



## 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](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: CV14-019/14315-00000-00206  
Date Received: 4/1/14  
Application Accepted By: TP Fee: \$800.00  
Comments: Assigned to Tori Proehl; 645-2749; vjproehl@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 40 W. 3rd 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: 010-003136, 010-023151

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

Current Zoning District(s): ARO

Civic Association or Area Commission: Victorian Village Commission

Proposed use or reason for Council Variance request: See Statement of Hardship

Acreage: 0.384 +/-

**APPLICANT:** Name SND Partners LLC c/o Donald Plank, Plank Law Firm

Address 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215-5240  
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

**PROPERTY OWNER(S):** Name PLZ Partners LLC c/o Leonard Zangardi

Address 40 W. 3rd Avenue City/State Columbus, OH Zip 43201  
Phone # (614) 358-5626 Fax # 614-545-5683 Email: lenny@aemc.cc

☐ 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 43215-5240  
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



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-019

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 St., 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 40 W. 3rd 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) 4/1/14

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) PLZ Partners LLC

c/o Leonard Zangardi

40 W. 3rd Avenue

Columbus, OH 43201

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

SND Partners LLC

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

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

(5) Victorian Village Commission

c/o James Goodman, Historic Preservation Office / City of Columbus

50 W. Gay Street, 4th Floor, 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)

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

SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 29th day of MARCH, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



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

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**EXHIBIT A, Public Notice**  
**40 West 3<sup>rd</sup> Avenue**  
**CV14-019**  
**March 28, 2014**

**APPLICANT**

SND Partners LLC  
c/o Donald Plank, Attorney  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215-5240

**PROPERTY OWNER**

PLZ Partners LLC  
c/o Leonard Zangardi  
40 West 3<sup>rd</sup> Avenue  
Columbus, OH 43201

**ATTORNEY FOR APPLICANT**

Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215-5240

**COMMUNITY GROUP**

Victorian Village Commission  
c/o James Goodman  
Historic Preservation/Development  
50 West Gay Street, FL 4  
Columbus, OH 43215

**PROPERTY OWNERS WITHIN 125 FEET**

Katherine E. Reidel  
50 W. Third St.  
Columbus, OH 43201

Randy W. Morriss  
Carole P. Morriss  
54 W. 3<sup>rd</sup> Ave.  
Columbus, OH 43201

Gary J. Hall  
1601 W. 5<sup>th</sup> Ave. , Ste. 204  
Columbus, OH 43212

North Central Mental Health Services  
1301 N. High St.  
Columbus, OH 43201

Christ Church (Anglican)  
43 W. 4<sup>th</sup> Ave.  
Columbus, OH 43201

Mathew C. Lovett  
47 Fourth Ave. W.  
Columbus, OH 43201

Richard A. Becker  
51 W. 4<sup>th</sup> Ave.  
Columbus, OH 43201

Suburban Centers Inc  
2000 Henderson Rd.  
Columbus, OH 43220

Katherine A Baldiga  
Lucas C Coffman  
47 W Fourth Avenue  
Columbus, OH 43201

Concept Equity Development LLC  
1841 Inchcliff Rd.  
Columbus, OH 43221

Maguaran LLC  
29 W. 3<sup>rd</sup> Ave.  
Columbus, OH 43201

**40 West 3<sup>rd</sup> Avenue**  
**CV14-\_\_\_\_\_**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 3/24/14**

Richard I. Samuels  
Ruth A. G. Samuels  
37 W. Third Ave.  
Columbus, OH 43201

Robert A. Bundy  
@ (2)  
41 W. 3<sup>rd</sup> Ave.  
Columbus, OH 43201-3208

Thaddeus J. OBrien &  
Sharon J. Miller  
47 W. 3<sup>rd</sup> Ave.  
Columbus, OH 43201-3208

Ohio Osteopathic Assoc.  
53 W. 3<sup>rd</sup> Ave.  
PO Box 8130  
Columbus, OH 43201

Jung Haus Partners LLC  
59 W. 3<sup>rd</sup> Ave.  
Columbus, OH 43201

Charles P. Kielkopf  
2340 Sherwood Rd.  
Columbus, OH 43209

**ALSO NOTIFY**

SND Partners LLC  
c/o Mr. Jeff Baur  
600 Stonehenge Parkway  
Suite 200  
Dublin, OH 43017

