

## 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: CV16-034 Date Received: 5/3/16

Application Accepted by: Mn + TD Fee: \$800

Comments: Assigned to Michael Maret; 614-645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 6079 Northgate Road Zip: 43229

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: 010-023208

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

Current Zoning District(s): AR-2 (Pending Z16- 027 )

Area Commission or Civic Association: Northland Community Council

Proposed Use or reason for Council Variance request:

Variances related to multi-family development

Acreage: 0.872 +/- acres

#### APPLICANT:

Name: Community Housing Network c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----

Address: Plank Law Firm, 145 E Rich Street, FL 3 City/State: Columbus, Ohio 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: City of Columbus c/o John Turner Phone Number: 614-645-2551 Ext.: -----

Address: 50 West Gay Street City/State: Columbus, Ohio Zip: 43215

Email Address: jturner@columbus.gov Fax Number: 614-645-6675

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

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

Address: Plank Law Firm, 145 E Rich Street, FL 3 City/State: Columbus, Ohio 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 John Turner

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**

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CV16-034

**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

*4/28/16*

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**Exhibit B**  
**Statement of Hardship**  
**CV15-042**  
**6079 Northgate Road, Columbus, OH 43229**

The property (PID: 010-023208) is 0.872 +/- acres located on the west side Northgate Road at the intersection of Northgate Road and Shapter Avenue. The property is zoned C-4, Commercial (Z66-040). The commercial building that was on the property has been razed. Rezoning application Z16- 027 has been submitted to rezone the property to the AR-2, Apartment Residential District to redevelop the site with a 40 dwelling unit apartment building. Dwelling units are permitted about ground floor commercial uses, but applicant ground level commercial uses aren't viable for the site and the site abuts a large apartment use to the north.

This application is submitted in conjunction with and as companion to the pending rezoning application. Applicant has a hardship and practical difficulty with compliance with the referenced code sections necessitating the requested variances because there is no zoning district to which the property could be rezoned to not need variances. Northgate Road curves to the northwest, thereby creating a physical hardship with setting building and parking setback lines due to the curve. Applicant, Community Housing Network (CHN), operates over 1,000 housing units for disabled individuals. In its experience, meeting the City's parking requirements is unnecessary because only a small percentage of residents own cars. Twenty (20) spaces will be more than sufficient to serve 40 units. Based on the development's funding, CHN will be required to operate the building as special needs housing for at least 30 years.

Applicant requests the following variances:

1. 3309.14(A), Height Districts, to permit a building height of 38 feet in an H-35 height district.
2. 3312.27 (2), Parking Setback Line, to reduce the required parking setback line from 25 feet to 8 feet at the northeast corner of the site due to the curvature of Northgate Road.
3. 3312.49(B), Minimum Numbers of Parking Spaces Required, to reduce parking from 60 spaces (1.5/DU) to 20 spaces.
4. 3333.18, Building Lines, to reduce the required building setback line from 25 feet to 19 feet from Northgate Road for part of the proposed building, due to the curvature of Northgate Road.



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**Department of Building & Zoning Services**

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

**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-034

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 Street, FL 3, 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 6079 Northgate Road

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 5/3/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) City of Columbus

c/o John Turner

50 West Gay Street

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Community Housing Network c/o Donald Plank

(614) 947-8600

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Northland Community Council

c/o Dave Paul

PO Box 298836, Columbus, Ohio 43229

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 28TH 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

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



PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

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Please make checks payable to the Columbus City Treasurer

Notary Public, State of Ohio  
My Commission Expires 11-05-2018

**EXHIBIT A, Public Notice**  
**6079 Northgate Road**  
**CV16-034**  
**April 20, 2016**

**APPLICANT**

Community Housing Network  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

City of Columbus  
c/o John Turner, Administrator  
Land Redevelopment Office  
50 West Gay Street  
Columbus, OH 43215

**ATTORNEY FOR APPLICANT**

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

**COMMUNITY GROUP**

Northland Community Council  
c/o Dave Paul  
PO Box 298836  
Columbus, Ohio 43229

