

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CW15-006 Date Received: 2/3/15
Application Accepted by: ET Fee: \$320
Comments: Assigned to Eliza Thrush 614-645-1341
ecthrush@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1583 N. 4th Street Zip: 43202

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: 010-034977

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

Current Zoning District(s): C-4

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request:

Proposed townhouse development

Acreage: 0.078 acres

APPLICANT:

Name: Adam L. Smith Phone Number: 614-223-8800 Ext.: _____

Address: 1228 Wyandotte Road City/State: Columbus, OH Zip: 43212

Email Address: asmith@kaynelaw.com Fax Number: 614-559-6768

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: James A. Garrett; By: Phone Number: 614-580-0434 Ext.: _____

Address: 11044 Peach Court City/State: Belle Center, OH Zip: 43310

Email Address: _____ Fax Number: _____

ATTORNEY / AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Nicholas C. Cavalaris Phone Number: 614-462-5443 Ext.: _____

Address: 65 E. State Street, #1800 City/State: Columbus, OH Zip: 43215

Email Address: ncavalaris@keglerbrown.com Fax Number: 614-464-2634

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Adam L. Smith; By: Nicholas C. Cavalaris, attorney

PROPERTY OWNER SIGNATURE James A. Garrett; By: Nicholas C. Cavalaris, attorney

ATTORNEY / AGENT SIGNATURE Nicholas C. Cavalaris, attorney

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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CV15-006

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 attached.

Signature of Applicant

Walter Culver

Date

2/3/15

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Statement of Hardship

**1583 N. 4th Street
Columbus, OH 43202**

This vacant parcel is zoned C-4, Regional Scale Commercial District, which permits residential dwelling units above various commercial uses. The applicant is seeking variances to permit ground level residential use in the C-4 District, to reduce the parking and setbacks so that the vacant lot can be developed with four 2-story townhouses. The proposed townhouses mimic existing townhouses directly adjacent to the west and the setbacks meet the guidelines of the Urban Commercial Overlay.

The property is located in an area of the University District that includes many non-conforming residential structures and uses. This proposal is lower intensity than many permitted commercial uses and will integrate well into the area. The granting of the variances will not negatively impact neighboring properties and will not negatively affect the general welfare of the community.

Requested Variances

**1583 N. 4th Street
Columbus, Ohio 43202**

1. **CCC 3356.05, C-4 Permitted Use**

To permit ground level residential use in the C-4 District.

2. **CCC 3356.11(A)(4), Setback Lines**

To reduce the building setback lines from 19' to 8' 5" along 4th Street frontage and from 10' to 9' 3 1/2" along Chittenden Avenue frontage.

3. **CCC 3312.49, Minimum Number of Parking Spaces**

To reduce the number of parking spaces for the proposed four-family development from 6 to zero.

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AFFIDAVIT (See instruction sheet)

Application Number: CV 15-006

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Nicholas C. Cavalaris

of (1) MAILING ADDRESS 65 E. State Street, #1800, Columbus, OH 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 ADDRESS CARD FOR PROPERTY 1583 N. 4th Street

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/3/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) James A. Garrett
11044 Peach Court
Belle Center, OH 43310

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

Adam L. Smith
614-223-8800

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.

(8) SIGNATURE OF AFFIANT

Nicholas C. Cavalaris

Sworn to before me and signed in my presence this 3rd day of February, in the year 2015

1-31-20

My Commission Expires



DIANE M. LAZOR
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
January 31, 2020

This Affidavit expires six (6) months after the date of notarization.

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Please make checks payable to the Columbus City Treasurer

Applicant

Adam L. Smith
1228 Wyandotte Road
Columbus, OH 43212

Property Owner

James A. Garrett
11044 Peach Court
Belle Center, OH 43310

Attorney

Nicholas C. Cavalaris
Kegler, Brown, Hill + Ritter
65 E. State Street, #1800
Columbus, OH 43215

Area Commission

University Area Commission
Attn: Susan Keeny, Zoning Chair
358 King Avenue
Columbus, OH 43201

