

OFFICE USE ONLY

Application Number: CV16-075 Date Received: 11/1/16

Application Accepted by: mm Fee: \$1760

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

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes only): 1573 East Livingston Avenue, Columbus, Ohio Zip: 43205

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: 010-252845, 010-080525, 010-080524

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

Current Zoning District(s): C-4, Commercial

Area Commission or Civic Association: Livingston Avenue Area Commission

Proposed Use or reason for Council Variance request:  
Senior housing and off-site parking lot

Acreage: 1.03 +/- Ac

**APPLICANT:**

Name: WODA Group, Inc. c/o Joseph McCabe Phone Number: 614-396-3223 Ext.: \_\_\_\_\_

Address: 229 Huber Village Boulevard, Suite 100 City/State: Westerville, OH Zip: 43081

Email Address: jmccabe@wodagroup.com Fax Number: 614-396-3243

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

Name: Thomas C. Smith c/o Randy Best (Best Corporate Real Estate) Phone Number: 614-559-3350 Ext.: -----

Address: 2121 Riverside Drive City/State: Upper Arlington, Ohio Zip: 43221

Email Address: rbest@bestcorporaterealestate.com Fax Number: -----

**ATTORNEY / AGENT** (Check one if applicable):  Attorney  Agent (Attorney for Applicant)

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 [Signature]

PROPERTY OWNER SIGNATURE [Signature] ON BEHALF OF PROPERTY OWNER

ATTORNEY / AGENT SIGNATURE [Signature] (For Applicant)

*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**

**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



Date

11/1/16

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## Exhibit B

### Statement of Hardship

CV16- 075

### 1573 E. Livingston Avenue

The site is located at the southeast and southwest corners of E. Livingston Avenue and Geers Avenue. Both areas are zoned C-4, Commercial and are within the E. Livingston Avenue Urban Commercial Overlay (UCO). The southeast corner (Subarea A) is developed with the former Livingston Theater and other buildings. Some of the existing buildings in Subarea A are proposed to be razed, but not the theater building, new construction as depicted on the Site Plan and development of 45 senior housing (age restricted) dwelling units. There is no parking on the southeast development area. The southwest corner is presently used as a parking lot and is proposed to be a 37 space parking lot for the 45 senior housing dwelling units.

Applicant has a hardship and practical difficulty with compliance with the referenced code sections. The C-4 District permits residential use located above most ground floor residential uses. Many variances have been granted for ground level residential use in the C-4 district. There is no zoning district to which the site could be rezoned without also needing variances for the proposed development. Site development shall be as depicted on the submitted Site Plan, as referenced in the ordinance.

Variances are requested as follows:

- 1) Section 3356.03, C-4, Permitted Uses, to permit ground level residential use, thereby permitting a 45 dwelling unit senior housing apartment house including ground level residential use.
- 2) 3309.14, Height Districts, to increase permitted height from 35 feet to 38 feet to the flat roof of the three (3) story addition in Subarea A.
- 3) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce total code required parking for 45 senior housing dwelling unit from 68 spaces, at 1.5 spaces/DU, to zero (0) on Subarea A, subject to 37 spaces being provided off-site, on Subarea B, at the southwest corner of E Livingston Avenue and Geers Avenue, as shown on the Site Plan.
- 4) 3321.05(A)(1), Vision Clearance, to reduce the clear vision triangles from 10'x10' to 5'x5' for access points on Geers Avenue to Subarea B, the parking lot.
- 5) 3356.11, C-4, District Setback Lines, to reduce the E Livingston Avenue (Thoroughfare Plan) building setback line from 60 feet to 0 feet for the existing and proposed construction in Subarea A.

**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: CV16-075

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) 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** 1573 East Livingston Avenue, Columbus, Ohio 43205

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)** Thomas C. Smith  
c/o Randy Best (Best Corporate Real Estate)  
2121 Riverside Drive  
Upper Arlington, Ohio 43221

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

WODA Group, Inc. c/o Donald Plank (Plank Law Firm)  
(614) 947-8600

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

**(5)** Livingston Avenue Area Commission c/o Terry Elliott  
924 Berkeley Road  
Columbus, Ohio 43206

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 AFFLIANT** Donald Plank

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

Rev Stacey L. Danza

**(8) SIGNATURE OF NOTARY PUBLIC**

11-5-2018  
My Commission Expires

Notary Seal Here



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

Stacey L. Danza  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018  
PLEASE NOTE: Information will result in the rejection of this submittal.  
by appointment. Call 614-645-4522 to schedule.  
Please make checks payable to the Columbus City Treasurer

