

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: CV16-073 Date Received: 11/1/16
Application Accepted by: TD Fee: \$ 800
Comments: Assigned to Michael Maret; mjmaret@columbus.gov; 614-645-2749

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 868 Ingleside Avenue, 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: 010-009443

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

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

Area Commission or Civic Association: Harrison West Society

Proposed Use or reason for Council Variance request:

Acreage: 0.98 +/-

APPLICANT:

Name: Pickett Companies c/o 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

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

Name: Barley Equities III, LLC c/o John Berry Phone Number: (972) 982-8652 Ext.:

Address: 11150 Santa Monica Boulevard, Suite 1425 City/State: Los Angeles, CA Zip: 90025

Email Address: jberry@ironpointpartners.com Fax Number:

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

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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

11/1/16

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Exhibit B

Statement of Hardship

CV16- 073

868 Ingleside Avenue, Columbus, OH 43215

The site (PID: 010-009443) is 0.98 acres located on the west side of Michigan Avenue, 70 +/- feet north of Buttles Avenue. The property is presently zoned M, Manufacturing but rezoning application Z16-073 is pending to rezone the site to the AR-2, Apartment Residential District for development of a 40 dwelling unit, two (2) building apartment complex as depicted on the submitted site plan ("Ingleside Apartments II, 868 Ingleside Avenue", 10/31/2016). This Council Variance application is submitted in conjunction with the pending rezoning application for a variances, as noted below.

"Perimeter Yard" (3333.255) is a perimeter green setback. On large greenfield sites, perimeter yard works well to provide perimeter green space up to the maximum 25' width. However, perimeter yard wasn't contemplated for urban redevelopment sites and many urban redevelopment sites for multi-family development have a single building per parcel and are therefore subject to "Rear Yard" rather than Perimeter Yard. To reduce the scale by using two (2) buildings, the site is subject to Perimeter Yard. Applicant requests a variance to perimeter yard to reflect the urban conditions of the site. Applicant has a hardship and practical difficulty with compliance with the referenced code sections. The yard and parking variances requested are representative of urban development and the redeveloping area.

Applicant requests the following variance:

- 1) Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 60 spaces (1.5/DU) to 54 spaces (1.35/DU).
- 2) Section 3333.18 (F), Building Lines, to reduce the Michigan Avenue building setback from the calculated setback, 20', to 8'.
- 3) Section 3333.255, Perimeter Yard, to reduce the perimeter yard from 20.4 feet to 0' on the west side for access to parking and also less than 20.4 feet as noted on the Site Plan for buildings, dumpster and parking, as depicted on the Site Plan.

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AFFIDAVIT (See instruction sheet)

Application Number: CW16-073

STATE OF OHIO

COUNTY OF FRANKLIN

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

of (1) MAILING ADDRESS 423 East 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 868 Ingleside Avenue, 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) 11/1/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) Barley Equities III, LLC

c/o John Berry

11150 Santa Monica Boulevard, Suite 1425

Los Angeles, CA 90025

Pickett Companies

c/o Donald Plank (614) 947-8600

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) Harrison West Society c/o Jacob Sukosd

PO Box 163442

Columbus, Ohio 43216

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

Sworn to before me and signed in my presence this 1st day of November in the year 2016

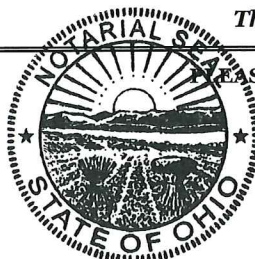
Rev

(8) SIGNATURE OF NOTARY PUBLIC

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.

Applicants must be admitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

My Commission Expires 11-05-2018

EXHIBIT A, Public Notice
868 Ingleside Avenue
CV16-073
October 18, 2016

APPLICANT

Pickett Companies
c/o Donald Plank
Plank Law Firm
423 E Town Street, 2nd Floor
Columbus, Ohio 43215

PROPERTY OWNER

Barley Equities III, LLC
c/o John Berry
11150 Santa Monica Blvd., Suite 1425
Los Angeles, CA 90025

ATTORNEY FOR APPLICANT

Donald Plank, Plank Law Firm
423 E Town Street, 2nd Floor
Columbus, OH 43215

COMMUNITY GROUP:

