

# 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: CV15-045 Date Received: 7/24/15  
Application Accepted by: SP+ET Fee: \$1600  
Comments: Assigned to Shannon Pine 614-2208  
spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 34 W. 9th Avenue 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: 010-012756, 010-021983

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

Current Zoning District(s): AR-4

Area Commission or Civic Association: University Area Commission

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

Acreage: 0.32 +/- acres (13,883 +/- sf)

### APPLICANT:

Name: Garland Properties, Ltd. c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

Address: Plank Law Firm, 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: Garland Properties, Ltd. c/o Donald Plank Phone Number: (614) 947-8600 Ext.: -----

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

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

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

**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**

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CV 15-045

## 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:**

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See Exhibit B

Signature of Applicant

*Donald Plank*

Date

*7/10/15*

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## Exhibit B

### Statement of Hardship

CV15-045, 34 West 9th Avenue

The site is zoned AR-4, Apartment Residential, presently consists of two (2) tax parcels (010-021983, 010-012756) and is 13,883 +/- SF (0.319 +/- acres). One existing building on the site will be razed for the proposed new construction. Applicant proposes to develop the site with a three (3) story building for eight (8) dwelling units and 3,200 SF of general office. The site is within the University Impact District, and is therefore subject to review by the University Area Review Board (UARB) and is regulated by the AR-4 district and applicable provision of the University Planning Overlay (UPO).

Applicant requests the following variances:

1. Section 3333.035, AR-4, Apartment Residential District Use, to permit 3,200 SF of general office use for a property management company.
2. Section 3372.562(A)(B), Landscaped Area and Treatment
  - (A). Minimum of 5% (694 SF) of lot area (13,883 SF) to be landscaped and located behind most rear portion of building, 84 SF (0.60%) lot area located behind (north) most rear portion of building.
  - (B). One shade tree per 10 parks to be planted in rear yard. 33 parking spaces provided. 4 shade trees required in rear yard. Zero (0) provided.
- 3) Section 3372.563, Maximum Lot Coverage, to increase permitted lot coverage from 30% to 56%.
- 4) Section 3372.564(A), Parking, to increase permitted parking as a percent of lot area from 35% to 58%.
- 5) Section 3372.565, Building Lines to decrease the calculated average setback from 18.5' (adjacent buildings east and west) to 4'.
- 6) Section 3372.566(C), Building Separation and Size, to increase the maximum calculated floor area from 10,200 SF to 14,630 SF.
- 7) Section 3372.567, Maximum Floor Area, to increase permitted floor area ratio from 0.60 to 0.83 (apartments) and 1.06 (total building area: apartments and office).
- 8) Section 3372.568, Height, to permit 35' height to exceed the default permitted height (17 – 23 feet).
- 9) Section 3333.22, Maximum Side Yard Required, to reduce maximum side yard (16') to 10 feet with two (2) side yards of five (5) feet each.

07/10/2015

# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

**AFFIDAVIT** (See instruction sheet)

Application Number: CV15-045

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

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 34 W. 9th Avenue

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 7/24/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Garland Properties, Ltd.  
c/o Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

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

Garland Properties, Ltd.  
c/o Donald Plank (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.

(8) SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 10th day of JULY, in the year 2015

Barbara A. Painter  
(8) SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020  
My Commission Expires

Notary Seal Here

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

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**EXHIBIT A, Public Notice**  
**34 W 9<sup>th</sup> Avenue**  
**CV15- 045**  
**July 9, 2015**

CV15-045

**APPLICANT**

Buckeye Real Estate  
c/o Donald Plank  
Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Garland Properties, Ltd.  
c/o Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY FOR APPLICANT**

Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

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

**PROPERTY OWNERS 125'**

Jason A. Bowers, et al.  
4211 Woodbridge Road  
Columbus, OH 43201

Community Housing Network  
1680 Watermark Dr.  
Columbus, OH 43215

University Manors Ltd  
72 E. 14<sup>th</sup> Ave.  
Columbus, OH 43201

G-Made Inc  
2738 N. Main St., Ste. A  
Findlay, OH 45840

University Bible  
Fellowship Columbus  
68 E. Oakland Ave.  
Columbus, OH 43201

North Campus Rentals II LLC  
Northsteppe Realty  
Attn: Diana Hawks  
10 E. 17<sup>th</sup> Ave.  
Columbus, OH 43201

Nathan Benderson, TR, et al.  
c/o Garb-Ko Inc  
3925 Fortune Blvd.  
Saginaw, MI 48603

Buckone Ltd  
10424 Wellington Blvd.  
Powell, OH 43065

Gateway 2000 Rentals LLC  
10 E. 17<sup>th</sup> Ave.  
Columbus, OH 43201

MRZ Investments LLC  
RZ Realty  
3518 Riverside Dr., Ste. 205  
Columbus, OH 43221

G-Made Inc  
1535 N. High St.  
Findlay, OH 45840

34 W 9<sup>th</sup> Avenue  
CV15- 045  
July 9, 2015  
Page 1 of 2

Winkle OSU LLC  
10 N. High St., Ste. 401  
Columbus, OH 43215

Richard A. Talbott  
422 E. Northwood Ave.  
Columbus, OH 43201

Mollica Family LLC  
James Ryan  
4333 Sharon Ave.  
Columbus, OH 43214

**ALSO NOTIFY:**

David B. Perry  
David Perry Co., Inc.  
145 E. Rich Street, FL 3  
Columbus, OH 43215

Buckeye Real Estate  
c/o Wayne Garland  
48 E. 15<sup>th</sup> Avenue  
Columbus, OH 43201

Buckeye Real Estate  
c/o Lorie Garland  
48 E. 15<sup>th</sup> Avenue  
Columbus, OH 43201

# Council Variance Application

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AND ZONING SERVICES

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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 # CV15-045

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. Garland Properties, Ltd. PO Box 8310 Columbus, OH 43201 # Columbus based employees: 0 Contact: Wayne Garland (614) 294-0444	2. _____ _____
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 10th day of JULY, in the year 2015

Barbara A. Beiter  
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020  
My Commission Expires

Notary Seal Here

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

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CV15-045  
34 West Ninth Avenue  
Legal Description  
0.319 +/- ac., 13,883 +/- SF

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

Being Lot Number Five (5) in A. Converse's North High Street Addition, to said City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 401, Recorder's Office, Franklin County, Ohio, and a triangular piece of ground comprising an area of about 50 square feet abutting the northeast corner of said Lot No. 5, abutting Wall Street on the east and a 25 foot alley on the north side thereof, being the first alley north of 9<sup>th</sup> Avenue, as vacated on April 4, 1921, by Ordinance No. 32484, adopted by the City Council of the City of Columbus, Ohio.

Parcel Number: 010-012756

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

Being Ten (10) feet off the east side of Lot Number Seven (7) and all of Lot Number Six (6) of A. Converse's North High Street Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 401, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-021983

