

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: CV17-084 Date Received: 12/27/17
Application Accepted by: MM Fee: \$1600
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 1444 North High Street, 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: 010-018978, 010-004608, 010-036280

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

Current Zoning District(s): ARO

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request:

See Exhibit 'B'. Statement of Hardship

Acreage: 0.32 +/-

APPLICANT:

Name: Buckeye Real Estate 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: -----

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

Name: 1444 N High, LLC c/o Thomas P. Heilman, II Phone Number: 614-291-2600 Ext.: -----
Address: 222 East 11th Avenue City/State: Columbus, Ohio Zip: 43201
Tom@hometeamproperties.net
Email Address: Todd@hometeamproperties.net Fax Number: -----

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

Name: Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----
Address: 411 East Town Street, 2nd FL City/State: Columbus, OH Zip: 43215
Email Address: dplank@planklaw.com Fax Number: -----

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

APPLICANT SIGNATURE Buckeye Real Estate by David B. Perry, Agent
PROPERTY OWNER SIGNATURE 1444 N High LLC by permission, by David B. Perry
ATTORNEY / AGENT SIGNATURE Donald Plank Agent

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

Application Number: CU17-084

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

12/26/17

Attorney:

(Donald Plank, Plank Law Firm)

Date

Consultant:

Dave Perry

(Dave Perry, David Perry Company, Inc.)

Date

12-26-17

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Exhibit B

Statement of Hardship

CV17-_____, 1444 N. High Street, Columbus, OH 43201

The subject property is 0.312 +/- acres located on the east side of N. High Street, between Euclid Avenue and E. Eighth Avenue. The site is zoned AR-O, Apartment Residential-Office from 1963 and is developed with two (2) apartment buildings containing a total of 45 dwelling units. The apartment use is a conforming use of the AR-O district. The site is unusual for N High Street in that most of North High Street is zoned C-4, Commercial or CPD, Commercial Planned Development and many building setbacks are zero (0) or very close to the N High Street property line. In this case, the two (2) apartment buildings have slightly staggered setbacks, but range from 36' to 46' setback from the west property line (N High Street right of way).

Applicant proposes to build an additional building on the property in the current grass N High Street building setback of the two (2) existing buildings. The proposed three (3) story building has been designed to have ground level commercial use (retail, restaurant or office) and five (2) dwelling units occupying the second and third floors of the proposed building. The proposed building will provide ground level commercial uses to engage pedestrians and have the upper level dwelling units, as is consistent with existing and many proposed N High Street development projects. The fronting building will substantially improve the N High Street façade of the property. A site plan ("Site Plan") and N High Street building elevation ("Exterior Elevations", both dated _____, are submitted with this application.

Applicant has a hardship warranting a variance in that there is no zoning district to which the site could be rezoned without also requiring variances and rezoning to a commercial district would render the two (2) existing apartment buildings non-conforming uses.

Applicant requests the following variances:

- 1). Section 3333.04, Permitted Uses in AR-O Apartment Office District, to permit 2,900 square feet of ground level retail, office and/or restaurant uses.
- 2). Section 3312.49, Minimum Number of Parking Spaces Required, to reduce parking for 2,900 square feet of commercial use (retail, office, restaurant) at the restaurant rate and five (5) two (2) bedroom dwelling units from 20 and 5, respectively, as reduced by Section 3325.381, Parking and Circulation (Regional Commercial Subarea, University District Zoning Overlay) to zero (0) parking spaces for the proposed new building.
- 3). Section 3321.07(B), Landscaping, to reduce additional trees at the rate of one (1) tree per 10 dwelling units from one (1) tree to zero (0) new trees for the proposed five (5) new dwelling units.

4). Section 3333.15(C), Basis of Computing Area, to increase permitted lot coverage (building coverage) from 49% to 71% with the proposed building.

5). Section 3333.255, Perimeter Yard, to reduce perimeter yard from ten (10) feet to zero (0) feet for the proposed new building for applicant to build to the north and south property lines. north, south and east property lines, while a west property lines, while the south and west perimeter yards substantially exceed the required perimeter yard, but applicant proposes to reduce the north perimeter yard from 21.5 feet to 15 feet.

