

**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: CV17-036 Date Received: 4/25/2017

Application Accepted by: MM + KP Fee: \$1760

Assigned Planner: Kelsey Priene; kpriene@columbus.gov; 614-645-1341

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes): 23 W. 2nd Ave. Zip: 43201

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: 010-023218

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

Current Zoning District(s): AR-O, C-3, and C-4

Area Commission or Civic Association: Victorian Village Commission

Proposed Use or reason for Council Variance request: To allow construction of proposed mixed-use development.

Acreage: +/- 1.58

**APPLICANT:**

Name: 23 W. 2nd Holdings, LLC c/o Brian Suiter Phone Number: 614-229-9200 Ext.:

Address: 30 Warren St. City/State: Columbus, Ohio Zip: 43215

Email Address: hello@kaufmandev.com Fax Number: 614-229-9201

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

Name: 23 W. 2nd Holdings, LLC c/o Brian Suiter Phone Number: 614-229-9200 Ext.:

Address: 30 Warren St. City/State: Columbus, Ohio Zip: 43215

Email Address: hello@kaufmandev.com Fax Number: 614-229-9201

**ATTORNEY / AGENT** (Check one if applicable): ☒ Attorney ☐ Agent

Name: Michael Shannon, Esq. Phone Number: 614-229-4506 Ext.:

Address: 500 South Front Street, Suite 1200 City/State: Columbus, Ohio Zip: 43215

Email Address: mshannon@cbjlawyers.com Fax Number: 614-229-4559

**SIGNATURES** (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Michael Shannon (by ESJ)

PROPERTY OWNER SIGNATURE Michael Shannon (by ESJ)

ATTORNEY / AGENT SIGNATURE Michael Shannon (by ESJ)

*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

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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

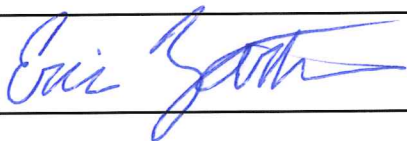
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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):

See attached.

Signature of Applicant



Date

4-24-17

CV17-036

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## Statement of Hardship

**Property Address:** 23 W. 2<sup>nd</sup> St.  
**Owner/Applicant:** 23 W. 2<sup>nd</sup> Holdings, LLC  
c/o Brian Suiter  
30 Warren St.  
Columbus, Ohio 43215  
**Attorney:** Crabbe, Brown & James, LLP  
Michael Shannon, Esq.  
500 S. Front St., Ste. 1200  
Columbus, Ohio 43215  
**Date of Text:** April 25, 2017  
**Application:** CV17-030

The Subject Site consists of seven parcels, PIDs: 010-005157, 010-018756, 010-026613, 010-026612, 010-025855, 010-023218, and 010-051037. The Site is bounded on the north by W. 2<sup>nd</sup> Ave. and on the south by Price Ave and located to the west of N. High St. The Site is situated within the Victorian Village Historic District and subject to the Victorian Village Commission. The Site is also subject to the I-670 Graphics Control Planning Overlay. The Site is not situated within a Commercial Overlay.

On the Site stands a vacant building which was formerly occupied by the International Brotherhood of Electrical Workers offices, a vacant single-family residential building, a parking lot, and other undeveloped parcels.

The Site is currently classified with three zoning districts. The parcels fronting W. 2<sup>nd</sup> Avenue are classified C-3 and C-4. The parcels fronting Price Avenue are predominantly classified AR-O with half of one parcel classified C-4. The Site is bordered on the north by parcels classified C-4 and CPD, on the east by parcels classified C-4, on the south by parcels classified AR-O, and on the west by parcels classified AR-O, ARLD, and C-3.

Applicant proposes the Site for a mixed-use development providing approximately 45,000 square feet of office space, approximately 11,000 square feet of commercial space, approximately 85 dwelling units, approximately 6,000 square feet of clubhouse space, and approximately 254 parking spaces. Applicant requests the following variances to allow the construction of the proposed development:

AR-O:

3333.04 – Permitted Uses in the AR-O. Applicant requests a variance to allow parking within the AR-O district to serve commercial uses within the C-3 and C-4 districts.