Harrison West Society
C/o Jacob Sukosd
PO Box 163442
Columbus, Ohio 43216

PROPERTY OWNERS WITHIN 125 FEET

OK Investment Company
PO Box 163216
Columbus, Ohio 43216-3216

AD Investors PLL
447 Briarwood Drive
Columbus, Ohio 43213-4048

840 Michigan Avenue, LLC
Mulberry Design-Build, LLC
170 Brickel Street, Suite E
Columbus, Ohio 43215-1508

Melmat LLC
839 Michigan Avenue
Columbus, Ohio 43215-1108

Bunn-Minnick Co
875 Michigan Avenue
Columbus, Ohio 43215-1108

Elytra Properties, LLC
850 Michigan Avenue
Columbus, Ohio 43215-1920

Jack Jang Properties, LLC
870 Michigan Avenue
Columbus, Ohio 43215-1920

ALSO NOTIFY:

Snyder-Barker Investments
c/o Jason Snyder
100 W Third Street, Suite 100
Columbus, Ohio 43201

Snyder-Barker Investments
c/o Brian Barker
100 W Third Street, Suite 100
Columbus, Ohio 43201

868 Ingleside Avenue
CV16-073, October 18, 2016
Exhibit A, Public Notice
Page 1 of 2

Snyder-Barker Investments
c/o Paul Pardi
100 W Third Street, Suite 100
Columbus, Ohio 43201

Pickett Companies
c/o Scott Pickett
88 E Broad Street, Suite 1740
Columbus, Ohio 43215

Preferred Living
c/o Jared Smith
470 Old Worthington Rd, Suite 470
Westerville, Ohio 43082

David Perry
David Perry Company
423 E Town Street, 2nd Floor
Columbus, Ohio 43215

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 # C.V.16-073

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 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. Pickett Companies 88 East Broad, Suite 1740 Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Scott Pickett (614) 264-4400	2. Barley Equities III, LLC 11150 Santa Monica Boulevard, Suite 1425 Los Angeles, CA 90025 # of Columbus Based Employees: 0 Contact: John Berry (972) 982-8652
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 November, in the year 2016

Stacey L. Danza

SIGNATURE OF NOTARY PUBLIC

11-5-2018

My Commission Expires

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



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: 010009443

Zoning Number: 868

Street Name: INGLESIDE AVE

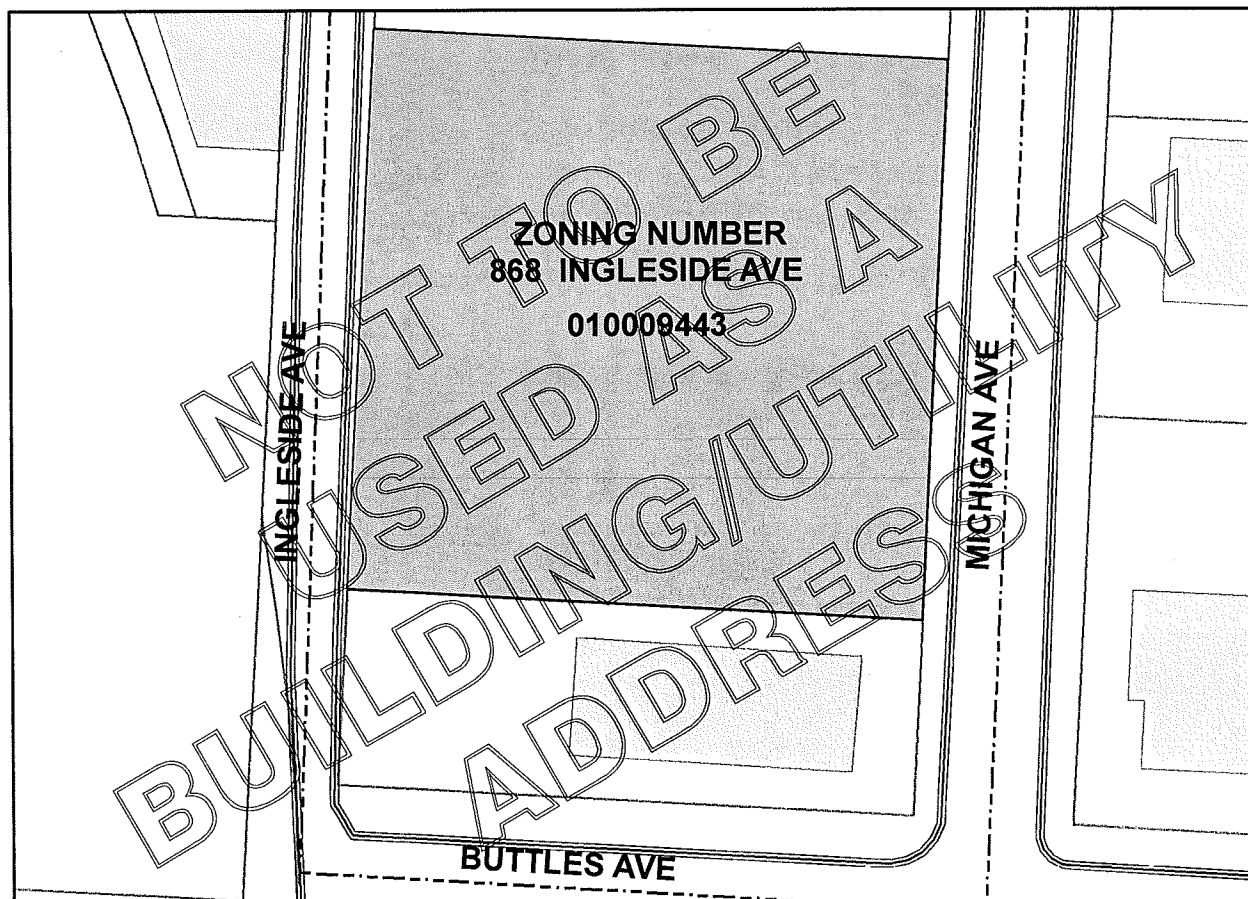
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMAPNY, INC. (DAVE PERRY)

