

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: CV17-063 Date Received: 8/29/17

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

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

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 1112 Oak Street, 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: 010-036392, 010-065039, 010-022406, 010-025038, 010-013665, 010-026726

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

Current Zoning District(s): R-3, Residential

Area Commission or Civic Association: Near East Area Commission

Proposed Use or reason for Council Variance request: Residential (condominiums)

Acreage: 0.67 +/- Ac.

APPLICANT:

Name: Gallas Zadeh Development, LLC c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----

David Perry Company, Inc.
Address: 411 East Town Street, 1st Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dave@daveperryco.net Fax Number: N/A

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

Name: 1102 Oak St, LLC, c/o Karl Schneider Phone Number: 614-883-1059 Ext.: N/A

Address: 150 East Broad Street, 8th Floor City/State: Columbus, Ohio Zip: 43215

Email Address: kschneider@continental-realestate.com Fax Number: N/A

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

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

Address: 411 East 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)

APPLICANT SIGNATURE Gallas Zadeh Development LLC by David Perry Agent

PROPERTY OWNER SIGNATURE Donald Plank attorney, per authority

ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

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STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code

Section 3307.10 Variances by City Council

A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.

B. Permit a use of the property not permitted by the Zoning District established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if Council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the Comprehensive Plan.

Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

In granting a variance pursuant to this section, Council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as Council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare

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: 8/25/17

Attorney: Donald Plank

(Donald Plank, Plank Law Firm)

Date: 8/28/17

Consultant: Dave Perry

(Dave Perry, David Perry Company, Inc.)

Date: 8/28/17

CV17-003

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Exhibit B

Statement of Hardship

CV17- 063, 1112 Oak Street, Columbus, OH 43205

The site is a total area of 0.675 +/- undeveloped acres with 0.338 +/- acres at the northwest corner of East Oak Street and South Ohio Avenue (Subarea A) and 0.337 +/- acres located at the northeast corner East Oak Street and South Ohio Avenue (Subarea B). The site is zoned R-3, Residential. Residential uses in the area include a broad range of uses including single-family, two-family, multi-family uses, as well as commercial uses. Applicant proposes to build a total of nine (9) dwelling units on Subarea A, consisting of an eight (8) dwelling unit townhouse building and a detached dwelling. Applicant proposes to build a total of ten (10) dwelling units on Subarea B, consisting of a four (4) unit and six (6) building. The dwelling units will be approximately 1,400 SF each. Parking will be provided with a combination of garage spaces and surface parking. All parking is designed to be access from abutting rear alley's. On-street parking is also available. Applicant plans to sell the dwelling units as condominiums. A site plan ("Site Plan") depicting the proposed development is enclosed.

The site is located in the Near East Area Commission and is part of the Near East Area Plan ("Plan") area. The Plan encourages a mix of land uses, development of new housing and increased home ownership. The proposed development addresses all three (3) recommendations.

Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and not also need variances. Applicant has a practical difficulty with compliance to develop the property in a comprehensive, coordinated way, as proposed.

Applicant requests variances from the following sections of the Columbus Zoning Code:

- 1). Section 3332.035, R-3 Residential District, to permit site development of Subarea A and B with nine (9) and ten (10) dwelling units (condominiums), respectively, as depicted on the Site Plan.
- 2). Section 3309.14, Height Districts, to permit the height of the dwelling units to be 38 feet in the H-35 Height District.
- 3). Section 3312.21(D)(1), Landscaping and Screening, to permit three (3) foot tall parking lot screening of residentially zoned property in both Subareas A and B rather than five (5) foot tall screening.
- 4). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking from 15 spaces to 14 spaces in Subarea B.

5). Section 3321.05(B)(2), Vision Clearance, to reduce the 30' clear vision triangle at the intersection of S. Ohio Avenue and Oak Street to a 10' clear vision triangle for both Subarea A and B.