Dave Perry  
David Perry Company, Inc.  
145 East Rich Street, FL 3  
Columbus, OH 43215



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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 # CV14-019

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215-5240  
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.<br>SND Partners LLC<br>600 Stonehenge Parkway, Suite 200<br>Dublin, OH 43017<br># of Columbus Based Employees: 0<br>Contact: Jeff Baur, (614) 389-5943 | 2.<br>PLZ Partners LLC<br>40 W. 3rd Avenue<br>Columbus, OH 43201<br># of Columbus Based Employees:<br>Contact: Leonard Zangardi, (614) |
| 3.  | 4.   |

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

#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 29th day of MARCH, in the year 2014

#### SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Barbara A. Painter  
AUGUST 3, 2015

Notary Seal Here



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

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

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CV14-019

### 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*

SND Partners LLC

by: Donald Plank, Attorney

Date

3/30/14

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## EXHIBIT B

### STATEMENT OF HARDSHIP

40 West Third Avenue, Columbus, OH 43201

CV14- 019

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This council variance application is submitted in conjunction with application Z14-018 submitted to rezone the property to AR-O, Apartment Office District.

The site is located on the north side of West Third Avenue, 262 +/- feet west of North High Street. Applicant proposes to develop the property by removing the one story addition to the original structure, continue to use the original structure for office use and build a new 16 dwelling unit apartment building as depicted on the site plan. Applicant also proposes to split the present parcel, which was combined in approximately 1986, to correspond to previous parcel lines with the original structure on a separate parcel and the new apartment building on a separate parcel. The development project requires certain variances due to the urban environment of the project and applicant has a hardship with complying with these standards to reasonably develop the property. Applicant requests the following variances:

- 1) 3309.14(A), Height Districts, to permit a building height of 39 feet for the apartment building in an H-35 height district.
- 2) 3333.09, Area Requirements, to permit the apartment building to be on 40 +/- foot wide parcel rather than 50 feet, while there are numerous parcels in the area that are less than 50 feet wide.
- 3) 3333.15, Basis of Computing Area, to permit 75% +/- lot coverage on the proposed parcel
- 4) 3333.23(d), Minimum Side Yard Permitted, to reduce minimum side yard from 6.5 feet to 0.5 feet for the new apartment building along the east property line, along the east alley.
- 5) 3333.24, Rear Yard, to reduce rear yard area for the proposed apartment building from 25% of lot area to 1% of lot area.
- 6) 3312.09, Aisle, to reduce the aisle width/maneuvering from 20 feet to 18.5 feet for garage spaces 1-6, inclusive.
- 7) 3312.13, Driveway, to reduce the width of the driveway from the north alley to the surface parking lot from 20 feet to 18 feet.
- 8) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 36 spaces required for use of the original structure (3,400 +/- sq. ft.) for office uses (12 spaces) and 16 apartments @ 1.5 space/DU (24 spaces) to 19 parking spaces, and to

CV14-019

permit ten (10) on-site parking spaces for the office use and nine (9) on-site garage spaces for the apartment building due to the proposed lot split, while the surface lot parking spaces shall be shared for the residential and office uses and applicable easements provided.

- 9) 3312.29, Parking Space, to reduce the width of certain parking spaces from nine (9) feet to 8.5 feet and 8.0 feet, as depicted on the site plan, and to permit a property line to divide parking spaces length-wise, while applicable easements will be granted to insure function of the spaces as depicted.

03-30-2014



LEGAL DESCRIPTION  
40-42 W Third Avenue

Z14-\_\_\_\_\_  
CV14- 019

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

Being Lots Numbered Fifteen (15) and Thirty Three (33) in HERSHISER'S CORRECTED AND SECOND AMENDED PLAT OF LOTS 11, 12, 13, 14 AND 15 of HERSHISER AND ASTON'S ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 4, page 9, Recorder's Office, Franklin County, Ohio.