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: CU17-084

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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1444 North High Street, Columbus, OH 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) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) 1444 N High, LLC
c/o Thomas P. Heilman, II
222 East 11th Avenue
Columbus, Ohio 43201-2255

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

Buckeye Real Estate
c/o Dave Perry (614) 228-1727

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, OH 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 26th day of December, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires 11-5-2018



Stacey L. Danza
Notary Public, State of Ohio
This Affidavit expires six (6) months after the date of notarization.
My Commission Expires 11-05-2018

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EXHIBIT A, Public Notice
1444 North High Street
CV17-_____
December 26, 2017

APPLICANT

Buckeye Real Estate
c/o Dave Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

PROPERTY OWNER

1444 N High, LLC
c/o Thomas P. Heilman, II
222 East 11th Avenue
Columbus, Ohio 43201-2255

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

1444 N High, LLC
c/o Todd Dillon
222 East 11th Avenue
Columbus, Ohio 43201-2255

Public Library of Columbus
Franklin County Board of Trustees (or
current occupant)
96 S Grant Avenue
Columbus, Ohio 43215-4702

PROPERTY OWNERS WITHIN 125 FEET

180 Partners, LLC (or current
occupant)
PO Box 163970
Columbus, Ohio 43216-3970

1453 North High Street, LLC (or
current occupant)
c/o The Arlington Bank
2130 Tremont Center
Columbus, OH 43221-3110

Edwards OSU Apartments South, LLC
(or current occupant)
495 S High Street, Suite 10
Columbus, Ohio 43215-5689

A-Z Investment Properties, LLC
(or current occupant)
3790 S Old 3C Highway
Galena, Ohio 43021-9438

KC USA, Inc.
KC Sports (or current occupant)
195 S High Street
Columbus, OH 43215-4503

1444 N High Street (or current
occupant)
222 East 11th Avenue
Columbus, Ohio 43201-2255

Radar of Huron, Ltd. (or current
occupant)
22 E Gay Street, Suite 800
Columbus, Ohio 43215-3107

1426 High Street, LLC (or current
occupant)
2555 34th Street NE
Canton, Ohio 44705-3713

Communications Workers of America
AFL-CIO (or current occupant)
27 Euclid Avenue
Columbus, OH 43201-2529

ALSO NOTIFY

Buckeye Real Estate
c/o Mr. Bob Mickley
34 West Ninth Avenue
Columbus, Ohio 43201

Buckeye Real Estate
c/o Mr. Wayne Garland
34 West Ninth Avenue
Columbus, Ohio 43201

1444 North High Street
CV17-084, December 26, 2017
Exhibit A, Public Notice
Page 1 of 1

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 Number: 6017-084

STATE OF OHIO
COUNTY OF FRANKLIN

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

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

deposes and states that (he/she) is the APPLICANT, AGENT, OR ~~DUTY 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. Buckeye Real Estate 34 West Ninth Avenue Columbus, Ohio 43201 # of Columbus Based Employees: 32 Contact: Wayne Garland (614) 299-3754	2. 1444 N High, LLC 222 East 11th Avenue Columbus, Ohio 43201-2255 # of Columbus Based Employees: 0 Contact: Thomas P. Heilman (614) 291-2600
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 26th day of December, 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: 010004608, 010018978, 010036280

