



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: CV14-009 / 14315-00000-00137
Date Received: 3/4/14
Application Accepted By: SP Fee: 11760
Comments: Assigned to Shannon Pine, Spine@columbus.gov
614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 160 King Avenue 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: 010-066937
☐ Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): AR-4 and R-4
Civic Association or Area Commission: University Area Commission
Proposed use or reason for Council Variance request: _____
Acreage: +/- 1.49

APPLICANT: Name JDS Companies/City Space

Address 447 East Main Street, Suite 200 City/State Columbus, Ohio Zip 43215
Phone # 614-827-1000 Fax # 614-224-0413 Email: dschmidt@jdscompanies.com

PROPERTY OWNER(S): Name South Central Ohio Dist. Church of Nazarene

Address 5004 Hoover Road City/State Grove City, Ohio Zip 43123
Phone # 614-539-6812 Fax # 614-539-6813 Email: _____

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

ATTORNEY / AGENT

☐ Attorney ☐ Agent

Name Michael Shannon, Esq.
Address 500 South Front Street, Suite 1200 City/State Columbus, Ohio Zip 43215
Phone # 614-229-4506 Fax # 614-229-4559 Email: mshannon@cbjlawyers.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature] for MTS
PROPERTY OWNER SIGNATURE [Signature] for MTS
ATTORNEY / AGENT SIGNATURE [Signature] for MTS

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.

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STATEMENT OF HARDSHIP

CV14-009

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.

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:

Attached.

Signature of Applicant

[Handwritten Signature] for MTS

Date

3-4-14

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STATEMENT OF HARDSHIP

PROPERTY ADDRESS: 160 King Avenue, Columbus, Ohio 43201
APPLICANT: JDS Companies/City Space, c/o
Michael T. Shannon, Esq.
CRABBE, BROWN & JAMES, LLP
500 South Front Street, Suite 1200
Columbus, Ohio 43215
mshannon@cjbjlawyers.com
DATE OF TEXT: March 4, 2014
APPLICATION #: CV 14-009

This Statement is filed in support of Applicant's request for variances from the Zoning Code which are necessary and appropriate for a proposed student housing development in the University Area, with very close proximity to the OSU Main Campus.

Site Background:

The Site consists of eleven parcels among two subareas. The two subareas are zoned AR-4 (north) and R-4 (south), respectively. The Site currently exists as a church and parking lot. The church is dated and its existing conditions render its restoration and modernization economically infeasible.

The Site lies within the University Planning Overlay and the University Area Commission. Applicant shall obtain recommendations from the University Area Commission and the University Area Review Board.

Proposal - Overview:

The Applicant herein, proposes a unique student/graduate housing opportunity for the University area, to be located between King, Highland, and Hunter Avenues. The development shall mostly include two-story townhouses stacked over one-story flat apartments, but shall also include three-story town houses. Subarea A and Subarea B shall be developed together with the same product as if there were no subareas.

The development shall include a total of 48 dwelling units (150 beds) on the Site's total 64,500 sq ft. Subarea A shall include 12 dwelling units on 19,263 sq ft. Subarea B shall include 36 dwelling units on 45,237 sq ft.

This development shall be urban in design and shall create a diverse and architecturally prevalent student housing development by reducing the redundancy of boilerplate building facades, as might be found in a traditional apartment buildings.

The development shall include a surface parking lot and provide a total of 104 parking spaces. Subarea A shall provide 44 parking spaces and Subarea B shall provide 60 parking spaces. The parking lot shall have two-way access from Highland Avenue and a one-way exit to an alley off

of Hunter Avenue. Both access points are provided by Subarea B.

