

THE CITY OF
COLUMBUS

ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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: CV12-060B (CV16-063) Date Received: 10/4/16
Application Accepted by: SP Fee: \$2000
Comments: Assigned to Shannon Pine; spine@columbus.gov; 614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 732 North Fourth Street, Columbus, Ohio 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: 010-293344

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

Current Zoning District(s): M - Manufacturing

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:
Amend CV12-060A (See Statement of Hardship)

Acreage: 3.881 +/-

APPLICANT:

Name: Jeffrey New Day, LLC c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----

Address: Plank Law Firm 423 E Town Street, 2nd Floor 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: Jeffrey New Day, LLC, et al c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----

Address: Plank Law Firm 423 E Town Street, 2nd Floor City/State: Columbus, Ohio 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: 423 East Town Street, 2nd Floor 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 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 CV12-060B
732 North Fourth Street, Columbus, Ohio 43215

SUPPLEMENTAL PROPERTY OWNER EXHIBIT

- 1) Jeffrey New Day, LLC
c/o Joe Williams
842 North Fourth Street, Suite 200
Columbus, Ohio 43215
- 2) Jeffrey New Day Homes, LLC
c/o Joe Williams
842 North Fourth Street, Suite 200
Columbus, Ohio 43215
- 3) Robert F Maurer
Jennifer Lynn Huddleston
278 Neruda Avenue
Columbus, Ohio 43215

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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 Exhibit B

Signature of Applicant

Donald Plank

Date

10/4/16

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Exhibit B

Statement of Hardship

CV12-060B (Amendment)

732 N Fourth Street, Columbus, OH 43201

Ordinance 1819-2013 (CV12-060), passed 7-22-2013, granted variances for development of Jeffrey Park and referenced the Jeffrey Park Concept Plan, dated July 2, 2013. Ordinance 1919-2013 was amended in 2015 (CV12-060A, Ordinance 1211-2015, passed May 18, 2015) to modify 2013 ordinance requirements for Site A, the Jeffrey Park Community Center parcel when construction drawings had been prepared and the Jeffrey Park Concept Plan (April 9, 2015) was updated to reflect the updated Community Center Plan. The Community Center and other Jeffrey parcels are now developed.

By this application (CV12-060B), applicant proposes to modify development standards for single family dwellings on Sites C and D (only), as identified on the enclosed Jeffrey Park Concept Plan, dated July 2, 2016. The 2013 and 2015 ordinances require detached single family dwellings to provide 1) rear yard (10%), while attached single family dwellings have no rear yard requirement, 2) limit the area of a rear yard a garage can occupy to 60% of the rear yard, while other residential uses have no limitation on detached garage occupancy of rear yard, 3) require side yards on both sides of a detached single family dwelling, while attached single family dwellings are only required to provide a 3' side yard on the end units and 4) to change the minimum lot width from 21' to 20'.

Applicant proposes to amend the ordinance to eliminate the current rear yard and maximum garage occupancy of rear yard and permit a maximum of 3' total side yard for single family dwellings. Jeffrey Park is an upscale urban development. The yards were proposed originally by the developer. Sites C and D are internal to Jeffrey Park and therefore, the proposed yards, while consistent with yard standards for other uses and the urban development underway at Jeffrey Park, don't impact any property external to Jeffrey Park.

This amendment incorporates the text and standards of Ordinance 1211-2015, except as modified to change single family dwelling yard requirements, and also references the "Jeffrey Park Concept Plan", dated October 3, 2016, which is updated to identify Site C and Site D, to which this amendment applies.

