

## 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: CV12-060A (CV15-023) Date Received: 4/10/15  
Application Accepted by: S. Pine Fee: \$1760  
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 732 N. Fourth Street, Columbus, OH Zip: 43201

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: 010-293338, 010-293339

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

Current Zoning District(s): M / CV12-060 (Ordinance 1819-2013, passed 7/22/13)

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:

See Exhibit B

Acreage: 1.506

### APPLICANT: Jeffrey New Day Community Center LLC

Name: c/o Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.: -----

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

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Jeffrey New Day Community Center LLC Phone Number: (614) 947-8600 Ext.: -----

c/o Donald Plank, Plank Law Firm

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

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

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

Name: Donald Plank, Plank Law Firm Phone Number: (614) 947-8600 Ext.: -----

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

Email Address: dplank@planklaw.com Fax Number: (614) 947-8600

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

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

ATTORNEY / AGENT SIGNATURE Donald Plank

*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**

## Council Variance Application

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CW12-060A

### 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

*4/9/15*

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## **Exhibit B**

### **Statement of Hardship**

#### **CV12-060A (Amendment)**

**732 N Fourth Street, Columbus, OH 43201**

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Ordinance 1819-2013 (CV12-060), passed 7-22-2013, granted variances for development of Jeffrey Park. Site A, identified in Ordinance 1819-2013 and on the Jeffrey Park Concept Plan, dated July 2, 2013, as referenced in the ordinance, consists of the Jeffrey Park Community Center and 13 townhouses. Site A is located at the northwest corner of Jeffrey Place and is bounded by N. Fourth Street, E. First Street, N. 6<sup>th</sup> Street and Auden Avenue. Site A is subject to a data table referencing permitted square feet of itemized uses and applicable code required and reduced parking for Site A. The Site A data table was the best estimate of uses and area of uses when the 2013 variance was being prepared. It is now necessary to adjust the permitted square feet of the itemized uses, as proposed by this amendment. See the attached data table, "Jeffrey Park Site A: Community Center, Commercial and Residential", dated April 9, 2015 for the updated breakdown of area and calculated parking. Actual parking on Site A, 65 parking spaces, remains unchanged. This amendment applies only to Site A and specifically to the Jeffrey Park Community Center.

04/09/15

## Council Variance Application

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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 # CV12-060A

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  
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. Jeffrey New Day Community Center LLC 575 W. 1st Avenue, Suite 100 Columbus, OH 43215 # Columbus based employees: 0 Contact: Mark Wagenbrenner (614) 545-3672	2. Jeffrey New Day Apartments LLC 575 W. 1st Avenue, Suite 100 Columbus, OH 43215 # Columbus based employees: 0 Contact: Mark Wagenbrenner (614) 545-3672
3.	4.

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

SIGNATURE OF AFFIANT

*Donald Plank*

Sworn to before me and signed in my presence this 9th day of APRIL, in the year 2015

*Barbara A. Painter*  
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015  
My Commission Expires

