

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: CV17-067 Date Received: 9/26/17
Application Accepted by: TD Fee: \$960 (concurrent 217-040)
Assigned Planner: Tim Dietrich; 614-645-6665; tedietch@ Columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 5275 East Main Street, Columbus, Ohio Zip: 43213

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: 010-099188

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

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

Area Commission or Civic Association: Mideast Area Community Collaborative

Proposed Use or reason for Council Variance request:

Variances related to multi-family development

Acreage: 2.617 +/-

APPLICANT:

Name: Community Housing Network, c/o David Perry Phone Number: 614-228-1727 Ext.: -----

Address: David Perry Company, Inc.
411 East Town Street, 1st Floor City/State: Columbus, OH 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: City of Columbus Ohio c/o John Turner Phone Number: 614-645-2551 Ext.: N/A

Address: 50 West Gay Street City/State: Columbus, Ohio Zip: 43215

Email Address: jmtturner@columbus.gov 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, Ohio Zip: 43215

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

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

APPLICANT SIGNATURE Community Housing Network by David B. Perry, Agent

PROPERTY OWNER SIGNATURE [Signature]

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

Exhibit B

Statement of Hardship

CV17-____, 5275 E. Main Street, Columbus, OH 43213

The 2.617 +/- acre site is located on the south side of E. Main Street, 145 +/- feet east of the intersection of E. Main Street and Fairway Boulevard. The site is zoned L-C-4, Limited Commercial (Z95-091). The only use permitted under the L-C-4 zoning is a restaurant. Applicant proposes to rezone (Z17-040) the property to the AR-O, Apartment Office District to permit multi-family residential development. The site abuts Big Walnut Creek to the east. Vehicular access to the site is permitted by easement across the abutting site to the west, thereby providing access to the traffic signal at E. Main Street and Fairway Boulevard. This variance application is submitted in conjunction with the rezoning application to request variances as itemized. While the site is 2.617 +/- acres, approximately 0.964 +/- acres is developable due to topography and flood plain related to Big Walnut Creek. The site plan titled "Site Plan, Parkview Place, 5275 East Main Street" dated _____, hereafter "Site Plan" is submitted with this variance application as the site development plan.

Applicant has a hardship warranting variances in that the site has physical characteristics with Big Walnut Creek flood plain and topography that limit the developable area of the site to 0.964 +/- acres (36% of site area) and there is no zoning district to which the site could be rezoned without also requiring 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 3309.14(A), Height Districts, to permit a building height of 40 feet in the H-35 Height District.
- 2). Section 3312.27(3), Parking Setback Line, to reduce the E. Main Street parking setback line from 25' to 7' +/-, to match the existing parking setback of the 90 degree spaces adjacent to E. Main Street on the adjacent property to the west.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 1.5 spaces per dwelling unit to 0.75 spaces per dwelling unit for 31 dwelling units, thereby reducing parking from 47 spaces to 24 spaces.

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AFFIDAVIT (See instruction sheet)

Application Number: CV17-067

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 East 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 5275 East Main Street, Columbus, Ohio 43213

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 9/26/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) City of Columbus Ohio
c/o John Turner
50 West Gay Street
Columbus, Ohio 43215

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

Community Housing Network
c/o Dave Perry (614) 228-1727

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

(5) Mideast Area Community Collaborative
c/o Quay Barnes
2500 Park Crescent, Columbus, Ohio 43232

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)

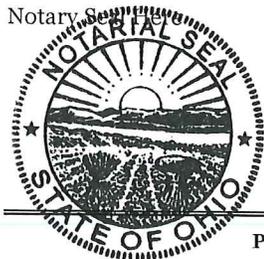
Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 25th day of September, in the year 2017

Stacey L. Danza
(8) SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires



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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EXHIBIT A, Public Notice
5275 East Main Street
CV17- 067
9/15/17

APPLICANT

Community Housing Network
c/o Dave Perry
David Perry Company, Inc.
411 East Town Street, FL 1
Columbus, OH 43215

PROPERTY OWNER

City of Columbus Ohio
c/o John Turner
845 Parsons Avenue
Columbus, Ohio 43206

ATTORNEY FOR APPLICANT

Donald Plank
Plank Law Firm
411 East Town Street, FL 2
Columbus, OH 43215

COMMUNITY GROUP

Mideast Area Community Collaborative
c/o Quay Barnes
2500 Park Crescent
Columbus, Ohio 43232