04/09/15

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AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director

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

AFFIDAVIT (See instruction sheet)

Application Number: CV12-060B

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1)** NAME

Donald Plank (Plank Law Firm)

of **(1)** MAILING ADDRESS

423 E Town Street, 2nd 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 732 North 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)**

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Jeffrey New Day, LLC, et al, c/o Donald Plank
Plank Law Firm

423 East Town Street, 2nd Floor

Columbus, Ohio 43215

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

Jeffrey New Day, LLC

c/o 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 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

Donald Plank

Sworn to before me and signed in my presence this 4th day of October, in the year 2016

Rev

Stacey L. Danza

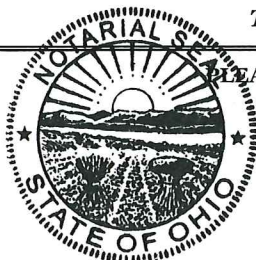
11-5-2018

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

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



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Notary Public, State of Ohio

My Commission Expires 11-05-2018

Rev 12/15 slp

Council Variance Application CV12-060B
732 North Fourth Street, Columbus, Ohio 43215

SUPPLEMENTAL PROPERTY OWNER EXHIBIT

- 1) Jeffrey New Day, LLC
c/o Joe Williams
842 North Fourth Street, Suite 200
Columbus, Ohio 43215
- 2) Jeffrey New Day Homes, LLC
c/o Joe Williams
842 North Fourth Street, Suite 200
Columbus, Ohio 43215
- 3) Robert F Maurer
Jennifer Lynn Huddleston
278 Neruda Avenue
Columbus, Ohio 43215

EXHIBIT A, Public Notice
732 North Fourth Street
CV12-060B
09/22/2016

APPLICANT

Jeffrey New Day, LLC
c/o Donald Plank
Plank Law Firm
423 East Town Street, 2nd Floor
Columbus, Ohio 43215

PROPERTY OWNER

Jeffrey New Day, LLC et al.
c/o Donald Plank
Plank Law Firm
423 East Town Street, 2nd Floor
Columbus, Ohio 43215

Jeffrey New Day Homes, LLC
c/o Donald Plank
Plank Law Firm
423 East Town Street, 2nd Floor
Columbus, Ohio 43215

Robert F Maurer
Jennifer Lynn Huddleston
c/o Donald Plank (Plank Law Firm)
423 East Town Street, 2nd Floor
Columbus, Ohio 43215

ATTORNEY

Donald Plank, Plank Law Firm
423 East Town Street, 2nd Floor
Columbus, Ohio 43215

COMMUNITY GROUP

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

PROPERTY OWNERS WITHIN 125 FEET

Jeffrey New Day Homes, LLC
575 West First Avenue #100
Columbus, Ohio 43215

Jeffrey New Day Apartments, LLC
c/o Wagenbrenner Realty
842 North Fourth Street, Suite 200
Columbus, Ohio 43215

21 Jeffrey Park LLC
17 Brickel Street, Suite E
Columbus, Ohio 43215-7502

Robert A Maurer
Jennifer Lynn Huddleston
278 Neruda Avenue
Columbus, Ohio 43215-1792

Windsor Lofts, LLC
PO Box 417
Powell, Ohio 43065-0417

Jeffrey Place New Community
Authority
575 West First Avenue
Columbus, Ohio 43215

ALSO NOTIFY:

Dave Perry
David Perry Company, Inc.
145 E Rich Street, 3rd Floor
Columbus, Ohio 43215

Jeffrey New Day, LLC
c/o Joe Williams
842 North 4th Street, Suite 200
Columbus, Ohio 43215

732 North Fourth Street
CV12-060B
Exhibit A, Public Notice
Page 1 of 2, 09/22/2016

Jeffrey New Day Homes, LLC
c/o Joe Williams
842 North 4th Street, Suite 200
Columbus, Ohio 43215

Robert F Maurer
Jennifer Lynn Huddletson
278 Neruda Avenue
Columbus, Ohio 43215

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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 # CV12-06013