6). Section 3332.21(A)(E)(F), Building Lines, to reduce the S. Ohio Avenue building setback line from 30 feet to five (5) feet for both Subarea A and B, and to reduce the Oak Street building setback from 10 feet to 5 feet for Subarea A and from 15 feet to 5 feet for Subarea B.

7). Section 3332.25, Maximum Side Yards Required, to reduce the Subarea A maximum side yard from sixteen (16) feet to ten (10) feet and to reduce the Subarea B maximum side yard from sixteen (16) feet to twelve (12) feet.

8). Section 3332.38(G), Private Garage, to increase the ridge height of the detached garages from 15 feet to 20 feet in both Subarea A and B.

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: CV17-063

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dave 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 1112 Oak Street, 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) 8/29/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(See Supplemental Property Owner List)

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

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

(4) 1102 Oak St, LLC

c/o Dave Perry (David Perry Company, Inc.)

411 East Town Street, 1st Floor

Columbus, Ohio 43215

Gallas Zadeh Development, LLC

c/o Dave Perry (614) 228-1727

Near East Area Commission

(5)

c/o Annie Ross-Womack

c/o Kathleen Bailey

874 Oakwood Avenue

489 Linwood Avenue

Columbus, Ohio 43206

Columbus, Ohio 43205

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 28th day of August, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



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

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

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EXHIBIT A, Public Notice
1112 Oak Street Street
CV17- 063
August 28, 2017

APPLICANT

Gallas Zadeh Development, LLC
c/o Dave Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

PROPERTY OWNER

1102 Oak St, LLC
c/o Karl Schneider
150 E. Broad Street, 8th Floor
Columbus, Ohio 43215

ATTORNEY FOR APPLICANT

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

COMMUNITY GROUP:

Near East Area Commission
c/o Annie Ross-Womack
874 Oakwood Avenue
Columbus, OH 43206

COMMUNITY GROUP:

Near East Area Commission
c/o Kathleen Bailey
489 Linwood Avenue
Columbus, Ohio 43205

PROPERTY OWNERS WITHIN 125 FEET

Paul B Hughes
1105 Oak Street
Columbus, Ohio 43205

Madison Property, Inc. (or current
occupant)
PO Box 9824
Columbus, Ohio 43209-0824

Marie E Shaffer (or current occupant)
1097 Oak Street
Columbus, Ohio 43205

Elliott Hogan (or current occupant)
1091 Oak Street
Columbus, Ohio 43205

John J Kasper (or current occupant)
PO Box 13596
Columbus, Ohio 43213

Jay A Hughes (or current occupant)
1085-87 Fair Avenue
Columbus, Ohio 43205

Jennifer D Bender
1087 Oak Street
Columbus, Ohio 43205

1083 Oak Street, LLC (or current
occupant)
PO Box 164204
Columbus, Ohio 43216-4204

Chad Gill
Benjamin Nolan (or current occupant)
1074 Oak Street
Columbus, Ohio 43205

Liggett LP (or current occupant)
PO Box 20064
Columbus, Ohio 43220-0064

Duck Creek Management LLC (or
current occupant)
270 S Dawson Avenue
Columbus, OH 43209-1735

1112 Oak Street
CV17- 063 August 28, 2017
Exhibit A, Public Notice
Page 1 of 2

Equity Trust Co Cust FBO
Michelle Echevarria Lims, IRA (or
current occupant)
38501 N. Beachview Road
Willoughby, Ohio 44094-7025

SIJ Partnership LLC
(or current occupant)
3540 E Fulton Street
Columbus, OH 43227-1125

Doug Schifer (or current occupant)
771 Franklin Avenue
Columbus, Ohio 43205-1048

S&S Meat Purveyors, Inc. (or current
occupant)
1117 Oak Street
Columbus, OH 43205-1359

Joyce Houghton Nick
Rachel Lovely (or current occupant)
116 S Ohio Avenue
Columbus, Ohio 43205

