



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: CV14-010/1435-00000-00139
Date Received: 3/4/14
Application Accepted By: TP Fee: \$1000
Comments: Assigned to Toni Proeh; 645-2749; vjproeh@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1379 N High Street Zip 43201

Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No

If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-026539

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

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

Civic Association or Area Commission: University Area Commission

Proposed use or reason for Council Variance request: See Exhibit B

Acreage: 0.349 +/-

APPLICANT: Name Homeport c/o Donald Plank, Plank Law Firm

Address 145 E Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

PROPERTY OWNER(S): Name Victorian Heritage LTD c/o Darrell Spegal

Address 407 E Livingston Avenue City/State Columbus, OH Zip 43215

Phone # 614-228-3578 Fax # ----- Email: darrells@townhomes.biz

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

ATTORNEY / AGENT

☒ Attorney ☐ Agent For applicant

Name Donald Plank, Plank Law Firm

Address 145 E Rich Street, FL 3 City/State Columbus, OH Zip 43215

Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE

PROPERTY OWNER SIGNATURE

ATTORNEY / AGENT SIGNATURE

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 all checks payable to the Columbus City Treasurer



City of Columbus Zoning Plat



CV14-010

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: 010026539

Zoning Number: 1379

Street Name: HIGH ST

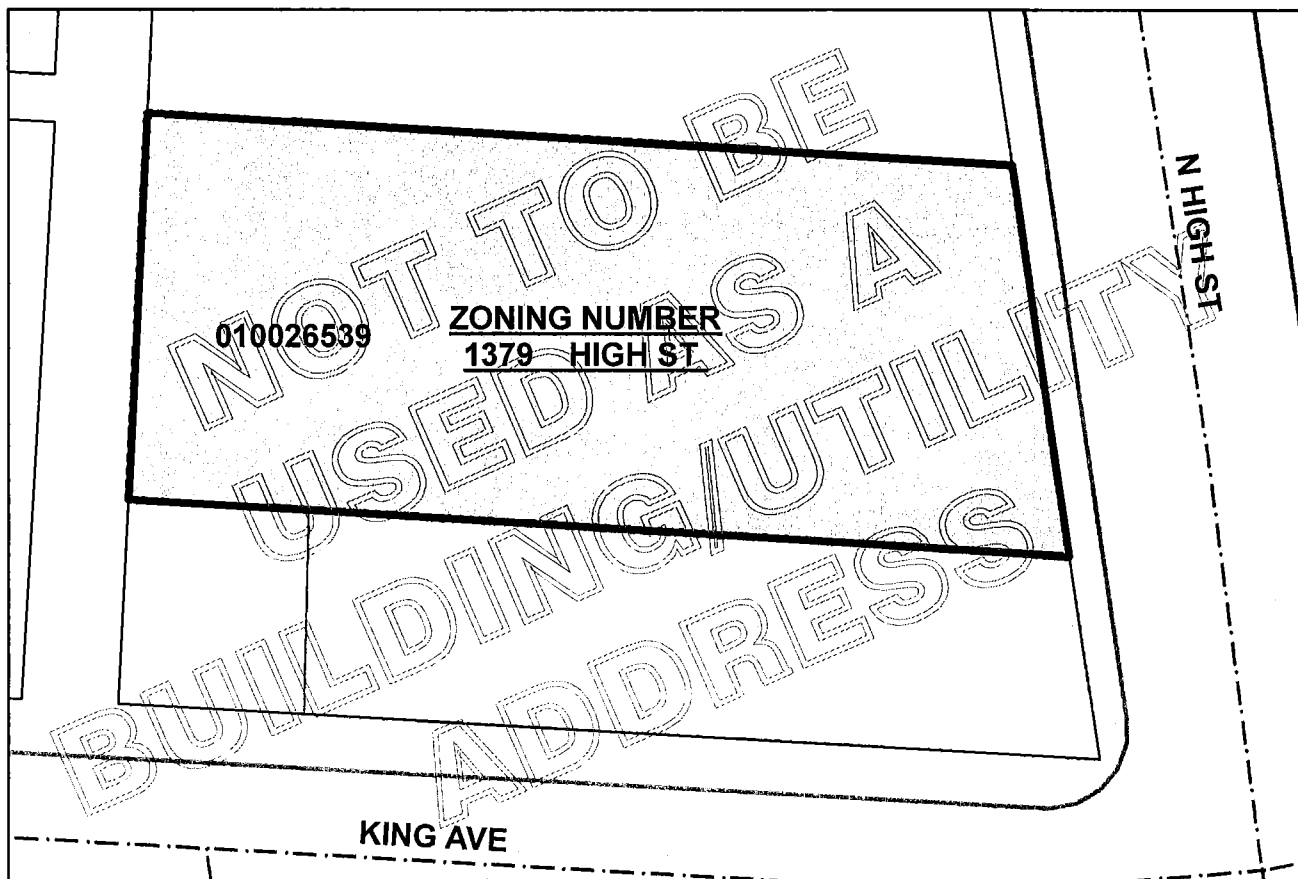
Lot Number 2-3

Subdivision: MCMILLEN

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

Issued By: *Adriana Amarian*

Date: 2/5/2014



SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 17073



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO



COUNCIL VARIANCE APPLICATION

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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-010

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME Donald Plank
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215-5240
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 CERTIFIED ADDRESS FOR ZONING PURPOSES 1379 N. High Street, Columbus, OH 43201
for which the 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) Victorian Heritage LTD
c/o Darrell Spegal
407 E. Livingston Avenue
Columbus, OH 43215

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