07-23-2015



# City of Columbus Zoning Plat

CV15-045



## 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: 010012756, 010021983

Zoning Number: 34

Street Name: W 9TH AVE

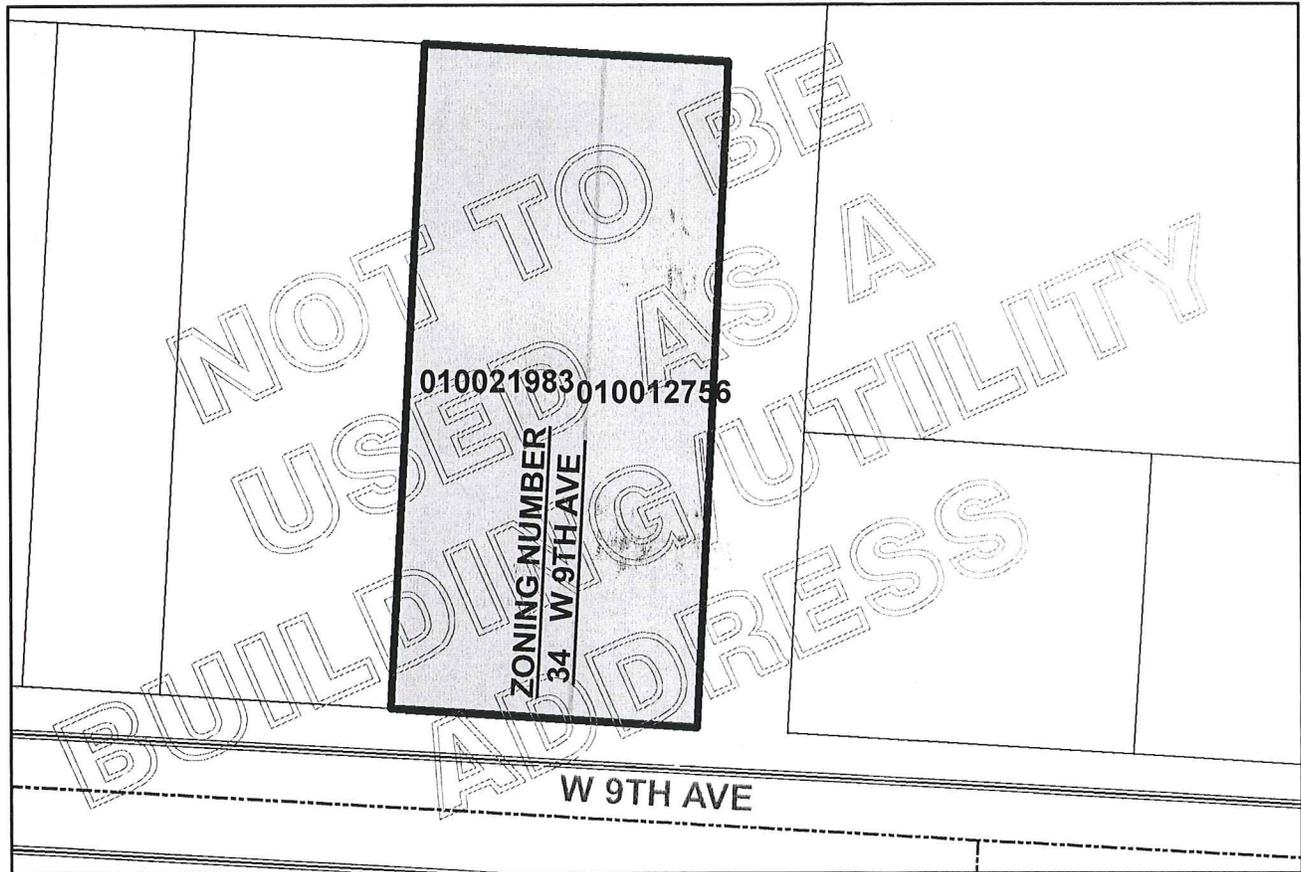
Lot Number: N/A

Subdivision: N/A

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

Issued By: *Diana Williams*

Date: 7/7/2015