**PROPERTY OWNERS WITHIN 125 FEET**

2089 Webster LLC  
888 E Dublin Granville Road  
Columbus, Ohio 43229

BMP Apartments LLC  
445 E Wooster Street  
Bowling Green, Ohio 43402

Fairlane Apartments  
6175 Northgate Road  
Columbus, Ohio 43229

Pinta Health LLC  
2733 E Parleys Way  
Salt Lake City, UT 84109

OT Investments LLC  
8360 Harlem Road  
Westerville, Ohio 43081

**ALSO NOTIFY:**

Community Housing Network  
c/o Laurie Sutherland  
1680 Watermark Drive  
Columbus, Ohio 43215

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

**6079 Northgate Road**  
**CV16-034**  
**Exhibit A, Public Notice**  
**Page 1 of 1, 04/20/2016**

**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 # CV16-034

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E Rich Street, FL 3, 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. Community Housing Network 1680 Watermark Drive Columbus, Ohio 43215 # of Columbus Based Employees: 93 Contact: Laurie Sutherland 614-487-6757	2. City of Columbus 50 West Gay Street Columbus, Ohio 43215 # of Columbus Based Employees: 10,000 +/- Contact: John Turner (614) 645-2551
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 28TH day of APRIL, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires

11-5-2018

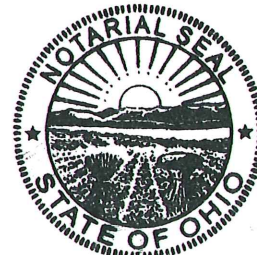
Notary Seal Here

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Rev 12/15 slp



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

**6079 Northgate Road**  
**CV16- 034**  
**LEGAL DESCRIPTION OF 0.872 +/- ACRES**

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

And in Section 4, Township 2, Range 18, United States Military Lands, containing 0.872 acres of land, more or less, said 0.872 acre being out of the land conveyed to Franklin Corp. by deed of record in Deed Book 3127, Page 349, said Franklin Corp. now being Homewood Corporation as the result of a merger (Official Record Volume 5449, Page G-12), said 0.872 acres of land being more particularly bounded and described as follows:

Beginning at the iron pin in the northernmost line of said Franklin Corp. land, the same being in the southerly line of that 20.988 acres tract of land described in the deed to Northgate Development Company by deed of record in Deed Book 2994, Page 227, and in a westerly right-of-way line of Northgate Road as the same is designated and delineated upon the plat entitled "Northgate Industrial Park: and shown of record in Plat Book 32, Page 93;

Thence southwardly, with a westerly right-of-way line of said Northgate Road, the same being the arc of a curve to the right having a radius of 270.00 feet, a central angle of 28 degrees 02' 05" and a chord that bears South 8 degrees 47' 32" East, a chord distance of 130.79 feet to an iron pin at the point of tangency in the right-of-way boundary of said Northgate Road;

Then South 5 degrees 13' 10" West, with a westerly right-of-way line of said Northgate Road, a distance of 63.66 feet to an iron pin at the northeasterly corner of that 0.268 acre tract of land designed "PARCEL III" and described in the deed to Capital Hotel Limited Partnership of record in Official Record Volume 02717, Page F-18;

Thence, North 84 degrees 56' 00" West, with, in part, the northerly line of said 0.238 acre tract, with, in part, a southerly line of said Franklin Corp. land and with, in part, the northerly line of that tract of land designed "PARCEL I" and described in said deed of record in Official Record Volume 02717, Page F-18, a distance of 200.00 feet to the southeasterly corner of that 1.585 acres tract of land designated "PARCEL II" and described in said deed of record in Official Record Volume 02717, Page F-18;

CV16-634

Thence North 5 degrees 04' 00" East, with the easterly line of said 1.585 acres tract, a distance of 196.78 feet to an iron pin at the northeasterly corner of said 1.585 acres tract, the same being in the northernmost line of said Franklin Corp. land and in the southerly line of said 20.988 acres tract;

Thence South 84 degrees 33' 00" East, with the northernmost line of said Franklin Corp. land and with the southerly line of said 20.988 acres tract, a distance of 168.68 feet to the point of beginning and containing 0.872 acre of land, more or less.