Homeport c/o Donald Plank, Attorney
(614) 947-8600

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)

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

See Exhibit A

SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 28th day of February, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Panter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PANTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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EXHIBIT A, Public Notice
1379 N High Street
CV14- 010
February 28, 2014

APPLICANT

Homeport
c/o Donald Plank, Plank Law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

PROPERTY OWNER

Victorian Heritage LTD
c/o Darrell Spegal
407 East Livingston Avenue
Columbus, OH 43215

ATTORNEY FOR APPLICANT

Donald Plank, Plank Law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

COMMUNITY GROUP:

University Area Commission
c/o Susan Keeney
358 King Avenue
Columbus, OH 43201

PROPERTY OWNERS WITHIN 125 FEET

Plasma Biological Services LLC
5700 Pleasant View Rd.
Memphis, TN 38134

Atticabay LLC
42 W. King Ave.
Columbus, OH 43201

Michael F. Maloof
Maloof Insurance
2362 N. High St.
Columbus, OH 43201

Chen Ying-Hsueh, et al.
2621 Sandover Rd.
Columbus, OH 43220

Timothy A. Bass
36 King Ave.
Columbus, OH 43201

Lin Chin Y & Yu Yen
4120 Oxford Dr.
Columbus, OH 43220

David J. Grenell
Patricia F. Grenell
6281 Braymoore Dr.
Galena, OH 43021

John Angelo
Frank Neumann
1371 N. High St.
Columbus, OH 43201

David W. Smelser
41 McMillen Ave.
Columbus, OH 43201

Gilmer Properties LLC
4047 Prince George Ln.
New Albany, OH 43054

King Ave Properties LLC
82 Price Ave., Apt. C
Columbus, OH 43201

1379 N High Street
CV14-____, February 28, 2014
Exhibit A, Public Notice
Page 1 of 2

Gogan Group LLC
698 S. Remington Rd.
Columbus, OH 43209

Mark Izzard
50 W. King Ave.
Columbus, OH 43201

Eboracum LLC
76 W. Starr Ave.
Columbus, OH 43201

Mrs Rental Properties VI LLC
5630 Scioto Pkwy.
Powell, OH 43065

Daryl Gillette
2586 Summit St.
Columbus, OH 43202

Carolyn A. Willford
Bryan Willford
44 W. King Ave.
Columbus, OH 43201

Annlee Investment Co LLC
Kohr Royer Griffith Inc
1480 Dublin Rd.
Columbus, OH 43215

ALSO NOTIFY:

David B. Perry
David Perry Co., Inc.
145 East Rich Street, 3rd Floor
Columbus, OH 43215

Homeport
c/o Ms. Lisa Minklei
562 East Main Street
Columbus, OH 43215



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CV14-010

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.

