

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: CV17-042 Date Received: 5/23/17

Application Accepted by: TD + mm Fee: \$1,600

Assigned Planner: Kelsey Priebe; kpriebe@columbus.gov
614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 1397 N. Grant Avenue, Columbus, Ohio 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: 010-016248, 010-024601, 010-029887

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

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

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request:

To permit single-family dwellings in the C-4, Commercial District

Acreage: 0.581 +/-

APPLICANT:

Name: Weinland Park Development, LLC c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

Address: Plank Law Firm, 411 E. Town Street, 2nd Floor City/State: Columbus, OH 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: Weinland Park Development, LLC, et al. c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

Address: Plank Law Firm, 411 E. Town Street, 2nd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Donald Plank (Plank Law Firm) Phone Number: (614) 947-8600 Ext.: -----

Address: 411 E Town Street, 2nd Floor City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

SIGNATURES (All signatures must be provided and signed in blue ink)
Consultant: Dave Perry (David Perry Company, Inc.)
411 E Town Street, 1st FL, Columbus, Ohio 43215

APPLICANT SIGNATURE: Donald Plank attorney

PROPERTY OWNER SIGNATURE: Donald Plank attorney

ATTORNEY / AGENT SIGNATURE: Donald Plank 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

Variance Application CV17- 042
1397 N. Grant Avenue Columbus, Ohio 43201

SUPPLEMENTAL PROPERTY OWNER EXHIBIT

- 1) Weinland Park Development, LLC
c/o Joe Williams
842 N. Fourth Street, Suite 200
Columbus, Ohio 43215

- 2) Chatham Partners, LLC
c/o Chris Thompson
4272 Vista Walk Lane
Powell, Ohio 43065-7360

5/21/17


SUPPLEMENTAL SIGNATURE EXHIBIT PROPERTY OWNER

The referenced property is owned by, Chatham Partners, LLC. By my signature, I hereby grant permission to Weinland Park Development, LLC to include the property in a zoning variance application to the City of Columbus.

PROPERTY OWNER:

Chatham Partners, LLC

By:


(Name) Chris Thompson

owner

(Title)

Date: 5-18-2017.

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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 Exhibit 'B'

Signature of Applicant

Donald Plank

Date

5/22/17

C017-042

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Exhibit B

Statement of Hardship

CV17- 042

1397 N. Grant Avenue, Columbus, OH 43201

The 0.581 +/- acre site is located on the west side of N. Grant Avenue, between E. Eighth Avenue and the unnamed alley to the north of E. Eighth Avenue. The site is zoned C-4, Commercial. By this variance, applicant proposes to build detached single family dwellings in the C-4 District. Applicant has built 39 detached single family dwellings in the C-4 and C-2 districts on the west side of N. Grant Avenue, south of this site, by variance (CV09-036) and applicant is redeveloping the former Columbus Coated Fabrics site on the east side of N. Grant Avenue with residential uses. The proposed use is consistent with the redevelopment of the Weinland Park area, new construction in the vicinity and the University District Plan (2016), which recommends "Lower Intensity Residential" as the land use for the site. The proposed lots shall be a minimum of 28' wide, the houses shall have three (3) foot side yards and, detached garages shall also have three (3) foot side yards. The depth of the property is 105', subject to survey, so the lots will be 2,940 +/- square feet.

Applicant has a hardship and practical difficulty in that the C-4 district permits residential use, other than on the ground floor. There have been many variances granted to permit ground level residential use in the commercial districts. In this case, substantially more intense commercial and residential uses (above the ground floor) could be developed under existing zoning. The permitted uses of the existing C-4 district are contrary to the established uses in the area and the University District Plan (2016), and time is of the essence to permit additional single family dwellings.

