



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

OFFICE USE ONLY

Application Number: CU13-005

Date Received: 2/4/13

Application Accepted By: D.Hitt Fee: \$1000

Comments: 13315-00000-00070

Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1376 King Avenue, Columbus, OH Zip 43212

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: 010-061968, 010-062082

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

Current Zoning District(s): AR-2

Civic Association or Area Commission: 5th By Northwest Area Commission

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

Acreage: 0.700 +/-

APPLICANT: Name 1374 King Avenue LLC c/o Donald Plank, Plank Law Firm

Address 145 E 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 1374 King Avenue LLC 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

☒ Attorney ☐ Agent

Name Donald Plank, Plank Law Firm

Address 145 E 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 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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CW13-005

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

2/4/2013

1374 King Avenue LLC

BY: Donald Plank, Attorney

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Statement of Hardship

1376 King Avenue, Columbus, OH

CV13- 005

The 0.700 +/- acre site zoned C-4, Commercial is located on the north side of King Avenue at the intersection of Grandview Avenue. The site is developed with a 14,200 +/- sq. ft. commercial building with a paved front yard used for parking with maneuvering into King Avenue, as was permitted at one time. Applicant proposes to rezone (Z13-010) the property to the AR-2, Apartment Residential District for the construction of a 27 dwelling unit apartment building and proposes this variance application as a companion ordinance with the AR-2 rezoning to grant specified variances. The existing rundown commercial building will be razed and the site redeveloped. The 5th By Northwest Area Plan supports multi-family use of this site and, in fact, many parcels along this area of King Avenue are developed with apartment buildings developed at the same or higher densities.

Applicant requests the following variances:

- 1). 3333.18, Building Lines, which Section requires a 50 foot building setback line based on the designation of King Avenue as a 4-2 arterial, while the established building line on King Avenue is 25 feet and applicant requests a 25 foot building setback.
- 2). 3333.24, Rear Yard, which Section requires 25% of total lot area to be located behind a building, while applicant meets the 25% requirement, but also proposes parking spaces in the rear yard, as depicted on the submitted site plan.
- 3). 3312.49, Minimum Number of Parking Spaces Required, which Section requires 1.5 spaces/dwelling unit, while applicant proposes 1.04 spaces/dwelling unit.



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CU13-005

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
deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a 43215
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 1376 King 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) 2/4/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) 1374 King Avenue LLC
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 of application)

1374 King Avenue LLC
c/o Donald Plank, 614-946-8700

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

(5) 5th By Northwest Area Commission
c/o Bruce Shalter
1635 B Grandview Avenue
Columbus, OH 43212

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)

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 4th day of FEBRUARY, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter
AUGUST 3, 2015

My Commission Expires:

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
1376 King Avenue
CV13-005
February 1, 2013

APPLICANT

1374 King Avenue LLC
PO Box 163216
Columbus, OH 43216

PROPERTY OWNER

1376 King Avenue LLC
PO Box 163216
Columbus, OH 43216

ATTORNEY FOR APPLICANT

Donald Plank, Plank law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

COMMUNITY GROUP

5th By Northwest Area Commission
c/o Mr. Bruce Shalter
1635 B Grandview Avenue
Columbus, OH 43212

PROPERTY OWNERS WITHIN 125 FEET

MMB Properties LLC
1480 Dublin Road
Columbus, OH 43215

Marketing Education Resources
Center, Inc.
1375 King Avenue
Columbus, OH 43212

Daniel K. Buck
1600 Fishinger Road, Suite B
Columbus, OH 43221

Wendy F. Penn
Norman B. Penn
9390 Welch Road
Orient, OH 43146

Strader Family LP
2550 Brixton Road
Columbus, OH 43221

1392 King Avenue LLC
1396 King Avenue
Columbus, OH 43212

Kingland Company LTD
1580 King Avenue, Suite 202
Columbus, OH 43212

Kroger Co.
1014 Vine Street, Suite 1000
Cincinnati, OH 45202

Robert H. Frederick
Nina D. Frederick
2366 Dorset Road
Columbus, OH 43221

1376 King Avenue LLC
CV13-005
Exhibit A, Public Notice
Page 1 of 1, 2/01/13



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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.