Notary Seal Here



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

**This Project Disclosure expires six (6) months after the date of notarization.**

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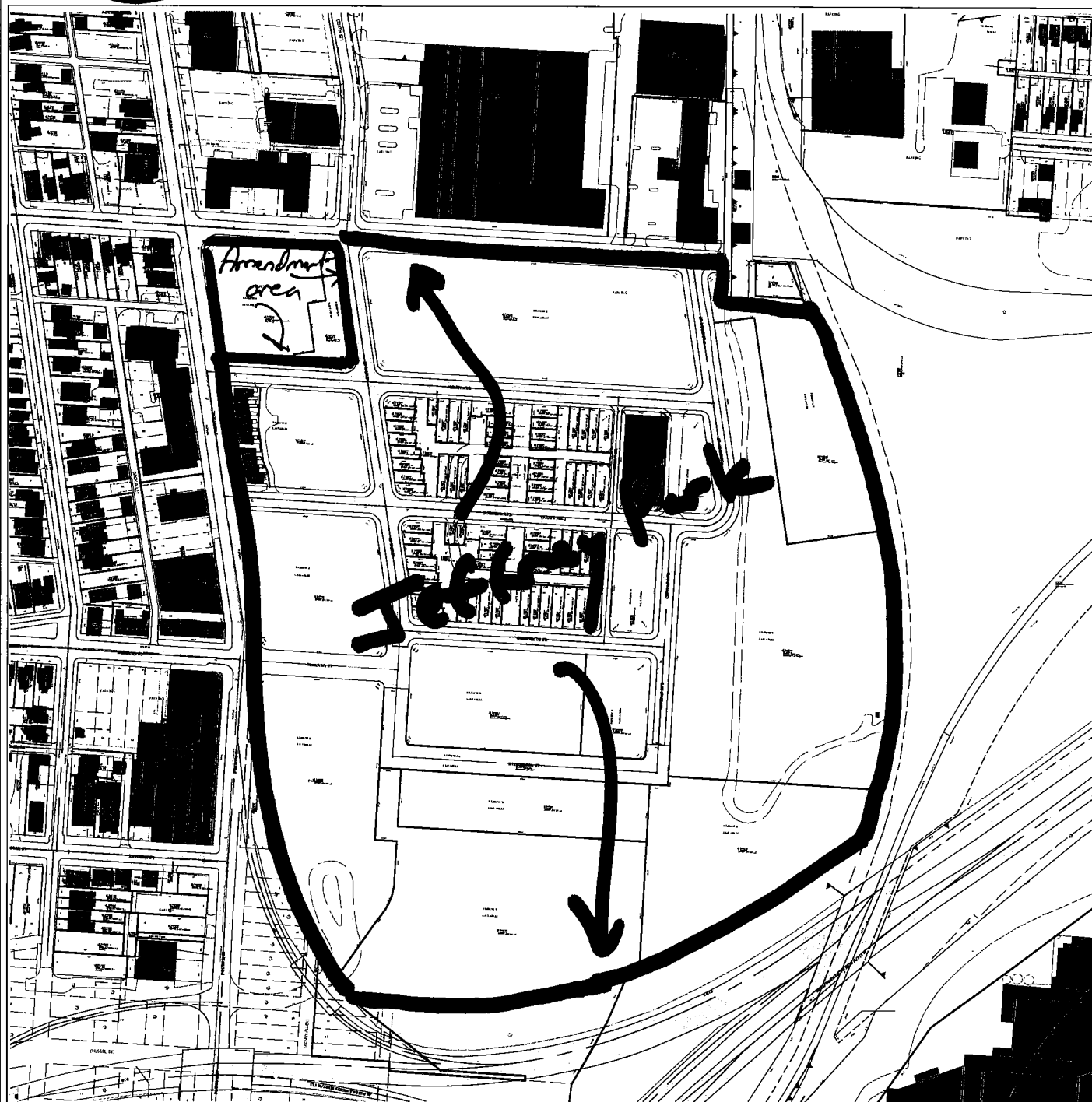
CW12-060A



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 3/27/15



Disclaimer

Scale = 300



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



CV12-060 A  
Proposed Breakdown

**Jeffrey Park Site A: Community Center, Commercial and Residential**

Use	Area (sq. ft.), +/-	Code Parking	UCO Reduction(1)	Required Parking
Leasing Office	1,243	0, accessory use	N/A	0
Clubhouse/community meeting area	1,217	0, accessory use	N/A	0
Recreational Area (Pool and Deck)	8,229	0, accessory use	N/A	0
Community area, stairs, mechanical equipment	3,870	0, accessory use	N/A	0
Restaurant (2)	4,745	64 (1:75 sq. ft.)	25%	48
Patio/Outdoor Dining Area (2)	1,483	10 (1:150 sq. ft.)	25%	8
Fitness Club	13,722	55 (1:250 sq. ft.)	25%	42
General Office	9,806	22 (1:450 sq. ft.)	25%	17 spaces
Residential (13 DU) (3)	N/A	2/DU (3)	N/A	26 (4)
TOTAL REQUIRED				141
TOTAL PROVIDED				65

- (1) Italian Village Urban Commercial Overlay.  
 (2) Restaurant, patio/outdoor dining area for Jeffrey Park residents and also non-residents.  
 (3) Dwelling units may be townhouse for sale units on individual lots or 13 multi-family units. Parking calculated at single family rate (townhouse for sale) of two (2) spaces/DU, otherwise 1.5 spaces/DU.  
 (4) Code required parking at 2/DU for SF, no UCO reduction. One (1) space per DU to be required.

