



## 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](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: CV14-038/14315-00000-00508  
Date Received: 7/17/14  
Application Accepted By: SP Fee: \$1600  
Comments: Assigned to Shannon Pine, 645-2208, sp@cityofcolumbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 875 Summit Street, Columbus, Ohio Zip 43215

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: 010-021767, 010-23A328, 010-031121

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

Current Zoning District(s): R4

Civic Association or Area Commission: Italian Village Commission

Proposed use or reason for Council Variance request: 6 unit multi-family building.

Acreage: 0.279

**APPLICANT:** Name Borror Properties

Address 600 Stonehenge Parkway, Second Floor City/State Dublin, OH Zip 43017

Phone # 614-356-5500 Fax # \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER(S):** Name WOOD RUN PARTNERS LLC

Address 600 STONEHENGE PKWY City/State Dublin, OH Zip 43017

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email: \_\_\_\_\_

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

**ATTORNEY / AGENT** ☐ Attorney ☐ Agent

Name John P. Kennedy and Michael T. Shannon of Crabbe, Brown & James, LLP

Address 500 S. Front Street, Suite 1200 City/State Columbus, Ohio Zip 43215

Phone # 614-228-5511 Fax # 614-229-4559 Email: \_\_\_\_\_

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Michael T. Shannon

PROPERTY OWNER SIGNATURE Michael T. Shannon

ATTORNEY / AGENT SIGNATURE Michael T. Shannon

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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CW14-038

### 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:

Please see attached Statement of Hardship.

Signature of Applicant

*Michael B. Coleman*

Date

7/17/14

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## STATEMENT OF HARDSHIP

**PROPERTY ADDRESS:** 875 Summit Street  
**APPLICANT:** Borror Properties c/o  
Michael Shannon, Esq.  
CRABBE, BROWN & JAMES, LLP  
500 South Front Street, Suite 1200  
Columbus, Ohio 43215  
mshannon@cbjlawyers.com  
**DATE OF TEXT:** July 17, 2014  
**APPLICATION #:** CV14-038

The Site consists of three parcels (PID's: 010-021767, 010-034121 and 010-234328). The Site is located at the south-west corner of Summit Street and First Avenue in the Italian Village Historic District. The Site is subject to the Italian Village Urban Commercial Overlay, the Italian Village Commission, and the I-670 Graphics Control Planning Overlay. The Site is currently zoned R4, Residential and the Height District is H-35.

Applicant proposes the construction of a multi-family apartment residential development. The development will provide 6 dwelling units, provide 12 garage parking spaces, stand 30.25 feet tall, and have a building footprint of 6,168 square feet.

Applicant request the following variances:

1. 3332.039, R-4 residential district, which Section does not permit a dwelling containing an excess of four dwelling units. Applicant requests a variance to allow a six dwelling apartment building in the R-4 district.
2. 3332.18(D), Basis of computing area, which Section does not permit the erection of any building greater than 50 percent of the lot area. Applicant requests a variance to permit a building to cover 53% of the lot area.
3. 3332.21(D)(2), Building lines, which Section establishes a building line at that distance determined by extending a line which is the same distance from the street property line as the existing building and parallel with the street property line but not less than ten feet. Applicant requests a variance to reduce the Summit Street building line to 0 feet and the First Avenue building line to 0 feet.
4. 3312.13(B), Driveway, which Section requires driveways serving more than 8 residential parking spaces to have a minimum width of 20 feet and a maximum width of 35 feet measured at the street right-of-way line. Applicant requests a variance to permit a minimum driveway width of 18 feet. See Private Access Easement between Wood Run Partners, LLC and Andrew Joseph Otey.