3333.15(c) – Lot Area. Which section does not allow a residence building to occupy alone or together with any other building greater than 50 percent of the total lot area. Applicant requests a variance to allow the building to occupy a maximum of 79 percent of the lot area.

3333.24 – Rear Yard. Which section provides that 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. Applicant requests a variance to allow a rear yard that is a minimum of 1 percent of the total lot area.

3312.29 – Parking Space. Which section provides that a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to allow a reduction of parking space to be a minimum of 8 feet by 16 feet for compact vehicle parking spaces and parking spaces affected by parking garage structure.

#### C-4

3356.05 – C-4 District Limitations. Applicant requests a council variance to permit ground floor residential uses.

3309.14 – Height District. Applicant requests a variance to allow a height of 115 feet, excluding mechanicals, elevator shafts, and parapets.

3321.5(A)(1) – Vision Clearance. Which section provides that there must be unobstructed vision clearance between the elevations of two and one-half to ten feet above the driveway grade within “clear vision triangles,” which are two ten-foot, right-angle triangle formed by the intersection of a driveway pavement edge and street right-of-way line. Applicant requests a variance to allow a minimum five-foot by five-foot clear vision triangle on the east side of the Price Avenue access point.

3312.29 – Parking Space. Which section provides that a parking space shall be a rectangular area of not less than 9 feet by 18 feet. Applicant requests a variance to allow a reduction of parking space to be a minimum of 8 feet by 16 feet for compact vehicle parking spaces and parking spaces affected by parking garage structure.

#### C-3:

3355.05(C) – C-3 District Limitations. Applicant requests a council variance to permit ground floor residential use.

3309.14 – Height District. Applicant requests a variance to allow a height of 115 feet, excluding mechanicals, elevator shafts, and parapets.

A hardship exists because the Applicant cannot develop the Site as proposed while still conforming to the underlying zoning district established by the City’s Zoning Code. Applicant’s requested use variances will not adversely affect the surrounding property or surrounding neighborhood. The requested use variances will not impair supply of light or air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Further, a practical difficulty exists because Applicant cannot develop the Site as propose while still meeting the underlying development standards established by the City's Zoning Code. Applicant's requested area variances will not seriously affect any adjoining property or the general welfare.

Notably, the Victorian Village Commission has granted the Applicant a Certificate of Appropriateness to develop the Site as proposed with the requested variances (except reduced parking space size, for which Applicant shall seek a Certificate of Appropriateness from the Victorian Village Commission).

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,



Michael Shannon, Esq.

**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: CV17-036

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Eric Zartman

of (1) MAILING ADDRESS 500 South Front Street, Suite 1200, 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 23 W. 2nd Ave.

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 4/25/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) 23 W. 2nd Holdings, LLC  
30 Warren St.  
Columbus, Ohio 43215

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

23 W. 2nd Holdings, LLC c/o Brian Suiter  
614-229-9200

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

(5) Victorian Village Commission  
c/o Cristin Moody  
50 W. Gay St.

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

*Eric Zartman*

Sworn to before me and signed in my presence this 24th day of April, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

*Carol A. Stewart*

My Commission Expires

**CAROL A. STEWART**  
**NOTARY PUBLIC, STATE OF OHIO**  
**MY COMMISSION EXPIRES 06/28/2019**



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

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23 West 2<sup>nd</sup> Holdings, LLC  
30 Warren Street  
Columbus, Ohio 43215

Joyce & William Martin  
Or Current Occupant  
54 W. Second Avenue  
Columbus, Ohio 43201-3407

BSSI Ventures, LLC  
40 W. First Avenue  
Columbus, Ohio 43201

Price & High, LLC  
21 W. Hubbard Ave, Ste. D  
Columbus, Ohio 43215

Eric Sanchez  
Or Current Occupant  
916 W. Harrison Ave  
Columbus, Ohio 43215

WC Partners, LLC  
600 Stonehenge Parkway  
2<sup>nd</sup> Floor  
Dublin, Ohio 43017

BHOWE, Inc.  
82 Price Avenue  
Columbus, Ohio 43201

Richard Jacob Trustee  
61 W. 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Generation Rentals, LTD  
1020 Dennison Ave  
Ste. 102  
Columbus, Ohio 43201