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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, Columbus, OH
deposes and states that he is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY 43215
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. 1374 King Avenue LLC PO Box 163216 Columbus, OH 43216 # of Columbus Based Employees: 0 Contact: Scott Owens. 614-404- 0785	2. -----
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 4th day of FEBRUARY, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

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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City of Columbus Zoning Plat



C413-065

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: 010061968, 010062082

Zoning Number: 1376

Street Name: KING AVE

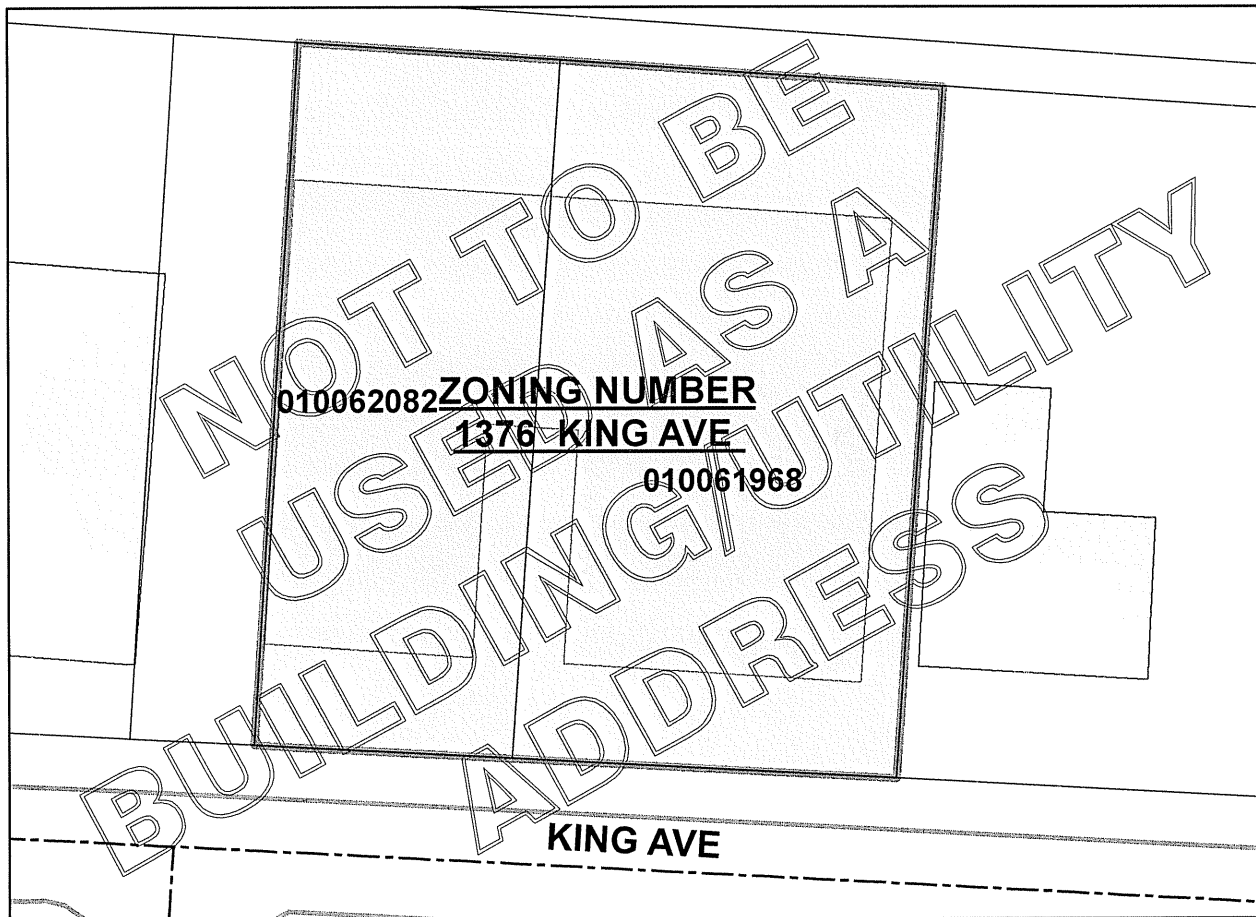
Lot Number: 24

SUBDIVISION: R E NEIL

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

Issued By: *Adyana Amarian*

Date: 1/30/2013



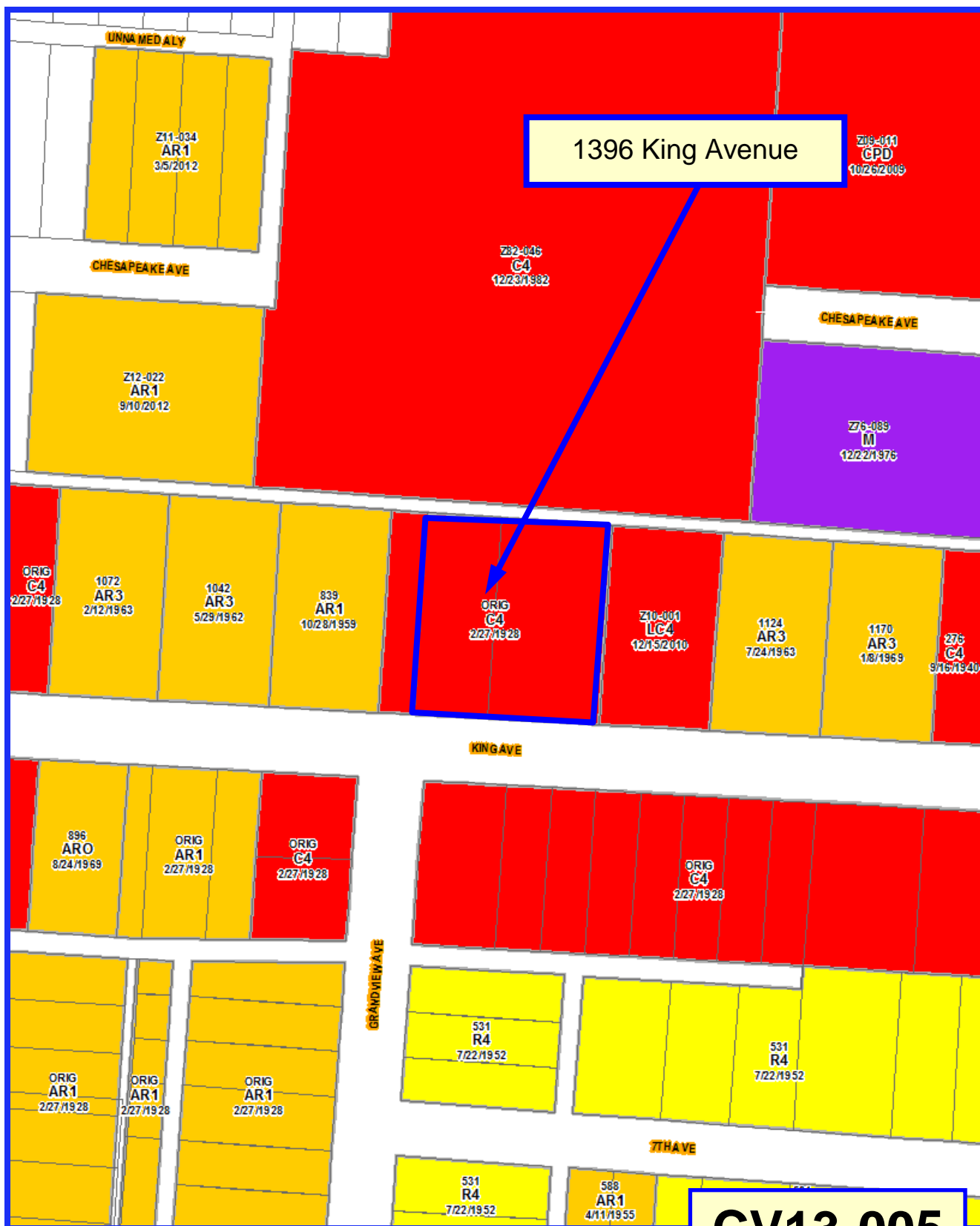
SCALE: 1 inch = 50 feet



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

GIS FILE NUMBER: 12743

Real Estate / GIS Department





1396 King Avenue

CV13-005