Project Benefits vs. Existing Conditions:

As outlined herein, this proposal is unique to the University Area in terms of privately-developed student housing. Continued growth of Ohio State University dictates a need for increasingly dense student housing. The traditional single-family and low-density properties today simply do not fit the future plans for the area. This project will serve to accommodate the ever increasing student body and its need for safe and convenient off campus housing. For these reasons, Applicant asks that the following factors be weighed in consideration of the requested variances:

- 1). The Ohio State University has the second largest university campus in the United States, and is a Top 20 public university. US News and World Reports has, in the past, ranked OSU among the top "Up and Coming" colleges, which list includes the top colleges in the nation "that are making improvements in academics, faculty, students, campus life, diversity, and facilities. These schools are worth watching because they are making promising and innovative changes."
- 2). A top-ranked university in Ohio's capital city with continued growth necessitates dense student housing.
- 3). Much of the existing student housing in the area consists of single and two-family homes, many of which have been further split to accommodate as many renters as possible. The proposed units here will provide modern, safe, and private sleeping quarters for each and every student, as well as invaluable proximity to the OSU Main Campus. Off-street parking and endless amenities will make this a choice location for prospective students, and help continue to make OSU a top University.
- 4). Parents of the students will take ease in knowing their children and belongings are more safe at this location than they might be elsewhere.

Variances Requested:

Applicant requests the following variances:

Subarea A (AR-4):

1. 3372.565, Building Lines, which section requires a minimum setback of 25 feet from the street right of way. Applicant requests a variance to permit a minimum setback of 14 feet.
2. 3333.255, Perimeter Yard, which section requires a minimum perimeter yard of 10 feet. Applicant requests a variance to permit a minimum perimeter yard of 5 feet.

Subarea B (R-4):

3. 3372.567, Maximum Floor Area, which section does not permit an F.A.R. in excess of

- .80. Applicant requests a variance to permit an F.A.R. of .90. It should be noted that the F.A.R. of Subarea A is .69 and the F.A.R. for the total development is .86.
4. 3372.541, Maximum Lot Coverage, which section does not permit coverage more than 25% of the lot area. Applicant requests a variance to permit lot coverage of 31%.
 5. 3372.543, Building Lines, which section requires a minimum setback of 25 feet from the street right of way. Applicant requests a variance to permit a minimum setback of 10 feet.
 6. 3332.25, Maximum Side Yard Required, which section requires the widths of each side yard to equal or exceed 20 percent of the width of the lot. Applicant requests a variance to permit a minimum side yard of 10 feet.
 7. 3312.21, Landscaping and Screening, which section requires one shade tree for every ten parking spaces or fraction thereof. Applicant requests a variance to permit a one shade tree for every twenty parking spaces or fraction thereof.
 8. 3321.05(B)(2), Vision Clearance, which section requires a 30 foot clear vision triangle maintained adjacent to street intersections. Applicant requests a variance to permit a minimum clear vision triangle of 20 feet at the intersections of Highland and King Avenues and Hunter and King Avenues.

Appropriateness:

The proposed student/graduate housing in such close proximity to the OSU Main Campus is a unique opportunity for the neighborhood, the University, and certainly the students. Student housing options are increasingly limited in proportion to the number of OSU students. In the years to come, dense urban student housing will be a necessity, not an exception.

The University Planning Overlay is an exceptional tool that helps guide and improve development in the University area. There are several variances necessary for this development, but that is because the current Code simply does not contemplate dense, urban development. When the nature and intent of the Code is weighed against the uniqueness and multiple benefits of this proposed development, it is clear that this opportunity should not be lost on the necessary variances.

This development will not be injurious to neighboring properties, nor will it be contrary to public interest or the intent of this Code. The University Planning Overlay was designed because the area is unique, and as growth continues in the area, so too will unique projects that may deviate from the status quo.

A hardship exists in that the proposed development cannot completely conform to the underlying residential zoning districts established by the City's Zoning code. The development will appreciate and enhance the existing neighborhood, and therefore will not adversely affect the surrounding property or surrounding neighborhood, but rather will alleviate a hardship or difficulty which warrants a variance from zoning code.

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The requested variance will not impair an adequate supply of light or 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

For the reasons stated above, Applicant respectfully requests approval of the requested Council Variances.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Michael T. Shannon" followed by "for MTS".