Jason Calhoun  
Or Current Occupant  
65 Price Avenue  
Columbus, Ohio 43201-3427

53 Price, LLC  
P.O. Box 8431  
Columbus, Ohio 43201

Sash Lutz  
Jaron Strain  
Or Current Occupant  
78 Price Avenue  
Columbus, Ohio 43201

Mary McBrayer  
13831 Cobblestone Lane  
Pickerington, Ohio 43147-9479

Wood Company Building, LLC  
939 N. High Street  
Unit 206  
Columbus, Ohio 43201

Victorian Partnership  
c/o 939 N. High Street  
Unit 206  
Columbus, Ohio 43201

MECCS Store, LLC  
47 W. Third Avenue  
Columbus, Ohio 43201

North Campus Properties Limited  
c/o Diana Hawkes  
10 E. 17<sup>th</sup> Avenue  
Columbus, Ohio 43201

Bruce Shumard Trustee  
P.O. Box 15872  
Columbus, Ohio 43215

The Shaw Davis Company  
34 W. Second Avenue  
Columbus, Ohio 43201

Kathleen Rinehart  
Ross Rinehart  
Or Current Occupant  
51 W. Second Avenue  
Columbus, Ohio 43201

Nancy Noble  
Pud D S Baird  
Or Current Occupant  
67 W Second Avenue  
Columbus, Ohio 43201

William Wood  
Or Current Occupant  
41 W. Second Avenue  
Columbus, Ohio 43201

Michael Oram  
354 W. 6<sup>th</sup> Avenue  
Columbus, Ohio 43201

#### **ATTORNEY**

#### **APPLICANT**

23 West 2<sup>nd</sup> Holdings, LLC  
30 Warren Street  
Columbus, Ohio 43215

Michael T. Shannon  
Crabbe, Brown & James, LLP  
500 S. Front St., Ste. 1200  
Columbus, Ohio 43215

**OWNER**

23 West 2<sup>nd</sup> Holdings, LLC  
30 Warren Street  
Columbus, Ohio 43215

**COMMISSION**

Victorian Village Commission  
Attn: Cristin Moody  
50 W. Gay Street – 4<sup>th</sup> Floor  
Columbus, Ohio 43215



## COUNCIL VARIANCE APPLICATION

### Department of Building & Zoning Services

Scott Messer, Director

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### 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 # CV17-036

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman  
of (COMPLETE ADDRESS) 500 South Front Street, Suite 1200, Columbus, Ohio 43215

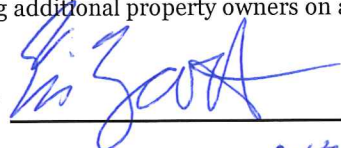
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

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. 23 W. 2nd Holdings, LLC c/o Brian Suiter 30 Warren St. Columbus, Ohio 43215	2.
3. 614-229-9200	4.

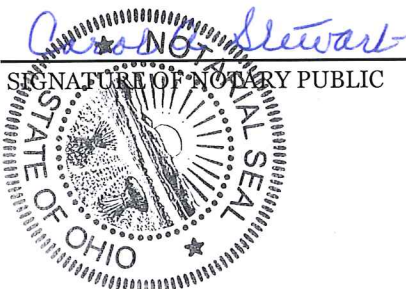
☐ Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 24th day of April, in the year 2017

Notary Seal Here



My Commission Expires  
**CAROL A. STEWART**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 06/28/2019

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# 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: 010023218