Breakdown Approved  
by CIV2-060

# Jeffrey Park Site A: Community Center, Commercial and Residential

Use	Area (sq. ft.), +/-	Code Parking	UCO Reduction(1)	Required Parking
Leasing Office	2,576	0, accessory use	N/A	0
Clubhouse	1,700	0, accessory use	N/A	0
Recreational Area (Pool and Deck)	7,800	0, accessory use	N/A	0
Restaurant (2)	2,756	37 (1.75 sq. ft.)	25%	28
Patio/Outdoor Dining Area (2)	840	6 (1.150 sq. ft.)	25%	5
Fitness Club	13,440	54 (1.250 sq. ft.)	25%	41
General Office	6,400	19 (1.450 sq. ft.)	25%	15 spaces
Residential (13 DU) (3)	N/A	2/DU (3)	N/A	26 (4)
TOTAL REQUIRED				115 (4)
TOTAL PROVIDED				65

(1) Italian Village Urban Commercial Overlay

(2) Restaurant, patio/outdoor dining area for Jeffrey Park residents and also non-residents.

(3) Dwelling units may be townhouse for sale units on individual lots or 13 multi-family units. Parking calculated at single family rate (townhouse for sale) of two (2) spaces/DU, otherwise 1.5 spaces/DU.

(4) Code required parking at 2/DU for SF, no UCO reduction. One (1) space per DU to be required.



## **Conditions – ORD. -2015 (CV12-060A)** **(04/12/2015)**

### **A. PERMITTED USES:**

1. Permitted uses shall be all uses of Chapter 3332, Residential Districts, Chapter 3333, Apartment Residential Districts and Chapter 3356, Regional Scale Commercial District, Section 3356.03, C-4, Permitted Uses, except the following:

animal boarding, which shall not be interpreted to exclude short-term animal boarding associated with and accessory to a veterinarian practice, subject to there being no outside animal runs  
arcade (unless the arcade is accessory to a permitted use)  
automobile/truck sales, new or used, leasing, repair and/or maintenance  
billboards  
drive-in theater  
funeral home  
night club  
off-premise graphics, except for off-premise graphics which are approved as part of a graphics plan or Special Permit by the Graphics Commission

2. Any communication, telecommunications, fiber optic, wire or wireless signal receiving and/or transmitting facility (s), manned or unmanned, that may be classified as a use of the M, Manufacturing District by virtue of size, method of sales or distribution or other operating characteristics, including storage and other incidental and related operating characteristics, except no Monopole Telecommunication Antenna shall be permitted.

### **B. C-5. COMMERCIAL DISTRICT USES:**

While the uses of the C-5, Commercial District are not permitted by the permitted uses section (A. Permitted Uses), applicant wishes to further state that no use of the C-5, Commercial District is permitted.

### **C. PROHIBITED ACCESSORY USE:**

No permitted use shall include any pick-up window, drive-thru lane or other design element intended or designed to provide services or products to customers in a motor vehicle.

**D. DEVELOPMENT STANDARDS:** Except as specified in Section 3 of this ordinance, the applicable development standards shall be as specified in the C-4, Commercial District.

#### **1. Density, Height, Lot and/or Setback Commitments.**

a. Building Height: Permitted building height shall be ninety (90) feet, with additional height calculated in accordance with Section 3309.142, Columbus Zoning Code.

#### **b. Building Setback**

1. Other than where the Italian Village Urban Commercial Overlay (UCO) is applicable, the building setback from all public streets shall be a minimum of five (5) feet for residential use buildings, except as permitted on the non-fronting street of a corner lot developed with a detached single family dwelling (See Section 7. Residential Yard and Area Requirements) and zero (0) feet for commercial and mixed use buildings and a maximum of fifteen (15) feet.

2. Where pedestrian plazas or public or private open space are proposed, the maximum building setback established in b.1 shall not apply, to permit the creation of plaza and open space areas. Private open space shall include areas for outside seating associated with a restaurant.

**c. Parking Setback:**

1. Other than where the Italian Village Urban Commercial Overlay (UCO) is applicable, the minimum parking and pavement setback shall be five (5) feet from all public streets. Driveways shall be designed to cross the parking setback as directly as possible to minimize pavement in the parking setback.

