

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: CV18-009 Date Received: 2/20/2018
Application Accepted by: MM Fee: \$1600
Assigned Planner: Nelsey Priebe; 614-645-1341; Kpriebe@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 973 East Broad 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: 010-057235

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

Current Zoning District(s): AR-O, Apartment Residential-office

Area Commission or Civic Association: Near East Area Commission, Historic Resources Commission

Proposed Use or reason for Council Variance request:
See Exhibit 'B', Statement of Hardship

Acreage: 0.26 +/- Ac.

APPLICANT:

Name: Midnight Blue, LLC c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----

Address: David Perry Company, Inc.
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: Dixie L. Foley, AFDT Phone Number: 614-371-5309 Ext.: -----

Address: 2683 Floribunda Drive City/State: Columbus, Ohio Zip: 43209-3117

Email Address: ----- 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 Midnight Blue LLC by David B. Perry, Agent

PROPERTY OWNER SIGNATURE Dixie L. Foley, AFDT, by permission

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

Application Number: CV18-009

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 _____

Date _____

Attorney: Donald Plank (Donald Plank, Plank Law Firm) Date 2/20/18
Consultant: Dave B. Perry (Dave Perry, David Perry Company, Inc.) Date 2-20-18

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Exhibit B

Statement of Hardship

CV18-009, 973 E. Broad Street, Columbus, OH 43205

The subject property is located at the southwest corner of E. Broad Street and Hoffman Avenue. The parcel is zoned AR-O, Apartment Office and is developed with a former house converted to office use in the 1950's. The site is in the Near East Area Commission area as well as the 18th and Broad Historic District (Historic Resources Commission). Applicant proposes to renovate and restore the existing building for use as a six (6) room Bed and Breakfast and 450 square feet of commercial office, and also build two (2) new buildings, as shown on the site plan titled "973 E Broad Street" dated _____, hereafter "Site Plan". The two (2) new buildings are a 10 dwelling unit apartment building and a three (3) dwelling unit carriage house. There is a carriage house located on the adjacent property to the west. The proposed uses are consistent and compatible with uses in the area and for location on E. Broad Street.

While certain AR, Apartment Residential districts permit Bed and Breakfast uses because they permit Boarding Houses, the AR-O district doesn't permit a Boarding House, thus a use variance is required, even though the AR-O district is comparable and, in some aspects, a more intense use district than the other AR districts.

The Applicant has a hardship warranting a variance in that there is no zoning district to which the site could be rezoned to permit the proposed combination of uses. Standards variances are requested for which there is a practical difficulty with compliance to reuse the commercially built and used portions of the building for new uses consistent with location on a major commercial corridor and many similar uses in the area. The proposed standards variances are reasonable and characteristic of the N High Street commercial corridor, are not substantial, will permit uses common to the N High Street corridor, do not alter the essential character of the neighborhood nor impact the delivery of government services.

Applicant requests the following variances:

- 1). Section 3333.04, Permitted Uses in AR-O Apartment Office District, to permit a Bed and Breakfast with six (6) rooms and a 450 square foot commercial office in 973 E Broad Street and to permit a three (3) dwelling unit carriage house and a ten (10) d.03, C-4, Permitted Uses, to permit ground level residential use corresponding to the single family dwelling.
- 2). Section 3333.18(D), Building Lines, to reduce the Hoffman Avenue calculated building setback line from 18.5 feet to three (3) feet.
- 3). 3333.24, Rear Yard, to permit site development as depicted on the Site Plan, thereby not having 25% rear yard for each building.

4). 3312.25, Maneuvering, to reduce maneuvering area for five (5) garage parking spaces on south side of the carriage house from 20 feet to 19 feet, including the 16 foot E. Capital Street (16') right of way.

5). Section 3312.27(3), Parking Setback Line, to reduce the Hoffman Avenue parking setback from 18.5 feet to six (6) feet.

6). Section 3312.49, Minimum Number of Parking Spaces Required, to reduce required parking from 22 spaces to 11 spaces. .