PROPERTY OWNERS WITHIN 125 FEET

Raymond E Baker, III
Cheryl Baker (*or current occupant*)
3265 Darracq Circle
Columbus, Ohio 43223-3442

Wyandotte Athletic Club, LLC (*or current occupant*)
5198 Riding Club Lane
Columbus, Ohio 43213-3202

RBC Services, Ltd (*or current occupant*)
318 S. Columbia Avenue
Columbus, Ohio 43209-1627

Beacon Realty Plus, LLC (*or current occupant*)
3082 Elbern Avenue
Columbus, Ohio 43209-2030

5300 East Main Street, LLC
(*or current occupant*)
300 Spruce Street, Suite 110
Columbus, Ohio 43215-1173

ALSO NOTIFY:

Community Housing Network
c/o Walt Whitmyre
1680 Watermark Drive
Columbus, Ohio 43215

Community Housing Network
c/o Laurie Sutherland
1680 Watermark Drive
Columbus, Ohio 43215

5275 East Main Street
CV17- 067
Exhibit A, Public Notice
Page 1 of 1, 9/15/17

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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 # CV17-067

STATE OF OHIO
COUNTY OF FRANKLIN

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

Being first duly cautioned and sworn (NAME) Donald Plank
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

<p>1. City of Columbus Ohio 50 West Gay Street Columbus, Ohio 43215 # of Columbus Based Employees: 10,000 +/- Contact: John Turner (614) 645-2551</p>	<p>2. Community Housing Network 1680 Watermark Drive Columbus, Ohio 43215 # of Columbus Based Employees: 93 Contact: Walt Whitmyre (614) 487-6745</p>
<p>3. -----</p>	<p>4. -----</p>

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

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 25th day of September 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: 010099188

Zoning Number: 5275

Street Name: E MAIN ST

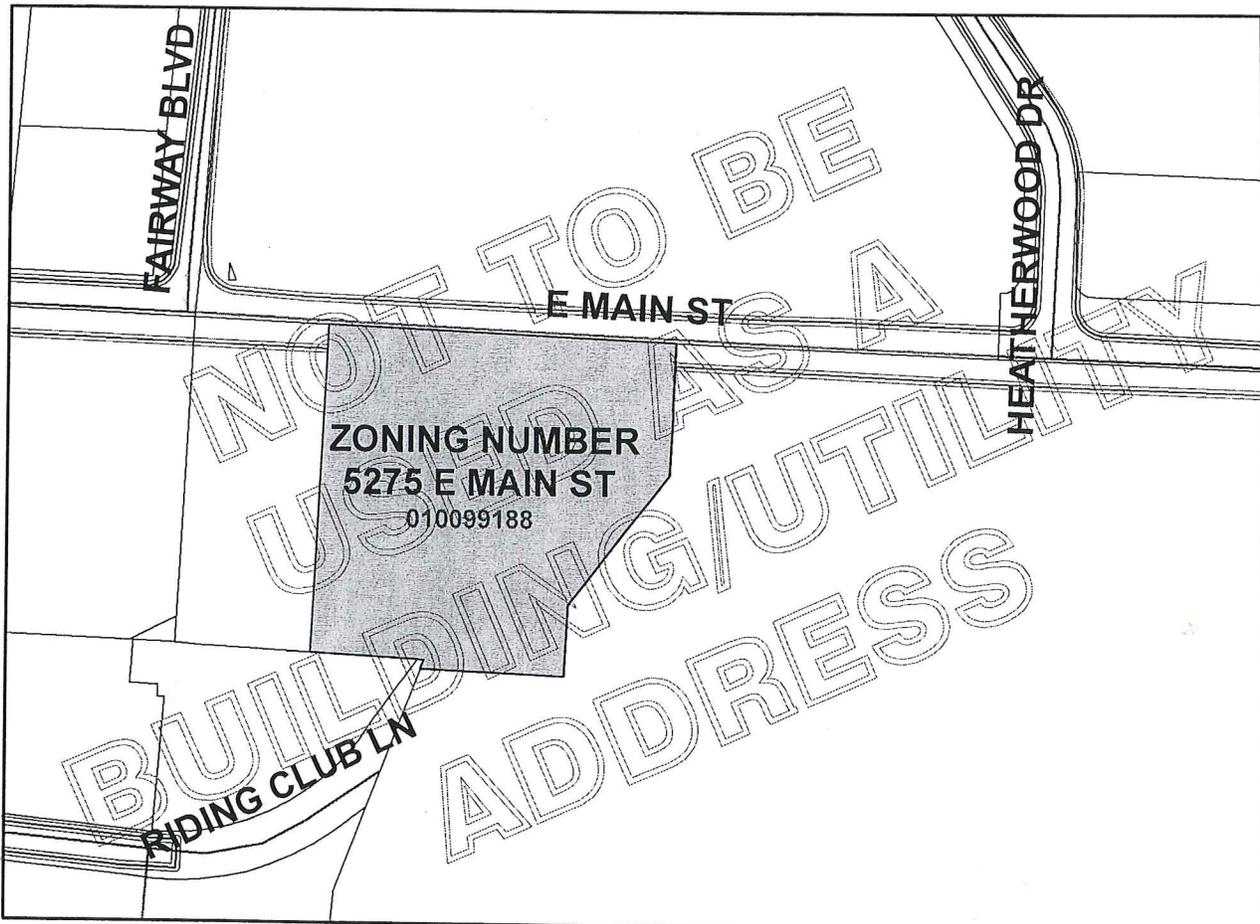
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY INC (DAVE PERRY)