Zoning Number: 1444

Street Name: N HIGH ST

Lot Number: N/A

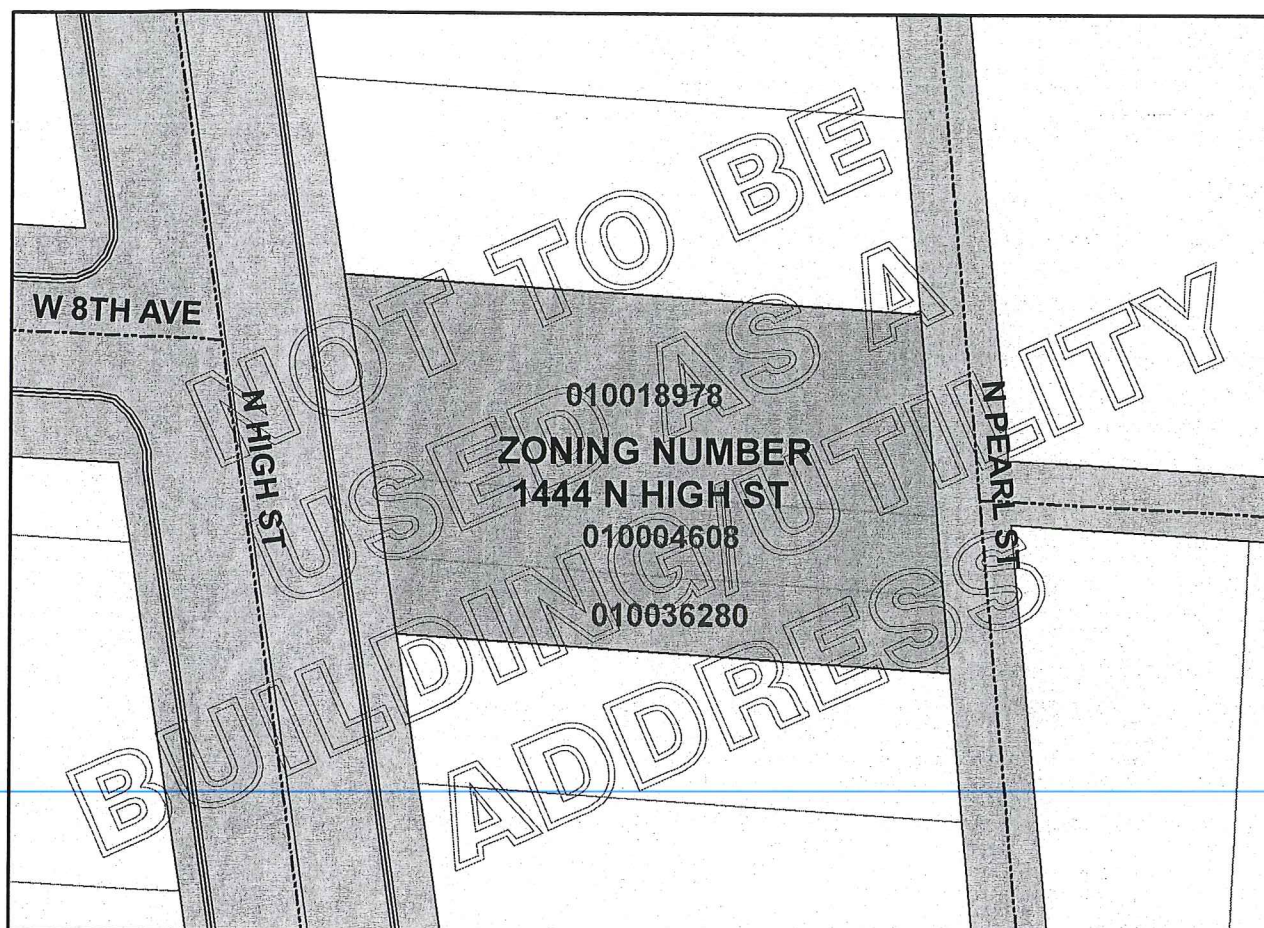
Subdivision: N/A

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

Issued By:

Adugna Amariam

Date: 12/13/2017



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 107653

CV17-_____
1444 N. High Street
Legal Description, 0.32 +/- acres

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

Being the South one-half of forty (40) feet off of the North side of Lot Number Sixteen (16) in Phil D. Fisher's and Mrs. M.C. Miller's Subdivision of 5 acres, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 69, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-036280

Being the twenty (20) feet off the north side of Lot Number Sixteen (16) of Phil D. Fisher's and Mrs. M.C. Miller's Subdivision of about five (5) acres of land, on the east side of North High Street, Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 69, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-004608

Being Lot Number Seventeen (17) of Philip D. Fisher and Mrs. M.C. Miller's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 69, Recorder's Office, Franklin County, Ohio.