02-20-18

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: CV18-009

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 973 East Broad 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) 2/20/18

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Dixie L. Foley, ADFT
2683 Floribunda Drive
Columbus, Ohio 43209-3117

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

Midnight Blue, LLC
c/o Dave Perry (614) 228-1727

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

(5)

Near East Area Commission	Historic Resources Commission
c/o Annie Ross-Womack	c/o Kathleen Bailey c/o Randy Black, Development Dept
874 Oakwood Avenue	489 Linwood Avenue 50 W Gay St., 4th FL
Columbus, OH 43206	Columbus, OH 43205 Columbus, OH 43215

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

David B. Perry

Sworn to before me and signed in my presence this 20th day of February, in the year 2018

(8) SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

11-5-2018
My Commission Expires



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

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
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Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
973 East Broad Street
CV-18-009
February 20, 2018

APPLICANT

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

PROPERTY OWNER

Dixie L. Foley, AFDT
2683 Floribunda Drive
Columbus, OH 43209-3117

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, Ohio 43206

Historic Resources Commission
c/o Randy Black
Development Department
50 West Gay Street, 4th FL
Columbus, OH 43215

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

Michael Robert Dalton
Dana Rose Novotny (or current
occupant)
27 Hoffman Avenue
Columbus, Ohio 43205

Access infrastructure Ohio, LLC (or
current occupant)
99 N. Brice Road, Suite 360
Columbus, Ohio 43213-6525

Bradford T Lyman, TR (or current
occupant)
965 E Broad Street
Columbus, Ohio 43205-1139

PROPERTY OWNERS WITHIN 125 FEET

American National Red Cross (or
current occupant)
995 E Broad Street
Columbus, Ohio 43205-1322

Katai-Elliot, LLC (or current occupant)
2433 Oakbrook Boulevard
Beavercreek, OH 45434-7094

Thomas J MacKessy (or current
occupant)
4679 Aberdeen Avenue
Dublin, Ohio 43016-9529

Ralph W. Newman, TR (or current
occupant)
1000 E Broad Street
Columbus, OH 43205-1381

Mohammad Zahedi (or current
occupant)
3116 Allendale Drive
Dayton, Ohio 45409-1423

Midnight Blue, LLC
c/o Chad Seiber
960 Hunter Avenue
Columbus, Ohio 43201

973 East Broad Street
CV-~~009~~, February 20, 2018
Exhibit A, Public Notice
Page 1 of 1

ALSO NOTIFY:

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: CV18-009

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 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. Midnight Blue, LLC 960 Hunter Avenue Columbus, Ohio 43201 # of Columbus Based Employees: 2 Contact: Chad Seiber (480) 652-8455	2. Dixie L. Foley, AFDT 2683 Floribunda Drive Columbus Ohio 43209-3117 # of Columbus Based Employees: 0 Contact: Dixie L. Foley (614) 371-5309
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 20th day of February, in the year 2018