Surrounding Property Owners**Name
Address**

University Manors
Campus Homes
72E. 14th Avenue
Columbus, OH 43201

PWP Real Estate Holdings LLC
612 Park Street, #200
Columbus, OH 43215

SIPO VIII Ltd
1228 Wyandotte Road
Columbus, OH 43212

Justin Hanas
1594 N. 4th Street
Columbus, OH 43201

Summerfield Homes LLC
562 E. Main Street
Columbus, OH 43215

**Name
Address**

250 E. Chittenden LLC
290 E. Chittenden Avenue
Columbus, OH 43201

Garrett, James A.
Bice, Bethany A.
11044 Peach Court
Belle Center, OH 43310

UML I LLC
1228 Wyandotte Road
Columbus, OH 43212

Shelby Investment Group LLC
1179 Northwest Blvd.
Columbus, OH 43212

Nicastro Properties
PO Box 6348
Columbus, OH 43206

**Name
Address**

Spruce Bough Homes LLC
88 E. Broad Street, #1800
Columbus, OH 43215

D J S Ventures LLC
803 Lanreco Blvd.
Lancaster, OH 43130

James A. Garrett
11044 Peach Court
Belle Center, OH 43310

Savita Inc.
1565 N. 4th Street
Columbus, OH 43201

City of Columbus
Real Estate Management
90 W. Broad Street, Rm. 425
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 # CV 15-004

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Nicholas C. Cavalaris
of (COMPLETE ADDRESS) 65 E. State Street, #1800, Columbus, OH 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. Adam L. Smith 1228 Wyandotte Road Columbus, OH 43212 614-223-8800	2.
3.	4.

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

SIGNATURE OF AFFIANT *Nicholas C. Cavalaris*

Sworn to before me and signed in my presence this 3rd day of February, in the year 2015

Diane M. Lazor
SIGNATURE OF NOTARY PUBLIC

1-31-20
My Commission Expires

Notary Seal Here



DIANE M. LAZOR
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires

January 31, 2020 This Project Disclosure expires six (6) months after the date of notarization.

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CV 15-000

PROPERTY DESCRIPTION

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

Being Lot Number Sixty-one (61) of Dennison Summit Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 6, Page 15A, Franklin County, Ohio Recorder's Office, EXCEPT Seventy-three (73) fee off the west end; together with easement for water, gas and sewer lines as described in Deed Book 591, Page 447 and Deed Book 1945, Page 399.