**EXHIBIT A, Public Notice**  
**1573 E. Livingston Avenue**  
**CV16-075**  
**October 28, 2016**

**APPLICANT**

WODA Group, Inc.  
c/o Donald Plank  
Plank Law Firm  
423 E Town Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215

**PROPERTY OWNER**

Thomas C Smith  
c/o Randy Best  
Best Corporate Real Estate  
2121 Riverside Drive  
Upper Arlington, Ohio 43221

**ATTORNEY FOR APPLICANT**

Donald Plank, Plank Law Firm  
423 E Town Street, 2<sup>nd</sup> Floor  
Columbus, OH 43215

**COMMUNITY GROUP:**

Livingston Avenue Area Commission  
c/o Terry Elliott  
924 Berkeley Rd.  
Columbus, OH 43206

**PROPERTY OWNERS WITHIN 125 FEET**

Brett Burgett  
310 East Jenkins Avenue  
Columbus, Ohio 43207-1234

ERI Niners, LLC  
PO Box 10074  
Columbus, Ohio 43201-0574

City of Columbus Ohio  
Land Bank  
50 West Gay Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215-9070

Ababe Real Estate, LLC  
1535 East Livingston Avenue  
Columbus, Ohio 43205-2915

Dexter J Trent, Sr.  
1150 Northwood Circle  
New Albany, Ohio 43054-9056

MLHW Properties, LLC  
4175 North Waggoner Road  
Blacklick, Ohio 43004-9732

Lawson Realty, LLC  
1867 Walnut Hill Park Drive  
Columbus, Ohio 43232-3048

Binyam Beyene  
7400 Avery Road  
Dublin, Ohio 43017-2707

Sherrell Dennis  
1118 Plum Ridge  
Columbus, Ohio 43213

Monica L. Stith  
1584 East Livingston Avenue  
Columbus, Ohio 43205-2929

Buckeye Community Forty Four, LP  
3021 E Dublin Granville Road  
Columbus, Ohio 43231-4031

3S Universe, LLC  
1751 Cottonwood Drive  
Lewis Center, Ohio 43035-7937

Zachie Properties, LLC  
PO Box 9846  
Columbus, Ohio 43209-0846

Regina N. Jones  
902 Geers Avenue  
Columbus, Ohio 43206

**1573 E. Livingston Avenue**  
**CV16-075, October 28, 2016**  
**Exhibit A, Public Notice**  
**Page 1 of 2**

Rahma Abdow Osman  
1741 Brentnell Avenue  
Columbus, Ohio 43219-1211

Jeffrey D. Saviers  
912 Geers Avenue  
Columbus, Ohio 43206

Pat Nozari, TR  
PO Box 16272  
Columbus, Ohio 43216-6272

James Family Ltd, LLC  
13240 Pickerington Road  
Pickerington, Ohio 43147-9485

David Briggs  
Natalie Briggs  
899 Geers Avenue  
Columbus, Ohio 43206

HM-Saleh, LP  
1637 East Livingston Avenue  
Columbus, Ohio 43205-3031

Kentwood Properties, LLC  
14616 Antigone Drive  
North Potomac, MD 20878-2475

Harvey H Alston, Sr.  
Lodge IBPOE  
1593 East Livingston Avenue  
Columbus, Ohio 43205-2930

Betty L. Slaughter  
923 Seymour Avenue  
Columbus, Ohio 43206-1837

Sharon L. Johnson  
2672 Mellowbrook Street  
Columbus, Ohio 43232-4706

**ALSO NOTIFY:**

David Perry  
David Perry Company  
423 E Town Street, 2<sup>nd</sup> Floor  
Columbus, Ohio 43215

WODA Group, Inc.  
c/o Joe McCabe  
229 Huber Village Blvd., Suite 100  
Westerville, Ohio 43081

Thomas C. Smith  
1174 North High Street  
Columbus, Ohio 43201

1573 E. Livingston Avenue  
CV16-075, October 28, 2016  
Exhibit A, Public Notice  
Page 2 of 2

**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 # CM16-075

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)  
of (COMPLETE ADDRESS) 423 East Town Street, 2nd Floor, Columbus, Ohio 43215

deposes and states that (he) 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

<p>1. WODA Group, Inc. 229 Huber Village Boulevard, Suite 100 Westerville, Ohio 43081 # of Columbus Ohio Based Employees: 0 Contact: Joe McCabe (614) 396-3200</p>	<p>2. Thomas C. Smith 1174 North High Street, Columbus, Ohio 43201 # of Columbus Ohio Based Employees: 0 Contact: C/o Randy Best (Best Corporate Real Estate) (614) 559-3350</p>
<p>3. _____</p>	<p>4. _____</p>