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: 010057235

Zoning Number: 973

Street Name: E BROAD ST

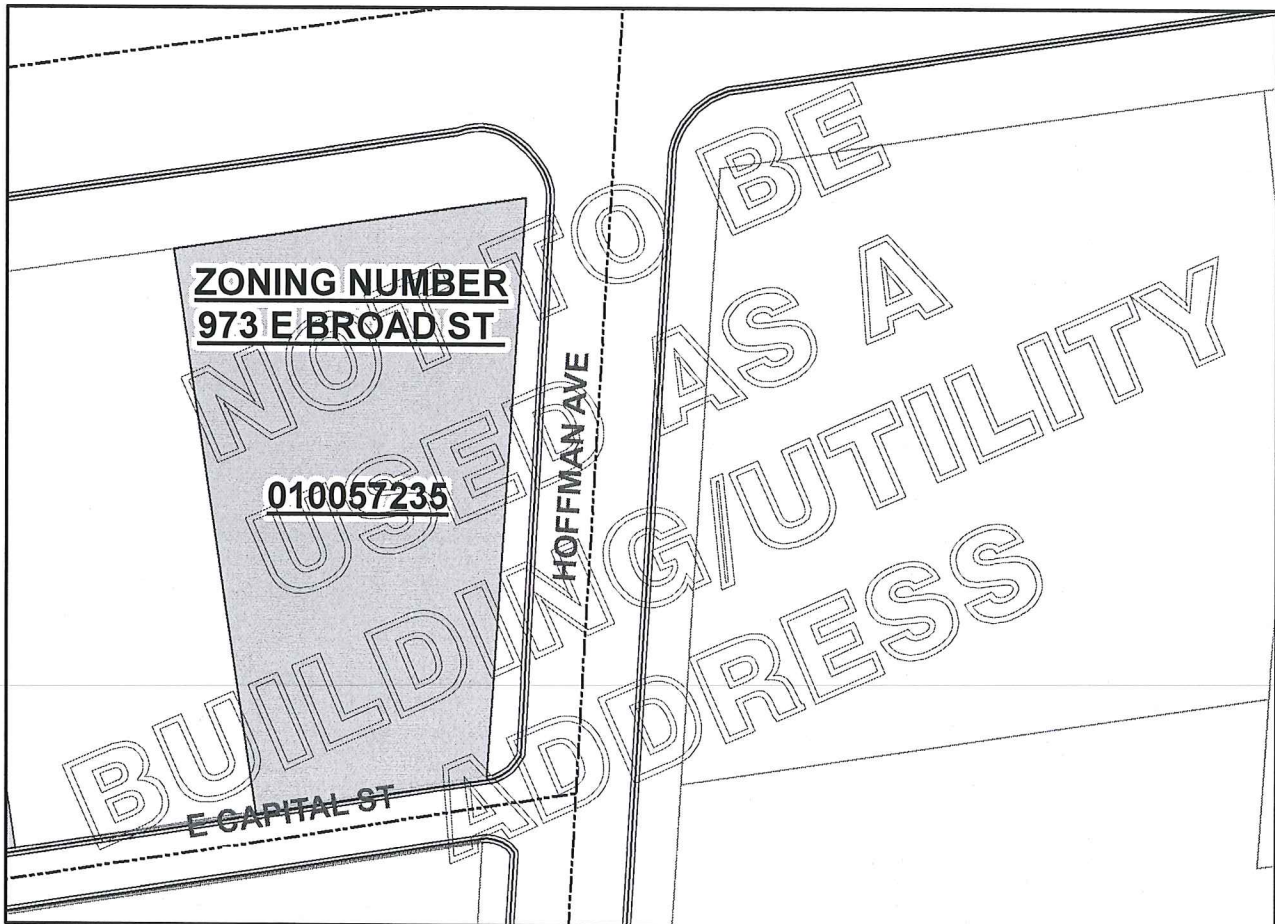
Lot Number: N/A

Subdivision: N/A

Requested By: DAVI PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Adugna amariam*

Date: 2/2/2018



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 112785

CV18-009

Franklin County
Council Variance Application CV18- 009
973 East Broad Street, Columbus, Ohio 43205