Applicant requests the following variances:

- 1). Section 3356.03, C-4, Permitted Uses, to permit ground floor residential use, thereby permitting detached single family dwellings.
- 2). Section 3321.05, Vision Clearance, to reduce the 30'x30' clear vision triangle at the northwest corner of N Grant Avenue and E. Eighth Avenue to 5'x5', to permit close building setbacks, as is the character of the area
- 3). Section 3356.11, C-4 District Setback Lines, to reduce the N. Grant Avenue and E. Eighth Avenue building setback line from 25' to two (2) feet, respectively.

05/21/17

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: CV17-042

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David B. Perry (David Perry Company, Inc.)

of (1) MAILING ADDRESS 411 E. Town Street, 1st 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 1397 N. Grant Avenue, Columbus, Ohio 43201

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 5/23/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Weinland Park Development, LLC, et. al. c/o Donald Plank

Plank Law Firm

411 E Town Street, 2nd Floor

Columbus, Ohio 43215

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

Weinland Park Development, LLC c/o Donald Plank
(614) 947-8600

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

(5) University Area Commission c/o Susan Keeny
358 King Avenue
Columbus, Ohio 43201

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

Sworn to before me and signed in my presence this 22nd day of May, in the year 2017

(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

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APPLICANT

Weinland Park Development, LLC
c/o Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

PROPERTY OWNERS

Weinland Park Development, LLC
c/o Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

Chatham Partners, LLC
c/o Chris Thompson
4272 Vista Walk Lane
Powell, Ohio 43065-7360

ATTORNEY FOR APPLICANT

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

COMMUNITY GROUP

University Area Commission
c/o Susan Keeny
358 King Avenue
Columbus, Ohio 43201

CONSULTANT

David B. Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

1376 North Sixth Street (*or current occupant*)
c/o Chatham Partners, LLC
PO Box 1944
Powell, Ohio 43065-1944

Hidden Tree House, LLC (*or current occupant*)
PO Box 10478
Columbus, Ohio 43201-7478

Weinland Park Development, LLC (*or current occupant*)
842 N 4th Street, Suite 200
Columbus, Ohio 43215

Donna M Madlener, TR
Douglas B Ross, TR (*or current occupant*)
265 Piedmont Road
Columbus, Ohio 43214-3813

PROPERTY OWNERS WITHIN 125 FEET

Jerry B Boykins
April L Boykins (*or current occupant*)
15141 Olive Green Road
Centerburg, Ohio 43011

1461 North Sixth Thompson Holdings, LLC (*or current occupant*)
4272 Vista Walk Lane
Powell, Ohio 43065

Chatham Partners, LLC (*or current occupant*)
PO Box 1944
Powell, Ohio 43065-1944

Alyssa D Shaw (*or current occupant*)
379 Eighth Avenue East
Columbus, Ohio 43201

1404 North Sixth Street (*or current occupant*)
c/o Chatham Partners, LLC
PO Box 1944
Powell, Ohio 43065-1944

Sultana N Nahar (*or current occupant*)
1430 N 6th Street
Columbus, Ohio 43201-2508

Katherine U Robertson (*or current occupant*)
1394 N Sixth Street
Columbus, Ohio 43201

Mary A Stewart (*or current occupant*)
1362 North Sixth Street
Columbus, Ohio 43201

Vladimir Kogan
Laura K Kogan (*or current occupant*)
1367 N Grant Avenue
Columbus, Ohio 43201

Robert M McDonald (*or current occupant*)
1370 N Sixth Street
Columbus, Ohio 43201

Joseph S Alaura
Janice M Alaura (*or current occupant*)
3331 County Road 172
Cardington, Ohio 43315-9337

SIJ Partnership, LLC (*or current occupant*)
3540 E Main Street, Unit 103
Columbus, Ohio 43215-5432

TKI Partners, LLC (*or current occupant*)
PO Box 2141
Westerville, Ohio 0020 43086-2141