Issued By: *Adyana Amarian*

Date: 9/18/2017



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

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 102536

C17-067

REZONING DESCRIPTION
AR-O DISTRICT

2.617 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, and being part of Half Section 23, Section 15, Township 12, Range 21, Refugee Lands, and containing 2.617 acres of land, more or less, and being all out of that tract of land conveyed to City of Columbus, Ohio, of record in Instrument Number 201708240117384, (all references used in this description refer to the records of the Recorder's Office, Franklin County, Ohio), said 2.617 acre AR-O District being more particularly described as follows:

Beginning, for reference, at the centerline intersection of East Main Street (U.S. Route 40 ~ R/W varies) with Fountain Lane (60 feet in width);

Thence with the centerline of said East Main Street, North 90°00'00" East, a distance of 620.93 feet to the northeasterly corner of that 1.131 acre tract of land conveyed to Beacon Realty Plus, LLC, of record in Instrument Number 201207310109407, said corner marking the true point of beginning of the herein described 2.617 acre AR-O District;

Thence continuing with the centerline of said East Main Street, North 90°0'00" East, a distance of 370.13 feet to the northwesterly corner of that 111.090 acre City of Columbus Parcel # 010-099211;

Thence with westerly lines of said 111.090 acre City of Columbus parcel, the following four (4) courses:

- 1) South 0°00'00" East, a distance of 140.00 feet to a point;
- 2) South 37°53'46" West, a distance of 171.08 feet to a point;
- 3) South 0°00'00" East, a distance of 75.00 feet to a point;
- 4) North 90°00'00" West, a distance of 150.00 feet to a point in the easterly line of that 0.939 acre tract of land conveyed to Raymond E. & Cheryl Baker, of record in Instrument Number 199911040277890;

Thence with the westerly line of said 0.939 acre Baker tract, North 18°20'23" East, a distance of 10.54 feet to the northeasterly corner of said 0.939 acre Baker tract;

Thence with the northerly line of said 0.939 acre Baker tract, South 89°59'55" West, a distance of 121.84 feet to the southeasterly corner of the aforesaid 1.131 acre Beacon Realty Plus tract;

