THE CITY OF

DEPARTMENT OF BUILDING

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

AD SOMING SEKAICES		2/11/
Application Number: 2V17-01	Date Re	eceived: 2/16/17
Application Accepted by: MM + K	P Fee:	\$1600
Application Number: Application Accepted by: Assigned Planner: Kelsey Paine; Ko	priene @ coumbi	15. gov; 614-645
LOCATION AND ZONING REQUEST:		
Certified Address (for zoning purposes): 1676 E. Broad Str	reet	Zip: 43215
Is this application being annexed into the City of Columbus? Set If the site is currently pending annexation, Applicant adoption of the annexation petition. Parcel Number for Certified: Address: Parcel I: 010-005222-00 (0.8)	must show documentation of Cor	
Parcel Number for Certified Address: Parcel 1: 010-003222-00 (0.8	The Actes of E. Dioday & Talest it of a part	
Check here if listing additional parcel numbers on	a separate page.	
Current Zoning District(s): Parcel I is AR-O:H200 / F	rarcel II is K3;H33	
Area Commission or Civic Association: Near East Area Co	ommission ("NEAC")	
Proposed Use or reason for Councial Variance request: Propose Reason for Council Variance: To permit a use (parking) on I	ed Use: 5-Story, 54-Unit (1 & 2 Bed) a Parcel II not currently authorized in AI	partment complex R-O (though Parcel II has been use
Acreage: 0.88 a parking lot for decades); Va	riance to CCC 3332.035	
APPLICANT:		0.70
Name: Trivium Development, LLC	Phone Number: 614-545-79	979Ext.:
Address: 210 North Lazelle Street	City/State: Columbus, Oh	niozip:_43215
Email Address: tim@triviumdevelopment.com	Fax Number: 61	14-635-2679
PROPERTY OWNER(S)	onal property owners on a senarate p	aae
Name: Franklin Gates, LLC	Phone Number: 614-221-6	
Address: 68 S. 4th Street	City/State: Columbus, Ohi	iozip:_43215
Email Address: scott@oxrealty.com	Fax Number: 614	-4098
ATTORNEY / AGENT (Check one if applicable): X Attorne	ev	
Name: Matthew Cull, Kephart Fisher LLC	Phone Number: 614-469-18	882 Ext.:
•	FHORE NUMBER, 57	DAL.
Address: 207 N. Fourth Street	City/State: Columbus, Oh	nio Zip: 43215
Email Address: matthewcull@kephartfisher.com	Fax Number: 614	-469-1887
SIGNATURES (All signatures must be provided and signed in	blue ink)	
APPLICANT SIGNATURE		pencer, Manager)
PROPERTY OWNER SIGNATURE	(Scott S	Solomon, Managing Member
ATTORNEY / AGENT SIGNATURE	hell	
My signature attests to the fact that the attached application package is City staff review of this application is dependent upon the accuracy of provided by me/my firm/etc, may delay the review of this application.	the information provided and that any inac	cnowledge. I understand that the ccurate or inadequate information



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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 conjuction 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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

Please Note: This page only contains a summary of requested variances. A full description of the requested variances, as well as the hardship statement are contained in the attached Exhibit "A".

Parcel I - 010-005222-00 (0.80 Acres at 1676 E. Broad Street)		
1. 3333.18 F. – Building Lines: Request variance to 50ft (from required 60ft)		
2. 3333.23(d) - Minimum Side Yard Permitted: Request variance to 5ft (from required 9.16ft; 1/6 of 55ft)		
3. 3333.22 – Maximum Side Yard Required: Request variance to 5ft (from required 16ft)		
4. 3312.27(2) - Parking Setback Line: Request variance to 10ft (from required 25ft)		
5. 3312.49 C - Minimum Numbers of Parking Spaces Required: Request variance to 57 parking spaces (from required 84)		
6. 3333.24 - Rear Yard: Request variance to 11% (from required 25%: Total of 34,848. As proposed, rear yard would be 4,000sf instead of required 8,712)		
Parcel II: Eastwood Ave, Parcel ID: 010-028369-00, 0.08 Acres		
1. 3332.035 (R3 Residential District): Request use variance to allow parking lot as primary use.		
2. 3332.25 B – Maximum Side Yards Required: Request variance to 0ft (from required 15.4ft) 3. 3312.21 B(1) - Landscaping and Screening: Request full variance from requirement Signature of Applicant Date February 15, 2017		