Commonly known as: 1583 N. Fourth Street, Columbus, Ohio 43202

Parcel No. 010-034977



City of Columbus Zoning Plat



CV15-000

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: 010034977

Zoning Number: 1583

Street Name: N 4TH ST

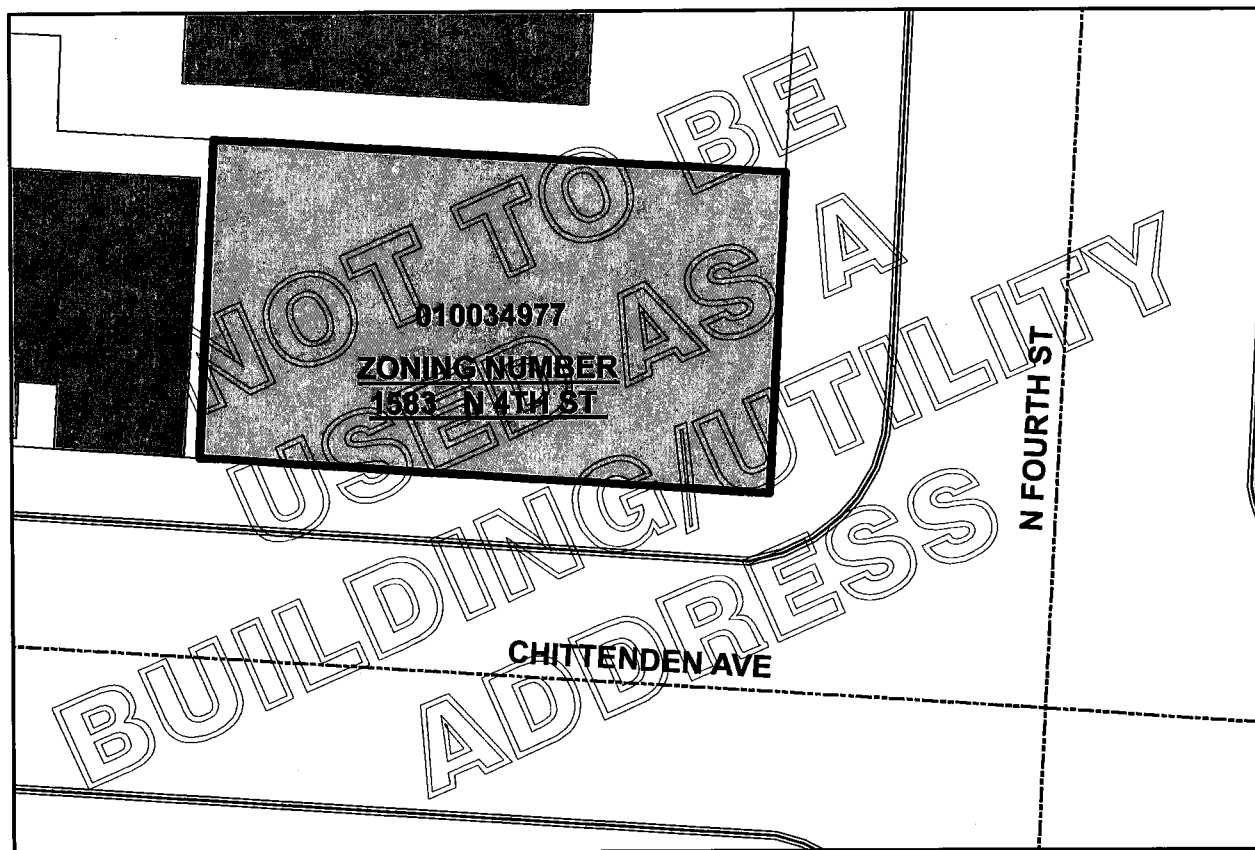
Lot Number :61

Subdivision: DENNISON SUMMIT

Requested By: KEGLER, BROWN, HILL & RITTER (NICHOLAS CAVALARIS)

Issued By: *Nicholas Cavalaris*

Date: 1/29/2015



SCALE: 1 inch = 25 feet



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

GIS FILE NUMBER: 26342

MAP ID: S

DATE: 1/29/15



Scale = 60



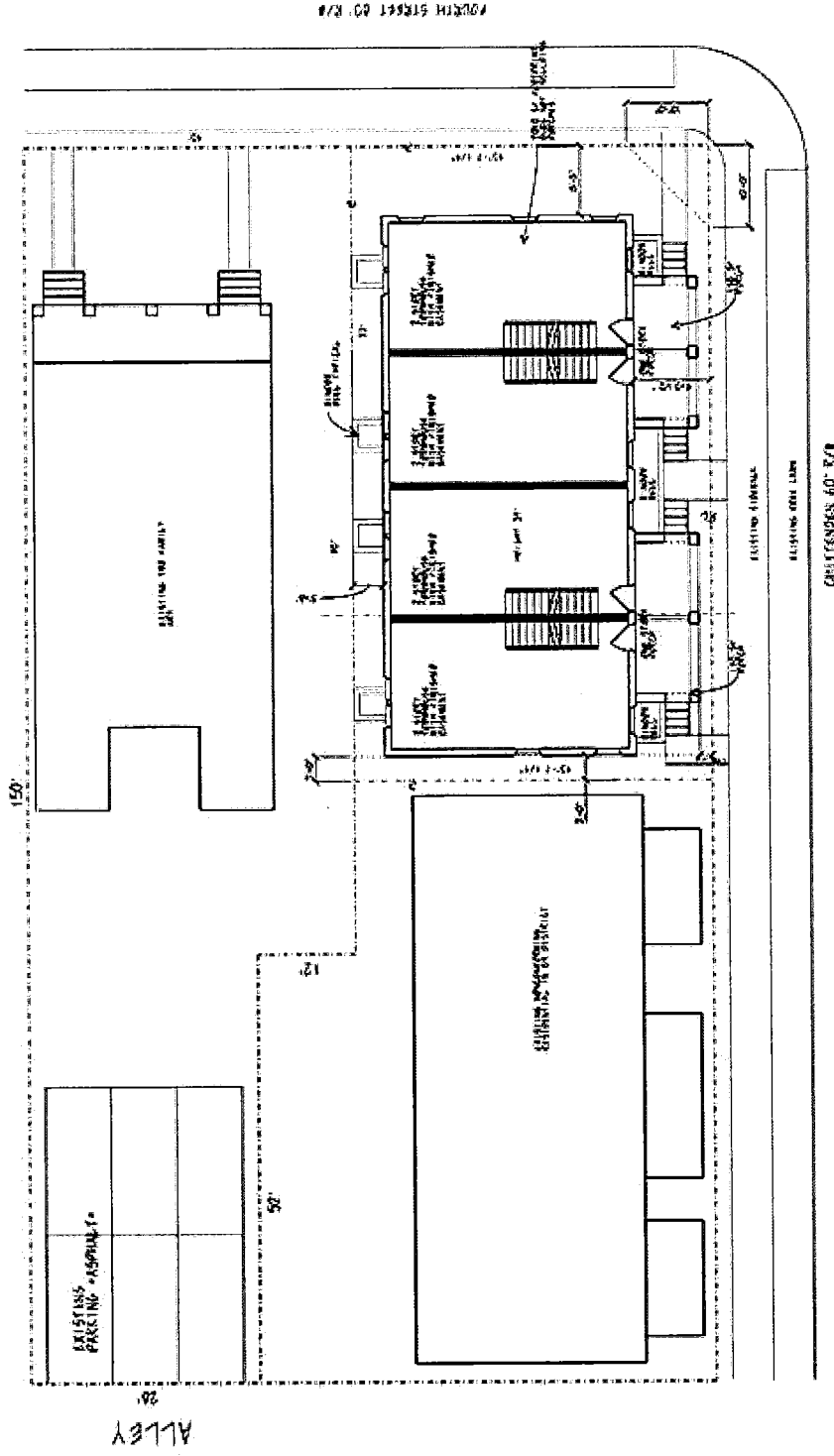
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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