TAM Homes, LLC (*or current occupant*)
91 Colburn Street
Worthington, Ohio 43085

Bansari T. Patel
Kinal M. Patel (*or current occupant*)
1351 N Grant Avenue
Columbus, Ohio 43201

Christian L Escher (*or current occupant*)
1355 N Grant Avenue
Columbus, Ohio 43201

Jonathan Lucyshyn
Jocelyn M Bush (*or current occupant*)
1359 N Grant Avenue
Columbus, Ohio 43201

Chad H Goines
Melissa A Peace (*or current occupant*)
1363 N Grant Avenue
Columbus, Ohio 43201

ALSO NOTIFY

Weinland Park Development, LLC
c/o Joe Williams
842 North 4th Street, Suite 200
Columbus, Ohio 43215

Weinland Park Development, LLC
c/o Eric Wagenbrenner
842 North 4th Street, Suite 200
Columbus, Ohio 43215

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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 # CM7-042

STATE OF OHIO
COUNTY OF FRANKLIN

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

of (COMPLETE ADDRESS) 411 E. Town Street, 2nd Floor, Columbus, Ohio 43215

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of 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. Weinland Park Development, LLC 842 N Fourth Street, Suite 200 Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Joe Williams (614) 545-3688	2. Chatham Partners, LLC 4272 Vista Walk Lane Powell, Ohio 43065-7360 # of Columbus Based Employees: 2 Contact: Chris Thompson (614) 230-2671
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 22nd day of May, in the year 2017

Stacey L. Danza

SIGNATURE OF NOTARY PUBLIC

11-5-2018

My Commission Expires

Notary Seal Here



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

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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: 010024601, 010029887, 010016248