Howard A Hill III
Danielle Hill (or current occupant)
1141 Fair Avenue
Columbus, Ohio 43205

George Makridis
(or current occupant)
108 S Ohio Avenue
Columbus, Ohio 43205-336

Kelvin Morse
(or current occupant)
99 S Ohio Avenue
Columbus, Ohio 43205

Edward B Hobbs
Krista R Sparks (or current occupant)
119 S Ohio Avenue
Columbus, Ohio 43205

Oakland Management Associates, LLC
(or current occupant)
3067 N Oakland Street
Arlington, VA 22207-5322

RMW
Robert W Mason (or current
occupant)
1147 Oak Street
Columbus, OH 43205-1344

Michael S Smith (or current occupant)
5309 Dublin Road
Dublin, Ohio 43017-1501

Kelvin Morse (or current occupant)
99 S Ohio Avenue
Columbus, Ohio 43205

Oak Grocery LLC
(or current occupant)
PO Box 6897
156 S Ohio Avenue
Columbus, OH 43205-1315

Edward P Lock Zipf (or current
occupant)
PO Box 23826
Columbus, Ohio 43223-0826

Bridget Bellett
1081 Fair Avenue
Columbus, Ohio 43205

Margaret A Takach (or current
occupant)
109 S Ohio Avenue
Columbus, Ohio 43205

LG Venture Ohio, LLC (or current
occupant)
141 Stanbery Avenue
Columbus, Ohio 43209-1465

Vincent T Lyles (or current occupant)
PO Box 3877
Dublin, Ohio 43016-0455

Peggy A Bozman
Audera Ghee (or current occupant)
1088 Oak Street
Columbus, OH 43205

Mary K Rose (or current occupant)
1109 Fair Avenue
Columbus, OH 43205-1385

Cheryl A Penn
(or current occupant)
112 S Ohio Avenue
Columbus, OH 43205

Momot Vitality V (or current
occupant)
2491 Bradshaw Boulevard
Galloway, Ohio 43119-8796

ALSO NOTIFY

Gallas Zadeh Development, LLC
c/o Gregg Gallas
245 East 1st Avenue
Columbus, OH 43215

Gallas Zadeh Development, LLC
c/o Jason Zadeh
245 East 1st Avenue
Columbus, OH 43215

1112 Oak Street
CV17-063 August 28, 2017
Exhibit A, Public Notice
Page 2 of 2

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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 # CV17-063

STATE OF OHIO
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm) -----

Being first duly cautioned and sworn (NAME) -----

of (COMPLETE ADDRESS) 411 East Town Street, 2nd Floor, Columbus, Ohio 43215 -----

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

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. 1102 Oak St, LLC 150 East Broad Street, 8th Floor Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Karl Schneider 614-883-1059	2. Gallas Zadeh Development, LLC 245 East First Avenue Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Gregg Gallas (614) 545-3679
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 28th day of August, in the year 2017

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018

Notary Seal Here

My Commission Expires



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: 010022406, 010036392, 010065039, 010025038, 010013665, 010026726

