



BOARD OF ZONING ADJUSTMENT 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: 13310-0-00023
Date Received: 1/14/13
Commission/Civic: Northland
Existing Zoning: _____ Application Accepted by: A. Reiss Fee: \$1,900.00
Comments: 3/26/13

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections.

See Statement of Hardship

LOCATION

1. Certified Address Number and Street Name 1688 Red Robin Road
City Columbus State OH Zip 43229
Parcel Number (only one required) 010-138793, 010-089876

APPLICANT: (IF DIFFERENT FROM OWNER)

Name C & G Investment Associates, LP c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215
Phone # 614-947-8600 Fax # 614-228-1790 Email dplank@planklaw.com

PROPERTY OWNER(S):

Name C & G Investment Associates, LP c/o Donald Plank, Plank Law Firm
Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215
Phone # 614-947-8600 Fax # 614-228-1790 Email dplank@planklaw.com
☐ Check here if listing additional property owners on a separate page.

ATTORNEY/AGENT (CHECK ONE IF APPLICABLE)

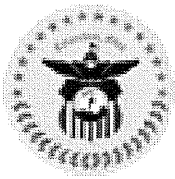
☒ Attorney ☐ Agent

Name Donald Plank, Plank Law Firm
Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215
Phone # 614-947-8600 Fax # 614-228-1790 Email: dplank@planklaw.com

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

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



13310-00000-0023
1688 RED ROBIN ROAD

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Thu Jan 31 2013

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 1682 RED ROBIN RD COLUMBUS, OH

Mailing Address: 2500 WESTFIELD DR STE 102
ELGIN, IL 60124

Owner: C&G INVESTMENT ASSOCIATES

Parcel Number: 010138793

ZONING INFORMATION

Zoning: Z69-050, Multi-family, ARLD
effective 8/5/1970, Height District H-35

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: N/A

Graphic Commission: N/A

Area Commission: N/A

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

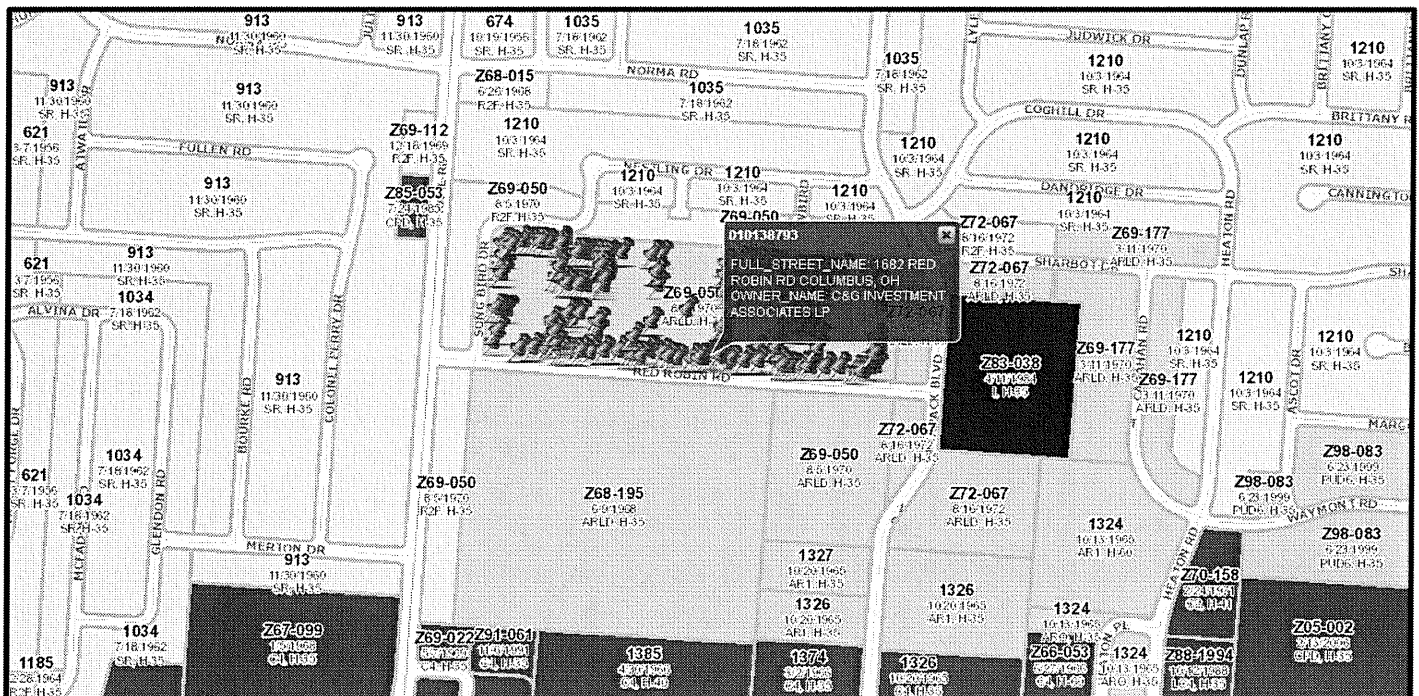
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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AFFIDAVIT