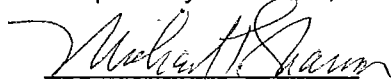
5. 3321.05(A)(2), Vision clearance, which Section requires a clear vision area of 12 feet at driveways accessing residential lots. Applicant requests a variance to reduce the clear vision area to 9.5 feet.
6. 3321.05(B)(2), Vision clearance, which Section requires a clear vision triangle of 30 feet at intersections adjacent to residential apartment developments. Applicant request a variance to reduce the clear vision triangle to 9 feet on the corner of Summit Street and East 1st Avenue. As a mitigating factor, the traffic on Summit Street is one-way south. The reduced clear vision triangle will not impede vision of traffic on Summit Street.
7. 3312.49, Minimum number parking spaces allowed, which section requires a minimum of 2 bicycle parking spaces for residential uses of four or more dwelling units. Applicant requests a variance to reduce the number of bicycle parking spaces to 0. Applicant shall provide bicycle parking within the garage.

A hardship exists in that the proposed development cannot conform to the underlying residential zoning district established by the City's Zoning Code. The development will appreciate and enhance the existing neighborhood and, therefore, will not adversely affect the surrounding property or surrounding neighborhood. Rather, the development will alleviate a hardship for difficulty which warrant variances from the R-4, Residential zoning code.

The requested variances will not impair an adequate supply of light or 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city.

For the reasons stated above, Applicant respectfully requests approval of the requested Council Variances.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael T. Shannon".

Michael T. Shannon, Esq.  
Attorney for Applicant



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-039

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Michael T. Shannon

of (1) MAILING ADDRESS 500 S. Front Street, Suite 1200, Columbus, OH 43215

deposed 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 875 Summit Street, Columbus, OH 43215

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) 7/17/14

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) WOOD RUN PARTNERS LLC  
600 STONEHEDGE PKWY  
DUBLIN OH 43017

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

Borror Properties  
614-356-5500

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

(5) Italian Village Commission - Randy Black  
109 N. Front Street, Columbus, OH 43215

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.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this

(8)

Michael T. Shannon

17<sup>th</sup>

day of

July

in the year

2014

SIGNATURE OF NOTARY PUBLIC

(8)

Becky J. Hunt

My Commission Expires:

11-28-15

Notary Seal Here

BECKY J. HUNT  
Notary Public, State of Ohio  
Commission Expires 11-28-2015

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Robert Schilling  
815 N. High Street, Ste. R  
Columbus, Ohio 43215

Joshua Grossman  
95 E. First Ave  
Columbus, Ohio 43201

Benjamin Goodman  
Christine Zuelke  
839 Summit Street  
Columbus, Ohio 43215

Tracy Bailey  
843 Summit Street  
Columbus, Ohio 43215

Amiya Dey  
Sumita Dey  
854 Summit Street  
Columbus, Ohio 43215

Robert M. Martin  
95 E. First Avenue, Apt. 2  
Columbus, Ohio 43201

Mark Stimple  
866 Summit Street  
Columbus, Ohio 43215

James Dorgan  
85 E. First Ave., Apt. 2  
Columbus, Ohio 43201

C D & C Newby LTD  
844 Kerr Street  
Columbus, Ohio 43215

Rosa B. Boggs AFDT  
849 Summit Street  
Columbus, Ohio 43215

Khalid Al-Khatib  
851 N. 4<sup>th</sup> Street  
Columbus, Ohio 43215

Sean Cusick  
856 Summit Street  
Columbus, Ohio 43215

David J. Armeni  
853 Summit Street  
Columbus, Ohio 43215

Andrew Joseph Otey  
105 E. First Avenue  
Columbus, Ohio 43215

Amy Ivan  
864 Summit Street  
Columbus, Ohio 43215

David Tweet  
1752 Franklin Avenue  
Columbus, Ohio 43205

St. Joseph Montessori School  
933 Hamlet Street  
Columbus, Ohio 43201

Scott Reid  
139 First Avenue  
Columbus, Ohio 43201

David & Shelly Buhlman  
85 E. First Ave, Apt. 5  
Columbus, Ohio 43201

James U. Murray  
1349 Havens Crest Court  
Columbus, Ohio 43220

James A. Murray  
4115 Pegg Avenue  
Columbus, Ohio 43214

Andrew Otey  
105 E. First Avenue  
Columbus, Ohio 43201

Columbus Metropolitan  
Housing Authority  
880 E. 11<sup>th</sup> Avenue  
Columbus, Ohio 43211