STATE OF OHIO
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm) -----

Being first duly cautioned and sworn (NAME) -----

of (COMPLETE ADDRESS) 423 East Town Street, 2nd Floor, Columbus, Ohio 43215 -----

deposes and states that (he/she) is the APPLICANT, AGENT, OR ONLY 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. Jeffrey New Day, LLC 842 North 4th Street, Suite 200 Columbus, Ohio 43215 # of Columbus Based Employees: Contact: Joe Williams 614-545-3688	2. Jeffrey New Day Homes, LLC 842 North 4th Street, Suite 200 Columbus, Ohio 43215 # of Columbus Based Employees: Contact: Joe Williams 614-545-3688
3. Robert F Maurer Jennifer Lynn Huddleston 278 Neruda Avenue Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Joe Williams 614-545-3688	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 4th day of October, 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



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: 010291434 + 59 OTHERS

Zoning Number: 732

Street Name: N 4TH ST

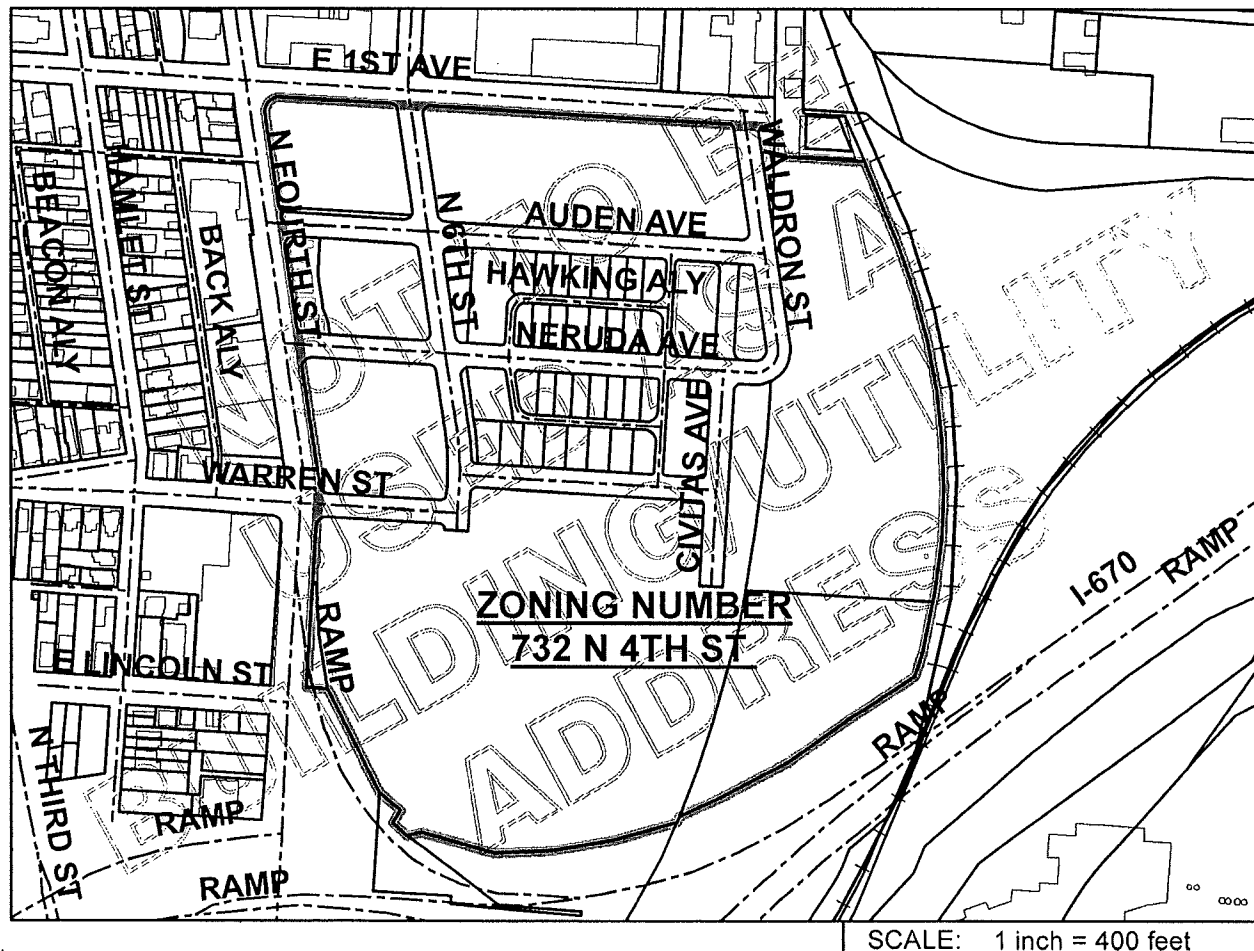
Lot Number: N/A

SUBDIVISION: N/A

Requested By: DAVE PERRY CO., Inc (DAVE PERRY)