Michael T. Shannon, Esq.
Attorney for Applicant



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-009

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Eric Zartman

of (1) MAILING ADDRESS 500 South Front Street, Suite 1200, Columbus, Ohio 43215

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 160 King Avenue

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) South Central Ohio Dist. Church of Nazarene
5004 Hoover Road
Grove City, Ohio 43123

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

JDS Companies/City Space
614-827-1000

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

(5) University Area Commission
Susan Keeny
2231 North High Street, Columbus, Ohio 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.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this

(8)

4th day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8)

Carol A. Stewart

My Commission Expires:

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2014



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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 #

CV14-009

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Eric Zartman

Of [COMPLETE ADDRESS] 500 South Front Street, 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 formats

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. JDS Companies/City Space 447 East Main Street, Suite 200 Columbus, Ohio 43215 Dan Schmidt	2.
3. 614-827-1000, Ext. 101	4.

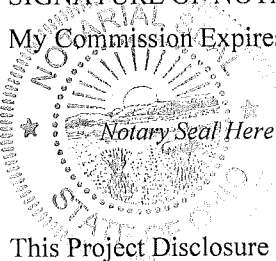
☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 4th day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

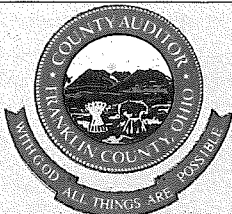


Carol A. Stewart

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2014

This Project Disclosure Statement expires six months after date of notarization.

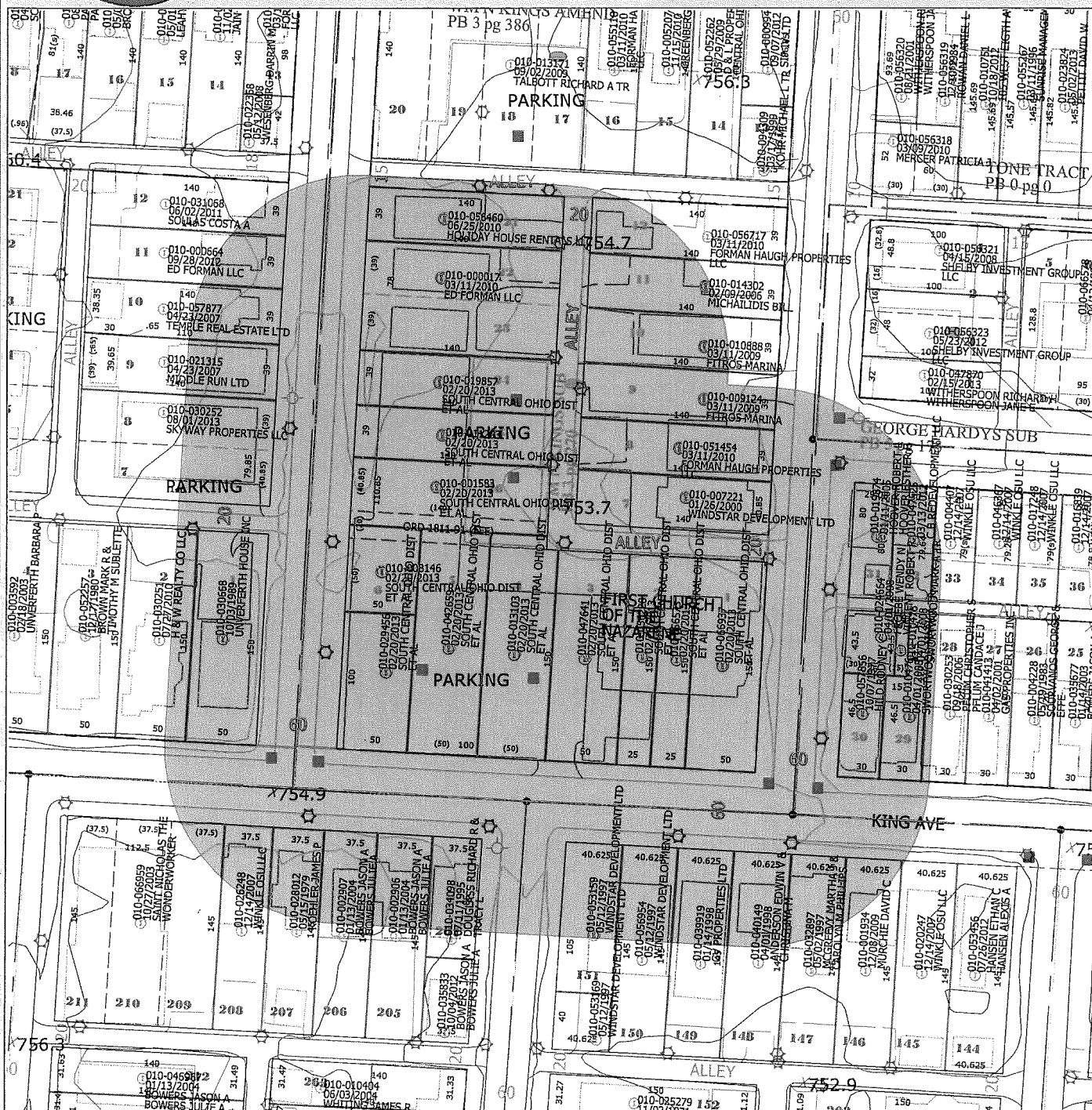
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CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 1/23/14