John M. Kerschner  
263 Coe Street  
Tiffin, Ohio 44883

William C. Kiener, Jr.  
Dianne Kiener  
846 Summit Street  
Columbus, Ohio 43215

#### APPLICANT

#### OWNER

Borror Properties  
600 Stonehenge Parkway  
Second Floor  
Dublin, Ohio 43017

Wood Run Partners, LLC  
600 Stonehenge Parkway  
Dublin, Ohio 43017

**ATTORNEY**

Michael T. Shannon, Esq.  
Crabbe, Brown & James, LLP  
500 S. Front St., Ste. 1200  
Columbus, Ohio 43215

**AREA COMMISSION**

Italian Village Area Commission  
c/o Randy Black  
Historic Preservation Office  
109 N. Front Street  
Columbus, Ohio 43215

**PROPERTY ADDRESS**

875 Summit Street  
Columbus, Ohio 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 # CW14-039

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Rita Stincer

Of [COMPLETE ADDRESS] 500 S. Front Street, #1200, Columbus, Ohio 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 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. WOOD RUN PARTNERS LLC 600 STONEHENGE PKWY DUBLIN OH 43017	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 17<sup>th</sup> day of July, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Notary Seal Here

BECKY J. HUNT  
Notary Public, State of Ohio  
My Commission Expires 11-28-2015

This Project Disclosure Statement expires six months after date of notarization.

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# City of Columbus Zoning Plat