CUI5-006

PARCEL 010-034977
 ZONED C4 H35
 UNIVERSITY AREA COMMISSION
 UNIVERSITY/IMPACT/FAR1
 LOT AREA 3357.2

JULIET BULLOCK ARCHITECTS
 1182 WYANDOTTE RD.
 COLUMBUS OH 43212
 614-935-0944



PROPOSED
 SITE PLAN
 SCALE: 1" = 10'

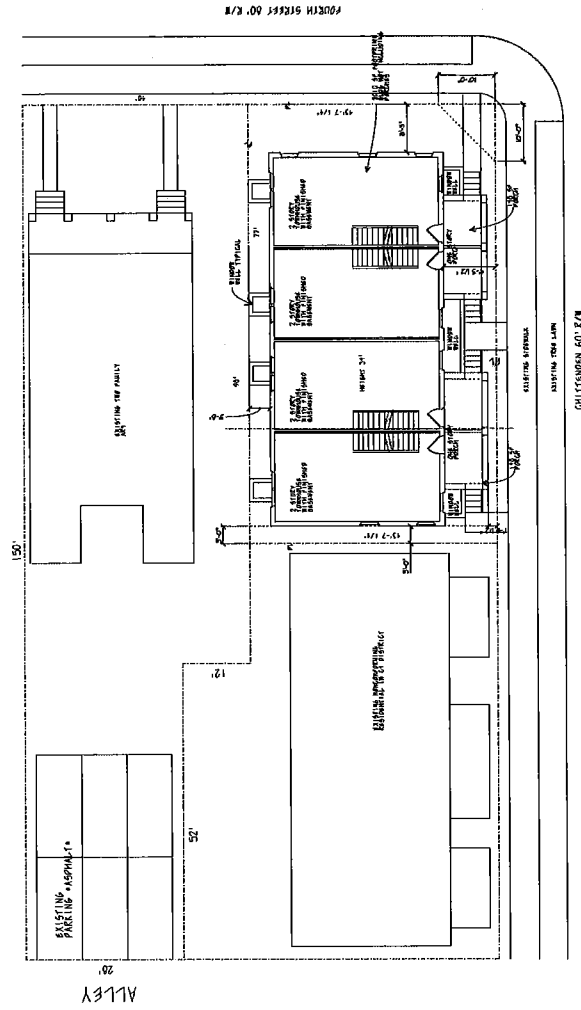
1/24/2015
 NORTHWEST CORNER
 OF CHITTENDEN AND
 FOURTH
 COLUMBUS OHIO

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-885-5944

PARCEL 010-034977
ZONED C4 H35
UNIVERSITY AREA COMMISSION
UNIVERSITY/IMPACT/FAR1
LOT AREA 3357.2

CU15-006

1/24/2015
NORTHWEST CORNER
OF CHITTENDEN AND
FOURTH
COLUMBUS OHIO



PROPOSED
SITE PLAN
SCALE: 1" = 10'