# City of Columbus Zoning Plat



CN4-019

## 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: 010023151

Zoning Number: 40

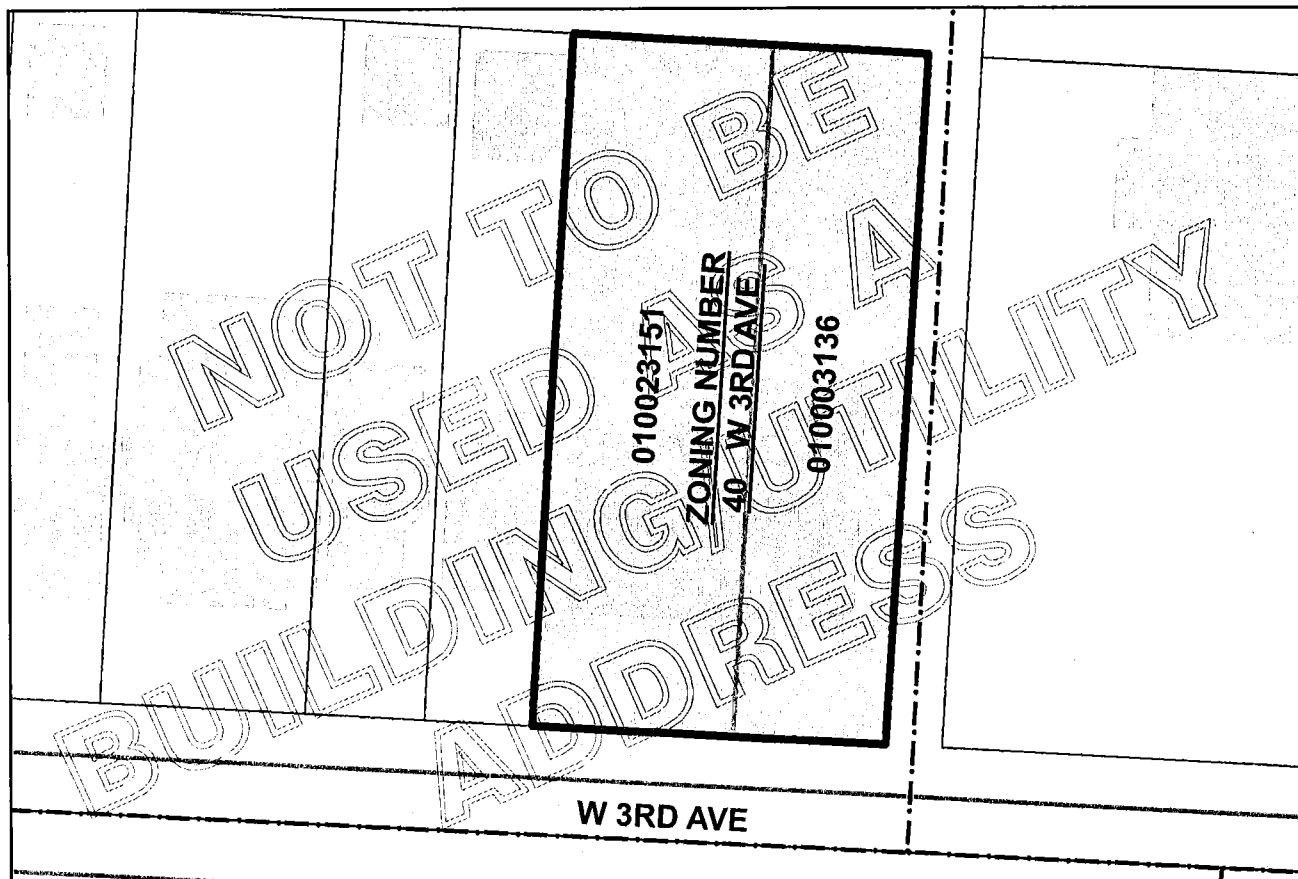
Street Name: W 3RD AVE

Lot Number 15 & 33

Subdivision: AMD PLAT HERSHISER & ASTON

Requested By: DAVID PERRY COMPANY, Inc. (DAVE PERRY)

Issued By: Edyana Whisman Date: 3/13/2014



SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 18349

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



CV14-019

TRANSFERRED

JAN 27 2012



201202010013992

Pgs: 2 \$29.00 T20120006944  
 02/01/2012 10:43AM MEPCAMPBELL H  
 Oaphne Hawk  
 Franklin County Recorder