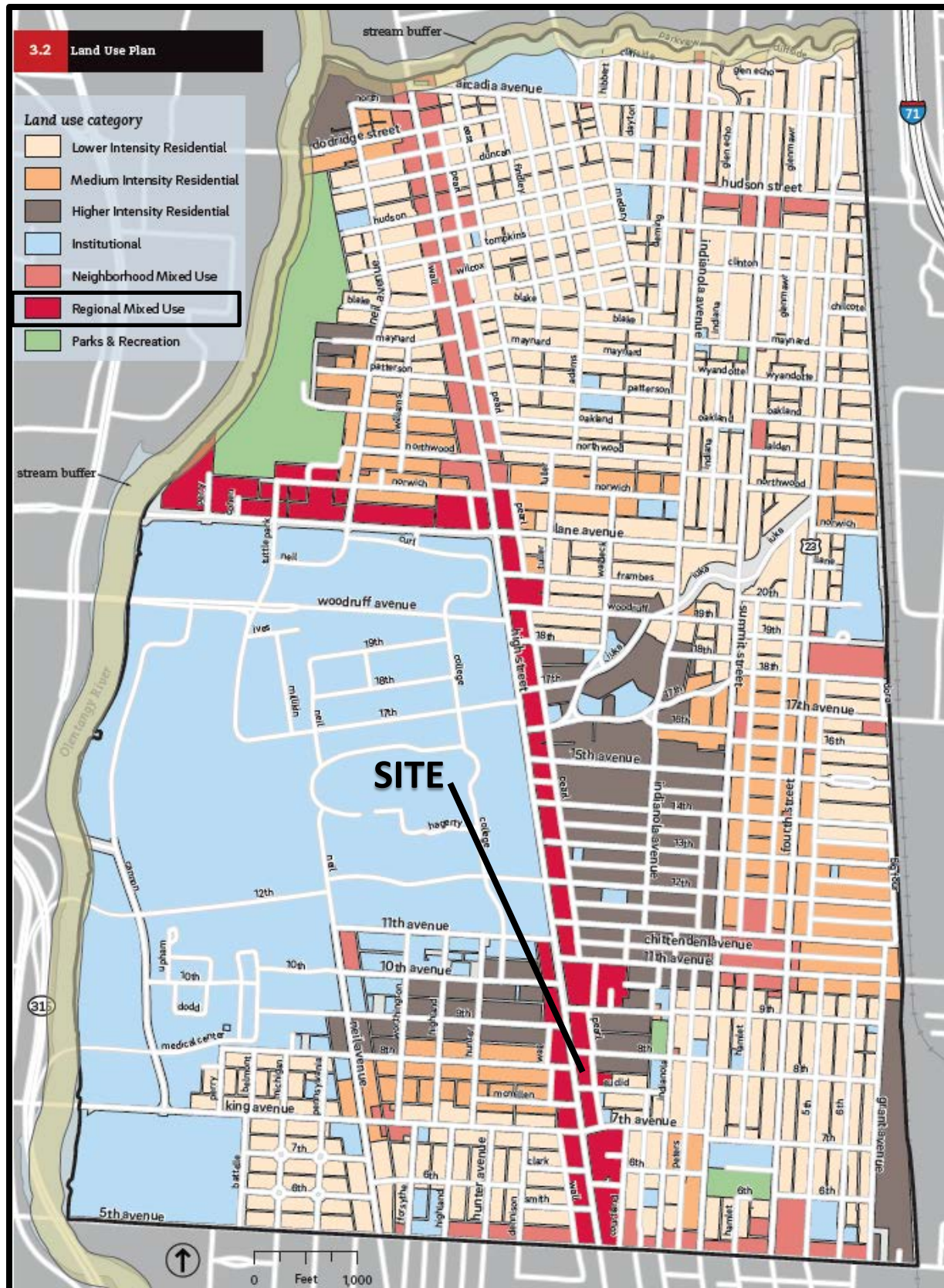
Parcel Number: 010-018978

12.20.17

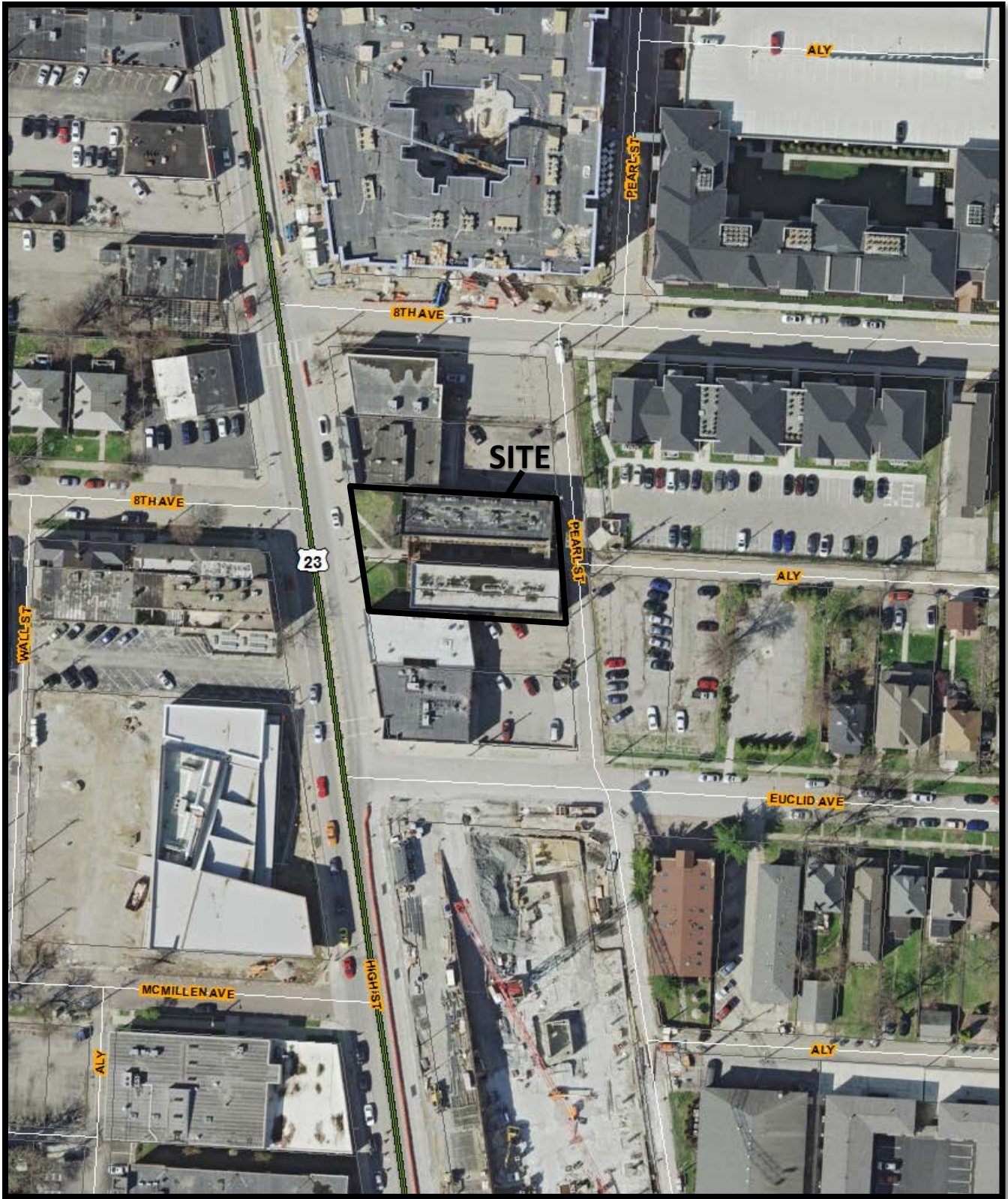


CV17-084
1444 North High Street
Approximately 0.32 acres

University District Plan (2015)
"Regional Mixed Use" Recommended



CV17-084
1444 North High Street
Approximately 0.32 acres



CV17-084
1444 North High Street
Approximately 0.32 acres