Zoning Number: 23

Street Name: W 2ND AVE

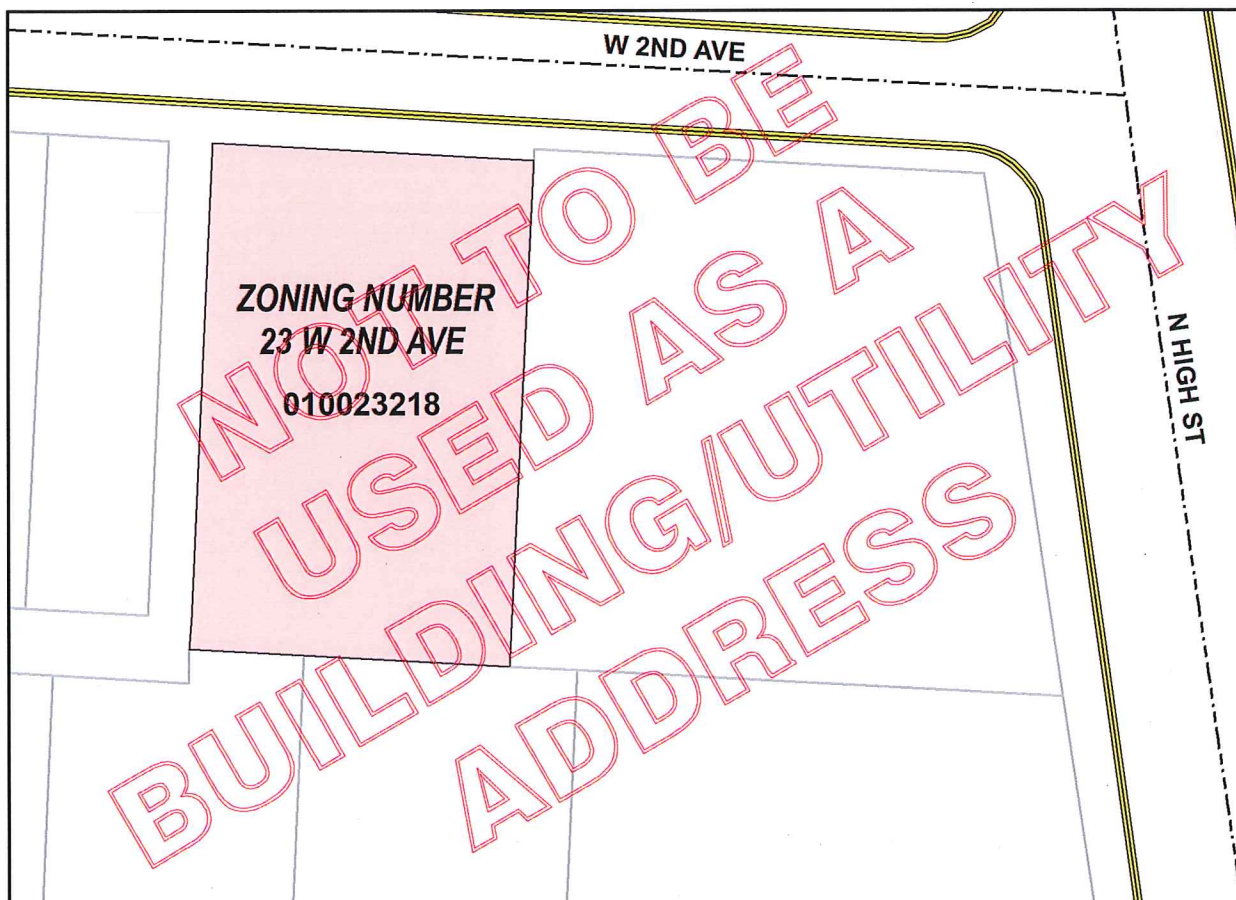
Lot Number: N/A

Subdivision: N/A

Requested By: CRABBE, BROWN & JAMES, LLC (ERIC ZARTMAN)

Issued By: *Edyana Amarian*

Date: 4/19/2017



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

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 90040

*CV17-034*

**LEGAL DESCRIPTION**  
**1.58 ACRES**

**Parcel One:**

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot Nos. 11, 12, 13 and part of Lot 14 of 'DAVID PRICES SUBDIVISION', as the plat of same is of record in Plat Book 2, Page 350, Recorder's Office, Franklin County, Ohio and bounded and described as follows:

Beginning at an iron pin at the intersection of the northerly right-of-way line of Price Avenue, (50.0 feet in width) with the westerly right-of-way line of an Alley, (12.0 feet in width) said iron pin also being the southeasterly corner of said Lot No. 11;

thence along said northerly right-of-way line of Price Avenue, South 89° 54' 00" West; 128.00 feet to a point;

thence North 0° 08' 30" West, 149.00 feet to a point in the southerly right-of-way line of an alley, (20.0 feet in width);

thence along said right-of-way line, North 89° 54' 00" East, 128.00 feet to a point at the northeasterly corner of Lot No. 11 and being the westerly right-of-way line of the 12.0 foot Alley;

thence along said westerly right-of-way line, South 0° 08' 30" East, 149.00 feet to the place of beginning, containing 0.438 acre, more or less.