Issued By: *Patricia A. Austin*

Date: 11/27/2012



SCALE: 1 inch = 400 feet

GIS FILE NUMBER: 11786



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

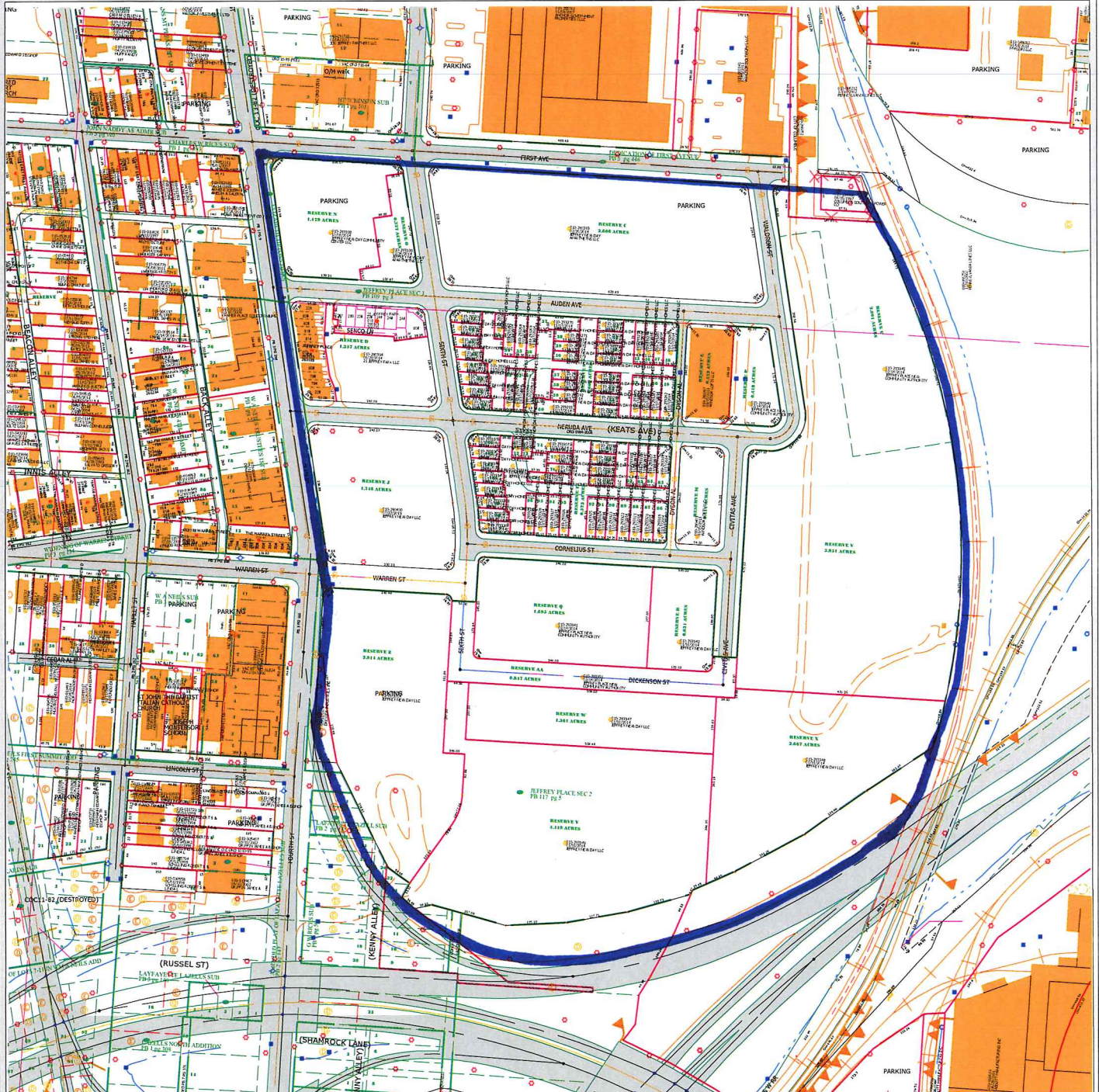
CVR-0603



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 9/13/16



Disclaimer

Scale = 300



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

CV12-0603

Council Variance Application CV12-060B
732 North Fourth Street, Columbus, Ohio 43215

SUPPLEMENTAL PARCEL NUMBER EXHIBIT

010-293304	010-293323
010-293303	010-293324
010-293302	010-293325
010-293301	010-293326
010-293300	010-293327
010-293299	010-293328
010-293298	010-293329
010-293297	010-293274
010-293343	010-293330
010-293266	010-293331
010-293267	010-293332
010-293268	010-293333
010-293269	010-293334
010-293270	010-293335
010-293271	010-293336
010-293272	010-293337
010-293273	010-293344
010-293277	010-293305
010-293276	010-293306
010-293275	010-293307
010-293278	010-293308
010-293279	010-293309
010-293280	010-293310
010-293281	010-293314
010-293282	010-293313
010-293283	010-293312
010-293284	010-293294
010-293285	010-293296
010-293286	010-293311
010-293287	010-293315
010-293288	010-293316
010-293289	010-293317
010-293293	010-293318
010-293292	010-293319
010-293291	010-293320
010-293290	010-293321
010-293295	

CV12-060B



- (1) Italian Village, Urban Commercial Overlay
- (2) Restaurant/pubs/beer/dining area for Jeffrey Park residents and also non-residents.