Zoning Number: 1112

Street Name: OAK ST

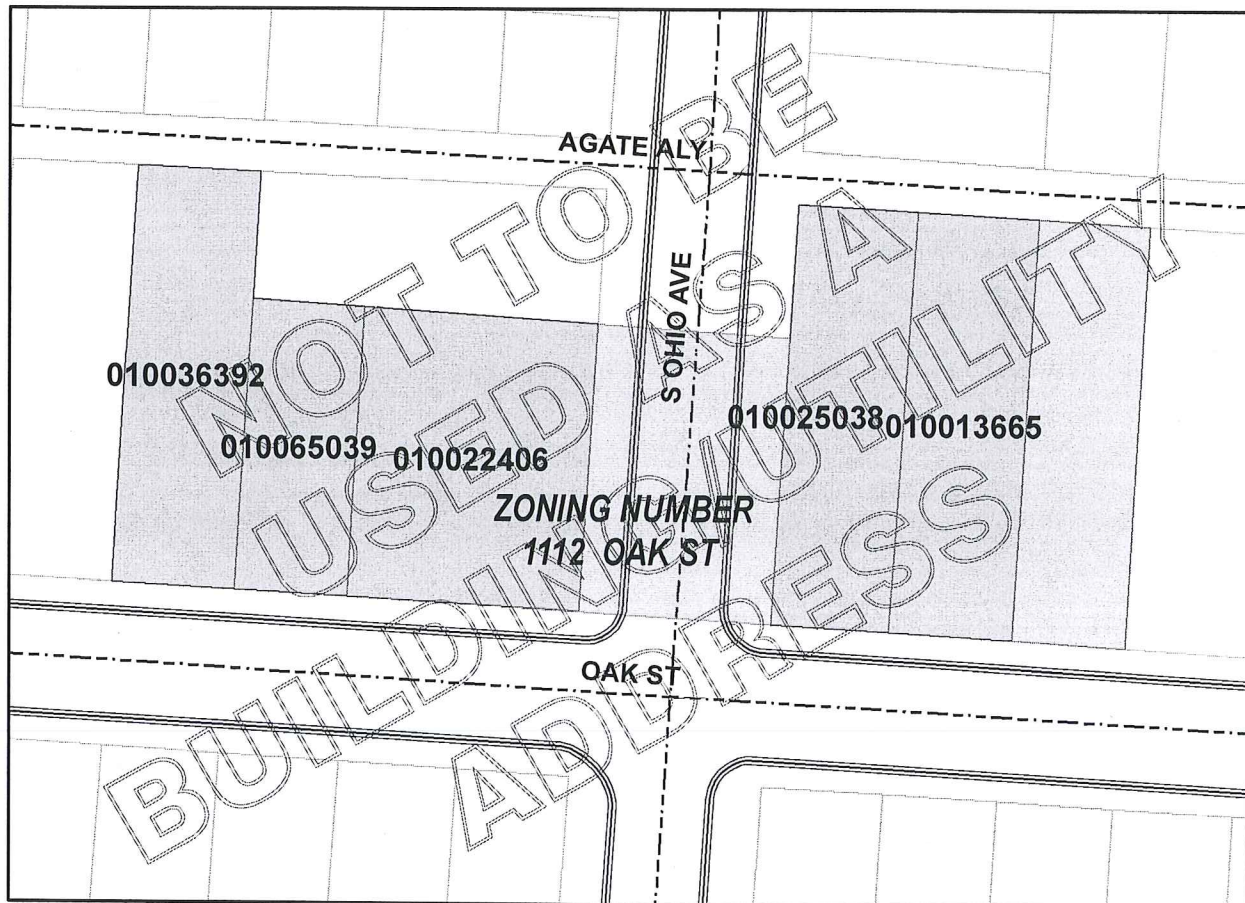
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY CO. INC, (DAVE PERRY)

Issued By: *Edyana Amarian*

Date: 8/25/2017



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

SCALE: 1 inch = 60 feet

GIS FILE NUMBER: 98997

CV17-003

LEGAL DESCRIPTION

0.338 ACRE±

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lot 232 and part of Lots 233, 234, and 235 in the Hoffman and McGrew's Second Addition as recorded in Plat Book 2, Page 200 as conveyed to 1102 Oak, LLC in Instrument Number 201412050162221;

Beginning at the southeast corner of said Lot 235, being the intersection of the westerly right of way line of Ohio Avenue (60' R/W) and the northerly right of way line of Oak Street (50' R/W) and being the **TRUE POINT OF BEGINNING** for the land here in described as follows;

Thence with the south line of said Lots 235, 234, 233, and 232 and the northerly right of way line of Oak Street , **N 86° 44' 05" W, 148.00 feet±** to the southwest corner of said Lot 232 and the southeast corner of Lot 231 as conveyed to Peggy Ann Bozman in Instrument Number 200003300061524;