EXHIBIT A

I. Hardship Statement

Applicant is proposing to build a 5-story apartment complex consisting of 56 units (1 & 2 bedroom). The apartment building and the vast majority of the supplied parking spots will be located on the approximately 0.80 acres of Parcel I (1676 E. Broad St), with guest parking supplied on the approximately 0.08 acres of Parcel II, which sits directly across Eastwood Ave from Parcel I. Parcel I currently has a 3-story commercial/office building built in 1950 (See attached photos). Parcel II is currently used as a parking lot; a use which goes back decades but does not meet the definition of "nonconforming use" because when the parcel was split off from 2 Long Street lots decades ago and turned into a parking lot, the use change was not done with City of Columbus approval.

The variances for Parcel I, consisting primarily of variances to set-back distances and parking, are required due to the relatively small acreage (0.08 acres) of the parcel. Though a few feet closer (4ft+/-) to neighboring structures with approval of the requested variances, at just 5 stories the proposed apartment building will not impair an adequate supply of light and air to adjacent property, nor increase the risk of fire or other safety concerns, especially when considering the maximum height authorized in the district is more than 3Xs the proposed height of the apartments.

Like Parcel I, the variances requested for Parcel II are required primarily due to the small size of the parcel (0.08 acres). Without the variances, the setback for screening requirements would render the parcel almost unusable, reducing the possible parking spots planned by half. While this would not impact the parking space variance requested for Parcel I, it would have a negative impact on the project as a whole.

The requested variances, if approved, will not seriously affect, nor negatively impact any adjoining property or the general welfare of the area. Rather, granting the variances will allow the two parcels to be used in conjunction with each other, bring Parcel II into compliance with City Code for a use that's been occurring for decades, and greatly improve the use and look of both without overly taxing or impacting the neighborhood.

II. Requested Variances with Corresponding Code Text:

Parcel I: 1676 E. Broad Street, Parcel ID: 010-005222-00, 0.80 Acres

1. <u>3333.18 F. — Building Lines</u>: In the AR-12, ARLD, AR-1, AR-2, AR-3 and AR-4 apartment residential districts and the AR-O apartment office district the building lines are established as follows: Average of buildings on contiguous lots or parcels, but in no case less than 10 feet. Provided, however, the distance shall not be required to exceed that distance equal to one-half of the designated right-of-way width of the frontage street as shown on the Columbus Thoroughfare Plan or if the street is not shown thereon, 25 feet. Thoroughfare Plan requires 60ft.

- Request variance to 50ft (from required 60ft)
- 2. <u>3333.23(d)</u> <u>Minimum Side Yard Permitted</u>: The minimum side yard shall be the least dimension between any part of the building or structure and the side lot line, which least distance shall be as follows: Notwithstanding the provisions of subsections (a) and (c), above, where a building exceeds two and one-half stories in height, the minimum side yard shall be not less than one-sixth of the height of the building and never less than the minimum requirements of subsections (a) and (c) above.
 - Request variance to 5ft (from required 9.16ft; 1/6 of 55ft)
- 3. <u>3333.22 Maximum Side Yard Required</u>: In an AR-12, ARLD, AR-1, AR-2, or AR-4 Apartment Residential District, the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that no more than 16 feet need be so devoted.
 - Request variance to 5ft (from required 16ft)
- 4. 3312.27(2) Parking Setback Line: A parking setback line establishes how close parking, loading or maneuvering may be located to a street right-of-way line. This line shall be located a minimum distance from a street right-of-way line and be related to a building line as follows: 2. Where a required building setback line is 25 feet or greater, the parking setback line shall be 25 feet from the street right-of-way line.
 - Request variance to 10ft (from required 25ft)
- 5. <u>3312.49 C Minimum Numbers of Parking Spaces Required</u>: 1.5 parking spaces for each unit, for a total of 84
 - Request variance to 57 parking spaces (from required 84)
- 6. <u>3333.24 Rear Yard</u>: Each dwelling, apartment house or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area.
 - Request variance to 11% (from required 25%: Total of 34,848. As proposed, rear yard would be 4,000sf instead of required 8,712)