13310-00000-0023
1688 RED ROBIN ROAD

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME DONALD PLANK
of (1) MAILING ADDRESS Plank Law Firm, 145 East Rich Street, Fl 3, Columbus, OH
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the 43215
name(s) and mailing address(es) of all the owners of record of the property located at
(2) per ADDRESS CARD FOR PROPERTY 1688 Red Robin Road
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) C & G Investment Associates, LP
c/o Donald Plank, Plank Law Firm
145 East Rich Street, Fl 3
Columbus, OH 43215

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

C & G investment Associates, LP
c/o Donald Plank. (614) 947-8600

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

(5) Northland Community Council- Development
Committee c/o Dave Paul
PO Box 297836
Columbus, OH 43229

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See Exhibit A

☐ (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 10th day of JANUARY, in the year 2013

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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STATEMENT OF HARDSHIP

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APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

SEE EXHIBIT B

Signature of Applicant

Donald Plank
attorney

Date

1/10/13

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EXHIBIT B

13310-00000-0023
1688 RED ROBIN ROAD

Statement of Hardship

1688 Red Robin Road

BZA _____

The site is zoned ARLD, Apartment Residential Low Density, and is developed with a 296 dwelling unit apartment complex built in 1971/1972. Applicant has recently had a survey done related to refinancing the property. The survey is enclosed as the site plan. The survey identifies two (2) buildings that encroach into the 25 foot building line of Red Robin Road (24.5 feet and 23.5 setback) and two (2) buildings that encroach into the 25 foot building setback of Nestling Drive (21.1 feet and 16.0 feet setback). Nestling Drive was extended from the terminus of Songbird Drive after the apartment complex was built. The east perimeter yard of the complex is paved and is used for vehicle maneuvering, as was permitted at the time the complex was built, when perimeter yard only established a building setback line. However, a Perimeter Yard is now required to be a landscaped area and pavement, other than pedestrian walks, is not permitted. The east perimeter yard is non-conforming to the provisions of Section 3333.255, Perimeter Yard, since it is paved and used for vehicle maneuvering to approximately five (5) feet from the east property line. Applicant's lender requires a variance to reduce the applicable building setbacks and to permit the east perimeter yard to be paved and used for vehicle maneuvering. Applicant has a hardship in that there is no way other than a variance to conform the existing development.

Applicant requests the following variances:

- 1) 333.18, Building Lines, to reduce the required building setback line on Red Robin Road for two (2) buildings from 25 feet to 24.5 feet and 23.5 feet for two (2) separate buildings, and to reduce the required building setback line on Nestling Drive from 25 feet to 21.1 feet and 16.0 feet for two (2) separate buildings.
- 2) 3333.255, Perimeter Yard, to reduce the required 25 foot landscaped perimeter yard to five (5) feet, thereby permitting pavement and vehicle maneuvering in 20 feet of the east 25 foot perimeter yard.