SCALE: 1 inch = 50 feet

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

GIS FILE NUMBER: 24762





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 7/7/15



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

CV15-045

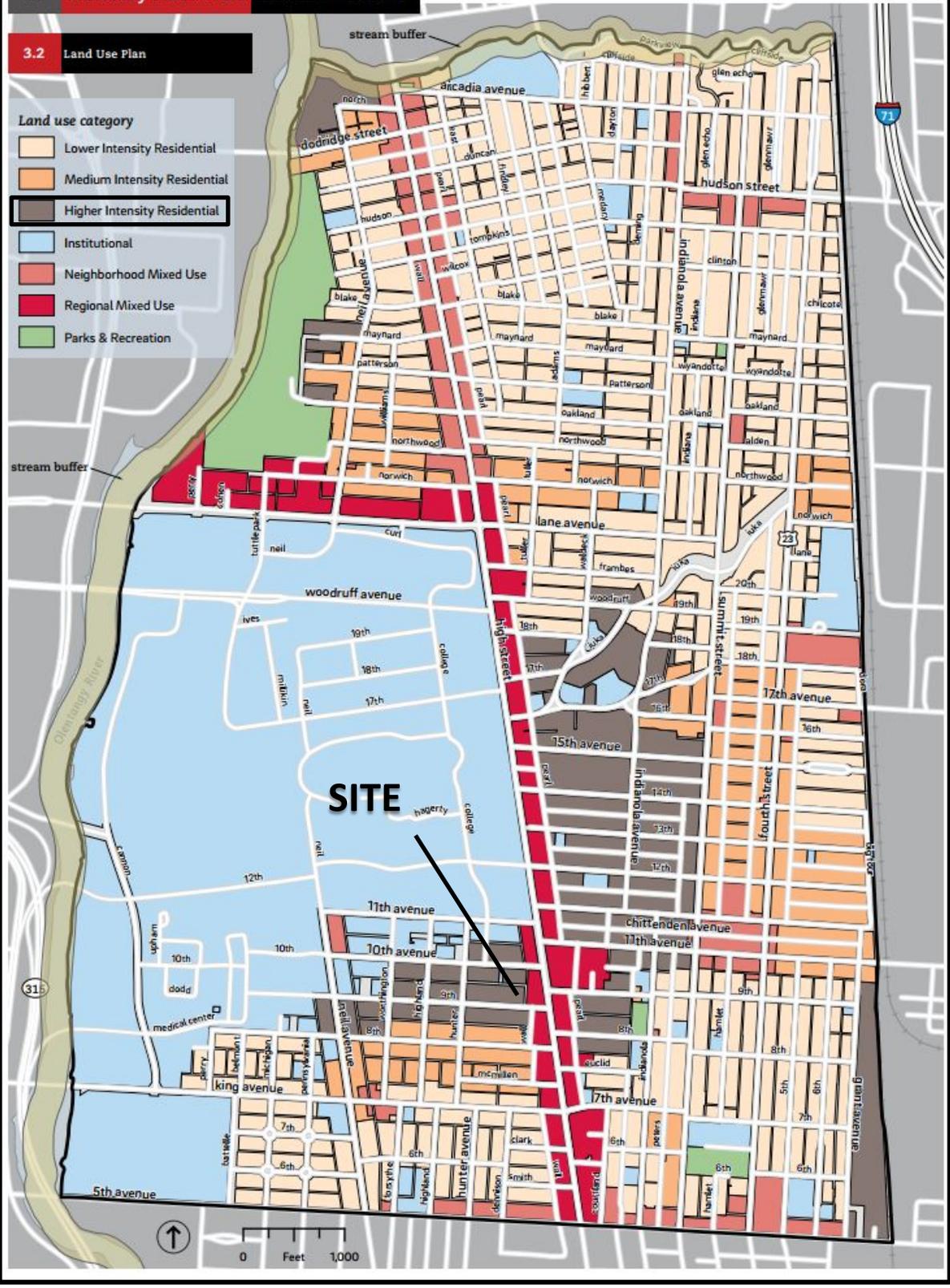




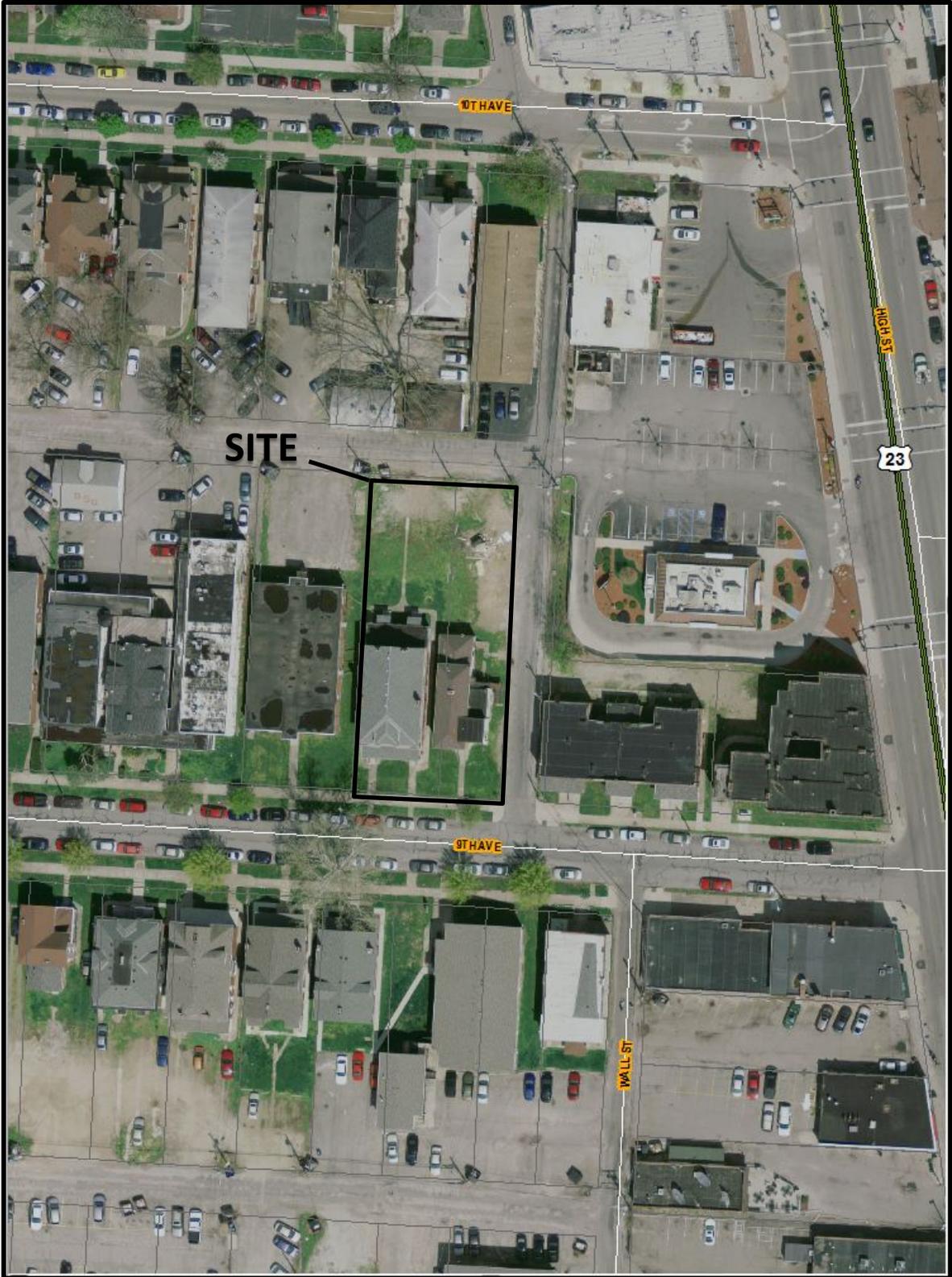
CV15-045  
 34 West 9<sup>th</sup> Avenue  
 0.32 Acres

3.2 Land Use Plan

- Land use category
- Lower Intensity Residential
  - Medium Intensity Residential
  - Higher Intensity Residential
  - Institutional
  - Neighborhood Mixed Use
  - Regional Mixed Use
  - Parks & Recreation



CV15-045  
34 West 9th Avenue  
0.32 Acres  
University District Plan (2015)



CV15-045  
34 West 9<sup>th</sup> Avenue  
0.32 Acres