Disclaimer

Scale = 107'



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



City of Columbus Zoning Plat

CV14-009



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: 010-066937,-056573, -056228, -047641,-013103, 042659,
-008146, -001583, -011203, -019857,-029456

Zoning Number: 160

Street Name: KING AVE

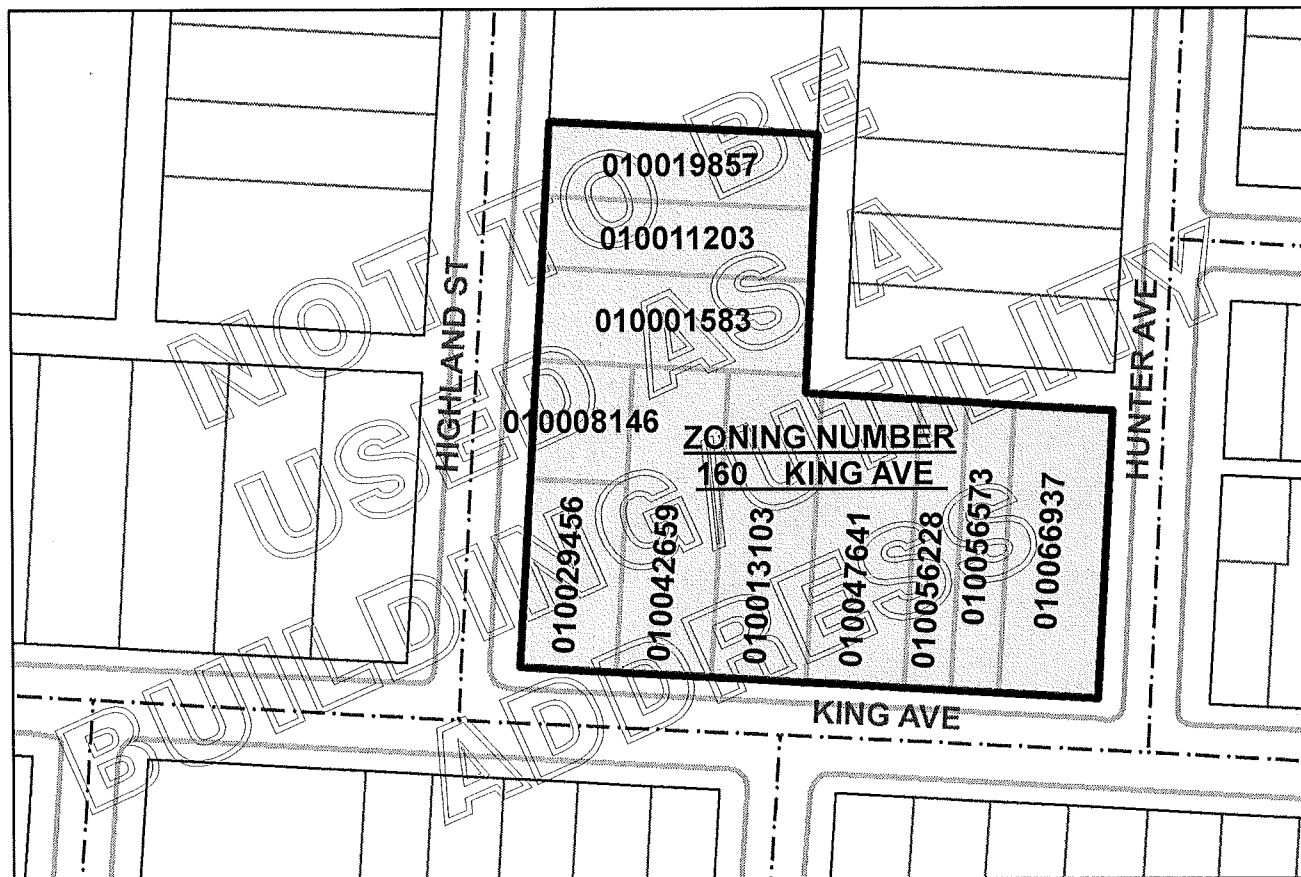
Lot Number 1-6 & 24-26

Subdivision: KING

Requested By: CRABBE BROWN & JAMES, LLP (ERIC ZARTMAN)

Issued By: Adriana Whisman

Date: 2/25/2014



SCALE: 1 inch = 100 feet



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

GIS FILE NUMBER: 17707

Tract I:

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

Being Lot Number Twenty-six (26) in William N. King's Subdivision, as the same in numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 270, Recorder's Office, Franklin County, Ohio.

Tract II:

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

Being Lot Number Twenty-four (24) in William N. King's Subdivision, as the same in numbered and delineated upon the recorded plat thereof, of record in Plat Boos 3, Page 270, Recorder's Office, Franklin County, Ohio.

Tract III:

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

Being Lot Number Twenty-five (25) in William N. King's Subdivision of 4 7/10 acres in Section 3, Township 1, Range 18, U.S.M. Lands; as the same in numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 270, Recorder's Office, Franklin County, Ohio.