Together with any and all interest the grantor(s) may have in that portion of right-of-way as vacated by the City of Columbus by Ordinance 2009-77.

**Parcel Two:**

Situated in the County of Franklin, State of Ohio, located in the City of Columbus, being part of a 0.438 acre tract of land conveyed to Price Properties, Inc. (Official Record 03591E-16) which contains part of Lot 14, all of Lot No. 15 and part of Lot No. 16 of David Price's Subdivision (as delineated and recorded in Plat Book 4, Page 111), and being more particularly described as follows:

Beginning, for reference at an iron pipe found at the intersection of the north line of Price Avenue (50 feet in width) with the east line of a 20 foot alley, marking the southwest corner of said 0.438 acre tract;

thence North 89° 54' 00" East 57.00 feet, in the north line said Price Avenue and the south line of said 0.438 acre tract to an iron pin set and being the PRINCIPAL PLACE OF BEGINNING of the herein described tract;

thence North 00° 08' 30" West 149.00 feet across said Lot No. 16 and parallel to the west line of said 0.438 acre tract, to a railroad spike set in the south line of a 20 foot alley and north line of said 0.438 acre tracts;

thence North 89° 54' 00" East 71.40 feet in the north line of said 0.438 acre tract and the south line of said 20 foot wide alley to an iron pipe found marking the northeast corner of said 0.438 acre tract;

thence south to 00° 06' 30" East 149.00 feet, across said Lot No. 14, to an iron pipe found in the north line of said Price Avenue marking the southeast corner of said 0.438 acre tract;

thence South 89° 54' 00" West 70.75 feet, in the north line of said Price Avenue, to the principal place of beginning, containing 0.243 acres, more or less.

Basis of bearings from Official Record 03591E16.

A survey of the above described tract was performed by R.T. Partridge & Associates in July 1989.

Together with any and all interest the grantor(s) may have in that portion of right-of-way as vacated by the City of Columbus by Ordinance 2009-77.

**Parcel Three:**

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

Being 100 feet and 6 inches off the West end of Reserve "A" of John R. Hughes' Subdivision, as the same is designated and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 345, Recorder's Office, Franklin County, Ohio.

Together with any and all interest the grantor(s) may have in that portion of right-of-way as vacated by the City of Columbus by Ordinance 2009-77.

**Parcel Four:**

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

Being Lot Number One (1) of J.R. Hughes Subdivision of Lot Number Three (3) of Starr's Administrators' Subdivision, Columbus, Ohio, as the said Lot No. 1 is numbered and delineated on the recorded plat thereof, of record in Plat Book 3, Page 345, Recorder's Office, Franklin County, Ohio.

Together with any and all interest the grantor(s) may have in that portion of right-of-way as vacated by the City of Columbus by Ordinance 2009-77.

**Parcel Five:**

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

Being part of Lot No 2 of Joseph R. Starr's Administrators Subdivision as shown of record in Plat Book 1, Page 229 and designated as "residence" on David Price's subdivision shown of record in Plat Book 4, Page 111, Recorder's Office, Franklin county, Ohio and being 79.5 feet off the west end of said "residence" lot as the same has been recently conveyed by deed to J. Foster Crumley, as shown of record in Deed Book 1237, page 649, Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Being at a point the north line of Price Avenue at its intersection with the east line of a 12 foot alley shown on the plat of David price's Subdivision as above mentioned, said point being also the southwest corner of the above mentioned "residence" lot; thence with the east line of the said alley and along the west line of said "residence" lot northerly 158.7 feet to a stake at the northwest corner of said lot, passing an iron pin on line at 110.1 feet; thence easterly with the north line of said "residence" lot, 79.5 feet to a stake, thence southerly, parallel with the west line of said "residence" lot, 158.7 feet to a point in the south line of said lot and in the north line of Price Avenue, said last mentioned point being witnessed by a stake 0.5 feet easterly from said point; thence with the north line of Price Avenue and along the south line



of said "residence" lot, westerly 79.5 feet to the place of beginning containing 0.29 acres, Together with any portions of any vacated alleys now abutting the above referenced premises.