- (3) Dwelling units may be townhouse for sale units on individual lots or 13 multi-family units. Parking calculated as single family rates (townhouse for sale) of two (2) spaces/DU, otherwise 1.5 spaces/DU.
- (4) Code required parking is 2.0/DU for SF, no UCO reduction. One (1) space per DU to be required.

Phase I (94+ acres, not including off-site temporary parking lot for Site B)

Community Center, Commercial uses, residential
Multi-family residential

Site C:	Residential
Site D:	Residential

Since A, B, C and D, incl

development and the limit is completed. The limit

temporary parking lot for Site B, and parcels to which are not owned by Jeffrey New Day LLC.

CV12-060B

This application incorporates LEED-2009 (Version 2025) and modifies yard requirements for data

732 NORTH FOURTH

① Figure 1

732 NORTH FOURTH STREET
 1000 1st St. N.W.

CV12-060B

SITE PLAN

Answer: B

101

JEFFREY PARK

CONCEPT PLAN

CV-12-06073

732 North Fourth Street
CV12-060B
Legal Description – Jeffrey Place

Situated in the City of Columbus, County of Franklin and State of Ohio, and known as being Reserves A, B, C, D, E, F, G, H, I, J, K, L, M and Lots 1 - 32, all inclusive in Jeffrey Place, Section 1, as the same is numbered and delineated upon the recorded plat of said Section 1, of record in Plat Book 109, Pages 3 and 4, in the Recorder's Office of Franklin County, Ohio,