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 requested as detailed below:

See Exhibit B

Signature of Applicant

Donald Plank

Date

2/28/14

Homeport

By: Donald Plank, Attorney

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EXHIBIT B
Statement of Hardship

1379 North High Street, Columbus, OH 43201

Council Variance # CV14- 010

1379 N High Street is located on the west side of North High Street, 45 +/- feet north of King Avenue. The parcel is developed with a 34 dwelling unit apartment building built in 1950. The site is presently zoned C-4, Commercial, which was established in 1959 with the adoption of the 1959 City Code and revised zoning districts. The apartment building, including ground level residential use, is a non-conforming use in the C-4, Commercial District. Applicant proposes this variance to permit the apartment building in the C-4 District by variance and to reduce on-site parking from eight (8) spaces to three (3) spaces. Eight (8), 90 degree parking spaces are presently located west of the building, accessed from the north/south alley abutting the west side of the parcel. Applicant proposes a building addition to the west side of the building to provide ADA accessible access with a ramp and elevator, in addition to a new stairwell. No habitable area is being constructed with the proposed addition. The addition is solely for the purpose of ADA accessibility and the west stairwell. There is no change in the number of dwelling units (34). A parcel (010-055180, 32 King Avenue) located on the west side of the north/south alley, directly west of 1379 North High Street, is zoned P-1, Private Parking District, will also be owned by applicant and provides off-site parking for 1379 N High Street, as permitted by the P-1 District. The site is also located in the North High Street Urban Commercial Overlay (UCO), but the UCO isn't applicable to residential uses.

Applicant requests the following variances:

- 1) 3356.03, C-4, Permitted Uses, to permit a 34 dwelling unit apartment house.
- 2) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 8 existing on-site spaces to three (3) spaces.

GENERAL WARRANTY DEED *


8952

Donald F. Carmell Sr. and Judith Ann Carmell, his wife,
Charles O. Weilbacher and Mary R. Weilbacher, his wife,
(1), of Franklin County, Ohio

for valuable consideration paid, grant(s), with general warranty covenants, to

Victorian Heritage, Ltd., an Ohio Limited Partnership, whose tax-mailing address is

407 E. Livingston Avenue, Columbus, Ohio 43215

the following **REAL PROPERTY**: Situated in the County of **Franklin** in the State
of Ohio and in the City of **Columbus** : (7) 

Being Lots Number Two (2) and Three (3) of ELIZABETH J. MC MILLEN'S SUBDIVISION (also sometimes referred to as B. J. and W. J. McMillen's Subdivision), as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Parcel: 26539
Address: 1379 N. High Street

CONVEYANCE TAX
\$ 421⁰⁰ 00
ROGER W. TRACY, JR.
FRANKLIN COUNTY AUDITOR

PARTNERSHIP
 FILING DATE _____
 RECORDED VOL _____ PAGE _____
 WILLIAM M. CANILL
 SPOONDER
 FRANKLIN COUNTY, OHIO
 of the Dead Records of Franklin

Prior Instrument Reference: Vol. 3225 Page 602 of the Deed Records of Franklin

County, Ohio. I, John A. Carmell and Mary E. Weibach, ⁽¹⁾ wife (husband) of the
Grantor release all rights of dower therein. Witness our hands this 20th day
of March, 19 80. Donald Carmell

Signed and acknowledged in the presence of:

WITNESS

WITNESS

State of Ohio

County of Franklin

55.

BE IT REMEMBERED, That on this 20th day of March, 1980, before me, the undersigned, a Notary Public in and for said county, personally came, Donald F. Carmell, Sr. and Judith Ann Carmell, the Grantor(s) in the foregoing Deed, and acknowledged the signing thereof to be their voluntary act and deed.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on this day
and year aforesaid.

This instrument was prepared by Charles O. Weilbacher, Attorney at Law

1. Name of Grantor(s) and marital status.
2. Description of land or interest therein, and encumbrances, reservations, exceptions, taxes and assessments, if any.
3. Delete whichever does not apply.
4. Execution in accordance with Chapter 5301 of the Revised Code of Ohio.