CLARENCE E. MINGO II  
 AUDITOR  
 FRANKLIN COUNTY, OHIO

900872  
 CONVEYANCE TAX  
 EXEMPT  
 G

CLARENCE E. MINGO II  
 FRANKLIN COUNTY AUDITOR

**QUIT-CLAIM DEED**

STRATEGIC MORTGAGE CO., an Ohio corporation, for valuable consideration, grants and quit claims all right, title and interest of Grantor to PLZ PARTNERS, LLC, an Ohio limited liability company, with its tax mailing address at 40 West Third Avenue, Columbus, Ohio 43201, the following described real property:

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

Being Lots Numbered Fifteen (15) and Thirty Three (33) in HERSHISER'S CORRECTED AND SECOND AMENDED PLAT OF LOTS 11, 12, 13, 14 and 15 of HERSHISER AND ASTON'S ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 4, page 9, Recorder's Office, Franklin County, Ohio.

The foregoing conveyance is made subject to easements, conditions, restrictions of record, if any; taxes and assessments not yet due and payable; legal roadways and highways; and zoning ordinances, if applicable.

Tax district number and parcel number: 010-003136-00 and 010-023151-00  
 Street address of property: 40-42 West Third Avenue, Columbus, OH 43201

Prior instrument ref: Instrument #201010060131832, Recorder's Office, Franklin County, Ohio.

Signed this 5<sup>th</sup> day of January, 2012.

Signature of Grantor:

Strategic Mortgage Co.  
 An Ohio corporation

By:

*Leonard J. Zangardi*  
 Leonard J. Zangardi

Title:

CEO, President

Notary Acknowledgment appears on page 2.

STATE OF OHIO - COUNTY OF FRANKLIN, SS:

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January, 2012, by STRATEGIC MORTGAGE CO., an Ohio corporation, by Leonard J. Zangardi its CEO, President.



ALAN K. VEATCH, ATTORNEY AT LAW

NOTARY PUBLIC, STATE OF OHIO

My commission has no expiration date.

Section 147.03 R.C.

