



OFFICE USE ONLY

Application # CV11-015

Fee: 1-3 dwelling units (\$260 per dwelling unit): _____
All other (\$1300 First acre) _____
Each additional acre (\$130) _____
Total: _____

Date of Submittal: 5/31/11
Planning Area _____

Received by: OH

Planner: Dana Hitt 645-2395 ~~_____~~ dahitt@columbus.gov

COUNCIL VARIANCE APPLICATION (2006)

LOCATION AND ZONING REQUEST

Certified Address (for Zoning Purposes) 4552 Kenny Road Zip 43220

Is this application being annexed into the City of Columbus? Y or N (circle one)
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 010-011168
 If applicable, check here if listing additional parcel numbers on a separate page (REQUIRED)

Current Zoning District(s) C-4

Recognized Civic Association or Area Commission Northwest Civic Association
See instructions in "Things to Remember" on front of application packet.

Proposed Use or reason for Council variance request: To provide for apartment residential redevelopment
(continue on separate page if necessary)

Proposed Height District: 60' Acreage 3.61 +/- acres
(Columbus City Code Section 3309.14)

APPLICANT

Name ZBP-K, LLC

Address 661 High St. City Worthington Zip 43085

Phone# 354-7707 Fax # 825-0720 Email _____

PAID
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PROPERTY OWNER(S)

Name Same as applicant.

Address _____ City _____ Zip _____

Phone# _____ Fax # _____ Email _____

If applicable, check here if listing additional property owners on a separate page (REQUIRED)

BUILDING & ZONING SERVICES

ATTORNEY / AGENT (CIRCLE ONE IF APPLICABLE)

Name David Hodge / Smith & Hale LLC

Address 37 W. Broad St., Suite 725 City Columbus Zip 43215

Phone# 221-4255 Fax # 221-4409 Email _____

SIGNATURES (ALL APPLICABLE SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

Applicant Signature ZBP-K, LLC By: David Hodge

Property Owner Signature ZBP-K, LLC By: David Hodge

Attorney/Agent Signature _____ By: David Hodge

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.

Dana Hitt

Statement of Hardship

4550 Kenny Road

The applicant / property owner is requesting a series of development standard area variances in conjunction with the rezoning of the property from its current C-4, Commercial designation to the AR-1, Apartment Residential classification to provide for 108 apartment units. The property is currently developed with a vacant retail and restaurant structure. The building and property have outlived their usefulness as a retail and restaurant development, these uses no longer the most appropriate for the site. The property owner is therefore seeking rezoning of the property to use the property for apartments, a use consistent with uses to the south, northwest, north, and east in this neighborhood. Due to the history of development of this property, unique circumstances of the Henderson Road right-of-way along this property's frontage, development patterns of adjacent properties, and the difficulty faced when doing an infill urban type development within the parameters of development standards of the Columbus Zoning Code, the following variances are requested:

C.C. 3312.21, Landscaping and screening.

This section requires landscaping between the right-of-way and parking setback and along the perimeter of a parking lot located within 80 feet of residentially zoned property. This property does not currently meet this requirement and comparable variances to these requirements were previously granted by the Columbus Board of Zoning Adjustment ("BZA"). The properties to the north and east are zoned ARLD, Apartment Residential Low Density district. Due to the fact that these properties are currently developed, compliance with this requirement proves practically difficult, and in many instances the spirit of the requirement is met. Along the subject property's north side, on the adjacent property, is a mound that is approximately 4' in height, a carport, and a fence that is approximately 7' in height. A fence is also currently located along a portion of the northern property line as indicated on the site plan. Further, portions of the north and eastern property lines are used for circulation to and from adjacent apartment development.

C.C. 3312.27, Parking setback line.

This section requires a parking setback of 25' from the street right-of-way line, where the applicant is requesting a reduction to 2'. Again, a comparable variance was previously granted by the BZA and the site does not currently comply with this requirement. This variance is requested to optimize on-site vehicular circulation, to maximize the number of parking spaces, is an existing condition, and is necessary to any redevelopment of this property. The property is elevated from the Henderson Road pavement ranging from approximately 13' at the east, 9' at the center, and 5' along the west. The parking lot pavement, with the redevelopment, will remain a reasonable distance from the Henderson Road pavement.

C.C. 3312.49, Minimum number of parking spaces required.

The applicant is requesting a variance to this section where 108 apartment units would require 160 parking spaces and the applicant proposes to provide 148. This redevelopment is located close to the bus line, with grocery stores and other amenities within walking distance from the property.

C.C. 3333.18, Building lines

The applicant is requesting a variance to this section to permit a building setback of 50', where 60' are required. Again, this property will always remain an appropriate distance from the actual Henderson Road pavement. A significant portion of the right-of-way along this frontage is hillside, with the steepest slope at the east, tapering to the west.

C.C. 3333.25, Perimeter yard.

This section requires a perimeter yard around the perimeter of an apartment complex of 25'. Here, this property is being downzoned from an intense commercial classification to an apartment residential district consistent with the zoning and use of the adjacent properties, and more appropriate and compatible adjacent to those uses. As discussed above, appropriate buffering to the adjacent residential properties is already in place in many locations around the perimeter, and in other locations it is not possible due to the fact that adjacent residential users have access easements over the property.

The grant of these requested variances will provide for an excellent redevelopment of a challenging property. These technical variances are necessary for the redevelopment, however from a practical and functional perspective, this property will function as it has for many years, except for the fact that it will be a less intensely used property than permitted by its current commercial designation and historical use as restaurant and retail. From an aesthetic perspective, this proposal constitutes a significant improvement. If granted, such variances will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the City of Columbus.

The applicant respectfully requests that the variances be granted.

ZBP-K, LLC

Signature of Applicant: By: David Hugo

Date: May 31, 2011