CV14-038

## 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: 010021767

Zoning Number: 875

Street Name: SUMMIT ST

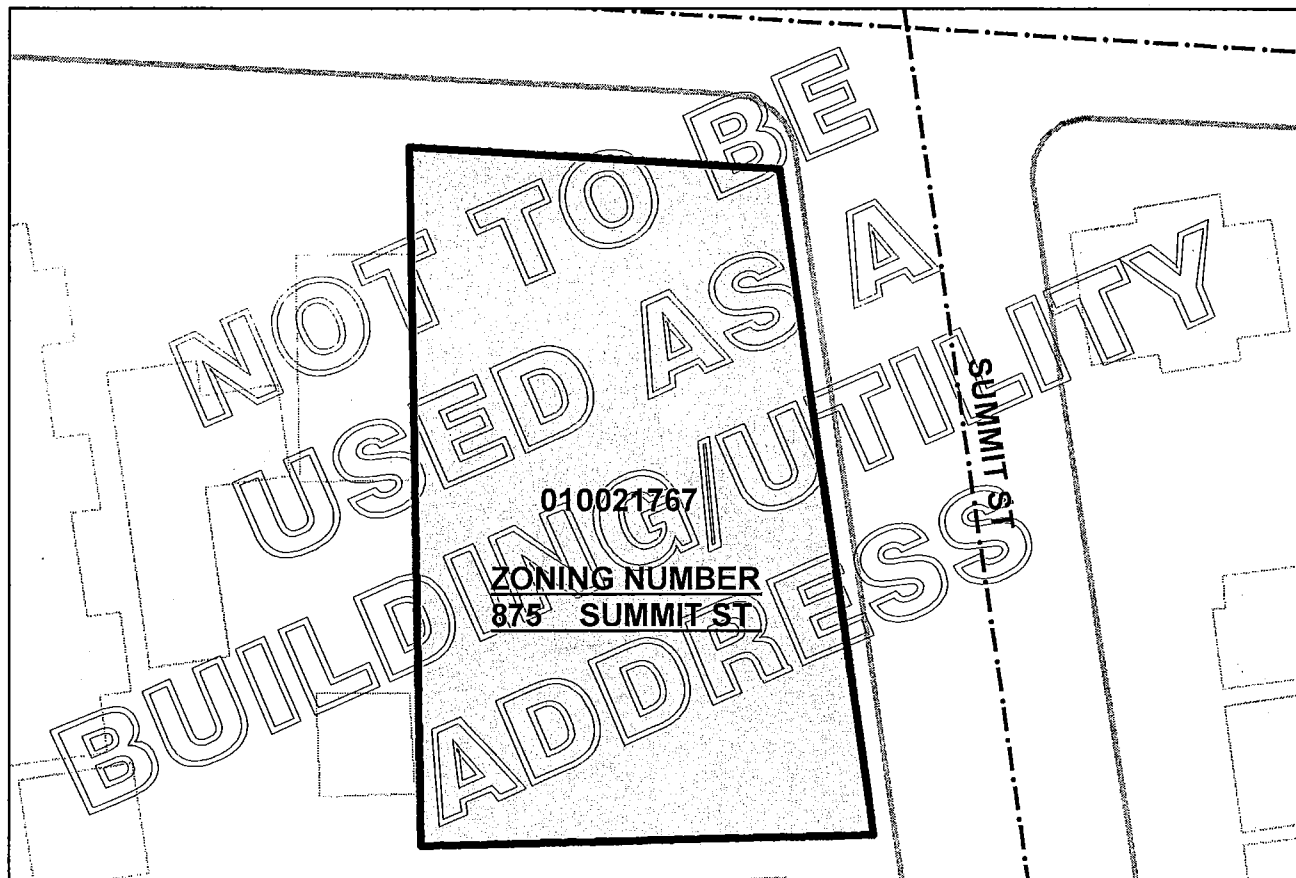
Lot Number 1 & 2

Subdivision: HILLERY

Requested By: CRABBE, BROWN & JAMES, LLP (ERIC ZARTMAN)

Issued By: *Edyana Williams*

Date: 3/20/2014



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

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 18660

**SCHEDULE A****PARCEL ONE:**

Being Lot Number One (1) of LUTHER HILLERY'S SUBDIVISION of Lot 16 in William Phelan's Mount Pleasant Addition, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio EXCEPTING from said Lot No. 1, 40 feet off of the South end thereof sold to E. Ira Hanna, by deed of record in Deed Book 163, Page 94, Recorder's Office, Franklin County, Ohio, including all rights in the private alley lying to the south of said premises.

**PARCEL TWO:**

Being part of Lot Number Two (2) of LUTHER HILLERY'S SUBDIVISION of Lot 16 in William Phelan's Mount Pleasant Addition, as the said lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio, more particularly bounded and described as follows:

Beginning at a point in the north line of said Lot 2, 25 feet west of the northeast corner, thence east on the north line of said Lot No. 2, 25 feet to the northeast corner, thence southerly on the east line of said Lot 2, 146 feet, thence west 10 feet, thence northerly in a direct line 146 feet to the place of beginning, including all rights in the private alley lying to the south of said premises.

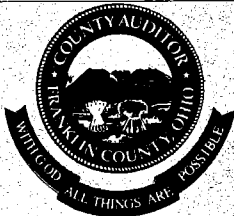
**PARCEL THREE:**

Being a strip of ground in Lots Numbered One (1) and Two(2), of LUTHER HILLERY'S SUBDIVISION of Lot No. 16 of Wm. Phellan's Mt. Pleasant Addition to the City of Columbus, Ohio, as the said Lots Numbered 1 and 2 are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, page 156, Recorder's Office, Franklin County, Ohio.

Beginning at a point in the east line of said Lot No. 1, 140 feet South of the Northeast corner thereof, thence in a westerly direction on a line parallel with the south line of said Lot No 1, 80 feet to a point, thence in a northerly direction 40 feet to a point, 75 feet West of the East line of said Lot 1; thence in an easterly direction on a line parallel with the south line of said Lot, 75 feet to a point in the East line of said Lot No. 1; thence in a Southerly direction along the East line of Lot No. 1, 40 feet to the place of beginning, together with the use of the private alley on the south side of said premises for the purposes of ingress and egress.