Zoning Number: 1397

Street Name: N GRANT AVE

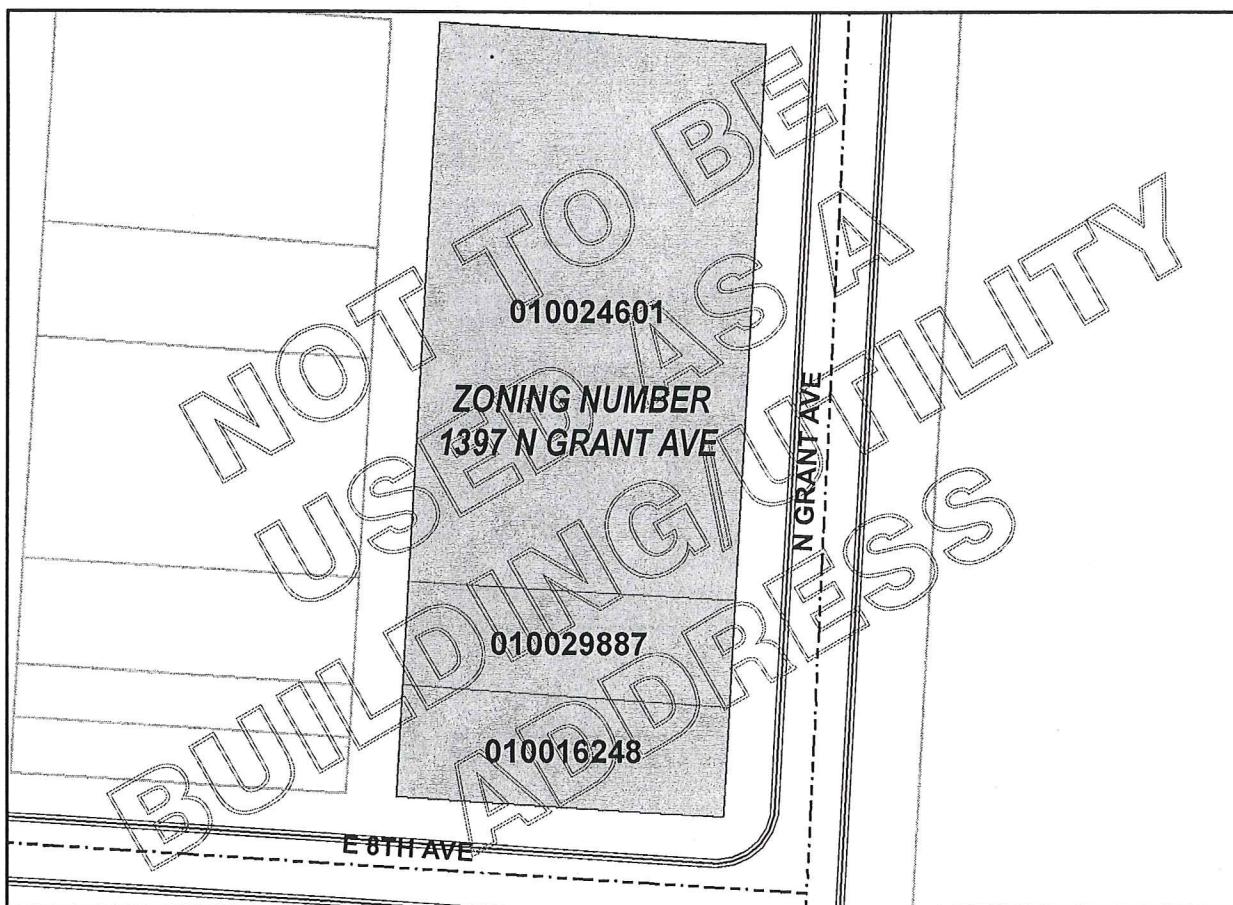
Lot Number: N/A

Subdivision: N/A

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

Issued By: *Adyana Amarian*

Date: 5/18/2017



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

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 91319

CV17-042

1397 N Grant Avenue

CV17- 042

Legal Description: 0.581 +/- acres

PARCEL I

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

Being Lot Numbers 27, 28 and 31 in Anna M. Erb and Joseph M. Erb's Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

And, Lots 316 and 317 in the New Indianola Addition to the City of Columbus as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's office, Franklin County, Ohio; also described lots 29 and 30 in Anna M. Erb and Joseph M. Erb's Subdivision as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-024601

Street Address: 1397 North Grant Avenue, Columbus, OH

PARCEL II

Situated in the City of Columbus, County of Franklin, State of Ohio, to-wit:

Being Lot Number 32 of Anna M. Erb and Joseph M. Erb's Subdivision of part of Lot Numbers 5 and 7 of Stevenson Heirs Subdivision of Quarter Township 4, Township 1, Range 18, United States Military Lands as the same is numbered and delineated upon the recorded plat thereof recorded in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-029887