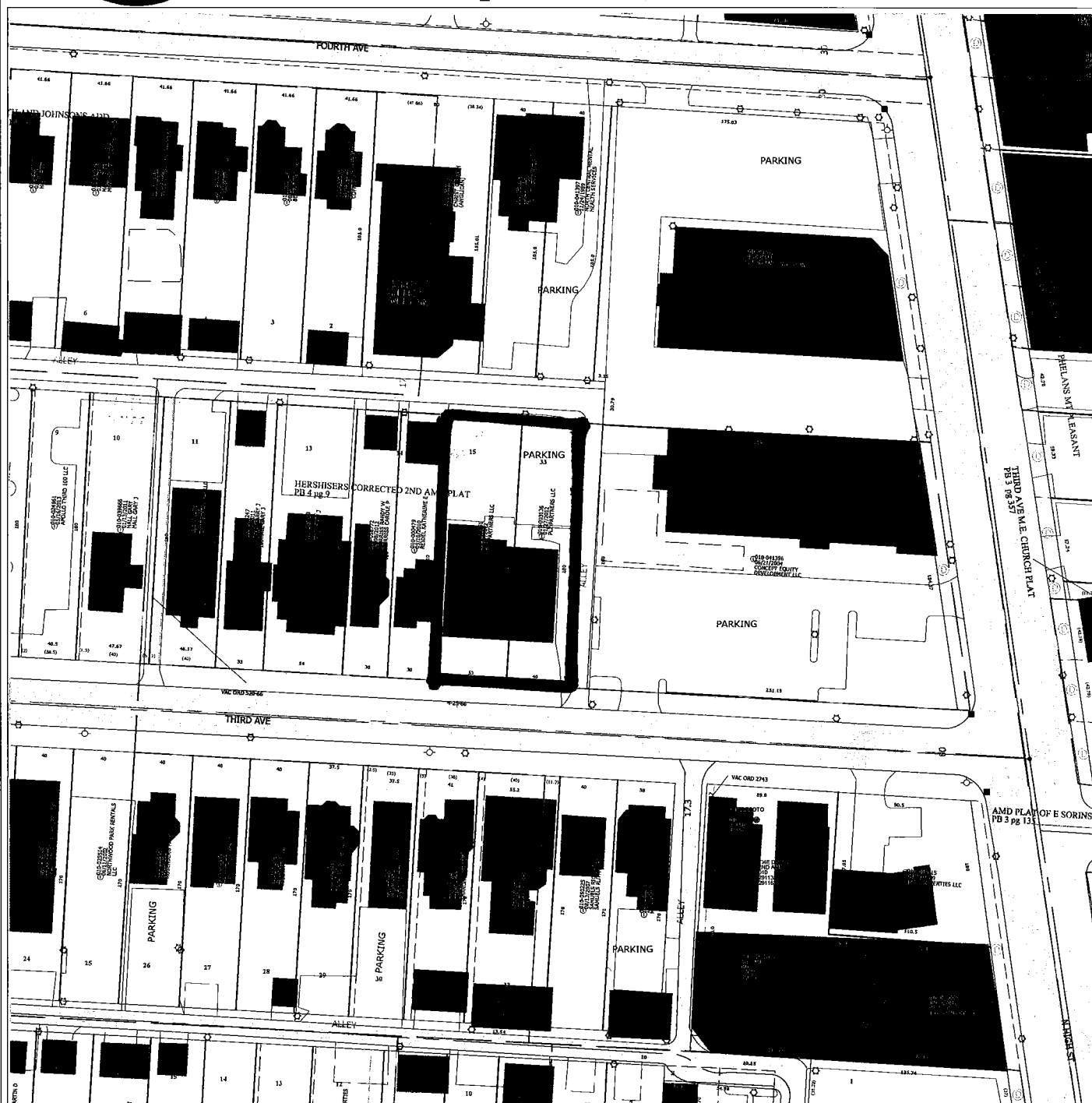
Notary Public

This instrument prepared by: Alan K. Veatch, Attorney at Law, Campbell, Hornbeck, Chilcoat & Veatch LLC, 7650 Rivers Edge Drive, Suite 100, Columbus, OH 43235 614/846-2000

Return to: Alan K. Veatch, Attorney at Law, Campbell, Hornbeck, Chilcoat & Veatch LLC, 7650 Rivers Edge Drive, Suite 100, Columbus, OH 43235

**MAP ID:** dbp

**DATE: 3/28/14**



Scale = 100

Grid  
North

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

40-42 West  
3rd Ave.

Columbus, OH

BERARDI + PARTNERS, LLC  
ARCHITECTS AND INTERIORS  
1000 N. HIGHWAY 100, SUITE 100  
COLUMBUS, OH 43260  
TEL: 614.261.1234 FAX: 614.261.1235  
WWW.BERARDI-PA.COM