Issued By: *Adyana amariam*

Date: 10/17/2016



FRANK D. WILLIAMS, ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 70 feet

GIS FILE NUMBER: 76595

CV16-073

868 Ingleside Avenue, Columbus, Ohio 43215

Legal Description

Z16- 073

CV16- 073

Being Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Lots 429, 430, 431, 432, 433, 434, 481, 482, 483, 484, 485, 486, and part of Lots 428, 435, 480, 487, and part of an alley 20 feet wide vacated by Ordinance 162-48 (2-16-1948), and part of an alley 20 feet wide vacated by Ordinance #10.512 (9-2-1885), and all of an alley 20 feet wide vacated by Ordinance #37786 (2-14-1927, of R.E. Neil's eight addition shown of record in Plat Book 2, Page 183, Recorder's office, Franklin County, Ohio and being more particularly described as follows:

Commencing at an iron pin at the intersection of the westerly right-of-way line of Michigan Avenue (6 feet wide), with the southerly right-of-way line of Simpson Lane (30 feet wide) northerly corner of Lot 474;

Thence South $2^{\circ} 45' 27''$ west along the westerly right-of-way line of said Michigan Avenue, easterly line of Lots 474, 475, 476, 477, 478, 479, 480, a distance of 208.00 feet to an iron pin, and the true point of beginning of this description;