Parcel No. 010-23208

Also known as: 6079 Northgate Road, Columbus, Ohio 43229

4/21/16





# City of Columbus Zoning Plat

CV16-034



## 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: 010023208

Zoning Number: 6079

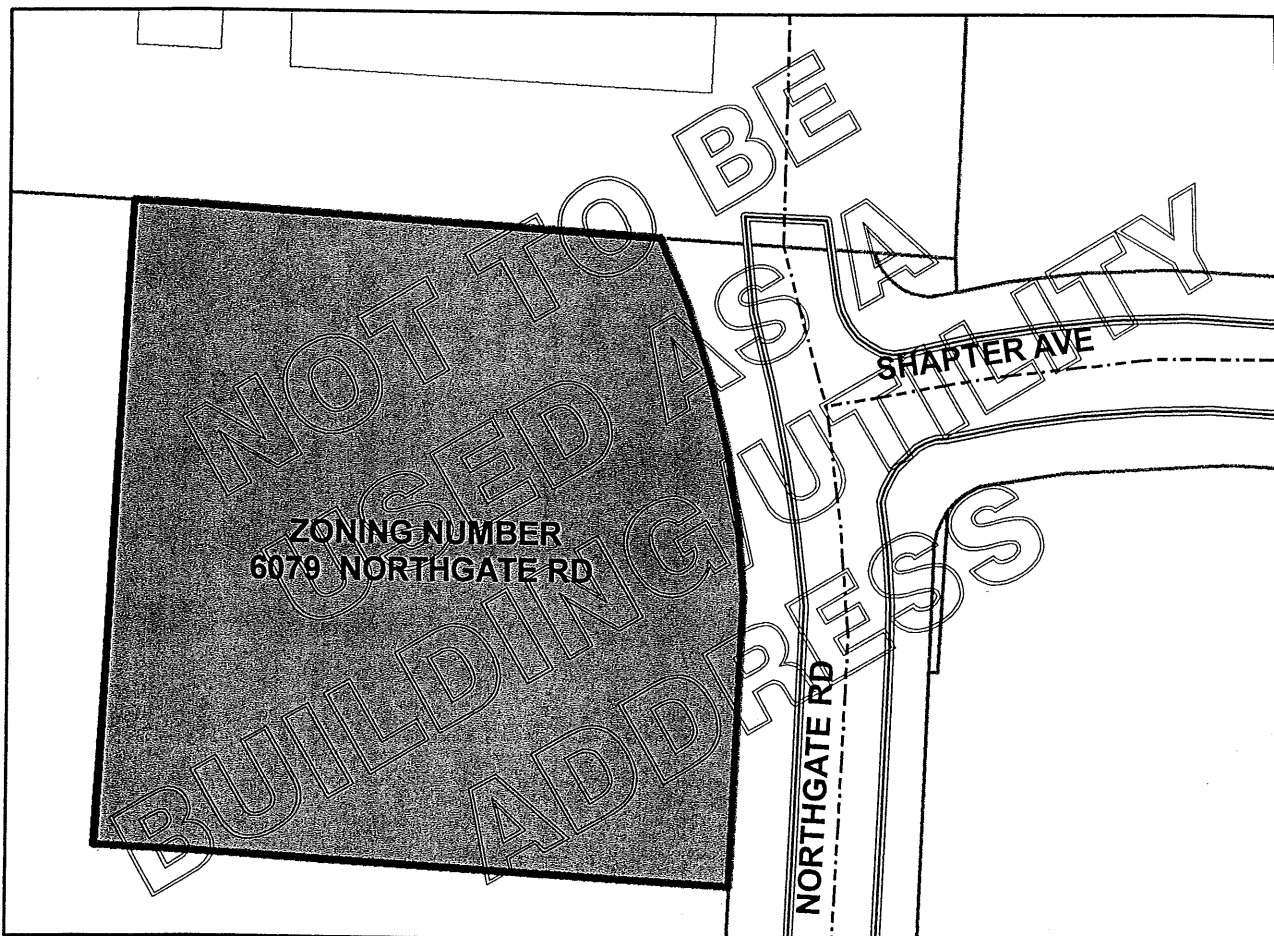
Street Name: NORTHGATE RD

Lot Number: N/A

Subdivision: N/A

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