# SCHEMATICS

PROJECT DATE: 10/18/13  
PROJECT #: 13044  
SHEET DATE: 10/28/13

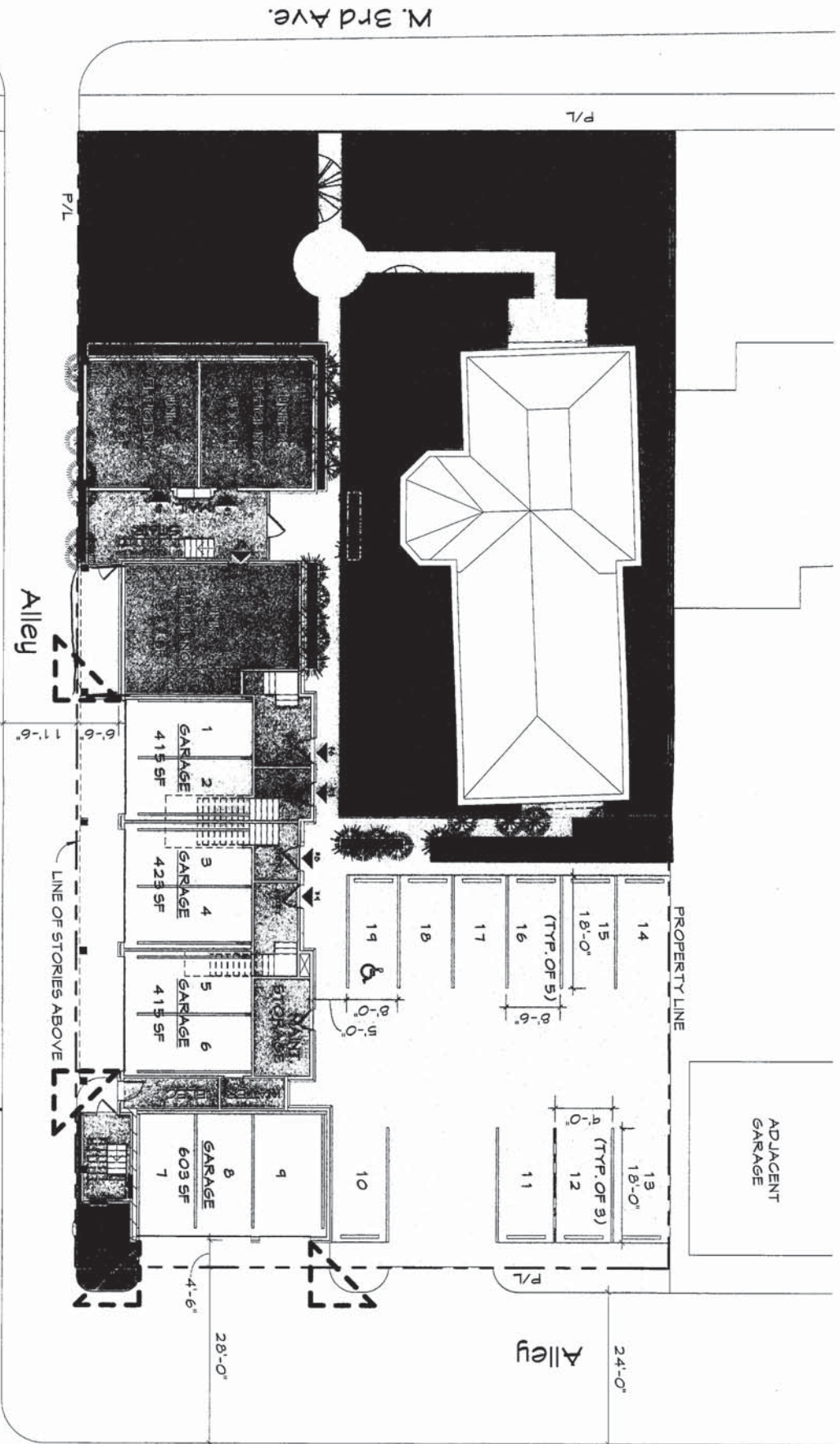
## PRELIMINARY 1ST FLOOR PLAN

A04

**berardi +**  
BERARDI + PARTNERS, LLC  
ARCHITECTS AND INTERIORS  
1000 N. HIGHWAY 100, SUITE 100  
COLUMBUS, OH 43260  
TEL: 614.261.1234 FAX: 614.261.1235  
WWW.BERARDI-PA.COM

| PARKING         |                          | UNIT SUMMARY |                       |
|-----------------|--------------------------|--------------|-----------------------|
| Parking Spaces: | 9 Assigned Garage Spaces | 1st Floor    | Efficiency Units: 3   |
|                 | 9 Standard Spaces        | 2nd          | Efficiency Units: 7   |
|                 | 1 HC                     | 3rd/4th      | 2 Story 1 BR Units: 1 |
| Total:          | 19 Parking Spaces        | Total:       | 2 Story 2 BR Units: 5 |
|                 |                          |              | 16                    |

1ST FLOOR PLAN 1/16" = 1'-0"



40-42 West  
3rd Ave.

Columbus, OH

2010.01.01  
ARCHITECT & ENGINEER  
ALL RIGHTS RESERVED

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT & ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT & ENGINEER.