3301 of the Revised Code of Ohio.
TRANSFERRED
 APR 15 1980
 ROGER W. TRACY, JR.
 Revised Code: AUDITOR
 FRANKLIN COUNTY, OHIO

PARTNERSHIP
 FILING DATE 3-18-80
 RECORDED VOL 37 PAGE 710
 WILLIAM M. CAHILL
 RECORDER
 FRANKLIN COUNTY, OHIO

* See Sections 5302.05 and 5302.06 Ohio



537880394

1379 N High Street

CV14- 010

PID: 010-026539

Legal Description

Being Lots Number Two (2) and Three (3) of ELIZABETH J. MCMILLEN'S SUBDIVISION (also sometimes referred to as E. J. and W. J. McMillen's Subdivision), as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

CV14-010



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 2/24/14



Disclaimer

Scale = 100

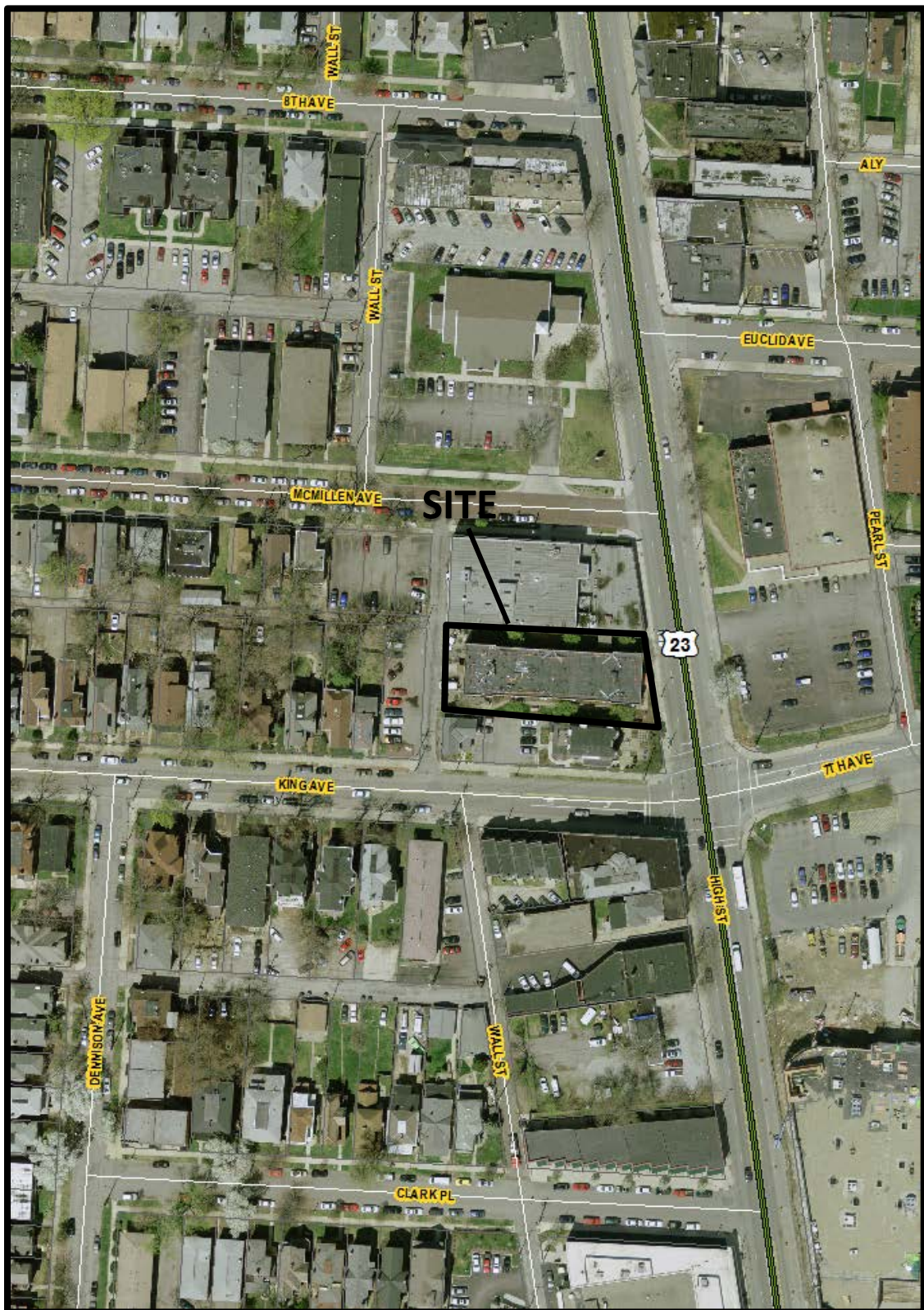


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

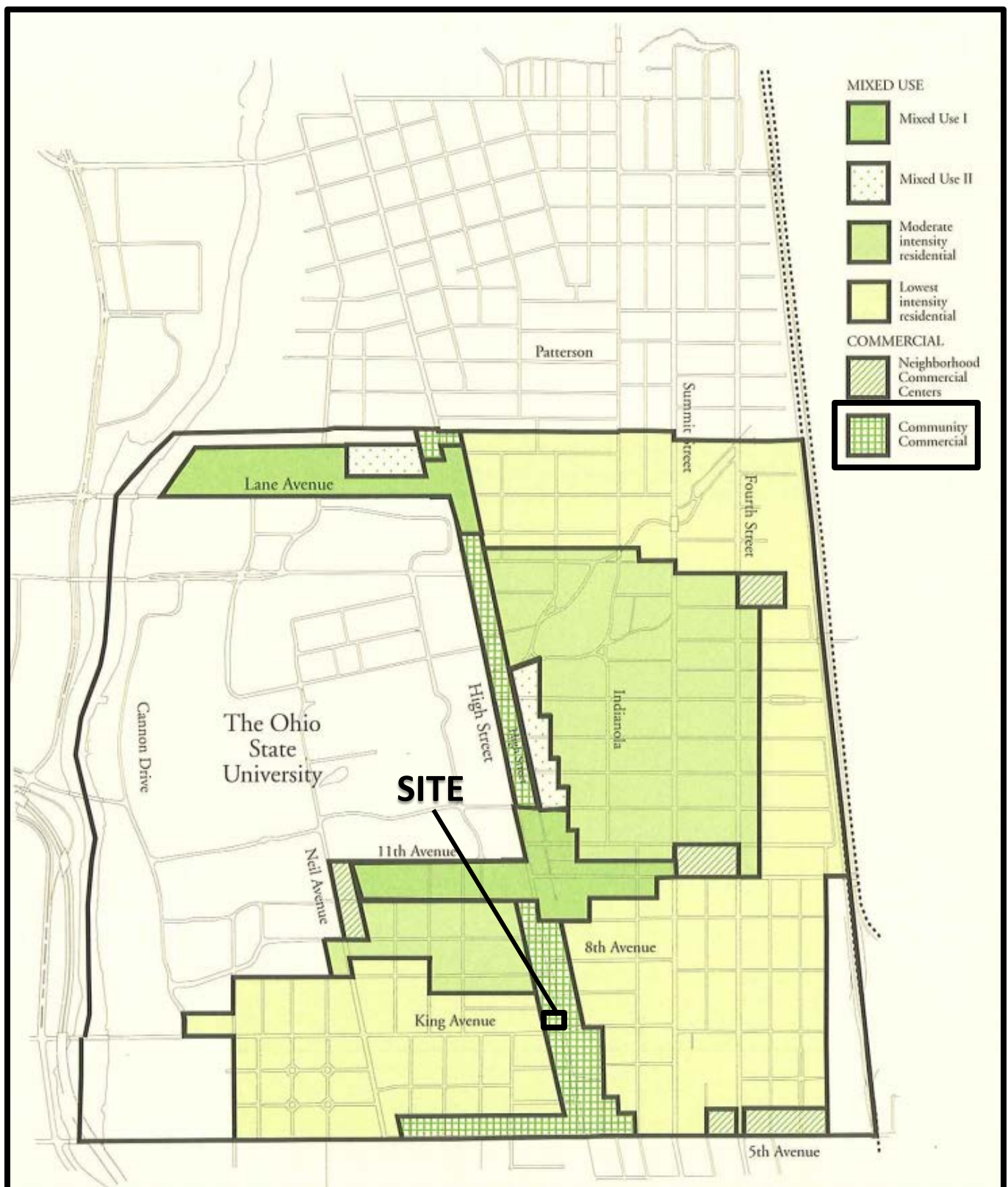
Real Estate / GIS Department



CV14-010
 1379 N. High Street
 Approximately 0.35 acres



CV14-010
1379 N. High Street
Approximately 0.35 acres



University Neighborhoods Revitalization Plan