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 1<sup>st</sup> day of November, in the year 2016

Stacey L. Danza  
SIGNATURE OF NOTARY PUBLIC

11-5-2018 Notary Seal Here  
My Commission Expires

**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**



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: Parcel ID: 010252845, 010080524, 010080525

Zoning Number: 1573

Street Name: E LIVINGSTON AVE

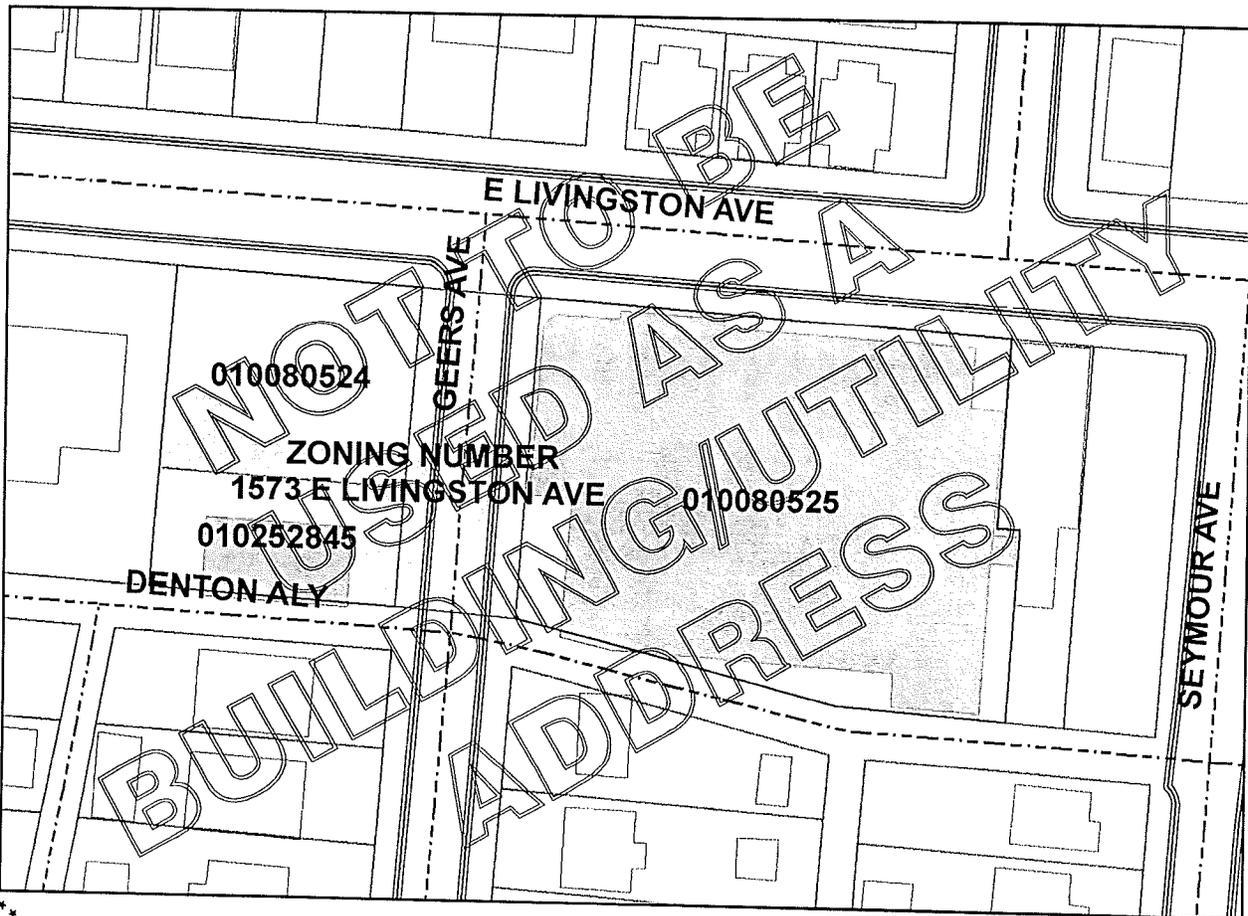
Lot Number: N/A

Subdivision: N/A

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

Issued By: *Edyona Amarian*

Date: 10/27/2016



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

SCALE: 1 inch = 80 feet

GIS FILE NUMBER: 77555

CV16-075

**1573 East Livingston Avenue, Columbus, Ohio 43205**

**Legal Description**

**CV16-075**

**PARCEL I**

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

Being Lots Numbered Twenty-Three (23) and Twenty-Five (25), both inclusive, of the DRIVING PARK ADDITION to said City, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 47, Recorder's Office, Franklin County, Ohio.