Parcel II: Eastwood Ave, Parcel ID: 010-028369-00, 0.08 Acres (Will be used for 7 parking spots)

- 1. 3332.035 (R3 Residential District):
 - Request use variance to allow parking lot as primary use.
- 2. <u>3332.25 B Maximum Side Yards Required</u>: The sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot, provided that not more than the following need be so devoted: In SR, R-1, R-2, R-3, R-2F, R-4 or MHD districts: 16 feet (Lot is 77 Ft X 20% = 15.4ft).
 - Request variance to 0ft (from required 15.4ft)
- 3. <u>3312.21 B(1) Landscaping and Screening</u>: Parking setback and perimeter landscaping. Landscaping in the parking setback area shall be required to buffer automobile and

CN17-011

pedestrian areas and uses; to provide headlight screen; to provide adequate visibility and safety; and to avoid the illegal use of said area for parking. Landscaping in the perimeter shall be required to visually buffer residentially-zoned property from parking lots. 1. The lot area between the right-of-way and the parking setback line shall be landscaped with plant material and shall not be paved except for approved walkways, bikeways, driveways, graphics, and other approved amenities and site elements. Vision clearance at driveways shall be maintained.

Request full variance from requirement

III. Current Pictures:









THE CITY OF COLUMBUS

Treatment with

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

AFFIDAVIT (See instruction sheet)	Application Number: CVIII-011			
STATE OF OHIO COUNTY OF FRANKLIN				
Being first duly cautioned and sworn (1) NAME BROCK HELLER				
of (1) MAILING ADDRESS 43 N. 5th ST. SUTHE 401 COLUMBUS, OH 43E15				
deposes and states that (he/she) is the applicant, agent, o	r 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 670	O E. Broad 6t			
for which application for a rezoning, variance, special per	mit or graphics plan was filed with the Department of Building and			
Zoning Services, on (3) 2 / \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
(THIS LINE TO BE FILLED OUT BY CITY STAFF)				
SUBJECT PROPERTY OWNERS NAME (4)	Franklin Gates, LLC			
AND MAILING ADDRESS	68 E. 4th Street, Columbus, Ohio 43215			
APPLICANT'S NAME AND PHONE #	Trivium Development, LLC			
	614-635-2679			
(same as listed on front application)	014-033-2019			
AREA COMMISSION OR CIVIC GROUP (5) Near East Area Commission				
REA COMMISSION ZONING CHAIR Kathleen Bailey, 489 Linwood Ave, Columbus, Ohio 43205				
OR CONTACT PERSON AND ADDRESS	kathleendbailey@hotmail.com / 614-582-3035			
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) Check here if listing additional property owners on a separate page.				
(8) SIGNATURE OF AFFIANT DIK WILLE				
Sworn to before me and signed in my presence this 15 day of FEBRUARY, in the year 2017				
The same	<u> </u>			
(8) SIGNATURE OF NOTARY PUBLIC	My Commission Expires			
Notary Seel Hore Matthew T. Cull, Attorney At Law				
Notably PUBLIC - STATE OF OHIO				

APPLICANT

Trivium Development LLC Tim Spencer 210 N Lazelle Street Columbus, OH 43215

PROPERTY OWNER

Franklin Gates LLC 68 S. 4th Street Columbus, OH 43215

ATTORNEY

Matthew Cull Kephart Fisher LLC 207 N 4th Street Columbus, OH 43215

AREA COMMISSION OR NEIGHBORHOOD GROUP

Near East Area Commission Kathleen Bailey 489 Linwood Avenue Columbus, OH 43205 Near East Area Commission (Z&V) Annie Ross-Womack 874 Oakwood Avenue Columbus, OH 43206