AND THE FOLLOWING:

Situated in the State of Ohio, County of Franklin, City of Columbus, Sections 4 and 9, Township 5, Range 22, Refugee Lands, being part of that tract of land conveyed to Waterford Limited Partnership by deed of record in Instrument Number 200011020222452 and part of that tract of land conveyed to Pennsylvania Railroad Holding Company by deed of record in Official Record 33954D19 (all references being to the records of the Recorder's Office, Franklin County, Ohio) and more particularly bounded and described as follows:

Beginning, for reference, at the northwesterly corner of that tract conveyed to the City of Columbus, Ohio by deed of record in Deed Book 2256, Page 474 in the southerly right-of-way line of East First Avenue;

thence South 08°14' 59" East, with the easterly right-of-way line of North Fourth Street, a distance of 558.84 feet to the True Point of Beginning for this description;

thence crossing said Pennsylvania Railroad Holding Company and said Waterford Limited Partnership tracts, the following courses and distances:

South 86°17' 08" East, a distance of 271.12 feet to a point;

South 08°19' 52" East, a distance of 113.87 feet to a point;

South 86°17' 08" East, a distance of 465.89 feet to a point;

South 03°28' 09" West, a distance of 40.00 feet to a point;

South 86°17' 08" East, a distance of 140.09 feet to a point;

North 03°25' 49" East, a distance of 151.37 feet to a point; and

South 86°17' 08" East, a distance of 428.08 feet to a point in the westerly line of that tract conveyed to Consolidated Rail Corporation by deed of record in Deed Book 3714, Page 1;

thence, with said westerly line, and with the arc of a curve to the right, (Delta = 22°28' 04, Radius = 1390.00 feet) a chord bearing and distance of South 04°06' 57" West, 541.58 feet to a point;;

thence South 19°04' 52" West, with said westerly line, a distance of 29.87 feet to a point in the northerly right-of-way line of I-670;

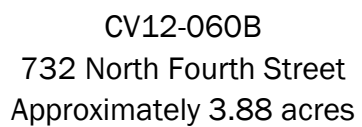
thence with said northerly right-of-way line the following courses and distances:

South 57°05' 47" West, a distance of 162.07 feet to a point;