Excepting therefrom the following:

Situated in the State of Ohio, County of Franklin and in the City of Columbus and being part of Lots 23, 24, and 25 of Driving Park Addition as the same are numbered and delineated upon the recorded plat thereof, or record in Plat Book 18, Page 47 and as conveyed to Mark E. Wolfe by deed of record in Instrument Number: 199812170326168, all references being to those records of the Office of Recorded, Franklin County, Ohio, unless otherwise noted and being more particularly bounded and described as follows:

Commencing at a P.K. nail set at the intersection of the southerly line of E. Livingston Avenue (66 feet wide) and the westerly line of Geers Avenue (50 feet wide) and at the northeasterly corner of said Lot 25;

Thence with the westerly line of Geers Avenue and the easterly line of Lot 25,, South 02° 57' 30" West, 87.00 feet to an iron pin set at THE POINT OF BEGINNING of the following herein described parcel:

Thence continuing with the westerly line of Geers Avenue and the easterly line of Lot 25, South 02° 57' 30" west, 50.00 feet to a railroad spike set at the southeasterly corner of Lot 25 and in the northerly line of a 20 foot alley;

Thence with the northerly line of said alley and the southerly line of Lots 23, 24, and 25, North 87° 14' 00" west, 100.80 feet to an iron pin found at the southwesterly corner of Lot 23 and the southeasterly corner of Lot 22 of said Driving Park Addition;

Thence with the westerly line of Lot 23 and the easterly line of Lot 22, North 02° 57' 30" east, 50.00 feet to an iron pin set;

Thence across Lots 23, 24, and 25, South 87° 14' 00" east, 100.80 feet to the place of beginning and containing 0.116 acres.

Iron pins sets are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". The basis of bearings for the foregoing description is from Plat Book 18, Page 47, the southerly line of E. Livingston Avenue held as South 87° 14' east.

Parcel No.: 010-080524

Street Address: 1559 East Livingston Avenue, Columbus, Ohio 43205

**PARCEL II**

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

Begin Lots Numbered Twenty-Six (26) to Thirty (30) both inclusive, of the Driving Park Addition to said City, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 47, Recorder's Office, Franklin County, Ohio.

**PARCEL III**

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

Being Lot Number One (1) in Lenox Addition, said Lenox Addition being a subdivision of 30.267 acres of land in Marion Township (now City of Columbus), part of Half Section No.: 32, Township 5, Range 22, Refugee Land, as said lot is designated and delineated on the recorded plat of said addition, in Plat Book 7, Page 282, in the Office of the Recorder of Franklin County, Ohio.

**PARCEL IV**

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

Being Lot Number Two (2) of Lenox Addition, except eight (8) feet off the east side thereof, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 282, in the Office of the Recorder of Franklin County, Ohio.

**PARCEL V**

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

Being eight (8) feet off the east side of the South 80 feet of Lot Number Two (2) of Lenox Addition and two (2) feet off the west side of the south 80 feet of Lot Number Three (3) of Lenox Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 282, in the Office of Recorder, Franklin County, Ohio (being a strip of ground 10 feet in width by 80 feet in depth).

Parcel No.: 010-080525

Street Address: 1567-1583 E. Livingston Avenue, Columbus, Ohio 43205

## PARCEL VI

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and being part of Lots 23, 24, and 25 of Driving Park Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, Page 47, and as conveyed to Mark E. Wolfe by deed of record in Instrument Number: 199812170326168, all references being to those records of the Office of Recorder, Franklin County, Ohio, unless otherwise noted and being more particularly bounded and described as follows:

Commencing at a P.K. nail set at the intersection of the southerly line of East Livingston Avenue (66 feet wide) and the westerly line of Geers Avenue (50) feet wide and at the northeasterly corner of said Lot 25;

Thence with the westerly line of Geers Avenue and the easterly line of Lot 25, South 2° 57' 30" west, 87.00 feet to an iron pin set at the POINT OF BEGINNING of the following herein described parcel:

Thence continuing with the westerly line of Geers Avenue and the easterly line of Lot 25, South 2° 57' 30" west, 50.00 feet to a railroad spike set at the southeasterly corner of Lot 25 and in the northerly line of a 20 foot alley;

Thence with the northerly line of said alley and the southerly line of Lots 23, 24, and 25, north 87° 14' 00" west, 100.80 feet to an iron pin found at the southwesterly corner of Lot 23 and the southeasterly corner of Lot 22 of said Driving Park Addition;

Thence with the westerly line of Lot 23 and the easterly line of Lot 22, North 02° 57' 30" east, 50.00 feet to an iron pin set;

Thence across Lot 23, 24, and 25, South 87° 14' 00" east, 100.80 feet to the place of beginning and containing 0.116 acres.