Issued By: *Adyana Amarian* Date: 4/21/2016



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

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 62518



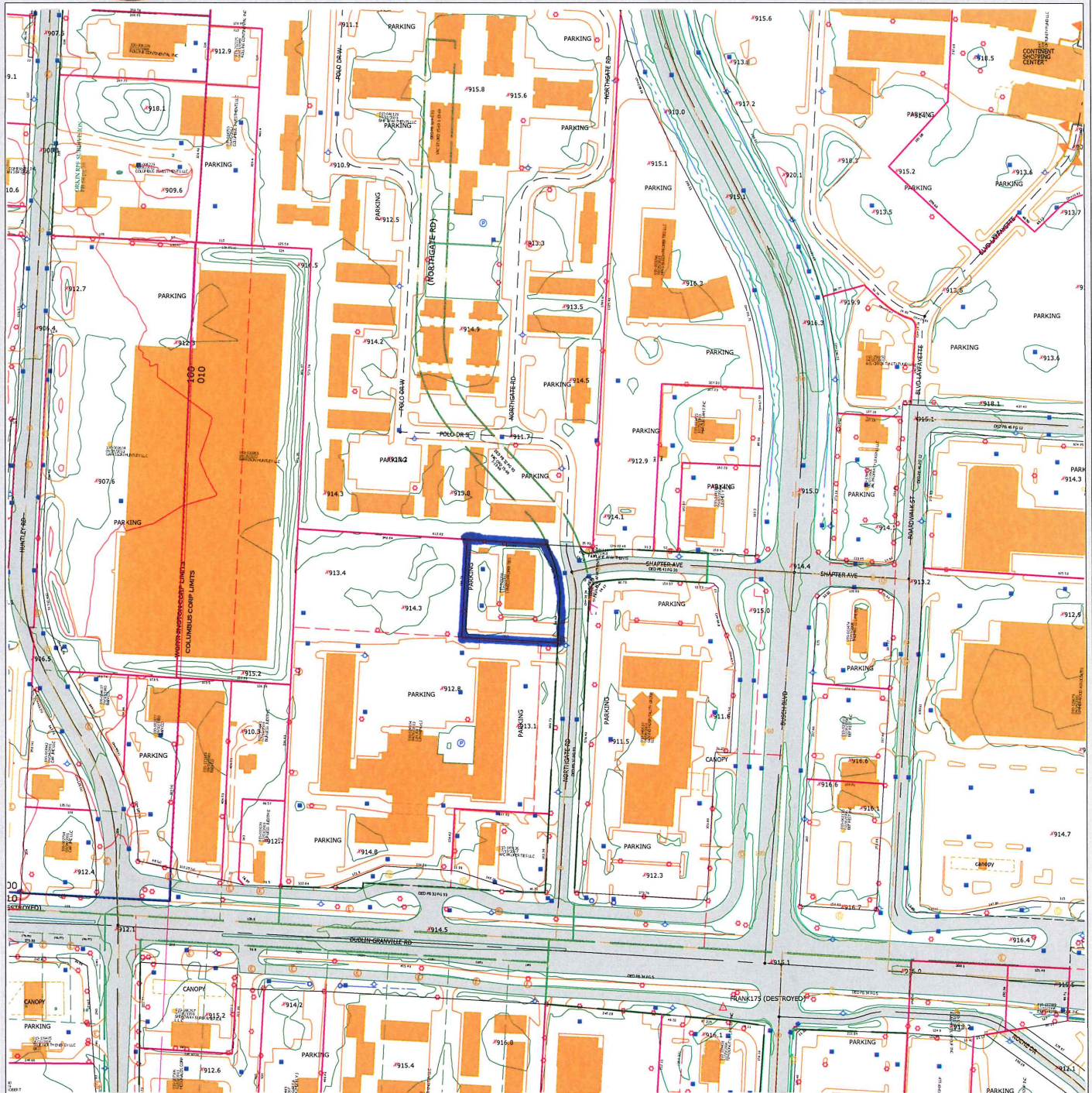
CV16-034



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 4/28/16



Disclaimer

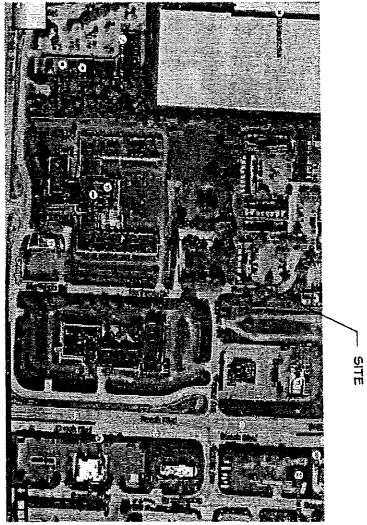
Scale = 300

 Grid  
North

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.