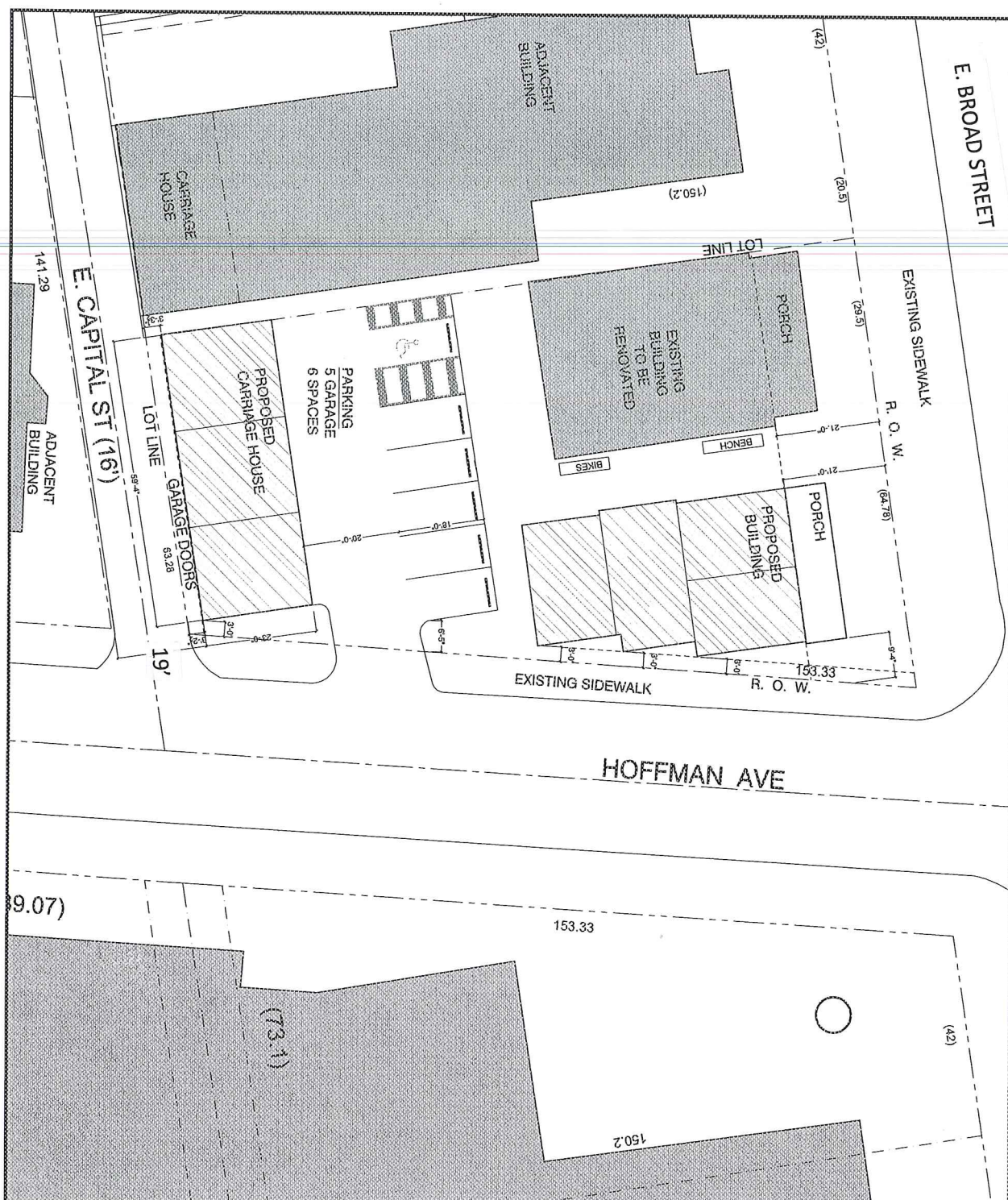
Legal Description

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

Being Lot Number Three (3) and twenty-nine and one-half feet off of the east side of Lot Number two (2) of Walden and Hoffman's Broad Oak Place Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 80, Recorder's office, Franklin County, Ohio.

Parcel Number: 010-057235

2/20/18



<p>OWNER: POLYMER L&P</p> <p>ARCHITECT: GUNZELMAN architecture + interiors Laurie Gunzelman, AIA Lynn Gunzelman, AIA COLUMBUS, OH 43215 614.674.6696 gunzelmanarchitecture.com</p>	<p>PROJECT DESCRIPTION: 973 E BROAD ST. 2.8 ACRES. 1.508 SF TOTAL LOT AREA. 28,400 SF TOTAL BUILDING AREA. 11,500 SF TOTAL GARAGE AREA. 11,500 SF TOTAL PARKING AREA. 11,500 SF TOTAL SITE AREA.</p>	<p>ZONING DATA: RESIDENTIAL OFFICE (R20-10)</p> <p>DESCRIPTION: 2.8 ACRES. 1.508 SF TOTAL LOT AREA. 28,400 SF TOTAL BUILDING AREA. 11,500 SF TOTAL GARAGE AREA. 11,500 SF TOTAL PARKING AREA. 11,500 SF TOTAL SITE AREA.</p>	<p>SET BACK: FRONT - 21' TO MATCH 975 E BROAD ST. SIDE - 7' WEST SIDE - EXISTING TO REMAIN. REAR - 2'.</p>	<p>MAX HEIGHT ALLOWED: 40'</p>	<p>PARKING: 973 E BROAD STREET. CHANGE OF USE FROM OFFICE TO BED AND BREAKFAST (BROTHEN HOUSE) AND 400 SF COMMERCIAL OFFICE.</p>	<p>EXISTING HOUSE: 20 DWELLING UNITS @ 1.5 SPACES/UNIT = 30 SPACES. GARAGE HOUSE: 1 DWELLING UNIT @ 1.5 SPACES/UNIT = 1.5 SPACES. TOTAL PROPOSED PARKING: 31 SPACES (19 GARAGE, 6 SURFACE).</p>	<p>DATE: 02.20.2018</p>	<p>CV 18 - 009</p>
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ZONING VARIANCE