Iron pins sets are 30" x 1" O.D. with orange plastic caps inscribed "P.S. #6579". The basis of bearings for the foregoing description is from Plat Book 18, Page 47, the southerly line of E. Livingston Avenue held as South 87° 14' east.

Parcel No.: 010-252845

Street Address: 1559 East Livingston Avenue, Columbus, Ohio 43205

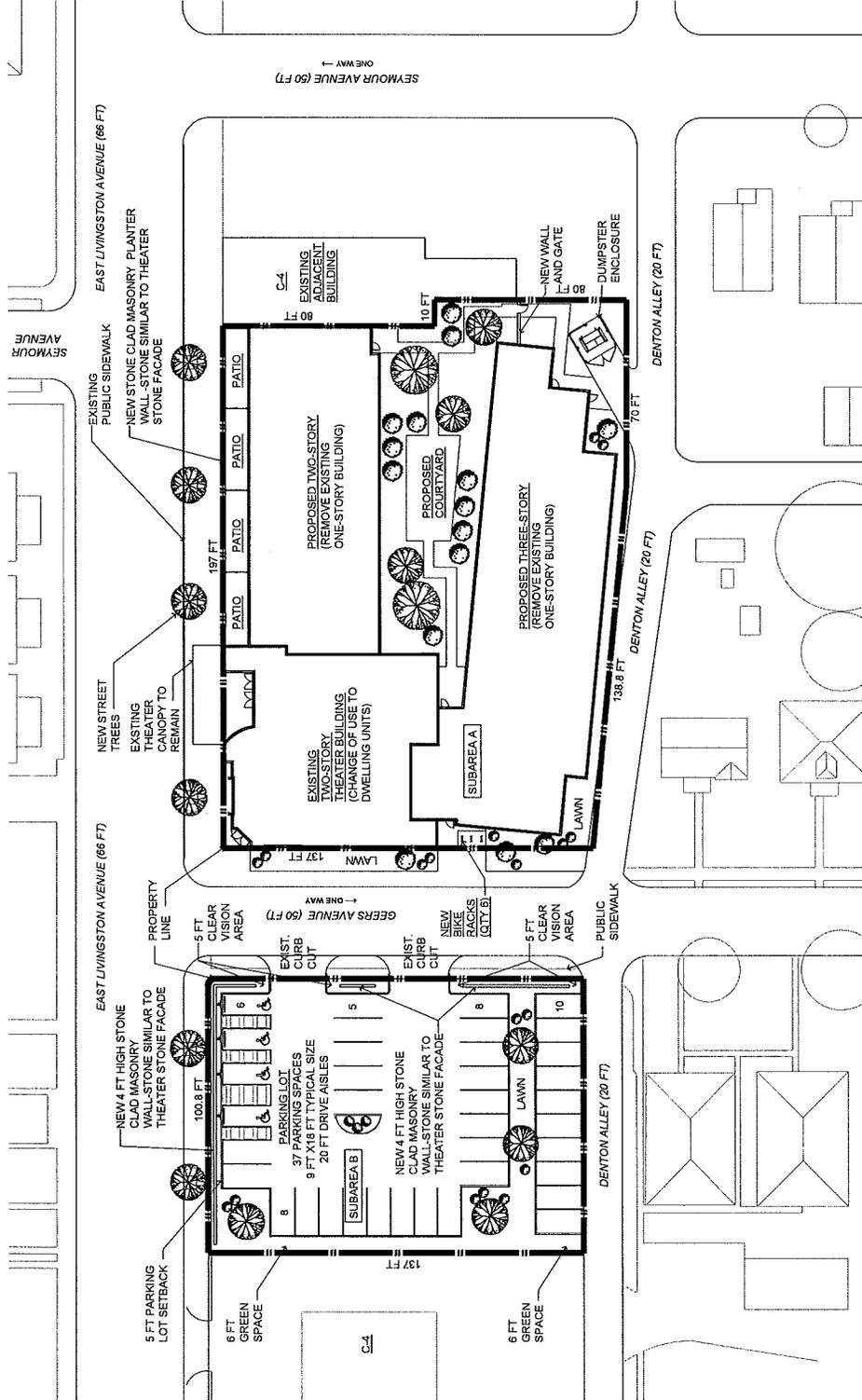
10/28/2016



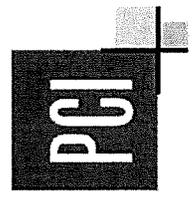
**THE LIVINGSTON**  
 1573 EAST LIVINGSTON AVENUE  
 COLUMBUS, OHIO 43205