Street Address: 1385 N Grant Avenue, Columbus, OH

PARCEL III

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

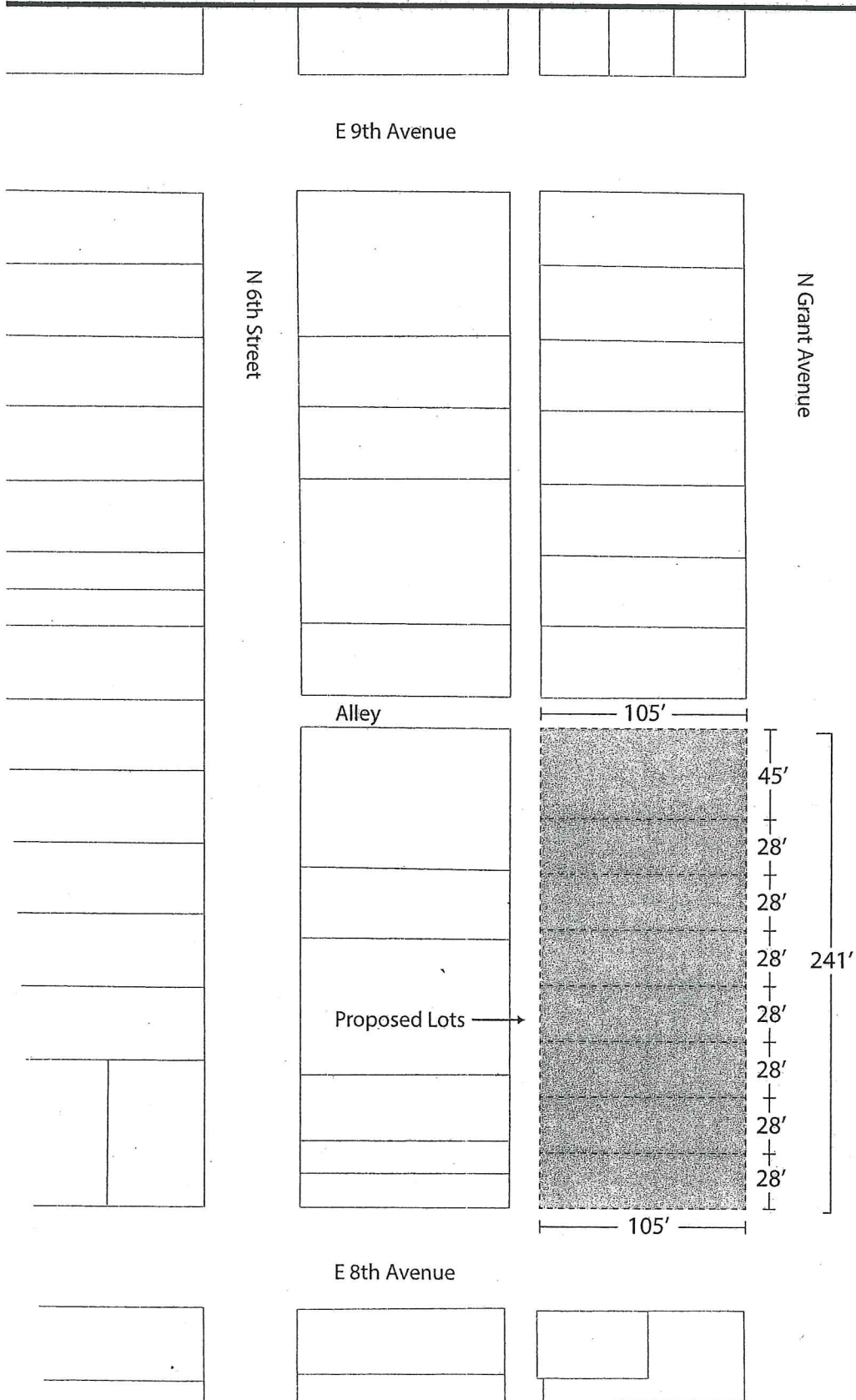
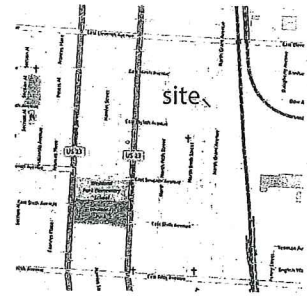
Being Lot 33 in Anna M. Erb and Joseph M. Erb's Subdivision as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 151, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-016248

Street Address: 1379 N Grant Avenue, Columbus, OH

SITE DATA

ADDRESS: 1397 N. Grant Avenue , Columbus, OH 43201
PID: 010-016248, 010-024601, 010-029887
ZONING: C-4, Commercial (orig.)
HEIGHT DISTRICT: H-35
PROPOSED USE: Single-family dwellings (CV17-_____)

