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

Application Number: 11310 - 00000 - 02490
Date Received: 27 MAY 2001
Commission/Group: University Area Commission
Existing Zoning: R-4/ University Overlay
Application Accepted by: 
Fee: $315

TYPE(S) OF ACTION REQUESTED
(Check all that apply)
☐ Variance  ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.
The lot is zoned R-4, Residential and meets the lot of record requirement (3332.16), but is also subject to the University Planning Overlay (UPO).
Applicant proposes to build a single family dwelling. See Statement of Hardship.

LOCATION
1. Certified Address Number and Street Name 1294 N 5th Street
   City: Columbus  State: OH  Zip: 43201
   Parcel Number (only one required) 010-024574

APPLICANT: (IF DIFFERENT FROM OWNER)
Name: Habitat for Humanity c/o Donald Plank, Plank Law Firm
Address: 145 East Rich Street, 3rd Flr.  City/State: Columbus, OH  Zip: 43215
Phone #: (614) 947-8600  Fax #: (614) 228-1790  Email: dplank@planklaw.com

PROPERTY OWNER(S):
Name: City of Columbus c/o John Turner, Administrator, Land Redevelopment Office, Development Department
Address: 109 North Front Street  City/State: Columbus, OH  Zip: 43215
Phone #: (614) 645-2551  Fax #:  Email: JMTurner@columbus.gov
☐ 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, 3rd Flr  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
PROPERTY OWNER SIGNATURE
ATTORNEY / AGENT SIGNATURE

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer

Revised 02/01/11
One Stop Shop Zoning Report  Date: Fri Jun 3 2011
Zoning General Inquiry: 614-645-8637

SITE INFORMATION
Address: 1294 N 5TH ST COLUMBUS OH 43201
Mailing Address: 8680 NW 27TH PL
SUNRISE FL  33322
Owner: CITY OF COLUMBUS OHIO
Parcel Number: 010024574

ZONING INFORMATION
Zoning: Z79-070, Residential, R4
effective 10/31/1979, Height District H-35
Historical District: N/A
Council Variance: N/A
Historical Site: No
Board of Zoning Adjustment (BZA): N/A
Overlay: N/A
Graphic Commission: N/A
Flood Zone: OUT
Area Commission: University Area Commission
Airport Noise Environ: N/A
Planning Overlay: N/A

PENDING ZONING ACTION
Zoning: N/A
Council Variance: N/A
Board of Zoning Adjustment (BZA): N/A
Graphic Commission: N/A
AFFIDAVIT

STATE OF OHIO
COUNTY OF FRANKLIN

11310-00000-00290
1294 N. 5TH STREET

Being first duly cautioned and sworn (1) NAME DONALD PLANK
of (1) MAILING ADDRESS Plank Law Firm, 145 East Rich Street, 3rd Fl., 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 ADDRESS CARD FOR PROPERTY
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) 1294 N 5th Street

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) City of Columbus
c/o John Turner, Administrator, Land Redevelopment Office
109 North Front Street
Columbus, OH 43215

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

Habitat for Humanity c/o Donald Plank, Plank Law Firm
(814) 947-8600

AREA COMMISSION OR CIVIC GROUP

(5) University Area Commission c/o Ron Hupman

AREA COMMISSION ZONING CHAIR OR

1298 Hunter Avenue

CONTACT PERSON AND ADDRESS

Columbus, OH 43201

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

Donald Plank

Subscribed to me in my presence and before me this 24th day of MAY, in the year 2011

SIGNATURE OF NOTARY PUBLIC

Barbara A. Parent

My Commission Expires:

AUGUST 3, 2015

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Revised 02/01/11
STATEMENT OF HARDSHIP

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

Date: 5/23/2011

Habitat for Humanity
BY: Donald Plank, Attorney

May 23, 2011

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Revised 02/01/11
The site is a 34.50’ x 129’ platted lot zoned R-4, Residential. The lot meets the record requirements of 3333.16, Exception for Single or Two family dwelling. Construction of a single family dwelling, subject to applicable development standards, is permitted. The site is also subject to applicable regulations of the University Planning Overlay (UPO). The UPO, established in 1992, was intended, in part, to establish development standards that removed what was seen as an economic incentive to demolish structures and build new structures that were compliant with the underlying zoning code standards, but, in many cases, out of character either in scale or design with the established housing stock. Demolition of structures in the higher density campus area zoned AR-4, Apartment Residential was of particular concern. To the extent that variances from design standards (UPO) are needed, greater community review is achieved.

Applicant proposes to build a two-story single family dwelling. The site was formerly developed with a two-story, two-family dwelling. There are numerous single-family and two-family dwellings in the area, as well as other forms of residential land use, almost all of which are two-story. Applicant’s proposed construction is part of a larger effort by private developers, the City of Columbus, University Area Commission and other organizations to invest in the Weinland Park neighborhood. Many existing dwellings in the area exceed the permitted 0.40 Floor Area Ratio. Applicant has a practical difficulty with complying with the standard to build a new, modern single family home, while many of the existing dwellings exceed the standard.

Applicant requests the following variances:

1) Section 3372.544, Maximum Floor Area, to permit an increase in maximum total calculated floor area as a ratio to lot area from 0.40 to 0.52.
This map is prepared for the real property inventory within this county and the mapping companies assume no legal responsibility. Please notify the Franklin County GIS Division of any discrepancies.

Disclaimer

11310-00000-00290
1294 N. 5TH STREET
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 # 11310-00000-00290
1294 N. 5TH STREET

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 145 East Rich Street, 3rd Flr., Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT OR QULLY 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:

<table>
<thead>
<tr>
<th>NAME</th>
<th>COMPLETE MAILING ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Columbus</td>
<td></td>
</tr>
<tr>
<td>c/o John Turner, Administrator</td>
<td></td>
</tr>
<tr>
<td>Land Redevelopment Office</td>
<td></td>
</tr>
<tr>
<td>109 North Front Street, Columbus, OH 43215</td>
<td></td>
</tr>
<tr>
<td>Habitat for Humanity</td>
<td></td>
</tr>
<tr>
<td>c/o E. J. Thomas, Chief Executive Officer</td>
<td></td>
</tr>
<tr>
<td>3140 Westerville Road, Columbus, OH 43224</td>
<td></td>
</tr>
</tbody>
</table>

SIGNATURE OF AFFIANT

[Signature]

Subscribed to me in my presence and before me this 24th day of MAY, in the year 2011

SIGNATURE OF NOTARY PUBLIC

[Signature]

My Commission Expires:

[Date]

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Revised 02/01/11