Parcel No. 010-021767-80 and 010-021767-90  
Known as 875 Summit Street, Columbus, Ohio

CV14-0380



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 1/23/14



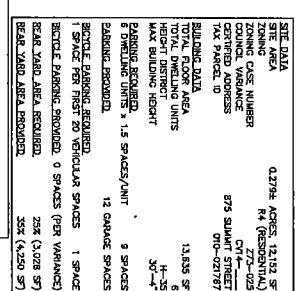
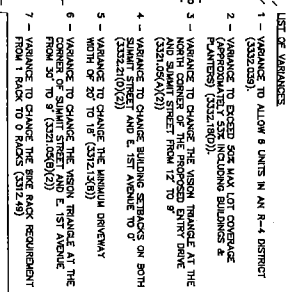
Disclaimer

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



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AMERICAN 2555 CORPORATE EXCHANGE DRIVE SUITE 200 DALLAS, TEXAS 75201	DATE: 8/28/2014	PAGE:

PROFESSIONAL SURVEYOR

**BRIAN P. BRYCHTUM**  
Vice President, Inc.

050-234325  
LUTHER KILLERY  
03, 50, PG. 432

D.B. 208, PG. 422

INST. NO.  
2000102060024650

2

1.35  
N 92° 17' 34" E - 94.17'  
9.90'

11/88

PARCEL ONE

01C-021767  
WOOD RUN PARTNERS, LLC  
INST NO 20140190070756

SEARCHED ON 2001-03-05  
SERIALS ACQUISITION  
OF FIRST AVERIA, as shown on LUTHER HILBY'S  
SUB. of last No. 18 of said Phoenix file.  
Blackout addition in this file of Colorado.

City of Columbus, or listed in the 1900 Census of Columbus, or listed in the 1900 Census of Franklin County, Ohio.

REAR YARD AREA PROVIDED.

1 SPACE PER FIRST 20 VEHICLES

6 DWELLING UNITS x 1.5 SPACE  
PARKING PROVIDED

CORNER OF THE PROPOSED UNIT SHALL  
 ADJACENT STREET FROM 12' TO 9'  
 (A)(2))

TOTAL DWELLING UNITS  
 HEIGHT DISTRICT

UNLIMITED ADDRESS  
TAX PARCEL ID

TO ALLOW 8 UNITS IN AN R-4 DISTRICT

---

1000

**IF ANY ELECTRIC FAULTS** belonging to DOP is damaged in any way during the construction process, the contractor shall notify the owner immediately by telephone or written report. The owner will determine if the damage is minor or major. If minor, the contractor shall repair the fault at his own expense. If major, the contractor shall replace the damaged equipment at his own expense. The cost of replacement shall be determined by the owner. The contractor shall be responsible for all electrical work done on the site. The contractor shall be responsible for all electrical work done on the site.

THE SUBJECT PROPERTY IS LOCATED WITHIN THE FEDERAL EMPLOYMENT MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PLAN, NUMBER 390400020007 (DATED JUNE 17, 2009) AND IS LOCATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 1% ANNUAL CHANCE FLOODPLAIN).

THE PROPOSED PROJECT WILL COMPLY WITH SECTIONS CHAPTERS 3312 AND 3323 OF THE CALIFORNIA CIVIL CODE REGARDING NON-CONFORMING CONDITIONS MUST BE CLEARLY EMBODIED ON THE SITE COMPLIANCE PLAN. SUPPORTING DOCUMENTATION MAY BE REQUESTED.

3312.12.1. PARKING LOT SCREENING SHALL CONFORM TO SECTION 3312.12.1.1.

BOBBOR PROPERTIES  
BOBBOR MANAGEMENT, LLC  
600 STRATFORD PARKWAY  
DUBLIN, OHIO 43017  
CONTACT: GEF BAUR  
PHONE: (614) 389-9943  
EMAIL: [gefbaur@bobborproperties.com](mailto:gefbaur@bobborproperties.com)

**SITE DATA TABLE**

	TOTAL SITE AREA, ACRES
POST-DISTURBED OPEN LAND AREAS	0.279 AC
POST-DISTURBED WETLAND AREAS	0.139 AC
POST-DISTURBED IMPERVIOUS AREAS	0.253 AC
FOOTPAVEMENT AND FENCE	0.000 AC
TOTAL	0.671 AC

390494030.MX (ZONE X7)