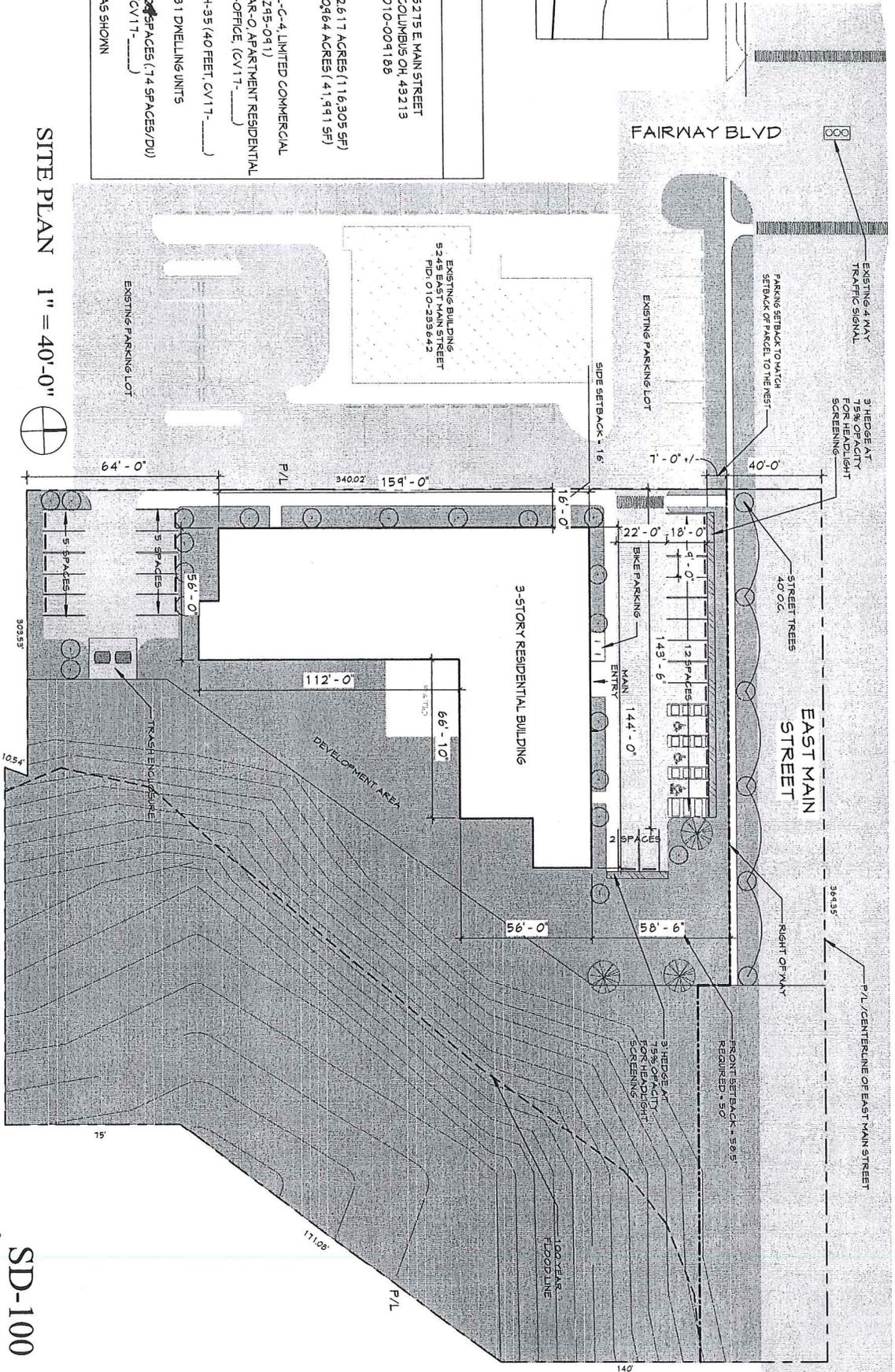
Thence with the easterly line of said 1.131 acre Beacon Realty Plus tract, North 0°35'10" East, a distance of 340.02 feet to the point of beginning, and containing 2.617 acres of land, more or less.

Subject to all easements, restrictions, and rights of way of previous record or otherwise legally established.

Basis of Bearings: The centerline of East Main Street (U.S. Route 40) was assigned a bearing of North 90°00'00" East, as described in Instrument Number 201708240117384, Recorder's Office, Franklin County, Ohio.