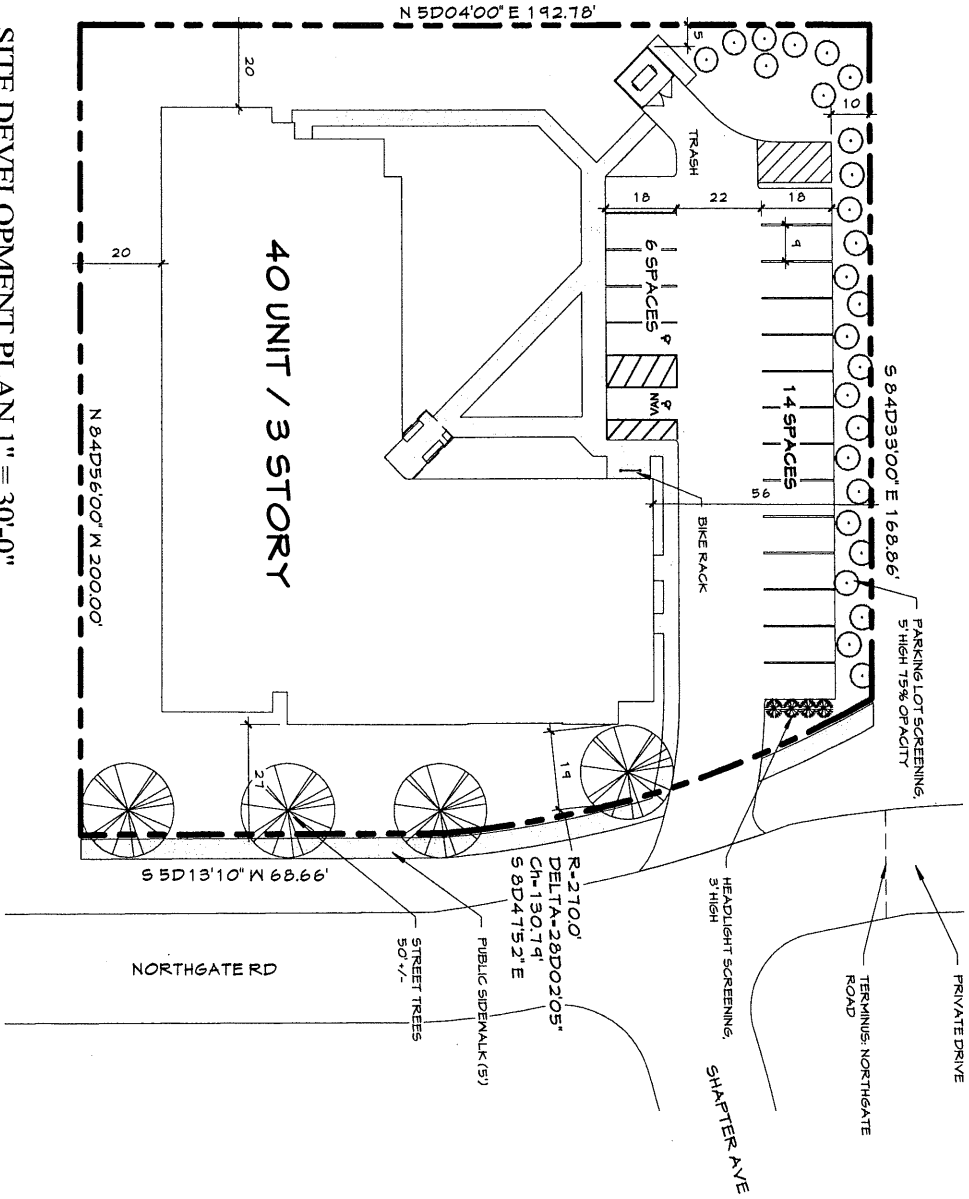
Real Estate / GIS Department





## DEVELOPMENT SUMMARY

LOT SIZE:	37,984 SF 0.872 ACRES
LOT COVERAGE:	
BUILDING	12,244 SF (32.2%)
DENSITY:	0.872 ACRES / 40 UNITS - 1 UNIT PER 0.218 ACRE (949.67 SF)
PARKING:	18 STANDARD + 2 HC - 20 SPACES
REAR YARD:	14,953 SF (39.3%)
BUILDING HEIGHT:	38' TO MID HEIGHT OF ROOF