**SITE DEVELOPMENT DATA**

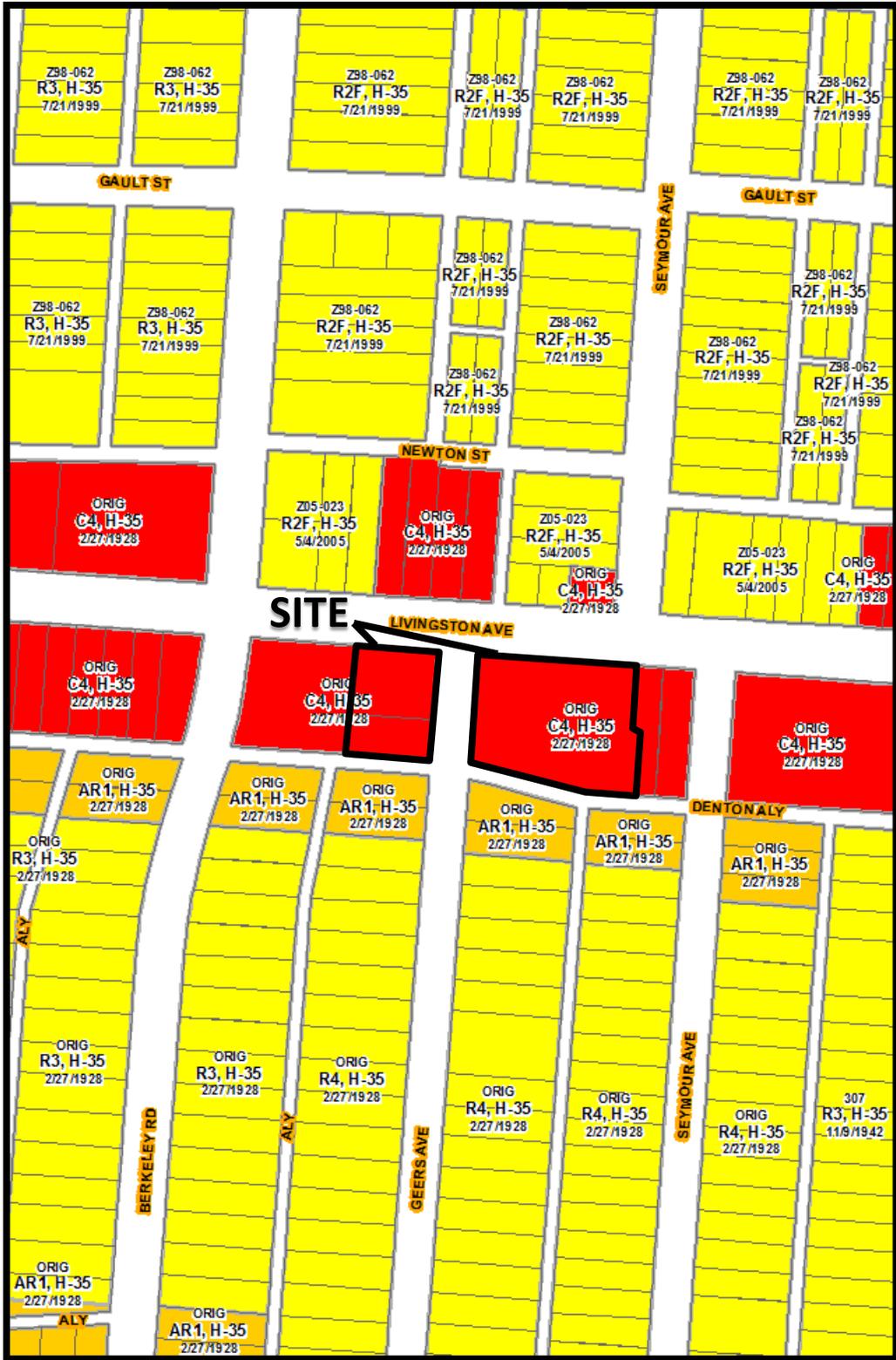
ADDRESS: 1573 E. LIVINGSTON AVE.  
 AREA: SUBAREA A: 14,732 S.F. (0.34 ACRES)  
 SUBAREA B: 17,752 S.F. (0.41 ACRES)  
 PD: SUBAREA B: 01-0-0205  
 ZONING: SUBAREA B: 01-0-0205, 01-0-20345  
 C-1 COMMERCIAL LIVINGSTON AVENUE URBAN COMMERCIAL OVERLAY (UCO)  
 HEIGHT DISTRICT: H-3  
 HEIGHT OF BUILDING: 2-STORY EXISTING - 28 FEET;  
 3-STORY - 38 FEET  
 PROPOSED USE: 3-STORY RESIDENCES (MAXIMUM OF 6 UNITS, 6 UNITS  
 SUBAREA B) 3-STORY LOT (OFF-SITE PARKING)  
 13 PARKING SPACES PER DWELLING UNIT REQUIRED  
 40 UNITS X 1.15 SPACES PER UNIT = 46 SPACES REQUIRED  
 TOTAL PROVIDED = 37 SPACES (SUBAREA B)