2. There shall be no required pavement setback from property lines other than public streets.

3. All parking lots shall be located to the side or rear of a building and, if located to the side, shall not be in advance of the front wall of any adjacent building(s) on either side of the parking lot existing at the time of construction of the parking lot, except, all parking for uses/buildings fronting North Fourth Street and East First Avenue shall be located to the rear of the primary rear wall of the building on the parcel. The primary rear wall shall be that wall which principally and primarily provides closure to the building envelope. There shall be no parking located to the side of any building or in advance of the primary rear wall of any building that fronts on North Fourth Street or East First Avenue.

**2. Access, Loading, Parking and/or other Traffic Related Commitments.**

a. The plan titled, "Jeffrey Park Concept Plan," dated April 9, 2015, is illustrative of development areas and existing and proposed public streets. The final design and location of all vehicular access points are subject to the approval of Division of Planning and Operations/Public Service Department.

b. There shall be no required loading spaces, as identified in Section 3312.51, Loading Space, and 3312.53, Minimum Number of Loading Spaces Required. To the extent that future loading areas are proposed, their design, location, and maneuvering area (which may include maneuvering off-site and in a public right of way), shall be as specified by the City of Columbus Division of Planning and Operations/Public Service Department, with approval of maneuvering off-site and in the public right of way also requiring the approval of the Italian Village Commission. No maneuvering shall be permitted in the North Fourth Street or East First Avenue right of way.

**c. Parking:**

1. To provide the most efficient design and layout of parking lots serving multiple buildings and thereby minimizing unnecessary paving to meet code requirements for each driveway, aisle, parking space, number of code required spaces and each parcel to independently meet all design criteria and number of parking spaces within each parcel, parking lots may be designed without regard to property lines internal to the parking lot. Property lines may divide aisles, driveways or parking spaces, as well as loading areas. Overall driveway, aisle and parking space dimensions shall meet minimum code requirements. Easements shall be provided as applicable to insure the function and maintenance of driveways, aisles, parking spaces and loading areas.

2. For purposes of calculating code required parking, all on-site code required parking is reduced by 50% of code required parking, except a minimum of one (1) parking space shall be provided for each dwelling unit, and except as itemized for Site A on the "Jeffrey Park Concept Plan". Additional parking shall be provided off-site of individual uses through the design and use of on-street parking and/or parking structures.

d. Traffic Impact Study (TIS). Prior to a Site Compliance Plan or a final plat approval for an area that would permit a cumulative total of more than nine (9) +/- acres, as depicted on the Concept Plan, noted as Phase 1, and being Site A, Site B, Site C and Site D, the developer shall provide a Traffic Impact Study to the City of Columbus, Department of Public Service. This traffic impact study shall include the intersections of E. First Ave. & N. Fourth St., E. First Ave. & Summit St., Warren St. & N. Fourth St. and Warren St. & Summit St. Upon review and approval of this study by the Department of Public Service, any improvements determined to the responsibility of the developer shall be constructed by the developer. Parcels 010-280394 and 010-

280403 are not owned by applicant at this time and shall not be counted as part of the nine (9) +/- acre development limitation pending an approved TIS if the owners of these two (2) parcels elect to proceed with development prior to there being an approved TIS, nor will the development of either or both of these parcels reduce the permitted development of the nine (9) acres (+/-) of development area represented by Site A, Site B, Site C and Site D.

e. The developer shall be responsible for completing any unfinished portions from the original plans to construct Auden Ave., Neruda Ave., Cornelius St., N. Sixth St., Civitas Ave, Waldron St. and Warren St., as approved by the Department of Public Service. This work shall be completed in conjunction with a site compliance plan or final plat approval that would approve development to occur on both sides of any of the streets listed above.

f. A minimum of one (1) parking space per dwelling unit shall be provided on the parcel of each residential use. For the area bounded by E. First Ave., Waldron St., Auden Ave., and N. Sixth St. (currently parcel 010-280393 and noted as Site B on the Concept Plan), the number of required parking spaces may be satisfied by off-site private parking areas within 350 feet of this property, within the area noted as Temporary Off-site Parking Lot for Site B. The Temporary Off-site Parking Lot for Site B shall be considered accessory parking for Site B and, within three (3) years from the date of approval of a Site Compliance Plan for the temporary accessory parking lot shall be improved in compliance with parking lot development standards for a surface parking lot or a parking structure shall be developed, which shall contain a minimum number of spaces to equal the difference in parking required for the number of dwelling units on Site B, less parking provided on Site B, calculated at one (1) space/dwelling unit.