SITE PLAN

PHASE: DESIGN DEVELOPMENT

DATE: 02.20.2018

AO.2

973 E BROAD ST

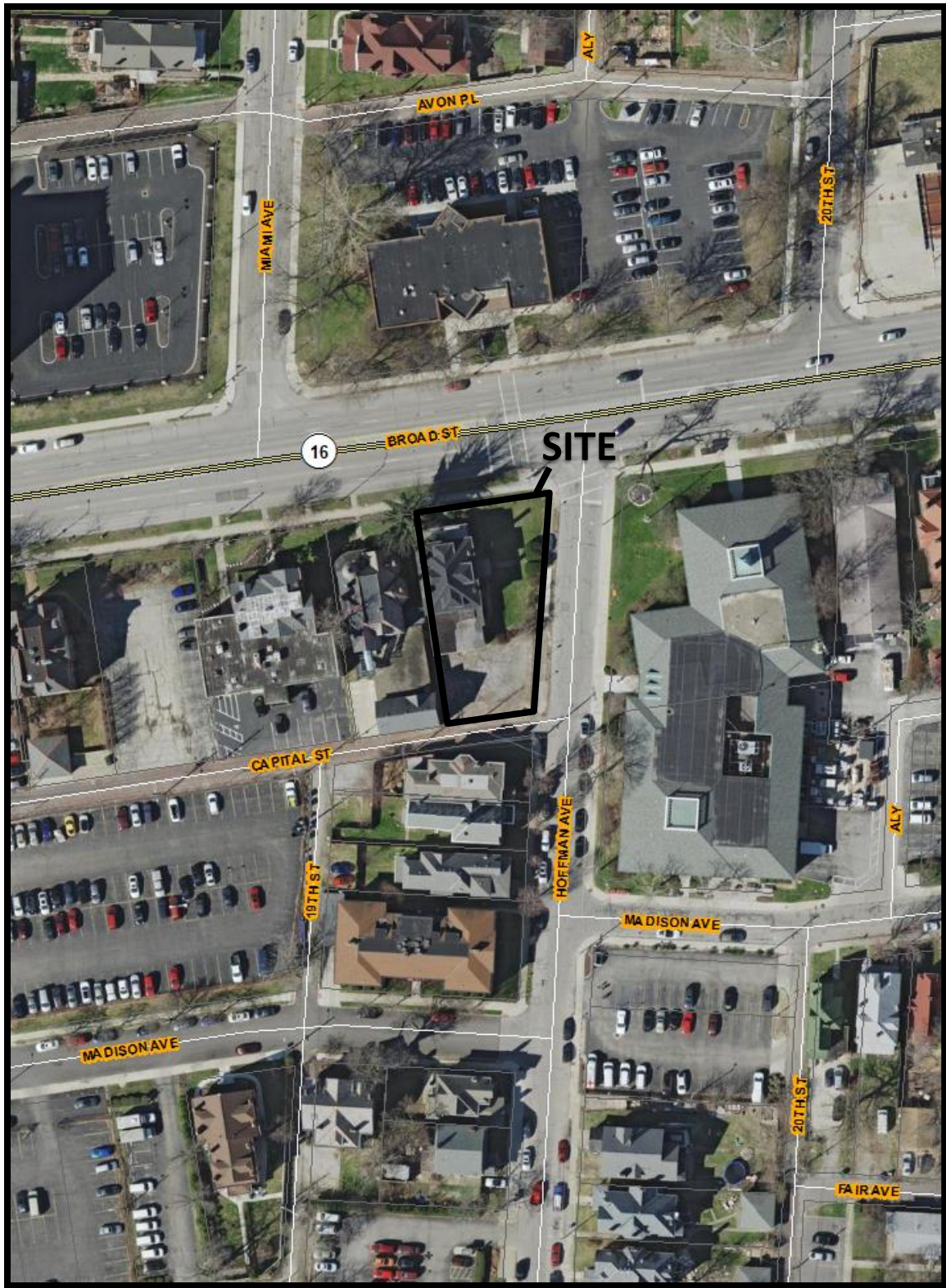
BED AND BREAKFAST AND APARTMENTS

973 E BROAD ST. COLUMBUS OHIO 43205

GUNZELMAN

architecture + interiors

88 N 5th St Suite
COLUMBUS, OH 43215
P | 614.674.6696



CV18-009
973 East Broad Street
Approximately 0.26 acres