SITE DEVELOPMENT PLAN 1" = 30'-0"

ADDRESS: 6079 NORTHGATE ROAD

PID: 010-023208

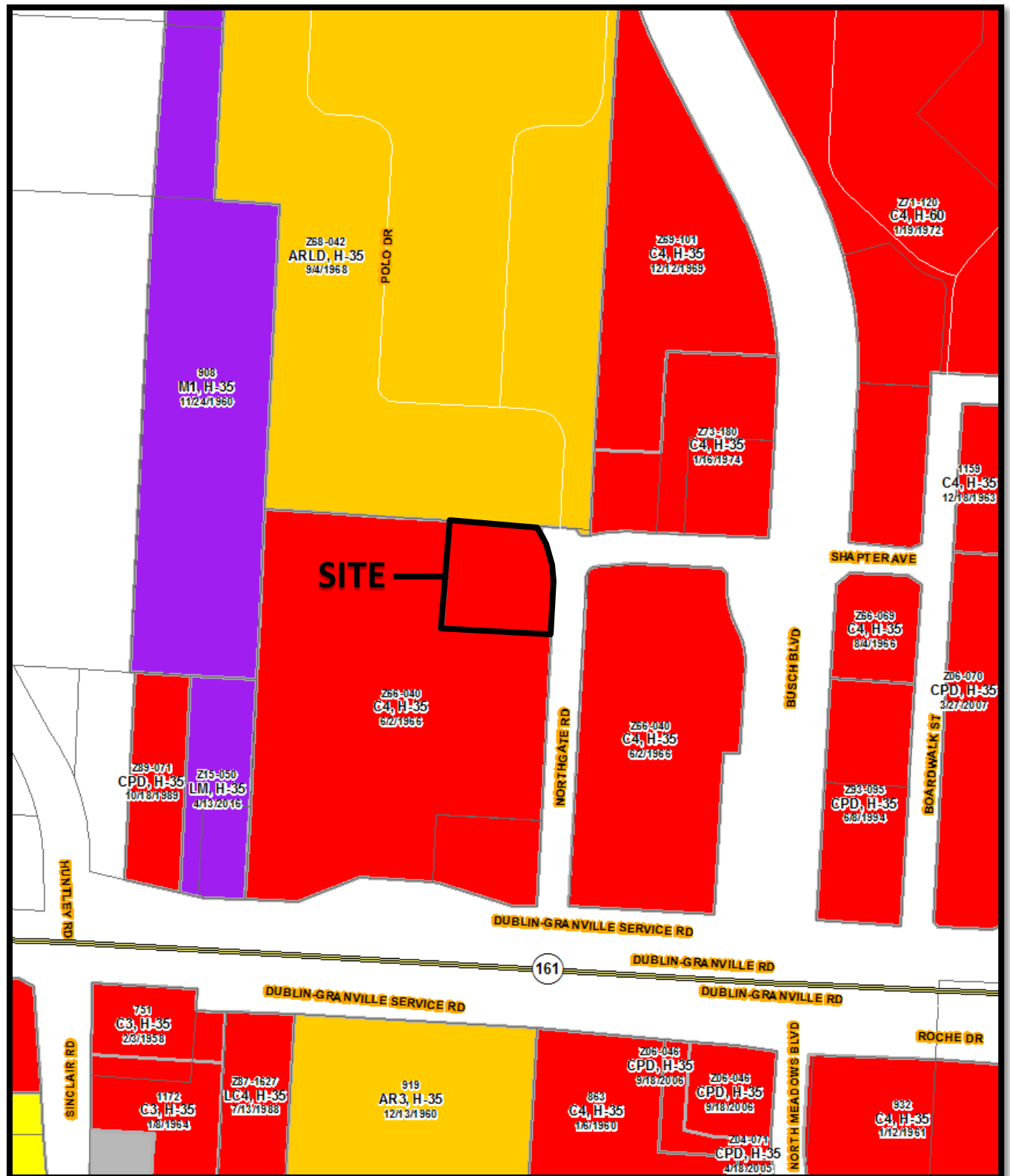
ZONING: AR-2 (216-027 PENDING)