g. Prior to approval of a final Site Compliance Plan or final plat for any property south of a line established by extending the north right of way line of East Lincoln Avenue east through the site, applicant shall meet with applicable staff of the City of Columbus, Department of Public Service, to determine the status of a road project to relocate the existing westbound exit ramp from I-670 to North Fourth Street. If the City of Columbus has specifically programmed funds for this road project, developer shall work with the City of Columbus to facilitate the road project by not proceeding with construction within the area south of the extended north right of way line of East Lincoln Avenue.

### **3. Buffering, Landscaping, Open Space and/or Screening Commitments.**

a. A street tree row shall be established along all public streets. The street tree row shall contain a minimum of one (1) tree for every 40 feet of lineal frontage. Said trees are subject to the approval of the City Forester. The trees shall be approximately evenly spaced, shall be planted within the street right of way, with applicable City of Columbus approval, or within the parking setback if not approved in the right of way, and shall be planted as close as possible to a uniform setback.

b. All on-site loading areas, if provided, shall be screened from view from public streets, as viewed at the property line of the right of way line of an abutting public street to a minimum height of six (6) feet by either landscaping, fencing, walls or buildings used individually or in combination. There shall be no loading area screening requirement applicable to any portion of I-670 or any elevated portion of the I-670/North Fourth Street Ramp.

### **4. Building Design and/or Interior-Exterior Treatment Commitments.**

All exterior design and materials subject to approval of the Italian Village Commission.

### **5. Dumpsters, Lighting, Outdoor Display Areas and/or Other Environmental Commitments.**

a. All new or relocated utility lines shall be installed underground, unless underground location or relocation is

not permitted by the applicable public utility.

b. Globe style fixtures and/or comparable lighting fixtures approved by the Italian Village Commission shall be permitted.

#### **6. Graphics and Signage Commitments.**

All graphics shall conform to Article 15 of the Columbus City Code, as it applies to the C-4, Commercial District. Any variance to the applicable requirements of the C-4 district shall be submitted to the Columbus Graphics Commission.

#### **7. Residential Yard and Area Requirements.**

The following yard and area standards shall apply only to sites developed exclusively with residential uses. All standards are minimum standards.

##### **a. Yard and Area Standards:**

	Lot Area (sq. ft.)	Lot Width (feet)	Side yard, Minimum (feet)	Total side yard (feet)
Single Unit (detached)				
Corner Lot (1) (2)	735	21'	2', along non-fronting street (3)	5'
Interior Lot	735	21'	3'	6'
Two Unit	2,000	40'	3'	6'
Multiple ( $\geq 2$ ) Fee Simple Attached Units with common party wall on property line	800	20'/lot	0' (minimum and total)	3' per lot on end units
Multi-unit (3 or 4 dwelling units with single building on separate lot)	1,000/DU	40'	3'	6'
Multi-unit (5 or more dwelling units with separate buildings on separate lot)	500/dwelling unit	50'	3'	6'
Multi-unit (multiple buildings on same parcel)	500/dwelling unit	50'	3' (Total of 6' between buildings)	6'

(1) Corner Lot means a lot located at the intersection of two (2) public streets.

(2) "Lot" and "Parcel" are used interchangeably.

(3) "Non-fronting" street for single family dwelling on a corner lot shall mean the street that the dwelling is not addressed on.

##### **b. Rear Yard:**

1. Single residential building on separate parcel – 10% of lot area behind any rear-facing plane of the building, provided a detached garage may occupy up to 60% of the rear yard.

2. Attached single family and/or multiple ( $\geq 2$ ) Fee Simple Attached Units with common party wall shall have no (0) required rear yard.