Tract IV:

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

Being Lots Number One (1), Two (2), Three (3), Four (4), and Five (5) and One Hundred (100) feet of the south end of Lot Number Six (6) of William N. King's Subdivision of Land in the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 270, Recorder's Office, Franklin County, Ohio.

Tract V:

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

Being all of the 20' alley adjacent to and south of Lot 26 as shown on the recorded plat of William N. King's Subdivision (P.B. 3, Page 270), beginning at the east line of Highland Street (60' wide) and terminating at the West line of the 20' alley east of Highland Street and containing 2800 square feet.

Tract VI:

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

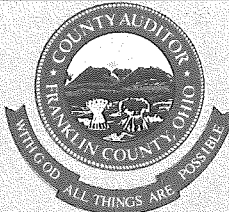
Being 50 feet off the North end of Lot 6 of William King's Subdivision, as the same is shown of record in Plat Book 3, page 270, Recorder's Office, Franklin County, Ohio.

MRW

For information purposes only, the property address is purported to by:

146 King Avenue, Columbus, Ohio 43201
142 King Avenue, Columbus, Ohio 43201
176 King Avenue, Columbus, Ohio 43201
00 Highland Avenue, Columbus, Ohio 43201
000 Highland Avenue, Columbus, Ohio 43201
0000 Highland Avenue, Columbus, Ohio 43201
150 King Avenue, Columbus, Ohio 43201
142 King Avenue, Columbus, Ohio 43201