## ZONING VARIANCE PLAN 6079 NORTHGATE ROAD

CV-16-034

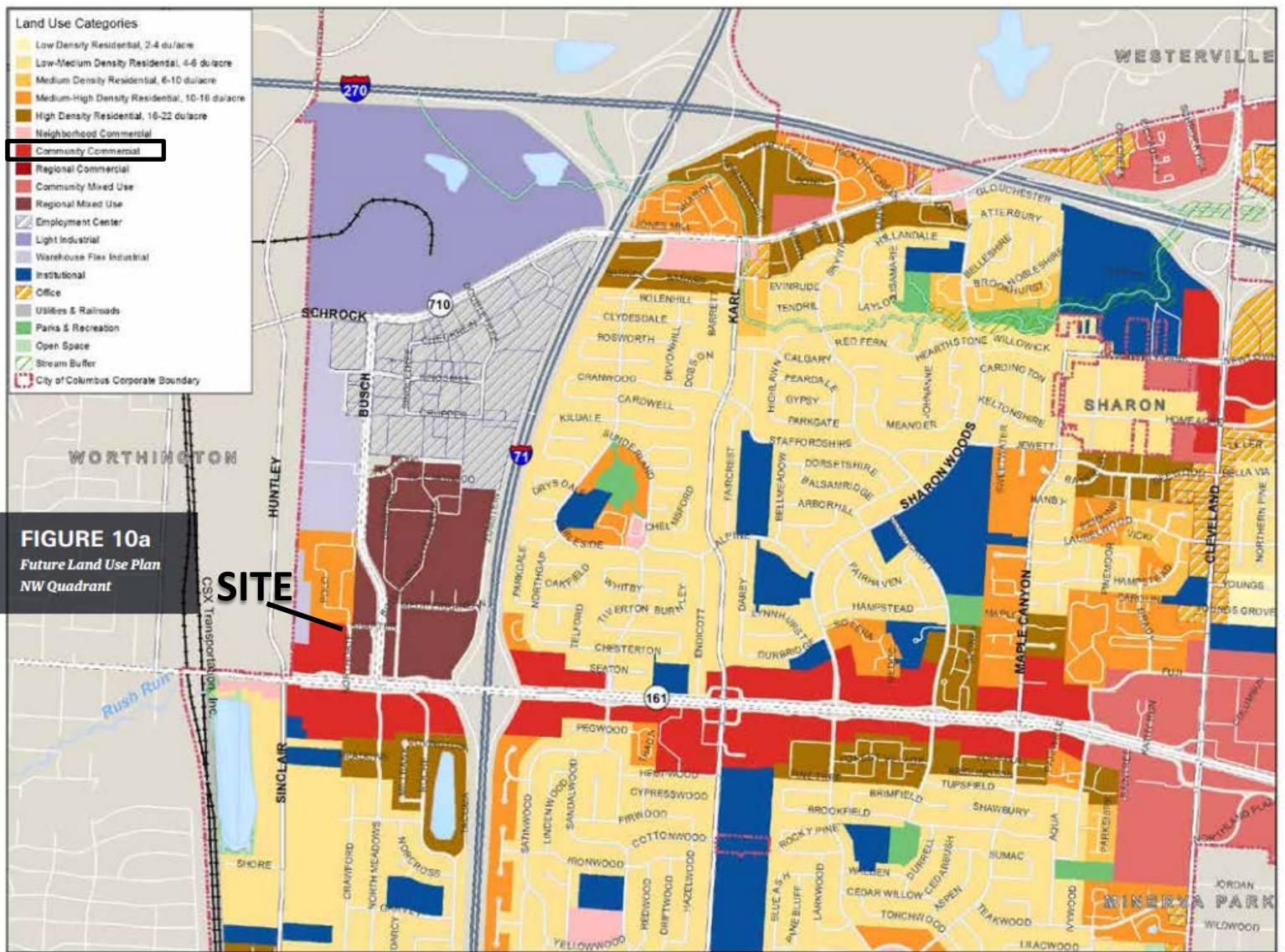


berardi+  
architectural & interior design + engineering  
1000 10th Avenue, Suite 1000  
Berkeley, CA 94710  
415.863.1100  
www.berardi.com



CV16-034  
6079 Northgate Road  
Approximately 0.87 acres





NORTHLAND | AREA PLAN - FUTURE LAND USE PLAN



CV16-034  
6079 Northgate Road  
Approximately 0.87 acres





CV16-034  
6079 Northgate Road  
Approximately 0.87 acres