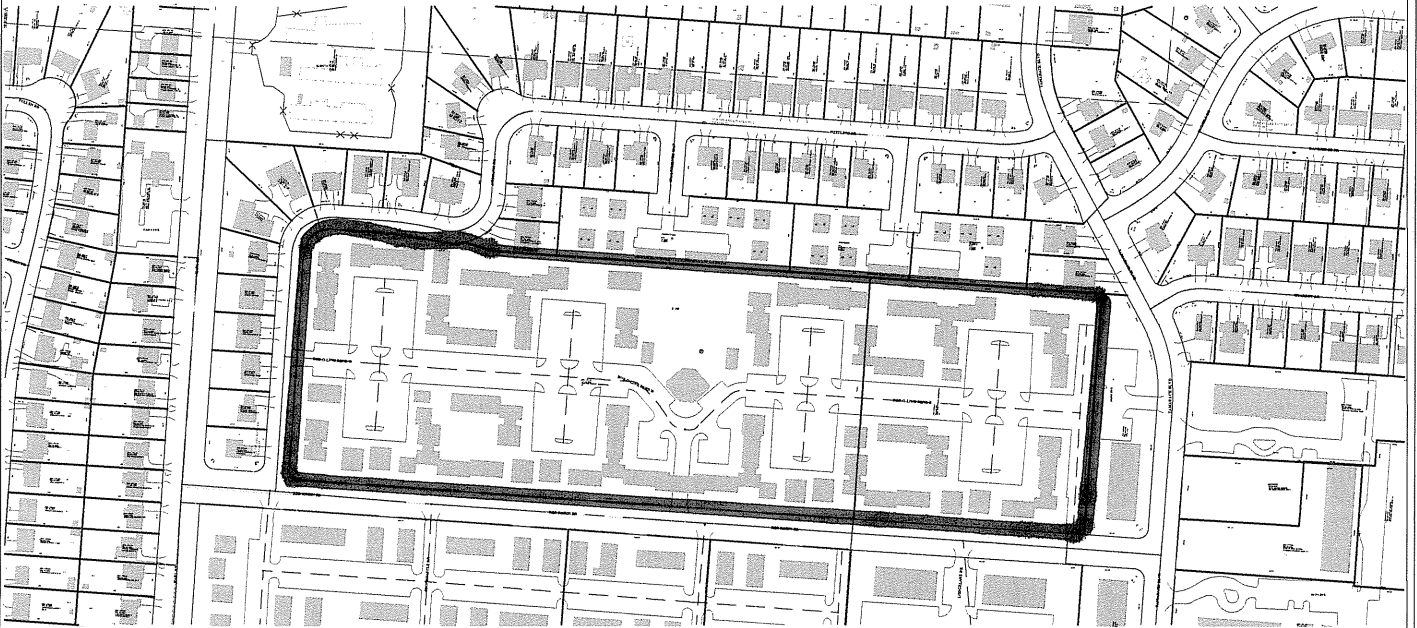


CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 12/18/12

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1688 RED ROBIN ROAD



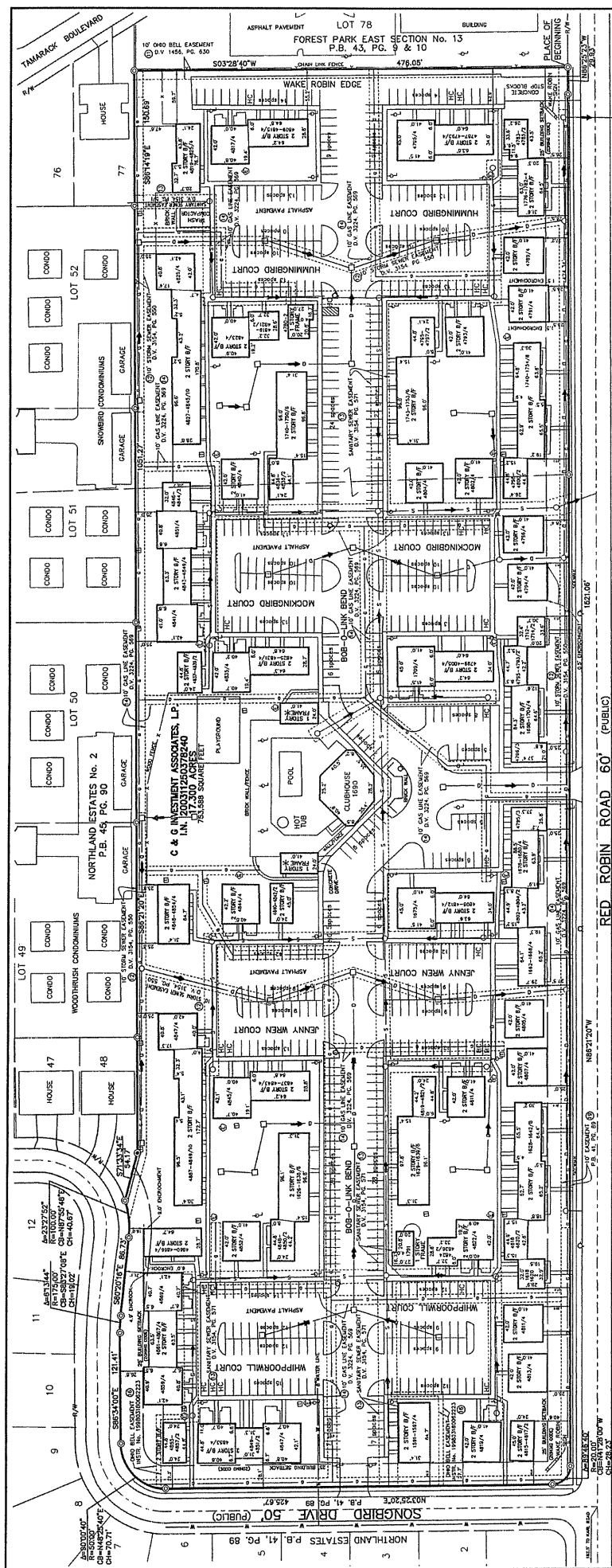
Disclaimer

Scale = 377



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

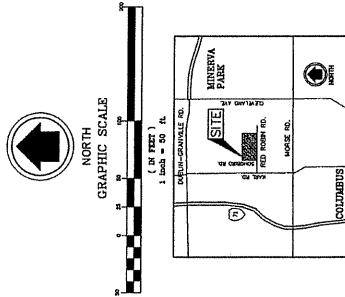
RECORD LEGAL DESCRIPTION
OF 17.300 ACRES

TITLE NOTES

LEGEND

NOTES

CERTIFICATION



DATE: OCTOBER 2, 2012		SCALE: 1"=50'	
EM	DC	FM	DM
EM	DC	FM	DM
JOB NO. 15-108		SHEET NO. 1	
<div style="display: flex; justify-content: space-between;"> <div> <p>WAKE ROBIN APARTMENTS</p> <p>RED ROBIN ROAD AND SONGBIRD ROAD</p> <p>COLUMBUS, OHIO</p> </div> <div> <p>ALTA/ACSM LAND</p> <p>TITLE SURVEY</p> <p>OCTOBER 2, 2012</p> </div> </div>			



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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 #

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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 and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

C & G Investment Associates, LP 1690 Bob-O-Link Bend, Columbus, OH 43229

(Raymond A. Connor Trust, Mary C. Connor Trust, John W. Connor, Trustee)
(Estate of Henry Gurvis, Marjorie Gurvis, Anthony Gurvis, representatives)
(Richard Gurevitz, Susan Gurevitz Schor)

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 10th day of JANUARY, in the year 2013

SIGNATURE OF NOTARY PUBLIC

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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