	26,243	0.60

CV16-027

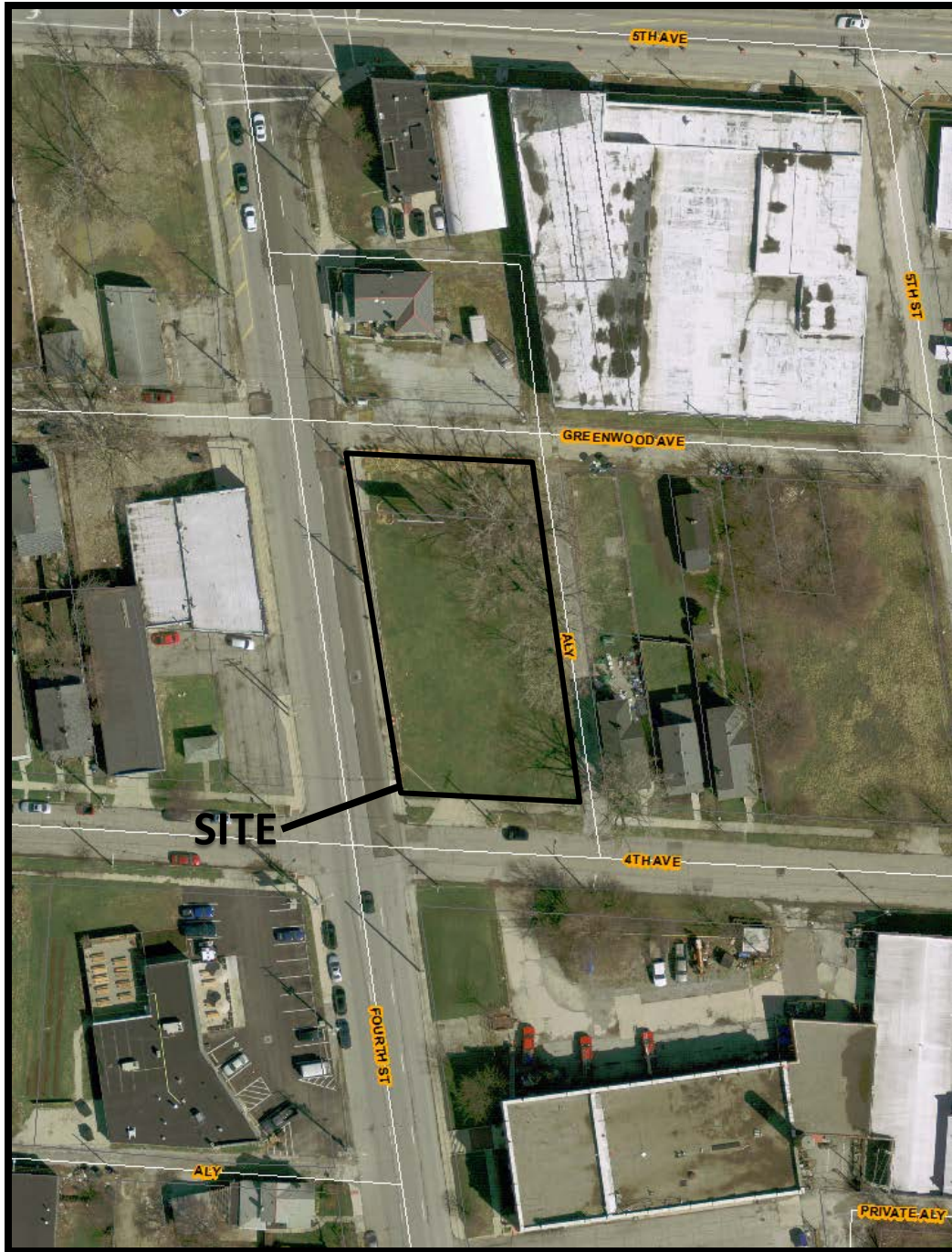
DATE: 04/05/2018 SCALE: 1" = 30' DRAWN BY: [Signature] CHECKED BY: [Signature] PROJECT NUMBER: 16-0001-725 DRAWING NUMBER: 1/1		CITY OF COLUMBUS, OHIO BUDD DAIRY 6 ZONING VARIANCE SITE PLAN FOR LYKENS COMPANIES 1124 N. FOURTH STREET		PLAN PREPARED FOR: PLAN PREPARED BY: 422 Beecher Road Columbus, Ohio 43230 PH: 614.452.7150 FX: 614.452.7755 WWW.ADVANCEDCIVILD.COM	
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CV16-027
 1124 North Fourth Street
 Approximately 0.40 acres



CV16-027
1124 North Fourth Street
Approximately 0.40 acres



CV16-027
1124 North Fourth Street
Approximately 0.40 acres