Thence with the west line of said Lot 232 and the east line of said Lot 231, **N 03° 45' 07" E, 131.00 feet±** to the northwest corner of said Lot 232, the northeast corner of said Lot 231, and being in the southerly right of way line of an Alley 16 feet wide;

Thence with the north line of said Lot 232 and the southerly right of way line of said Alley 16 feet wide, **S 86° 44' 05" E, 37.00 feet±** to the northeast corner of said Lot 232 and the northwest corner of said Lot 233, and being the northwest corner of a tract as conveyed to Edward B. Hobbs and Krista R. Sparks, for their joint lives, remainder to the survivor of them in Instrument Number 201408180107641;

Thence with the east line of said Lot 232 and the west line of said Lot 233, **S 03° 45' 07" W, 42.00 feet±** to the southwest corner of said Edward B. Hobbs and Krista R. Sparks property and being an angle point in the north line of said 1102 Oak LLC property;

Thence with the north line of said 1102 Oak LLC property and the south line of said Edward B. Hobbs and Krista R. Sparks property across said Lots 233, 234, and 235, **S 86° 44' 05" E, 111.00 feet±** to the east line of said Lot 235, the westerly right of way line of Ohio Avenue, being the northeast corner of said 1102 Oak LLC property and the southeast corner of said Edward B. Hobbs and Krista R. Sparks property;

Thence with the east line of said Lot 235 and the westerly right of way line of Ohio Avenue, **S 03° 45' 07" W, 89.00 feet±** to the **TRUE POINT OF BEGINNING**, containing **0.338± acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on August, 2017 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office.

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

LEGAL DESCRIPTION

0.337± ACRE

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of Lots 236, 237, and 238 in the Hoffman and McGrew's Second Addition as recorded in Plat Book 2, Page 200 as conveyed to 1102 Oak, LLC in Instrument Number 201412050162221;

Commencing at the southeast corner of said Lot 235, being the intersection of the westerly right of way line of Ohio Avenue (60' R/W) and the northerly right of way line of Oak Street (50' R/W);

Thence crossing Ohio Avenue, **S 86° 44' 05" E, 60.00 feet±** to the southwest corner of said Lot 236 and being the intersection of the easterly right of way line of Ohio Avenue and the northerly right of way line of Oak Street, and being the **TRUE POINT OF BEGINNING** for the land here in described as follows;

Thence with the west line of said Lot 236 and the easterly right of way line of Ohio Avenue, **N 03° 45' 07" E, 131.00 feet±** to the northwest corner of said Lot 236 and being the intersection of the easterly right of way of Ohio Avenue and the southerly right of way line of an Alley 16 feet wide;

Thence with the north line of said Lots 236, 237, and 238 and the southerly right of way line of said Alley 16 feet wide, **S 86° 44' 05" E, 111.99 feet±** to the northeast corner of said Lot 238 and the northwest corner of Lot 239 as conveyed to Oakland Management Associates, L.L.C. in Instrument Number 201011300162209;

Thence with the east line of said Lot 238 and the west line of said Lot 239, **S 03° 45' 07" W, 131.00 feet±** to the southeast corner of said Lot 238 and the southwest corner of said Lot 239, and being in the northerly right of way line of Oak Street;

Thence with the south line of said Lots 238, 237, and 236 and the northerly right of way line of Oak Street, **N 86° 44' 05" W, 111.99 feet±** to the **TRUE POINT OF BEGINNING**, containing **0.337± acres**, more or less.

The above description was prepared by Advanced Civil Design, Inc. on August, 2017 and is created from information obtained from the Franklin County Auditor's Office and the Franklin County Recorder's Office.