CVL6-075



**THE LIVINGSTON**  
 1573 EAST LIVINGSTON AVENUE  
 10-31-2016  
**SITE PLAN**



CV16-075  
 1573 East Livingston Avenue  
 Approximately 1.03 acres

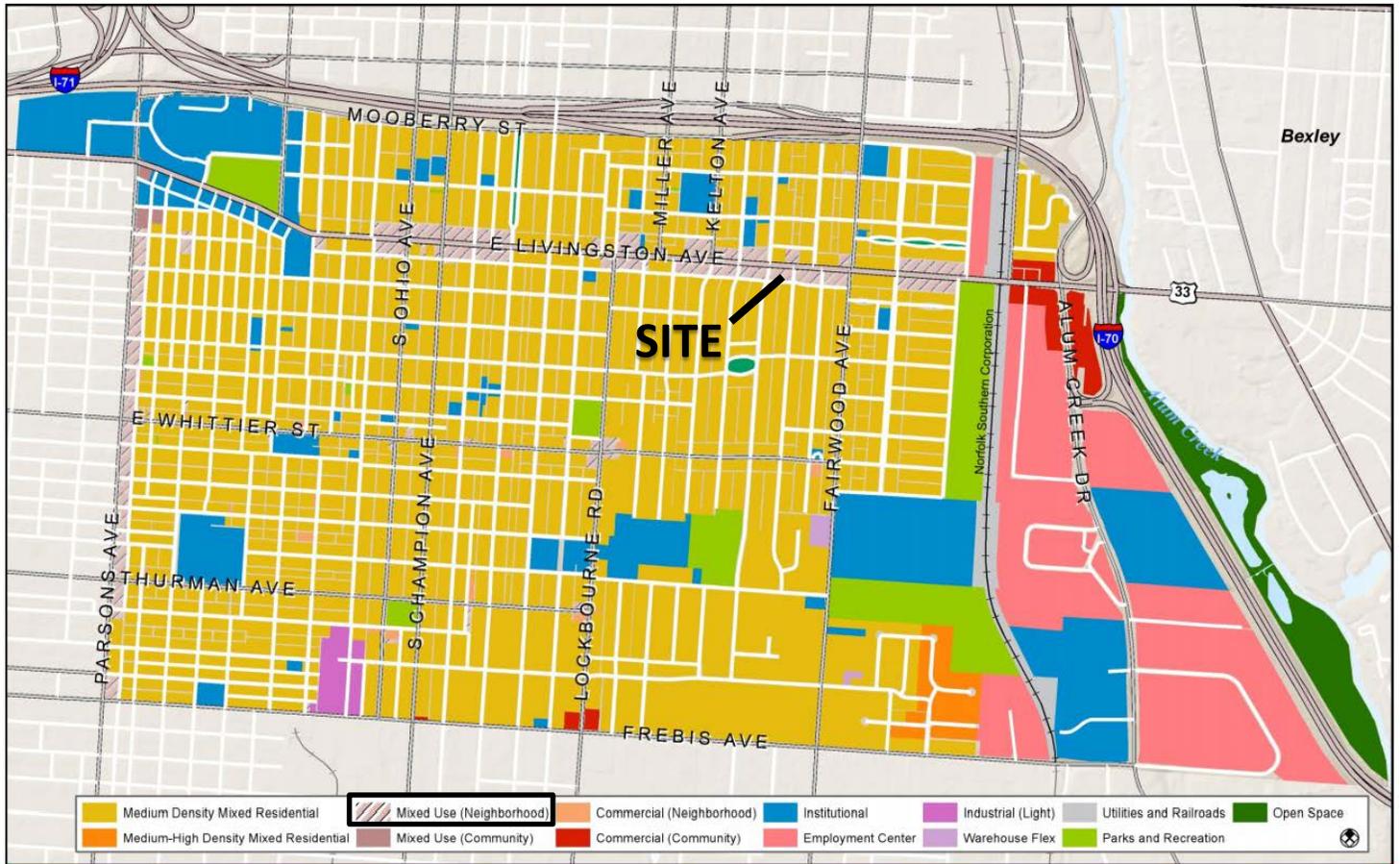