SURROUNDING PROPERTY OWNERS

Connor C Smith 1689 E Long Street Columbus, OH 43203 Jeffrey W Hemmings 1573 E Long Street Columbus, OH 43203 Richard D Crawford Jr 1703 E Long Street Columbus, OH 43203

David L Fisher 44 N Woodland Avenue Columbus, OH 43203 Erney Enterprises LLC 1654 E Broad Street Columbus, OH 43203 Maria M T Magno 1693 E Long Street Columbus, OH 43203

Monte L Williamson 34 N Woodland Avenue Columbus, OH 43203 Peter K James 1697 E Long Street Columbus, OH 43203 Tally O Friedlander 1685 E Long Street Columbus, OH 43203

Shirley McCamey 1667 E Long Street Columbus, OH 43203 Dale R Nielson 1679 E Long Street Columbus, OH 43203 Guy Underdown 1700 E Broad Street Columbus, OH 43203

Juanita K Furuta 13000 Bevelheimer Road Westerville, OH 43081 Jacqueline S TR Downey 54 N Woodland Avenue Columbus, OH 43203 Kandie L Carson 1640 E Broad Street Columbus, OH 43203 City of Columbus 90 W Broad Street #425 Columbus, OH 43215 Franklin Park Conservatory Joint 1776 E Broad Street Columbus, OH 43203

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

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 # CV17-011
STATE OF OHIO COUNTY OF FRANKLIN Being first duly cautioned and sworn (NAME) Matthew T. County of (COMPLETE ADDRESS) c/o Kephart Fisher LLC, 207 deposes and states that (he/she) is the APPLICANT, AGENT, OR is a list of all persons, other partnerships, corporations or entities this application in the following format:	N. Fourth Street, Columbus, Ohio 43215
	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. Trivium Development LLC	2.
2010 North Lazelle St, Columbus, Ohio 43215	
Two (2) Columbus employees	·
Tim Spencer 615-545-7979	
3.	4.
Check here if listing additional property owners on a separa	uternage.
SIGNATURE OF AFFIANT	
Sworn to before me and signed in my presence thisday	of <u>February</u> , in the year 2017
Luis Constitution	7-22-2017 Notary Seal Here
SIGNATURE OF NOTARY PUBLIC	My Commission Expires
Janis A. Eckstein Notary Public, State of Ohio My Commission Expires 7-22-2017	



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: 010005222, 010028369

Zoning Number: 1676

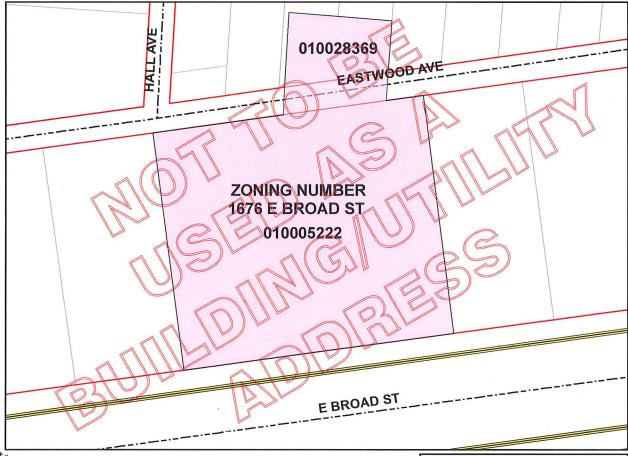
Street Name: E BROAD ST

Lot Number: N/A

Subdivision: N/A

Requested By: ADVANCE CIVIL DESIGN (THOMAS WARNER)