# SCHEMATICS

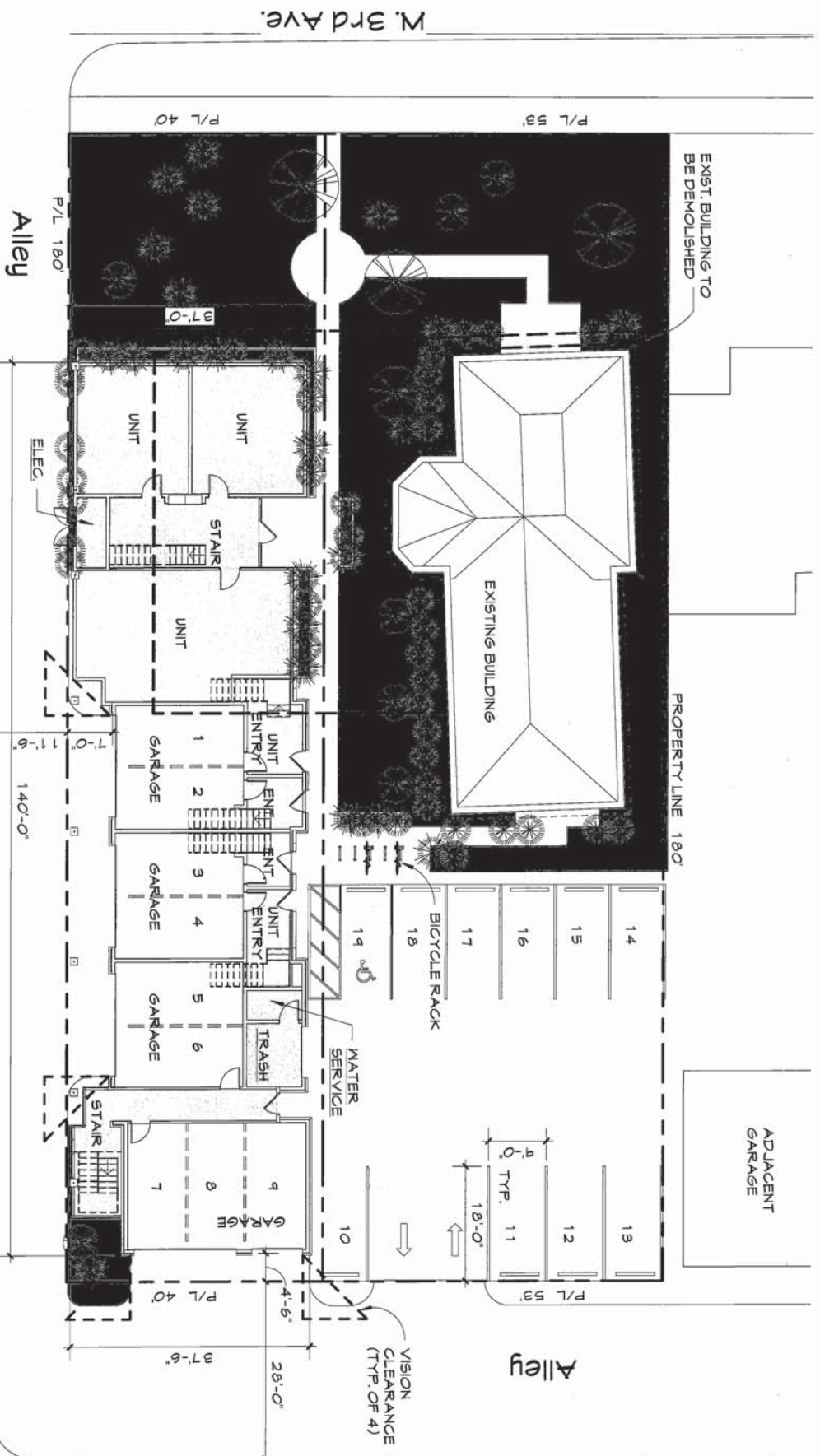
PROJECT DATE: 12/10/10  
PROJECT #: 0714  
SHEET DATE: 02/27/11

## PRELIMINARY SITE PLAN

A0.4

*berardi +*

ARCHITECT & ENGINEER  
1000 N. HIGHWAY 100, SUITE 100  
COLUMBUS, OH 43260  
614.221.1111  
www.berardi.com



PRELIMINARY SITE PLAN 1/16" = 1'-0"



