



OFFICE USE ONLY

Comments: 12/15/09 Application Number: 09310-00239 Commission/Group: Clintonville  
BZA noted to Date Received: 8/24/09 Planning Area: \_\_\_\_\_  
reconsider this Date of Hearing: 11/17/09 Acreage: \_\_\_\_\_  
case. Scheduled Zoning Fee: \$1,900 Address Fee \_\_\_\_\_  
for Feb. 23, 2010. Existing Zoning C-4 Accepted by [Signature]

# BOARD OF ZONING ADJUSTMENT APPLICATION LO. Reiss 645-7973

### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance
- Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: SEE Attached.

**PAID**  
AUG 24 2009

**BUILDING SERVICES**

### LOCATION

1. Certified Address Number and Street Name 3124 - 3134 N. High St.  
 City COLUMBUS State Ohio Zip 43221  
 Parcel Number (only one required.) 010-092055

### APPLICANT (IF DIFFERENT FROM OWNER)

2. Name JONATHAN BARNES  
 3. Address 153 E. MAIN ST. City COLUMBUS Zip 43215  
 4. Phone# 228-7311 Fax # 614-228-7552  
 5. Email Address jbarnes@jhadusa.com

### PROPERTY OWNER(S)

6. Name Rail Road Properties, LLC  
 7. Address P.O. Box 21562 City COLUMBUS Zip 43221  
 8. Phone# 614-261-0333 Fax # 614-261-0623  
 9. Email Address jsicaras@gmail.com

Check here if listing additional property owners on a separate page

### ATTORNEY / AGENT (CIRCLE ONE)

10. Name Smith & Hale / Jack Reynolds  
 11. Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_  
 12. Phone# 221-4255 Fax # 221-4409  
 13. Email Address \_\_\_\_\_

### SIGNATURES

14. Applicant Signature [Signature]  
 15. Property Owner Signature [Signature]  
 16. Attorney/Agent Signature \_\_\_\_\_

## **CALIFORNIA AND HIGH BZA APPLICATION-REVISED 12/14/09**

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### **Variations requested and applicable code sections**

1. Height District: **3309.14A**: to increase allowed height from 35 ft to 43 ft. on N. High St. and from 35 ft to 38 ft. on E. California St.
2. Parking lot screening: **3372.607(A)**: to permit use of a wood fence on east lot line within 80' of residentially zoned district.
3. Interior landscaping: **3372.607(B)**: to reduce planting island width from 9' to 8'
4. **3342.28** Minimum number of parking spaces required: Per UCO section 3372.609 reduce required parking from 60 to 37 spaces
5. **3342.19** Parking space: to decrease the required size of a parking space from 9' x 18' to 8' x 17.5'
6. **3342.15** Maneuvering area: to allow a portion of required maneuvering area to occur on adjacent parcel to the north.

### **Statement of Hardship**

The variations sought above are required by economic and physical factors to make this project viable. These variations are consistent with multiple provisions of the recently adopted Clintonville Area Plan as well as the Urban Commercial Overlay and will allow the developer to build a project that will complement and advance this section of North High Street. The requested variations will not adversely affect adjacent property owners but will in fact allow for a considerable area improvement.

According to Planning Staff comments, "the scale of High Street and existing development patterns support the proposed height variance requests, which are somewhat offset by site work intended to bring the project to street level. It should be noted that wide streets such as High Street, are appropriate locations for buildings in the four-story range given the wide expanse of pavement in the five lanes in front of the site." Unlike other parcels on the west side of High Street, the subject property has a significant grade change from High Street east to the back of the property. As such the height variance along California is required merely because code requires measurement from High Street while the site slopes up to the east.

The proposed height of both buildings is not inconsistent with other area buildings including a similar project currently under construction 1 block to the south at Weber and High which was granted a height variance to build 45' high. The additional height sought will not adversely affect adjacent property owners.

Based on area demographics, historical data and other factors, a high percentage of retail customers and area residents walk, take public transportation, bicycle or share auto transportation in this area of North High Street thus lessening the need for off-street parking. Furthermore, given the

project's mixed-use nature, parking demands will occur at different times of the day, lessening the need for off-street spaces. The current development proposal calls for a high percentage of one bedroom units many of which will need one or no parking spaces. Planning staff has noted that "while not yet code, a new City parking proposal under consideration would set the requirement for this proposal at 51 spaces, rather than the current requirement of 64. Staff is supportive of this variance because the remaining shortfall will be offset by the pedestrian, bike and transit access for the site as well as the potential for shared use of the parking by residents and retail customers and employees." In response to neighborhood and BZA concern, the developer has reduced the number of residential units to 24 thereby reducing code-required parking by 4 spaces. An additional 4 spaces will be provided along the north side of the site on the adjacent parcel and 8 spaces are available on High Street in front of the project bringing total immediate area parking to 49 spaces.