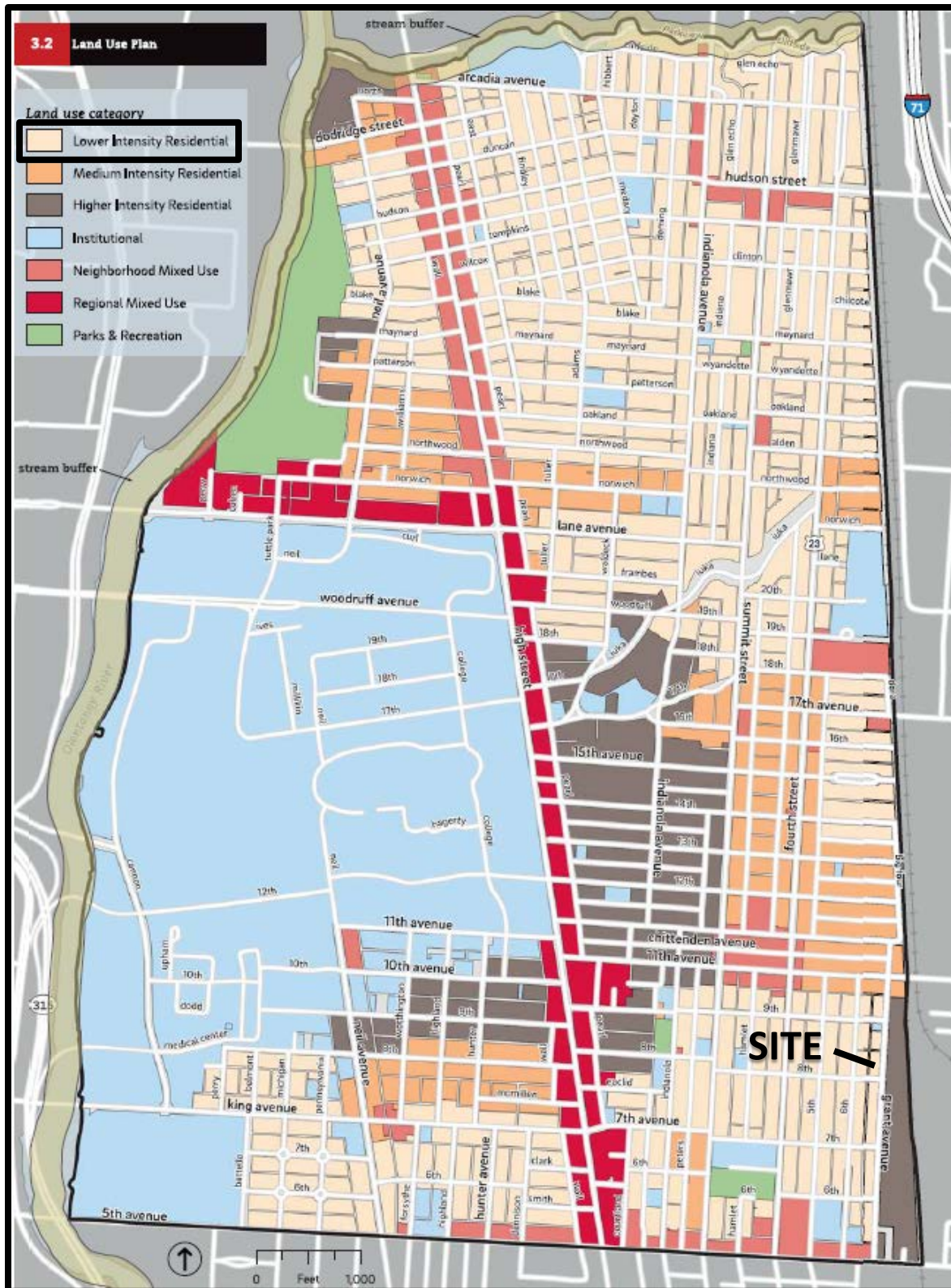


CV17- 042
5/22/17



CV17-042
1397 North Grant Avenue
Approximately 0.58 acres

University District Plan (2015)



CV17-042
1397 North Grant Avenue
Approximately 0.58 acres



CV17-042
1397 North Grant Avenue
Approximately 0.58 acres