Together with any and all interest the grantor(s) may have in that portion of right-of-way as vacated by the City of Columbus by Ordinance 2009-77.

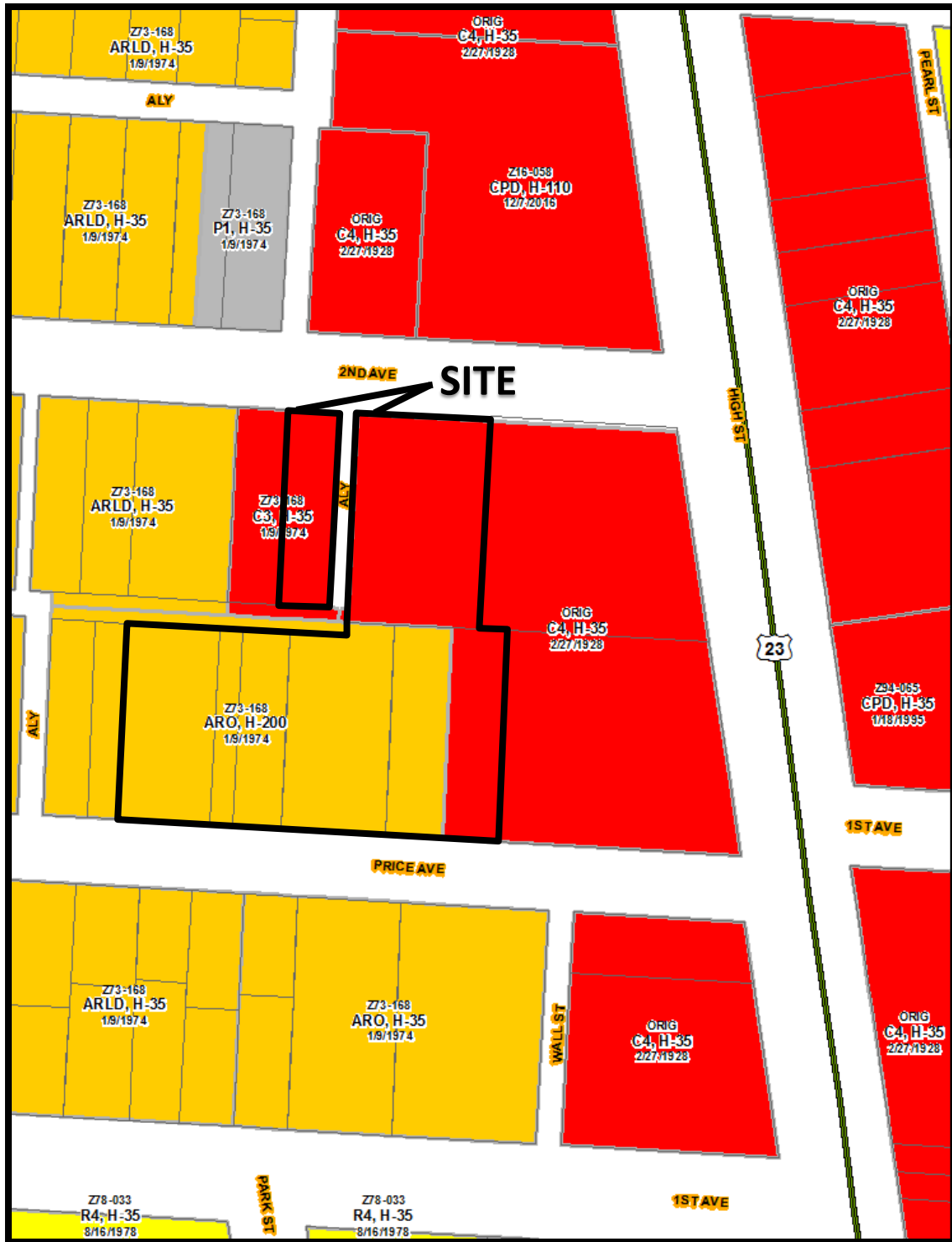
IBEW Legal Description