MT PLEASANT AVE

ROBINSON STREET

SUMMIT STREET

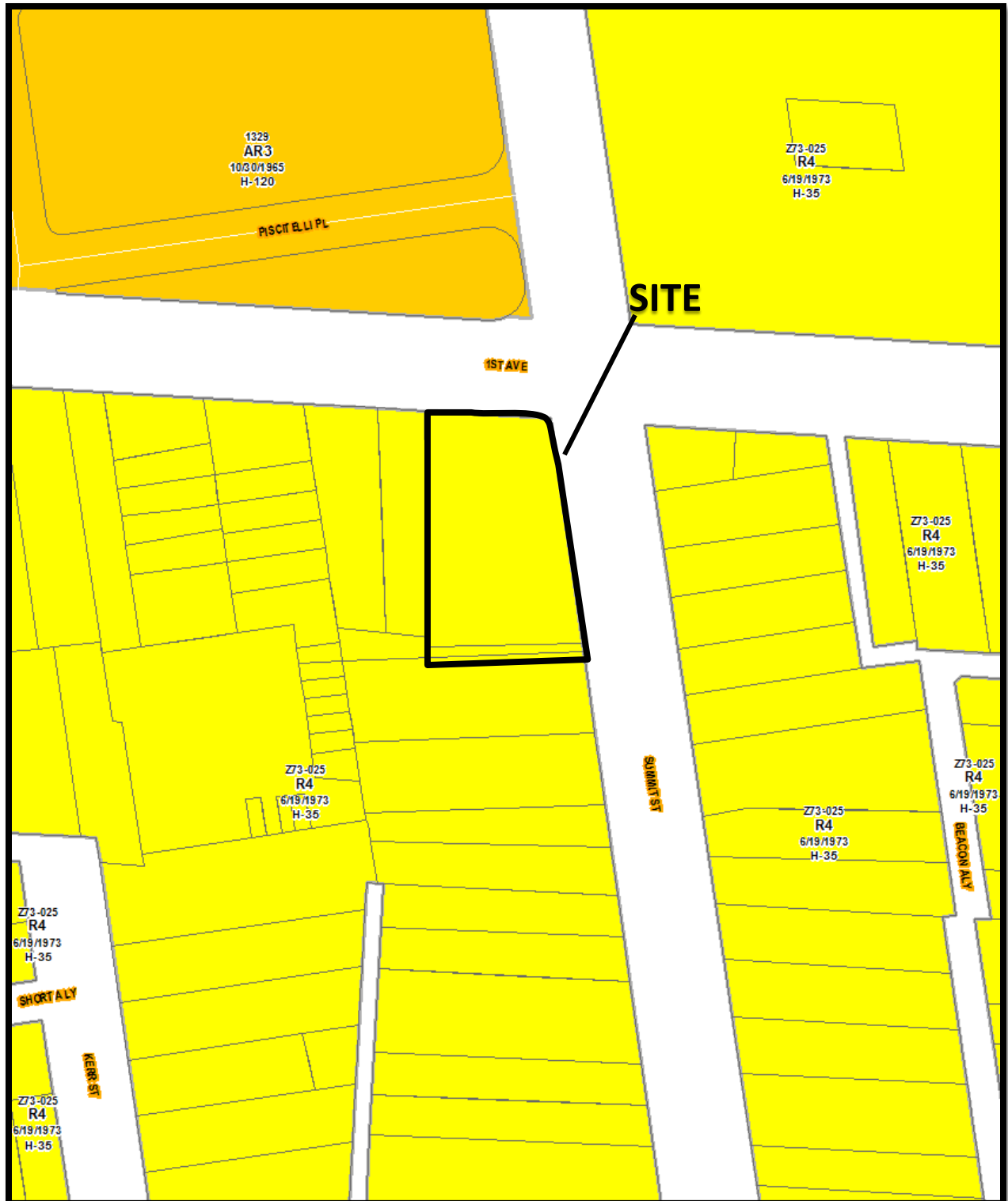
MARKET STREET

[illegible]

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**AMERICAN  
STRUCTUREPOINT  
INC.**

2250 Corporate Exchange Dr., Ste. 300 | Columbus, Ohio 43224  
TEL: 614.501.2225 | FAX: 614.581.2228  
[www.structurepoint.com](http://www.structurepoint.com)



CV14-038  
875 Summit Street  
Approximately 0.28 acres





CV14-038  
875 Summit Street  
Approximately 0.28 acres