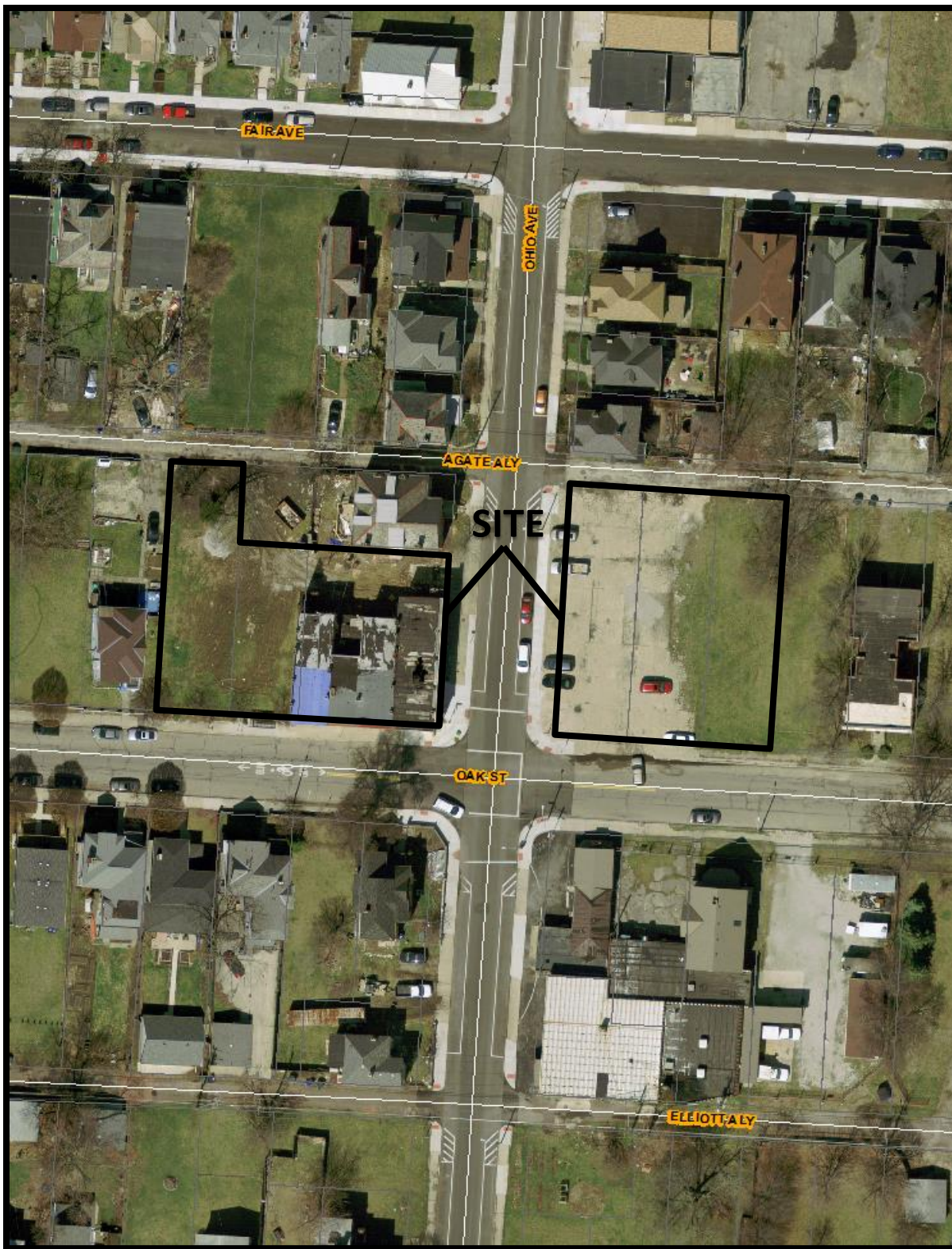
This description is not to be used for the transfer of land.

ADVANCED CIVIL DESIGN INC.

CV17-063



CV17-063
1112 Oak Street
Approximately 0.67 acres



CV17-063
1112 Oak Street
Approximately 0.67 acres