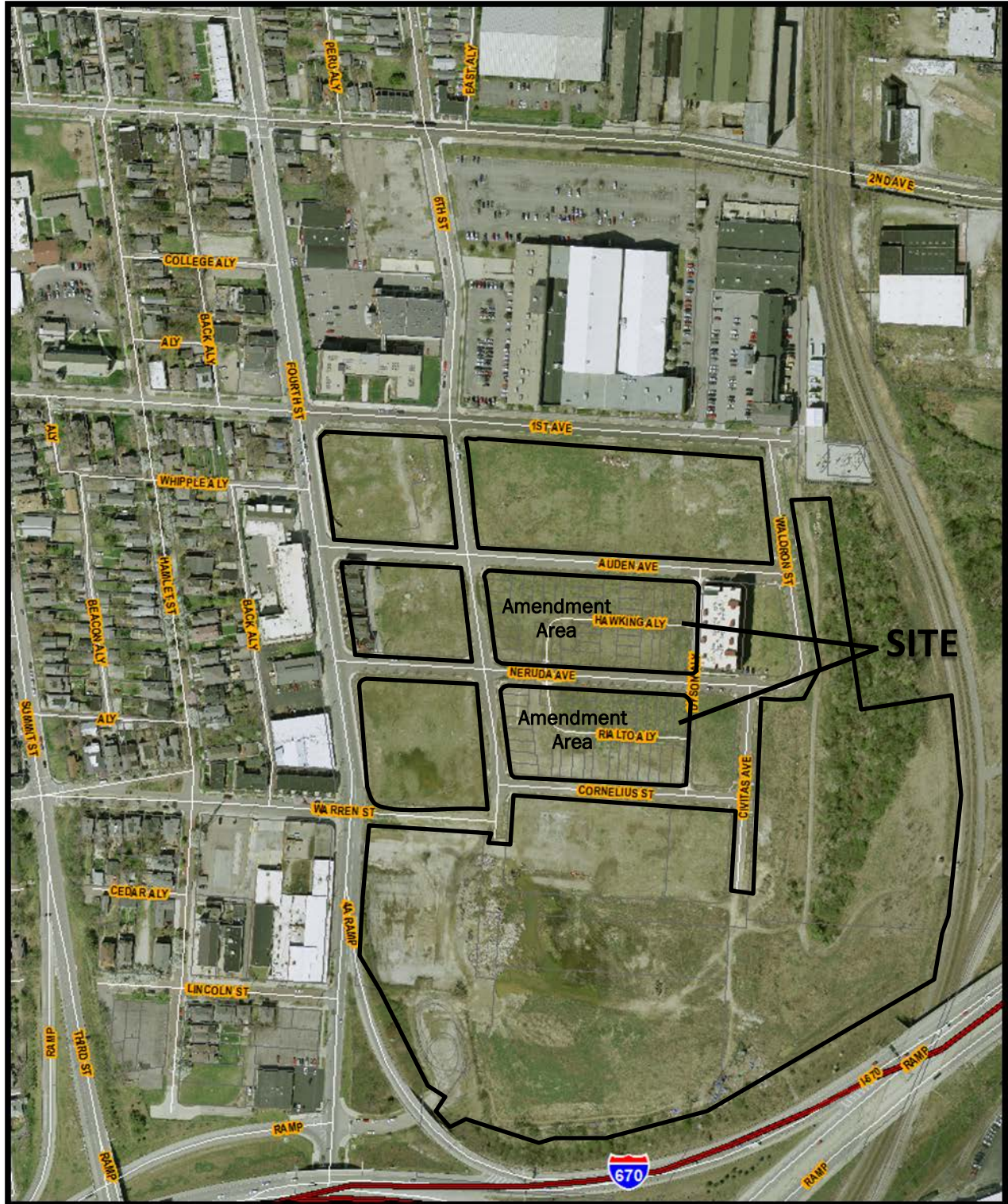
South 54°57' 08" West, a distance of 155.00 feet to a point;