CV14-009



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 1/23/14



Disclaimer

Scale = 100

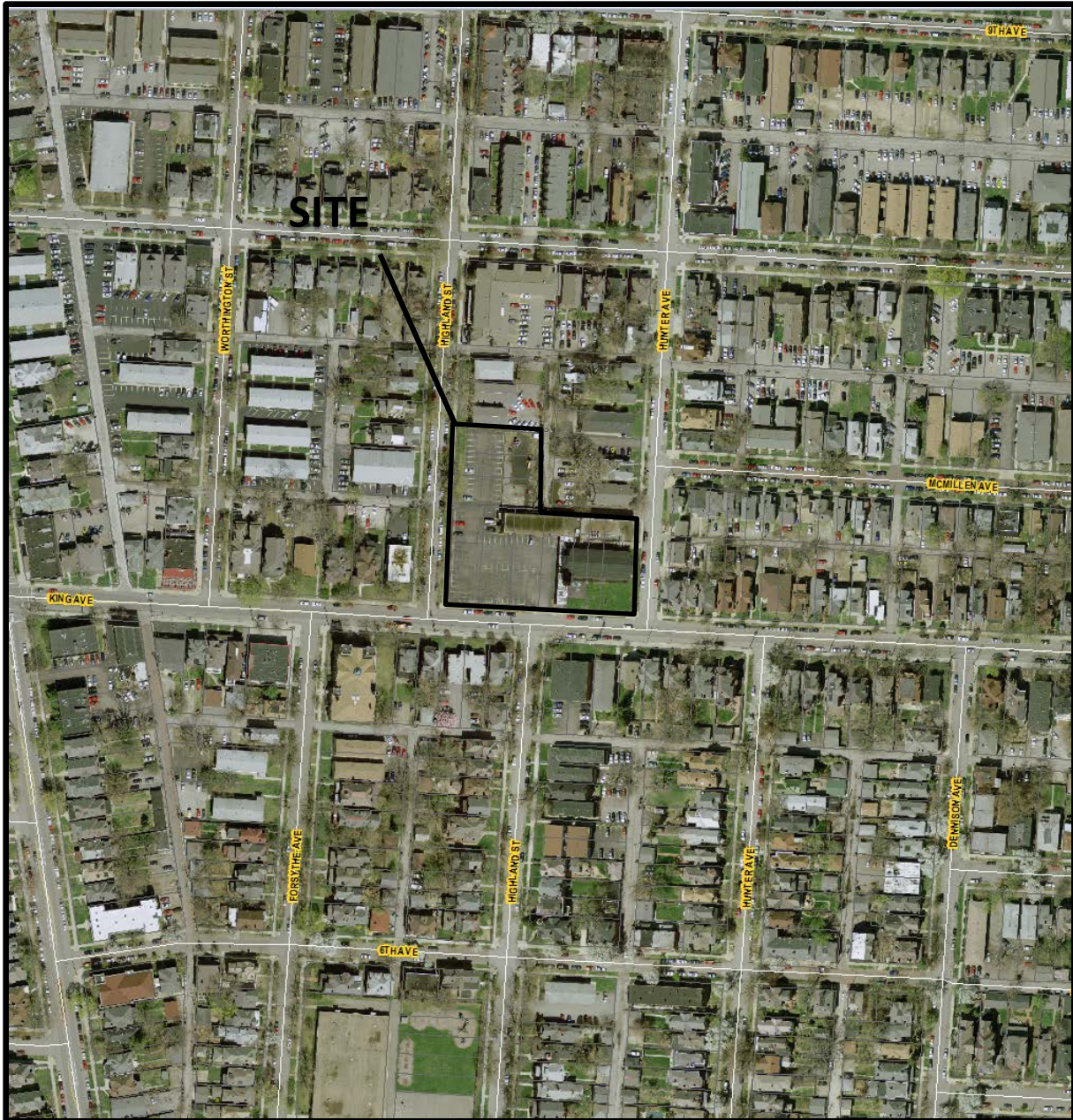


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Real Estate / GIS Department



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160 King Avenue
Approximately 1.49 acres