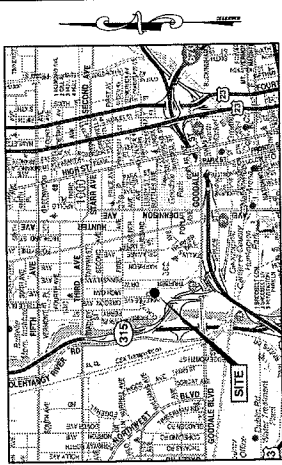
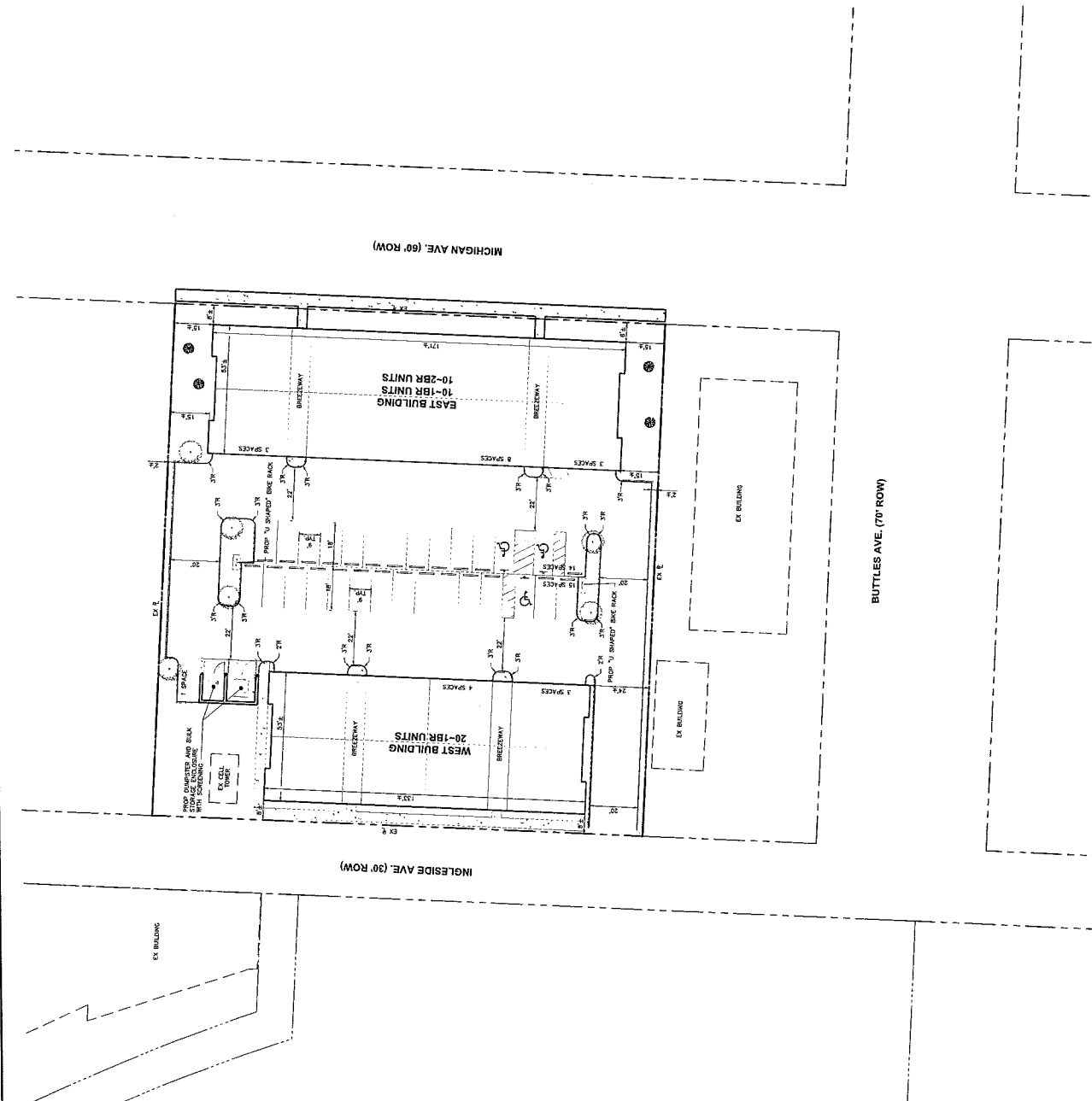
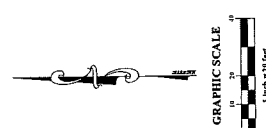
Thence South $2^{\circ} 45' 27''$ west, along the westerly right-of-way line of said Michigan Avenue, easterly line of Lots 481, 482, 483, 484, 485, 486, 487, a distance of 202.44 feet to an iron pin at the northeasterly corner of a 0.343 acre tract conveyed to Mary Evans Eyerman shown on record in Official Record 1463, Page G-13, said point being North $2^{\circ} 45' 27''$ east, along the westerly right-of-way line of said Michigan Avenue, a distance of 71.13 feet from the intersection of the westerly right-of-way line of said Michigan Avenue, with the northerly right-of-way line of Buttles Avenue, 70 feet wide, southeasterly corner of said 0.343 acre tract;

Thence North $87^{\circ} 11' 03''$ west, across said Lots 487, 428, and along the northerly line of said 0.343 acre tract, and along a line parallel with, and 71.13 feet northerly of measured at right angles to the northerly right-of-way line of said Buttles Avenue, a distance of 210.19 feet to an iron pin on the easterly right-of-way line of Ingleside Avenue, 30 feet wide, westerly line of said Lot 428, northwesterly corner of said 0.343 acre tract;

Thence North $2^{\circ} 45' 27''$ east, along the easterly right-of-way line of said Ingleside Avenue, westerly line of said Lots 428, 429, 430, 431, 432, 433, 434, 435, a distance of 202.44 feet to an iron pin;

Thence South $87^{\circ} 11' 03''$ east, across said Lots 435, 480, and along a line parallel with the southerly right-of-way line of said Simpson Lane, a distance of 210.19 feet to the place of beginning, containing 0.977 acres (42,551 square feet).