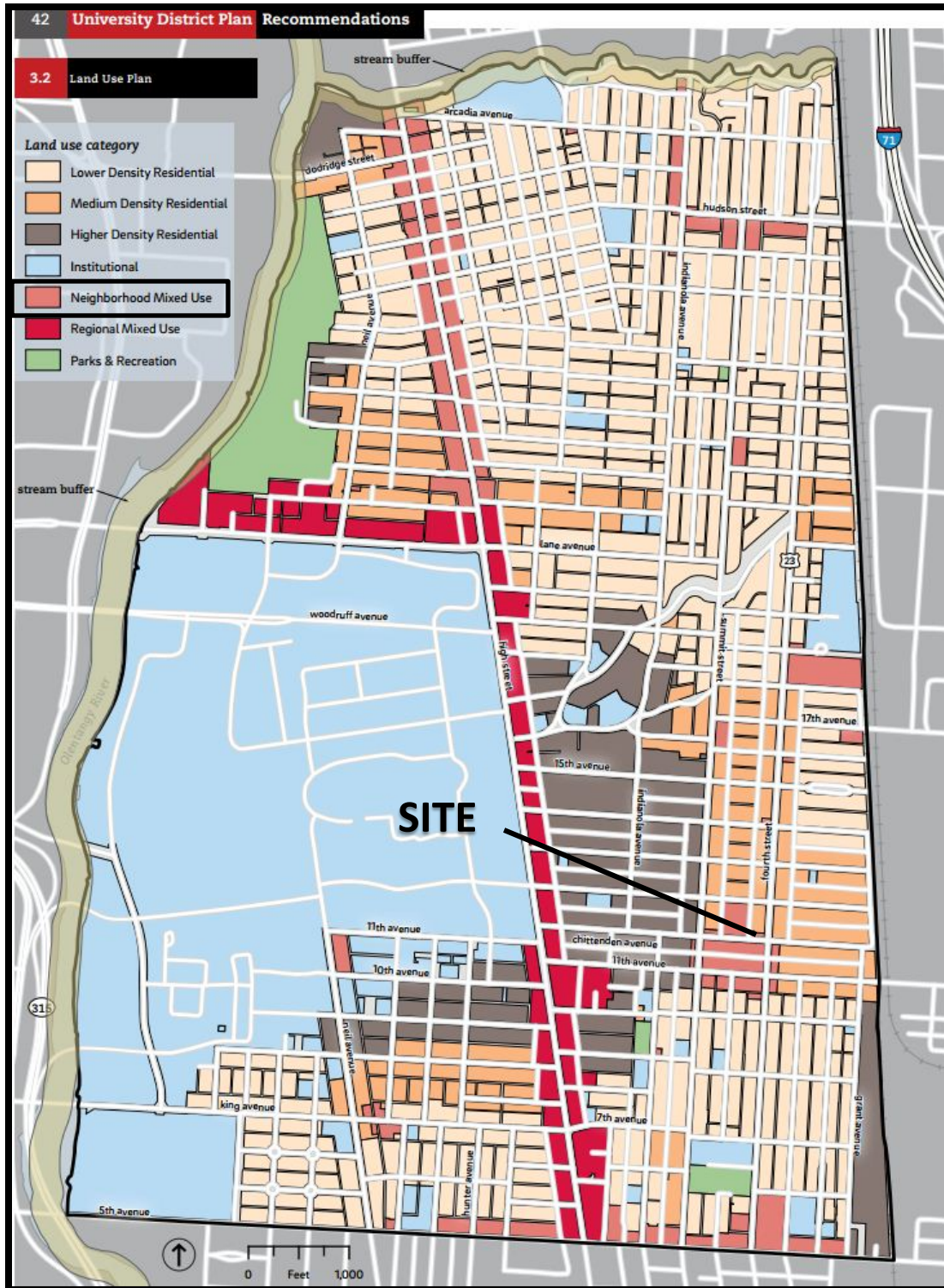
VICINITY
PLAN



CV15-006
1583 North 4th Street
Approximately 0.08 acres



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1583 North 4th Street
Approximately 0.08 acres



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1583 North 4th Street
Approximately 0.08 acres