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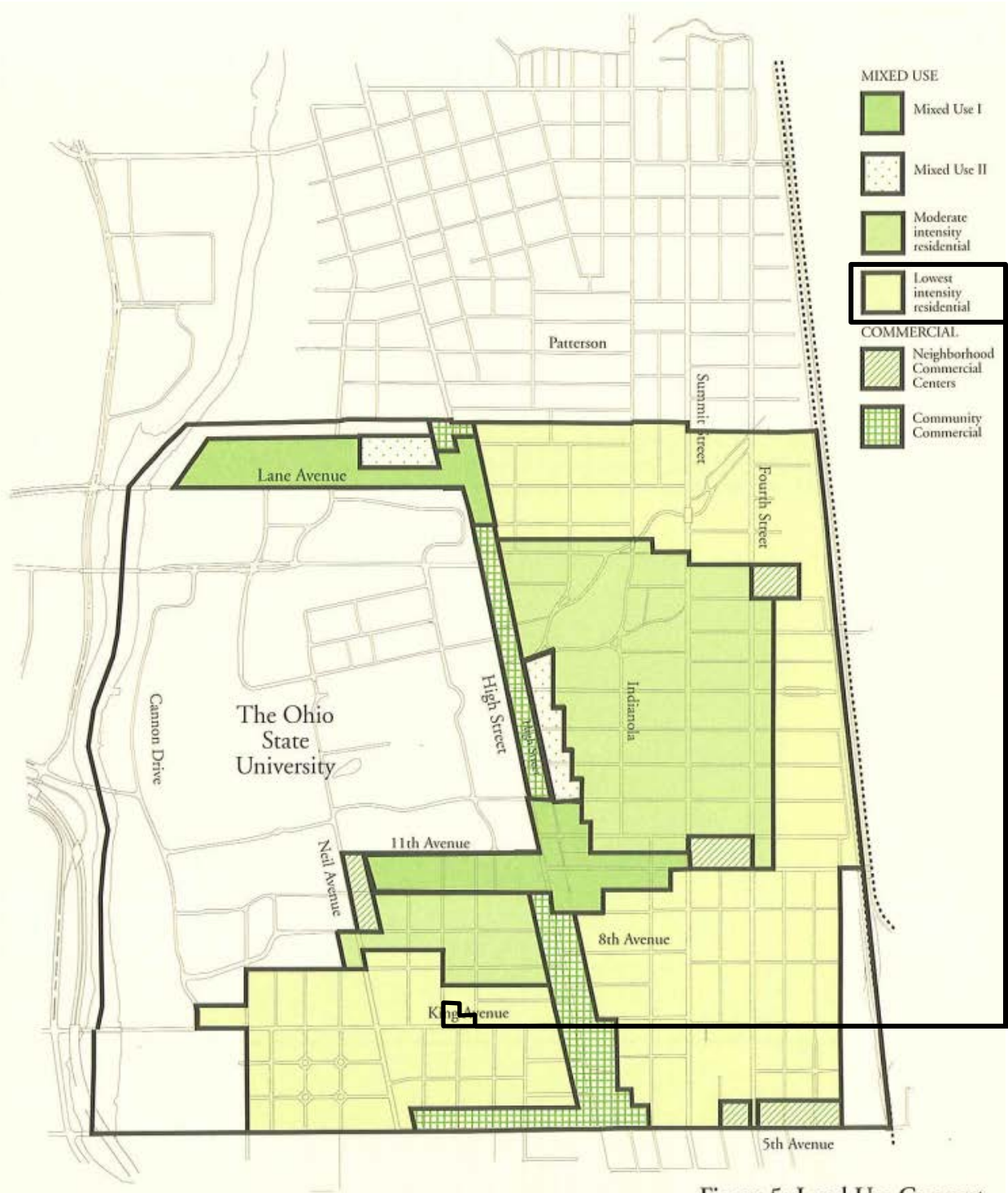


Figure 5: Land Use Concept

CV14-009
 160 King Avenue
 Approximately 1.49 acres