The proposed redevelopment of 3124-3134 North High Street will be a model project as envisioned by the Urban Commercial Overlay and Clintonville Area Plan combining highly visible High Street commercial space and market rate residential units while providing sufficient parking. As indicated on the site plan, the project re-establishes a pedestrian orientation in this area of High Street by replacing 154 lineal feet of open area with a mixed-use structure. A curb cut on the north boundary of the site will be abandoned thereby increasing pedestrian safety, improving vehicular circulation and safety and providing additional on-street parking.

The variances for parking lot screening, parking space size and interior landscaping are purely a matter of site constraints as these requirements will consume valuable parking area space. Substituting a wood fence at this location is more consistent with the adjacent property and will provide the level of opacity desired by the neighborhood. Reducing the size of the tree island by only one foot will allow for greater drive aisle width while still providing adequate planting area for the trees. Reducing parking space size and allowing for a small portion of maneuvering on the adjacent parcel will allow for additional parking. In our judgment the neighborhood and project will be better served by providing the maximum number of off-street parking spaces.

Date 12/17/09

Application # 09310-00239

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224

# RECONSIDERATION



## AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jackson Reynolds

of (1) MAILING ADDRESS 37 West Broad St., Columbus, Ohio

deposed 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 3124 N. High Street

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS

(4) Guilford Properties, LLC  
P.O. Box 21562  
Columbus, Ohio 43221

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

Don De Vere  
614-227-0600

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

(5) Clintonville Area Commission  
3909 N. High St.  
Columbus, Ohio 43214

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS  
see attached sheet

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

SIGNATURE OF AFFIANT (8) Jackson B. Reynolds  
Subscribed to me in my presence and before me this 15<sup>th</sup> day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC (8) Natalie C. Patrick  
My Commission Expires: 9/4/2010



NATALIE C. PATRICK  
Notary Public, State of Ohio  
My Commission Expires 09-04-10

**SURROUNDING PROPERTIES  
OWNERS**

Susan R. Good, et al  
3100 N. High Street  
Columbus, Ohio 43202

Susan R. Good, et al  
3100 N. High Street  
Columbus, Ohio 43202

Collin & Deborah Hochstedler  
20 E. California Ave  
Columbus, OH 43202

Thomas & Judith Davis  
4643 Olentangy Blvd.  
Columbus, OH 43214

Kohr Royer Griffith Inc.  
1480 Dublin Rd.  
Columbus, OH 43215

Todd & Robyn Abens  
31 E. Pacement Rd.  
Columbus, OH 43202

Bruce L. Smith  
35 E Pacemont Rd.  
Columbus, OH 43202

Susan Arnold  
24 E. California Ave  
Columbus, OH 43202

Douglas & Jennifer Ferguson  
25 E. Pacement  
Columbus, OH 43202

Patricia Meyers  
4520 Coach Rd.  
Columbus, OH 43220

Susan Fawcett  
26 E. California Ave  
Columbus, OH 43202

Paul Robinson & Katherine Dewey  
30 E. California Ave  
Columbus, OH 43202

Craig Morin & Brooke Tinnel  
19 E. California Ave  
Columbus, OH 43202

William A. Cooper Jr.  
PO Box 20392  
Columbus, OH 43220

C R O'Neil Co.  
3151 N. High St.  
Columbus, OH 43221

Sicaras  
PO Box 21562  
Columbus, OH 43221

Sicaras  
PO Box 21562  
Columbus, OH 43221

Jerry Yang  
7646 Wallsend Ct.  
Dublin, OH 43017

Sicaras  
PO Box 21562  
Columbus, OH 43221

LRES Investment LLC  
PO Box 09596  
Columbus, OH 43209

Yoshiaki Yoshinari & Ashby Arved  
3125 N. High St.  
Columbus, OH 43202-1109

Northwood Properties Inc.  
3124 N. High St.  
Columbus, OH 43202

Sicaras  
PO Box 21562  
Columbus, OH 43221



Signature of Applicant

*[Handwritten Signature]*

Date

12/14/09

### 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.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # \_\_\_\_\_

Being first duly cautioned and sworn (NAME) Don Devere  
of (COMPLETE ADDRESS) 22 E. Gay Street, Suite 800, 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 and their mailing addresses:

NAME: Devere LLC COMPLETE MAILING ADDRESS: SAME

Guilford Properties LLC, PO Box 21562 Columbus Ohio 43221

SIGNATURE OF AFFIANT *X* *[Handwritten Signature]*

Subscribed to me in my presence and before me this 15<sup>th</sup> day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC *[Handwritten Signature]*

My Commission Expires: 8/01/2014

Seal Here  
page 9 - Virginia Sansom Branham  
Notary Public, State of Ohio  
My Commission Expires 08-01-2014