Issued By: Uduana umariam Date: 2/15/2017



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

SCALE: 1 inch = 70 feet

GIS FILE NUMBER: 83956

CV17-011

Zoning Description 0.80+/- Acre North of East Broad Street East of Hall Avenue

-1-

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Parcel One as described in the deed to Franklin Gates, LLC of record in Instrument No. 201103300042485, said Parcel One also being all of Lots 5, 6 and 7, and part of Lot 4 as numbered and delineated upon the record plat for John Stone's Broad Street Addition & Woodland Avenue Subdivision of record in Plat Book 5, Page 301, and more particularly described as follows;

Beginning at the northeasterly corner of said Parcel One, said corner also being the northeasterly corner of said Lot 7, the northwesterly corner of a tract of land as conveyed to Historical Homes V LLC (P.I.D. 010-045732), the northwesterly corner of Lot 8 of said plat and being in the southerly line of Eastwood Avenue (20' R/W) as dedicated upon said plat;

Thence S 07° 28' 16" E, with the easterly line of said Parcel One, the easterly line of Lot 7, the westerly line of said Historical Homes tract and the westerly line of said Lot 8, 175.0+/- feet to the southeasterly corner of said Parcel One, the southeasterly corner of said Lot 7, the southwesterly corner of said Historical Homes tract, the southwesterly corner of said Lot 8 and in the northerly right-of-way line of East Broad Street (100' R/W);

Thence S 82° 10' 31" W, with the southerly line of said Parcel One, the southerly lines of said Lot 7, said Lot 6, said Lot 5, and partially with said Lot 4 and with said northerly right-of-way line, 200.0+/- feet to the southwesterly corner of said Parcel One and the southeasterly corner of that tract of land as conveyed to Erney Enterprises LLC (P.I.D. 010-043543), said corner being about 40 feet+/- westerly from the southeasterly corner of said Lot 4;

Thence N 07° 28' 13" W, with the westerly line of said Parcel One, the easterly line of said Erney Enterprises tract and across said Lot 4, 175.0+/- feet to the northwesterly corner of said Parcel One, the northeasterly corner of said Erney Enterprises tract and in the southerly right-of-way line of said Eastwood Avenue (20' R/W);

Thence N 82° 10' 31" E, with the northerly line of said Parcel One, partially with the northerly line of said Lot 4, with the northerly lines of said Lots 5, 6 and 7 and with said southerly right-of-way line, 200.0+/- feet to the *True Point of Beginning* and containing 0.80+/- acre more or less.

The above description was prepared by Advanced Civil Design Inc. on 2/13/2017 and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

All references used in this description can be found at the Recorder's Office Franklin County Ohio.

This description is not to be used in the transfer of land.

ADVANCED CIVIL DESIGN INC.

Z:\16-0023-344\survey\0.80+- acre zoning description.doc

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Zoning Description 0.08+/- Acre North of Eastwood Avenue East of Hall Avenue

-1-

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of Parcel Two as described in the deed to Franklin Gates, LLC of record in Instrument No. 201103300042485, said Parcel Two also being part of Lots 16 and 17 as numbered and delineated upon the record plat for John Stone's Broad Street Addition & Woodland Avenue Subdivision of record in Plat Book 5, Page 301, and more particularly described as follows;

Beginning at the southeasterly corner of said Parcel Two, said corner also being the southeasterly corner of said Lot 16, the southwesterly corner of Lot 15 of said plat, the southwesterly corner of a tract of land as conveyed to Connor C. Smith (P.I.D. 010-055657) and being in the northerly line of Eastwood Avenue (20' R/W) as dedicated upon said plat;

Thence S 82° 10' 31" W, with the southerly line of said Parcel Two, the southerly line of Lot 16, partially with the southerly line of said Lot 17 and said northerly right-of-way line, 76.5+/- feet to the southwesterly corner of said Parcel Two, said corner being the southeasterly corner of a tract of land conveyed to Dale Nielson (P.I.D. 010-008328) about 4+/- feet northeasterly from the southwesterly corner of said Lot 17;

Thence N 03° 48' 26" E, with the westerly line of said Parcel Two, an easterly line of said Nielson tract and across said Lot 17, 56.0+/- feet to the northwesterly corner of said Parcel Two and an angle point in the Nielson tract;