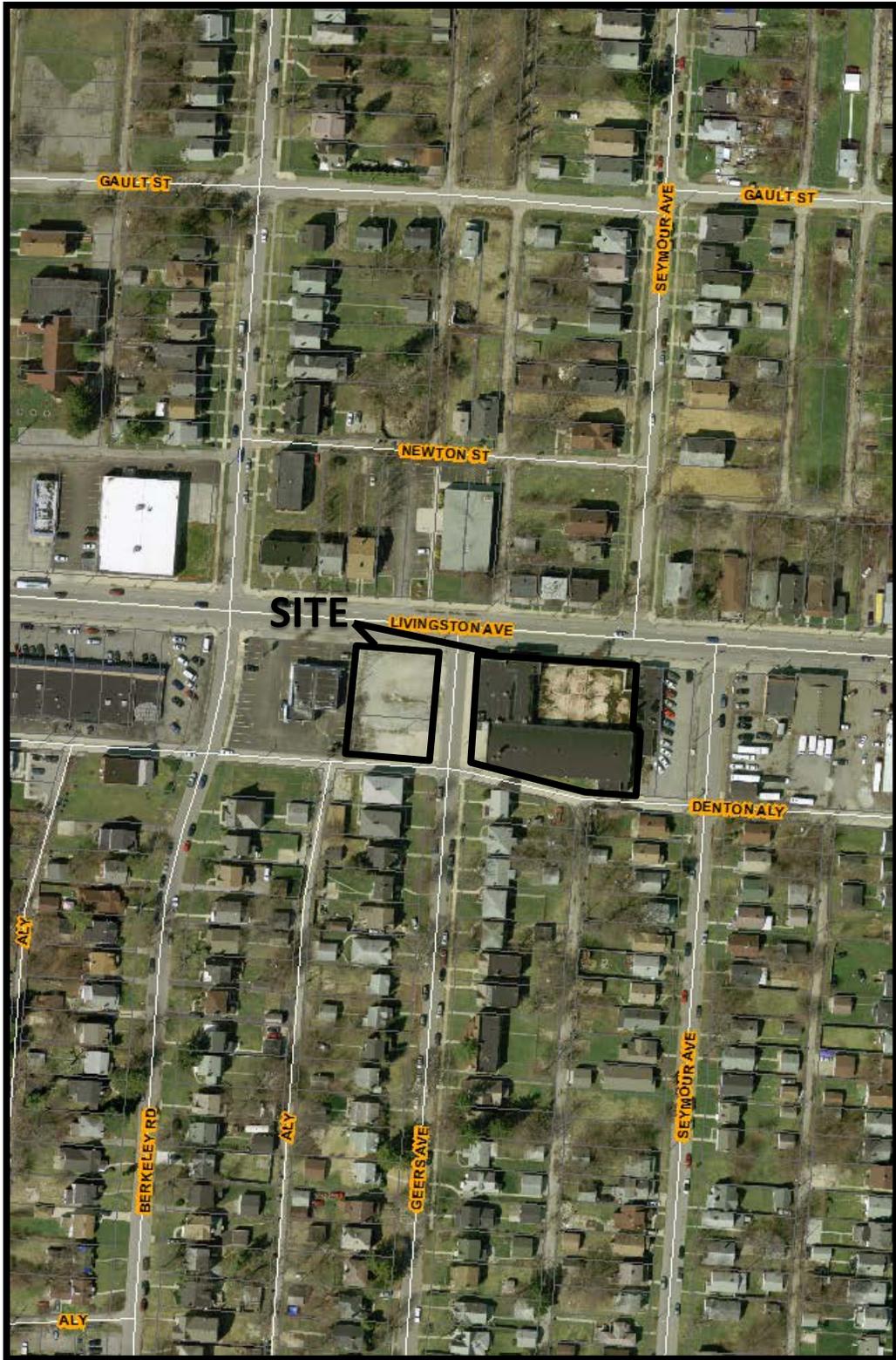


Figure 10: Future Land Use Plan Map

CV16-075  
 1573 East Livingston Avenue  
 Approximately 1.03 acres



CV16-075  
1573 East Livingston Avenue  
Approximately 1.03 acres