**PARKING**  
Parking Spaces:  
9 Assigned Garage Spaces  
9 Standard Spaces  
1 HC  
Total:  
19 Parking Spaces



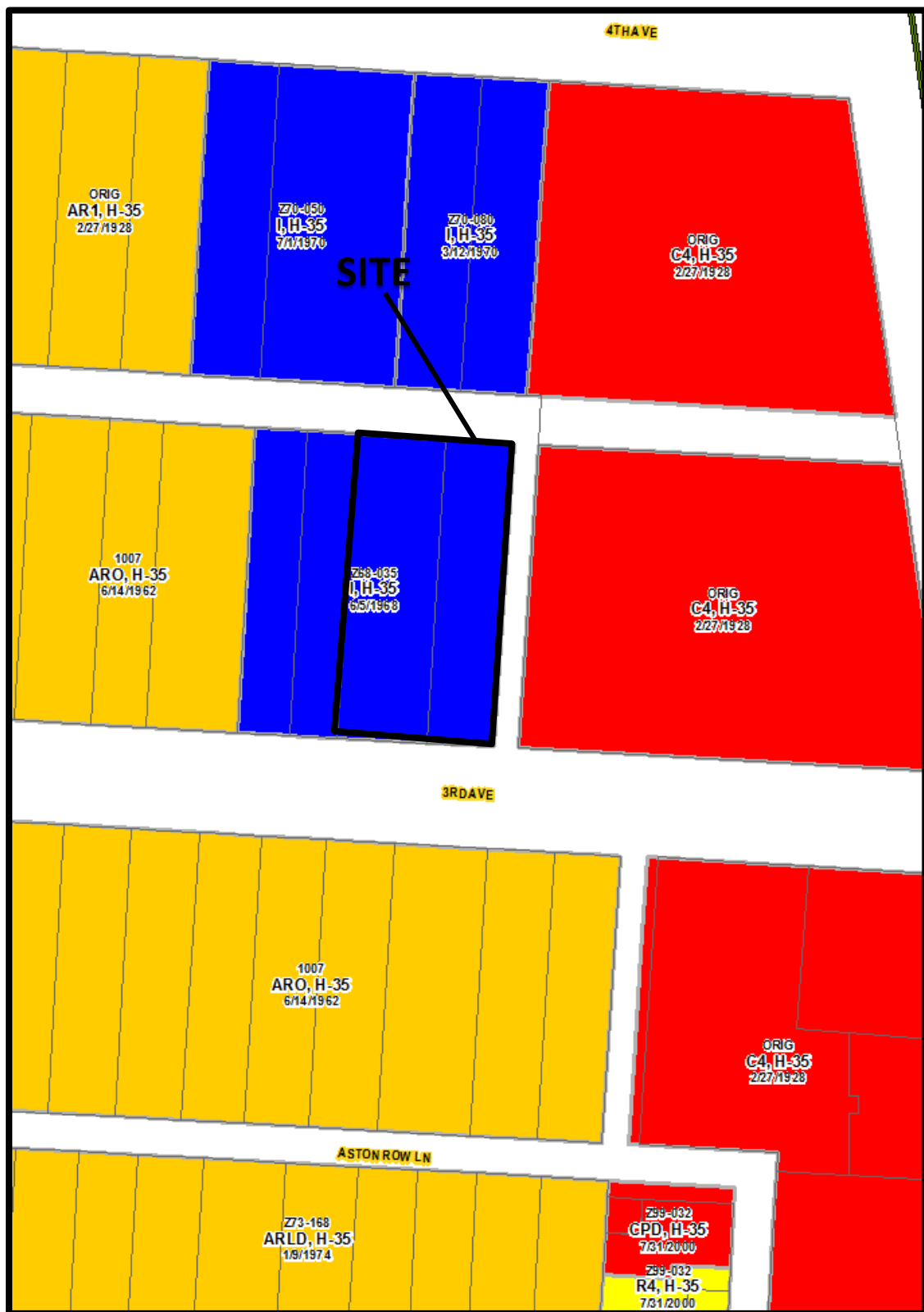


architecture + interior design + engineering

*Peracchi*







CV14-019  
40 W. 3<sup>rd</sup> Avenue  
Approximately 0.384 acres



CV14-019  
40 W. 3<sup>rd</sup> Avenue  
Approximately 0.384 acres