Thence S 85° 00' 36" E, with the northerly line of said Parcel Two, the southerly line of said Nielson Tract, with the southerly line of a tract of land conveyed to Tally O. Friedlander (P.I.D. 010-216154) and across said Lot 17 and said Lot 16, 75.1+/- feet to the northeasterly corner of said Parcel Two, the southeasterly corner of said Friedlander tract, the easterly line of said Lot 16, the westerly line of said Smith tract and the west line of said Lot 15;

Thence S 04° 04' 56" W, with easterly line of said Parcel Two, the easterly line of said Lot 16, the westerly line of said Smith tract and the westerly line of said Lot 15, 39.0+/- feet to the *True Point of Beginning* and containing 0.08+/- acre more or less.

The above description was prepared by Advanced Civil Design Inc. on 2/13/2017 and is based on existing County Auditor records, County Recorder records and Franklin County GIS.

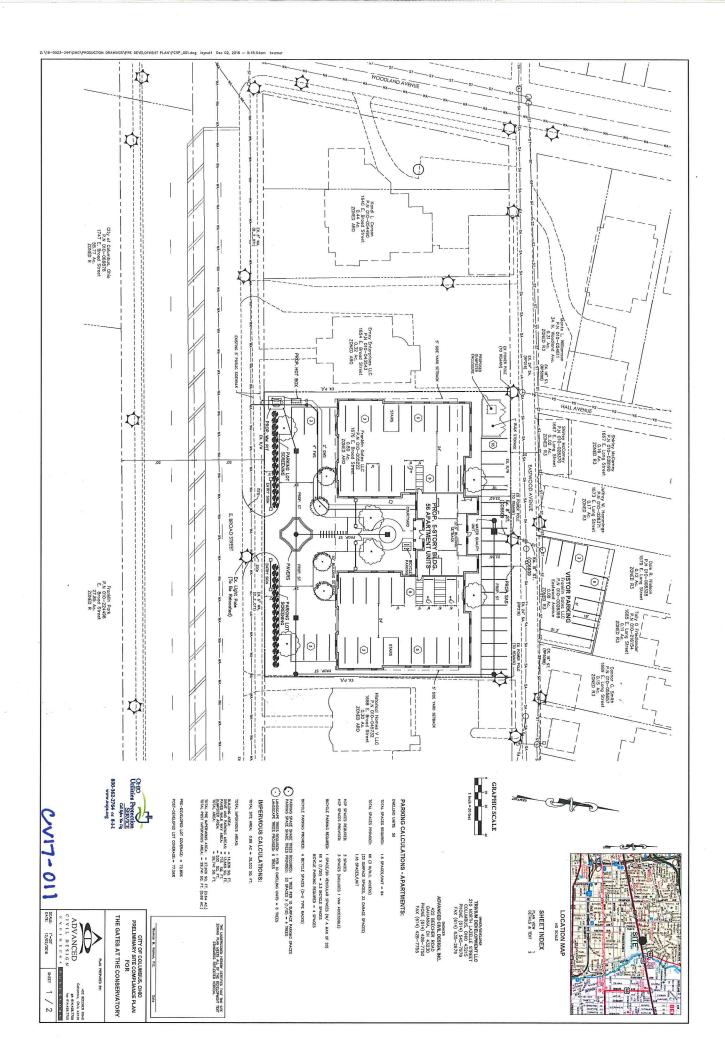
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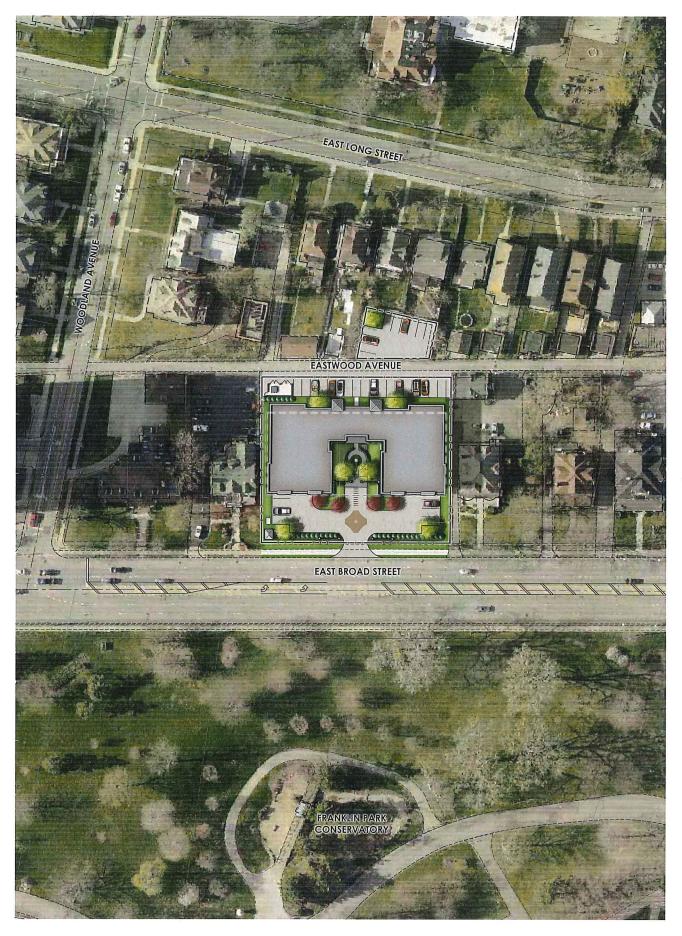
This description is not to be used in the transfer of land.