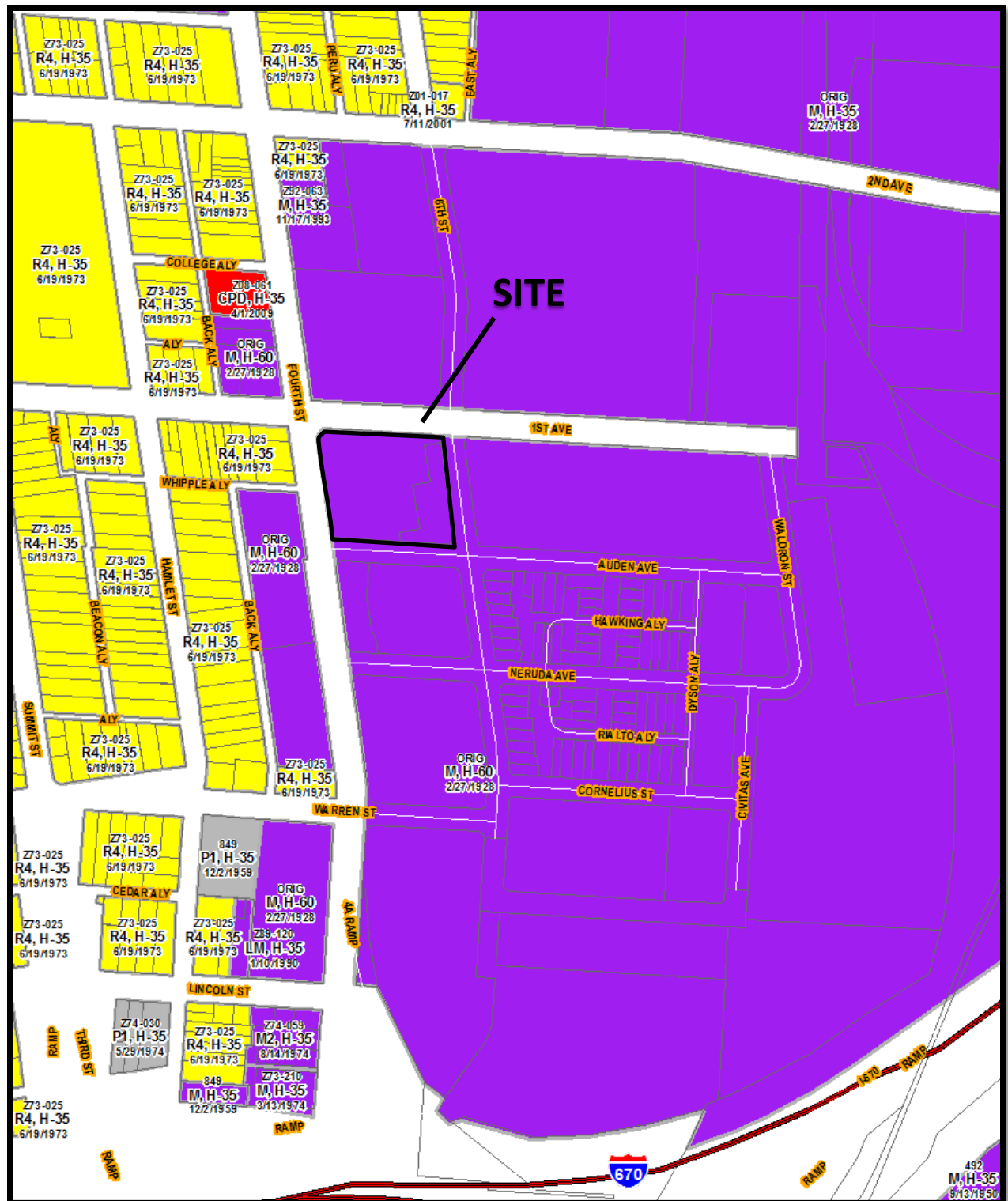
3. Multiple buildings on same parcel – no rear yard or perimeter yard.

c. Lot Coverage: There shall be no (0) maximum lot coverage (building footprint).