Parcel No.: 010-09443

[illegible]

CITY OF COLUMBUS, OHIO
PRELIMINARY SITE PLAN
FOR
INGLESIDE APARTMENTS II
868 INGLESIDE AVENUE

PLAN PREPARED BY:

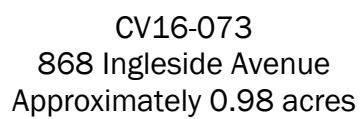
432 RECORD ROAD
Gallatin, Ohio 43230
Phone 641-4281
Fax 641-4287793


ADVANCED
CIVIL DESIGN
C. C. G I L L E S P I E

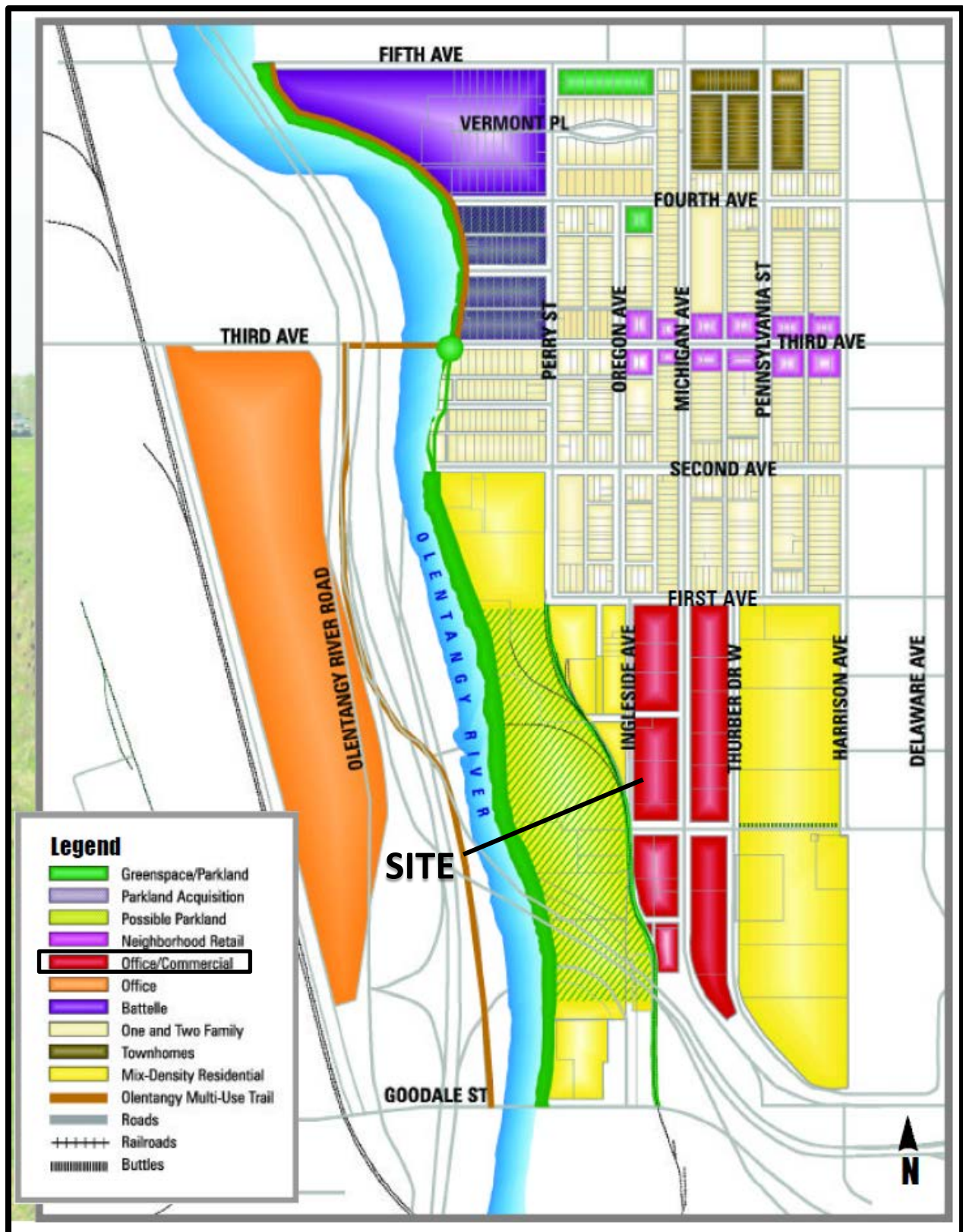
SCALE: 1" = 20'
DATE: 10/27/2016

SHEET 1 / 1

CV16-073



Approximately 0.98 acres



CV16-073
 868 Ingleside Avenue
 Approximately 0.98 acres



CV16-073
868 Ingleside Avenue
Approximately 0.98 acres