CV12- 06013

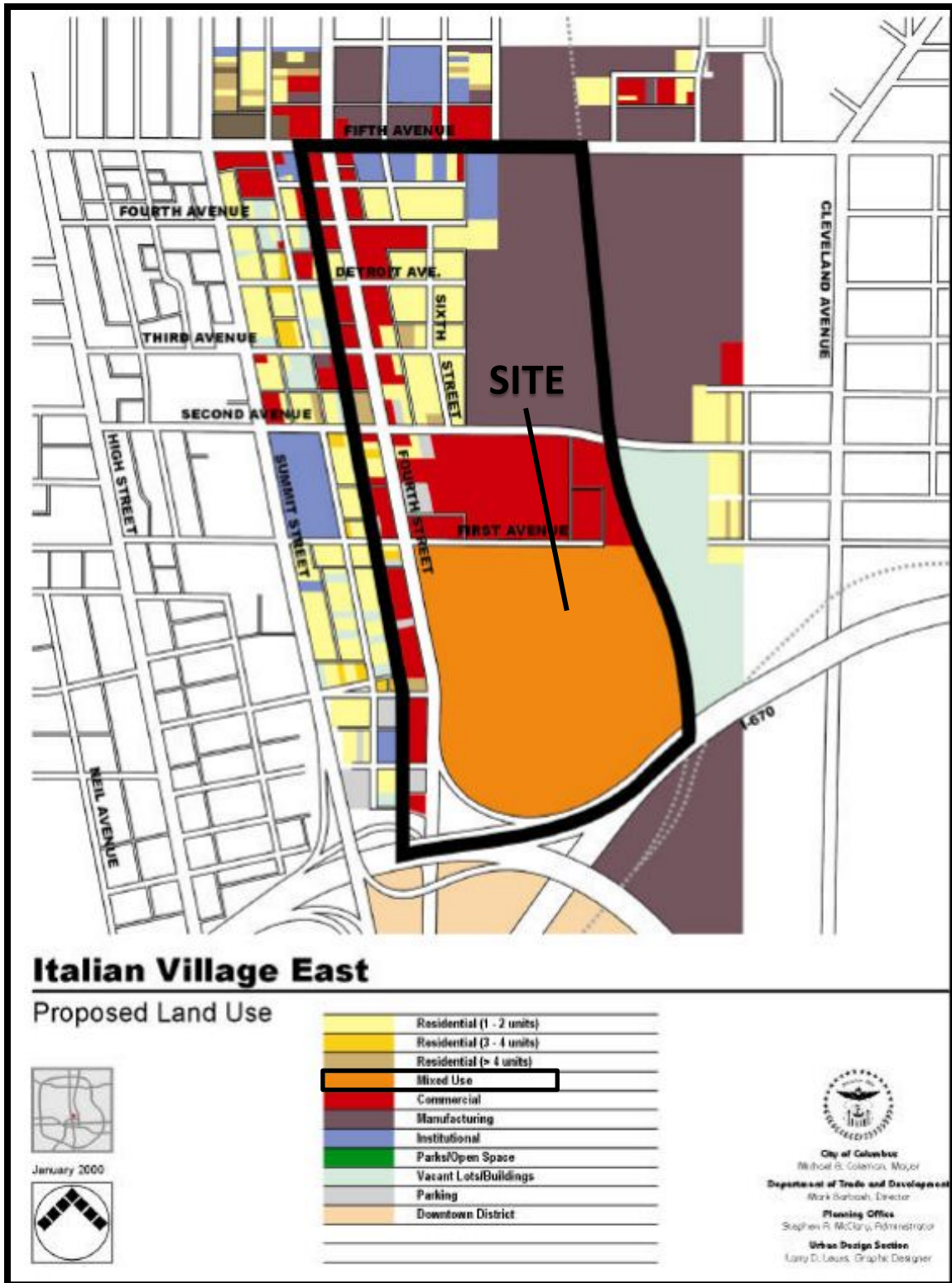
South 62°04' 39" West, a distance of 161.25 feet to a point;
South 24°16' 43" West, a distance of 9.37 feet to a point;
South 74°27' 12" West, a distance of 132.73 feet to a point;
South 80°13' 39" West, a distance of 127.71 feet to a point;
South 87°23' 14" West, a distance of 125.10 feet to a point;
North 74°13' 31" West, a distance of 157.09 feet to a point;
South 77°16' 27" West, a distance of 34.91 feet to a point;
North 48°28' 27" West, a distance of 34.45 feet to a point;
North 28°07' 31" East, a distance of 33.32 feet to a point;
North 54°07' 01" West, a distance of 54.60 feet to a point;
North 26°22' 45" West, a distance of 238.61 feet to a point;
North 10°01' 02" West, a distance of 110.69 feet to a point;
North 03°53' 03" West, a distance of 107.89 feet to a point; and
North 86°30' 37" West, a distance of 8.00 feet to a point in the easterly right-of-way line of Fourth Street;
thence North 03°34' 09" East, with said easterly right-of-way line, a distance of 217.55 feet to a point;
thence North 08°14' 59" West, with said easterly right-of-way line, a distance of 251.52 feet to the True Point of Beginning, containing 23.3 acres of land, more or less.



Approximately 3.88 acres



CV12-060B
732 North Fourth Street
Approximately 3.88 acres



CV12-060B
732 North Fourth Street
Approximately 3.88 acres
Italian Village East Redevelopment Plan (2000)