SITE DATA	
ADDRESS:	5215 E MAIN STREET COLUMBUS OH, 43213
PID:	010-004185
SITE AREA:	2.617 ACRES (116,305 SF) NET DEVELOPMENT AREA: .0464 ACRES (41,941 SF)
ZONING:	L-C-4, LIMITED COMMERCIAL (L95-091)
PROPOSED:	AR-O, APARTMENT RESIDENTIAL OFFICE, (CV17-_____)
HEIGHT:	H-35 (40 FEET, CV17-_____)
PROPOSED USE:	3.1 DWELLING UNITS
PARKING:	2 SPACES (1.4 SPACES/DU) (CV17-_____)
SETBACKS:	AS SHOWN



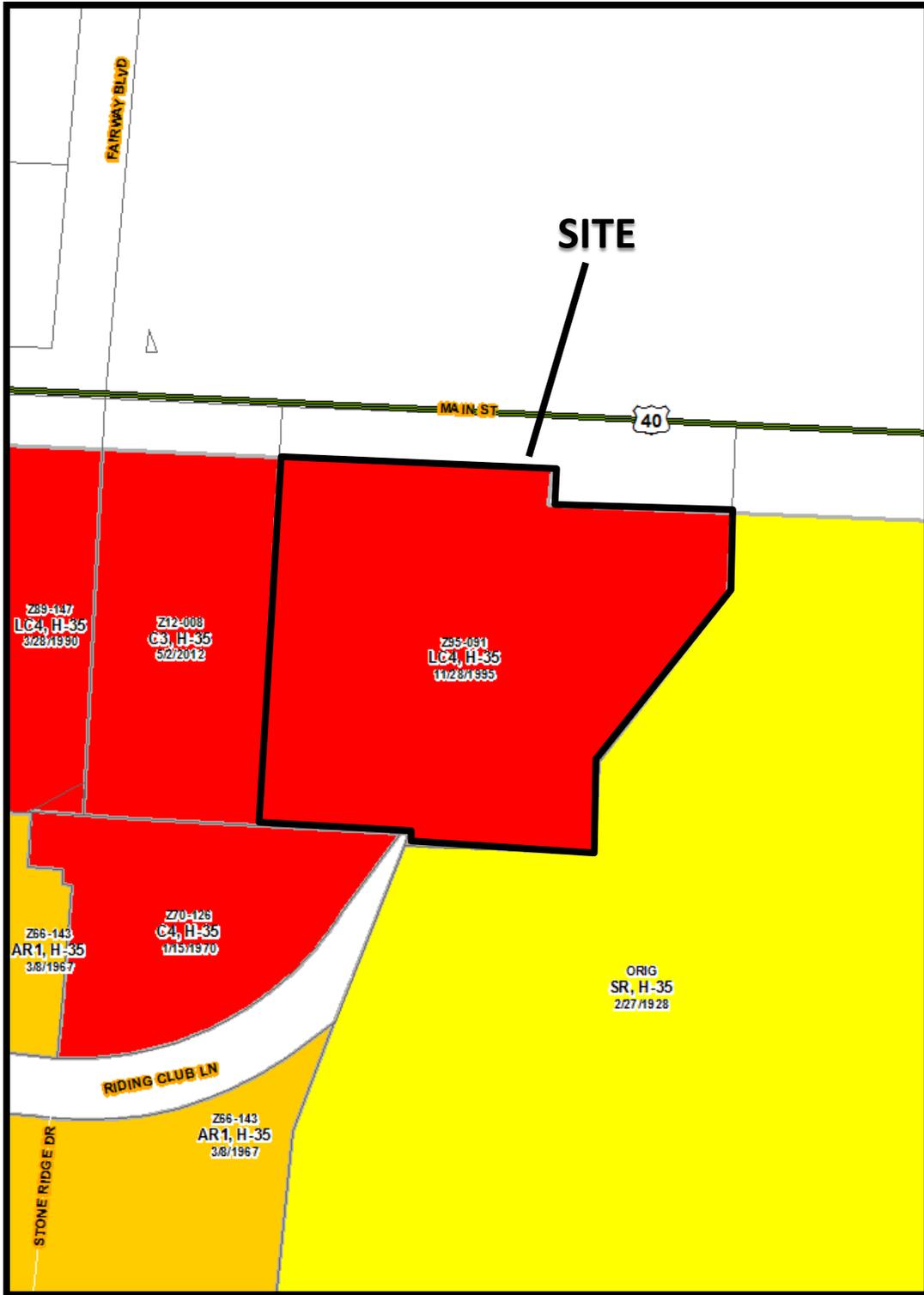
SITE PLAN 1" = 40'-0"