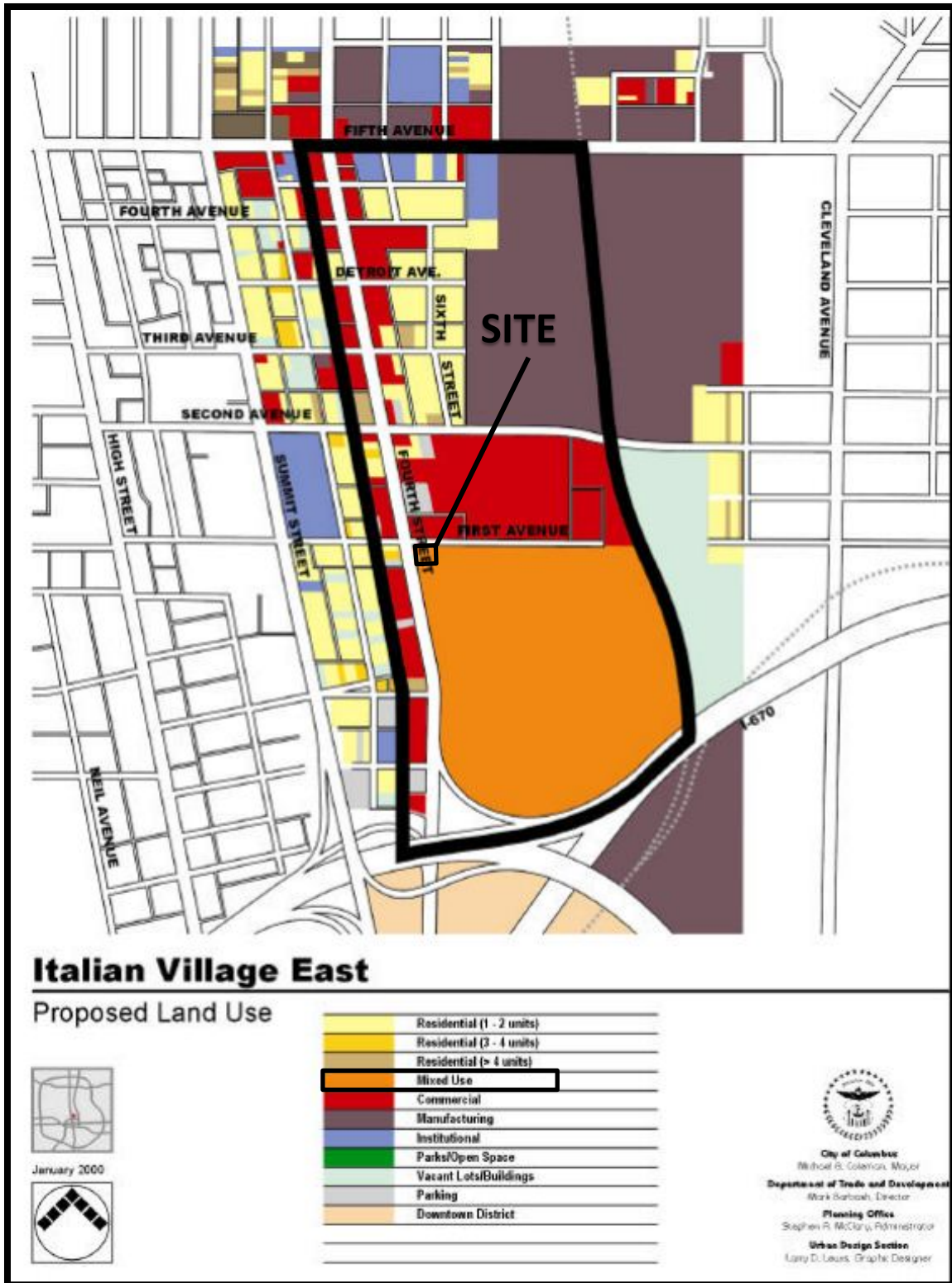
## **8.Miscellaneous.**

The potential exists for conflicts between the Italian Village Urban Commercial Overlay (UCO) standards, standards established in this ordinance and the site and architectural review authority of the Italian Village Commission (IVC). If there is a conflict between this ordinance, underlying Zoning Code standards and/or the standards of the UCO, approval of and by the IVC shall take precedence for plan approval. No separate variance, either to change this ordinance or to the Board of Zoning Adjustment, shall be required. The Italian Village Commission specifically does not have the authority to change required parking, as established by this ordinance, or any requirement of Section D.2.d, e, f, or g, inclusive, or to permit signs (graphics) not in compliance with the Graphics Code.

04/12/15



CV12-060A  
 732 North Fourth Street  
 Approximately 1.51 acres



CV12-060A  
 732 North Fourth Street  
 Approximately 1.51 acres  
*Italian Village East Redevelopment Plan (2000)*





CV12-060A  
732 North Fourth Street  
Approximately 1.51 acres