ADVANCED CIVIL DESIGN INC.

Z:\16-0023-344\survey\0.08+- acre zoning description.doc

{00258966.PDF-1}





DEVELOPMENT PLAN

THE GATES AT THE CONSERVATORY
PREPARED FOR TRIVIUM DEVELOPMENT LLC
DATE 2/13/17







Dean A. Wenz

Exterior Elevation

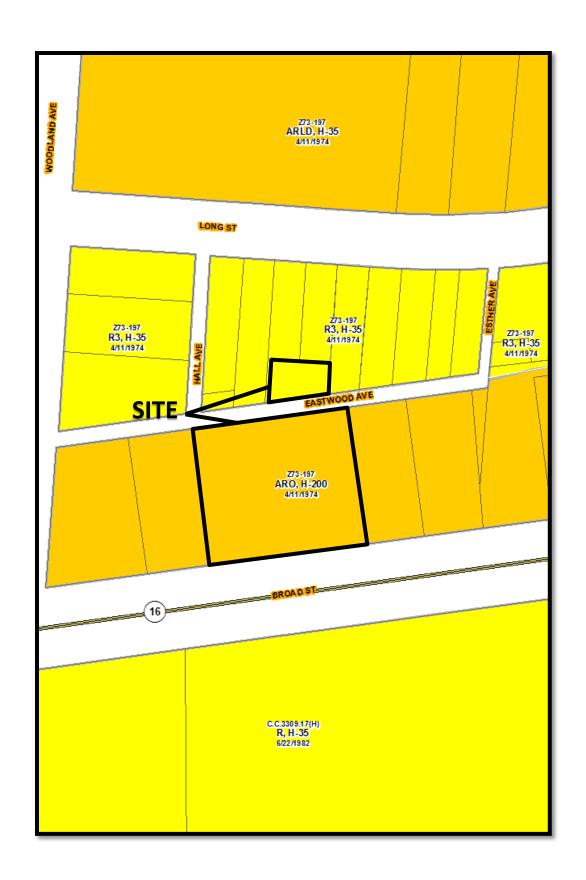
ARCHITECTS

The second secon

2463 East Main Street Bexley, Ohio 43209 Phone (614) 239-6868 Far

Fax (614) 239-9868

110-1110



CV17-011 1676 East Broad Street Approximately 0.88 acres



CV17-011 1676 East Broad Street Approximately 0.88 acres