PARKVIEW PLACE
5275 East Main Street

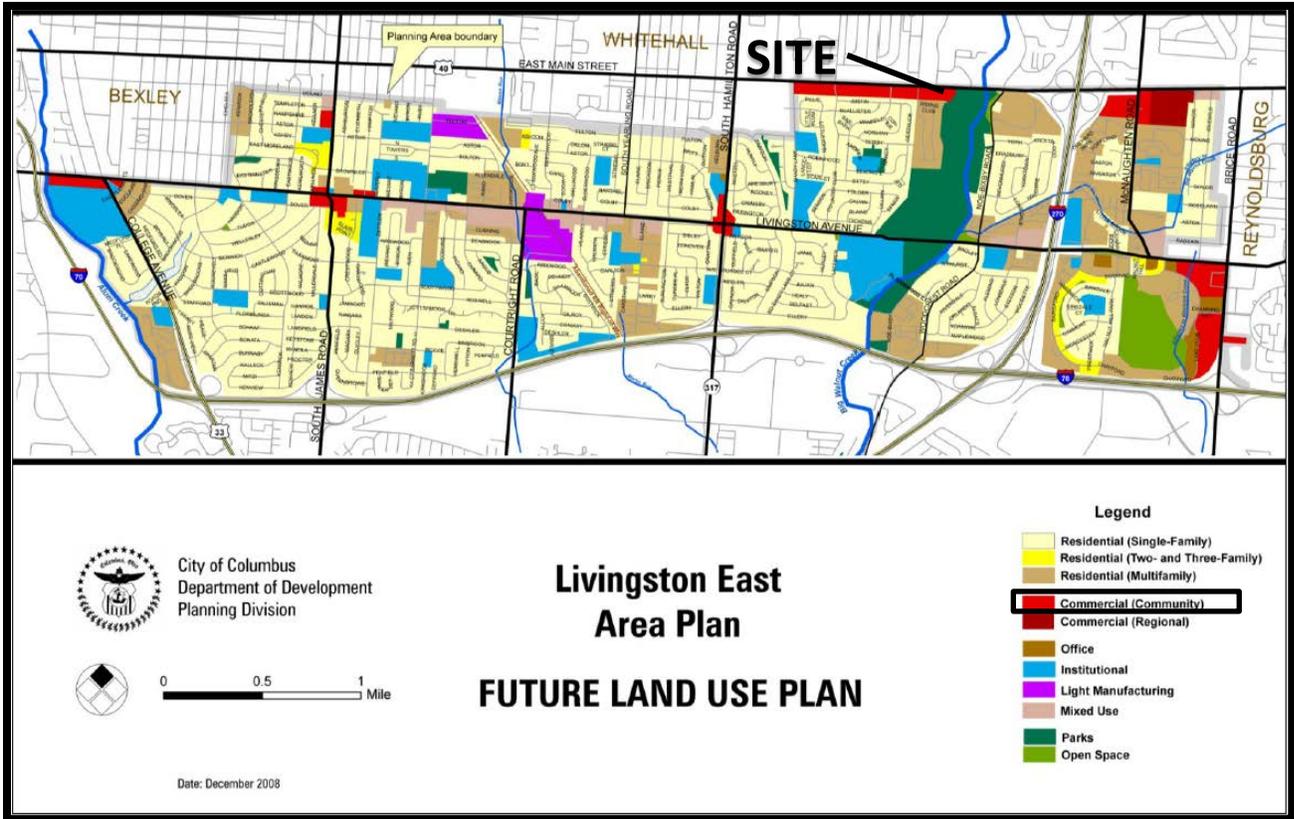
SD-100

Perardi +

CV17-067



CV17-067
5275 East Main Street
Approximately 2.62 acres



City of Columbus
 Department of Development
 Planning Division



0 0.5 1
 Mile

Date: December 2008

Livingston East Area Plan

FUTURE LAND USE PLAN

CV17-067
 5275 East Main Street
 Approximately 2.62 acres



CV17-067
5275 East Main Street
Approximately 2.62 acres