# KAUFMAN-IBEW



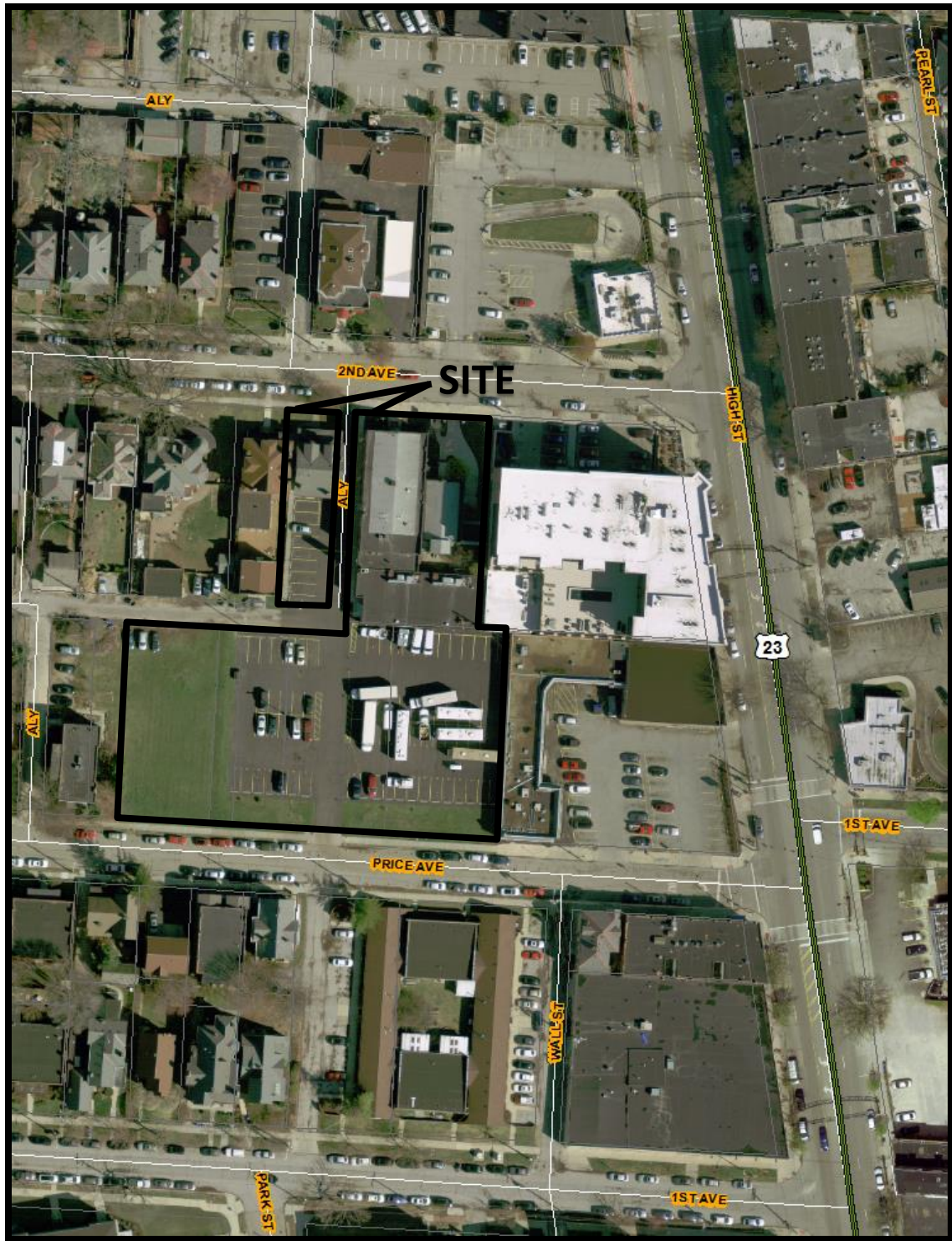
SITE PLAN





CV17-036  
 23 West Second Avenue  
 Approximately 1.58 acres





CV17-036  
23 West Second Avenue  
Approximately 1.58 acres