



CV11-002

11315-00000-00006

1/4/11

\$ 1900 total

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:

Planning Area: Franklinton

Received By: S. Pine

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 540 W. Broad Street 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 010-0536662

If applicable, check here if listing additional parcel numbers on a separate page [Required]

Current Zoning District(s) M; C-4

Recognized Civic Association or Area Commission Franklinton Area Commission

Proposed use or reason for Council Variance request: Independent Living Apartments; See attached

Proposed Height District: 35 feet Acreage 2.81 acres

[Columbus City Code Section 3309.14]

APPLICANT: Name Columbus Metropolitan Housing Authority

Address c/o Stephen J. Havens, 880 E. 11th Ave. City/State Columbus Zip 43211

Email shavens@cmhanet.com

PROPERTY OWNER(S): Name Byers Realty LLC, Attn: Don Grant

Address 427 S. Hamilton Street City/State Columbus Zip 43215

Email _____

If applicable, check here if listing additional property owners on a separate page [Required]

ATTORNEY / AGENT Attorney Agent

Name Elise Spriggs, Esq. and Jeffrey D. Porter, Esq.

Address 65 E. State Street, Ste. 1800 City/State Columbus Zip 43215

Phone # 614.462.5400 Fax # 614.464.2634 Email: jporter@keglerbrown.com
espriggs@keglerbrown.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.
For all questions regarding this form and fees please call: 614-645-8637
Please make all checks payable to the Columbus City Treasurer

Planner: Shannon Pine, 645-2208, spine@columbus.gov

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Property Owner(s) cont'd:

West Broad Street Partners LLC
477 S. Front Street
Columbus, Ohio 43215



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-002

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME Elise Spriggs
of (1) MAILING ADDRESS 65 E. State Street, Ste. 1800, Columbus, Ohio 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 540 W. Broad Street
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) 11/4/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Byers Realty LLC
Attn: Don Grant
427 S. Hamilton Street
Columbus, Ohio 43215

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

Columbus Metropolitan Housing Authority
614-421-6000

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

(5) Franklinton Area Commission
Attn: Carol Stewart
192 S. Princeton Ave., Columbus OH 43223

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

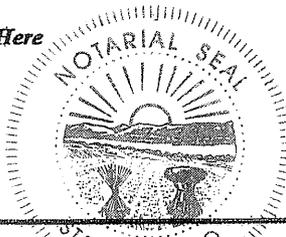
(8) Elise Spriggs
Subscribed to me in my presence and before me this 4 day of January, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Kelly L. Marullo

My Commission Expires:

Notary Seal Here



KELLY L. MARULLO
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
May 20, 2013
Recorded in

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CV11-002

CMHA
c/o Stephen J. Havens
880 E 11th Ave.
Columbus OH 43211-2771

Byers Realty LLC
Attn: Don Grant
427 S. Hamilton Street
Columbus, Ohio 43215

West Broad Street Partners LLC
477 S. Front Street
Columbus, Ohio 43215

Jeffrey D. Porter
Kegler, Brown, Hill & Ritter
65 E. State Street, Ste. 1800
Columbus, Ohio 43215

Elise Spriggs
Kegler, Brown, Hill & Ritter
65 E. State Street, Ste. 1800
Columbus, Ohio 43215

Franklinton Area Commission
Attn: Carol Stewart
192 S. Princeton Ave.
Columbus, Ohio 43223

Byers Realty LLC
c/o Byers Realty Inc.
Attn: Don Grant
427 S. Hamilton Street
Columbus, Ohio 43215

West Broad Street Partners LLC
477 S. Front Street
Columbus, Ohio 43215

Alfred & Virginia Pence
36 N. Gift Street
Columbus, Ohio 43215

Michael and Janice Goodman
5950 Bowen Road
Canal Winchester, Ohio 43110

Network Restorations I LLC
c/o CHN Far North Holding LLC
1680 Watermark Drive
Columbus, Ohio 43215

Nancy L. Weil
42 N. Gift Street
Columbus, Ohio 43215

Donald & Vicki Blackburn
151 Rockford Drive
Lucasville, Ohio 45648

Pennsylvania Lines LLC
Norfolk Southern Railway
110 Franklin Road SE
Roanoke, VA 24042-0028

REA Jimmy Electronics Inc
540 W. Broad Street
Columbus, Ohio 43215

Donald Graham
47 N. Mill Street
Columbus, Ohio 43215

Richard Yengo
c/o Advantage Bank
814 Wheeling Ave
Cambridge, Ohio 43725

William L. Hill
548 Scott Street
Columbus, Ohio 43215

CSX Transportation, Inc.
Chesapeake & Ohio RY
Attn: Tax Dept
500 Water Street (J-910)
Jacksonville, FL 32202

Walter G. Reiner
c/o Reiner Realty & Consultants
5030 Westerville Rd
Columbus, OH 43231-4910

A D Farrow LLC
491 W. Broad Street
Columbus, OH 43215

Linda Jean Niceswanger
43 S. May Avenue
Columbus, OH 43215

James Manus
4431 Sugarberry Lane
Titusville, FL 32780

TERRA-M Associates
455 W Broad Street
Columbus, OH 43215

Columbus & Southern Ohio
Electric Company
1 Riverside Plaza
Columbus, OH 43215

Five Sixty Seven Assoc., Inc.
21976 Westchester Road
Shaker Heights, OH 44122

Washington Holding Co Tr
1635 W First Ave
Columbus, OH 43212

Freddie H. Workman, Jr.
19 S. Gift Street
Columbus, Ohio 43215

Network Restorations I LLC
957 E. Broad Street
Columbus, Ohio 43205

Greater Christ Temple Apostolic
Church
79 McDowell Street
Columbus, Ohio 43215

Greater Christ Temple Church
83 McDowell Street
Columbus, Ohio 43215



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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 Attached.

Signature of Applicant

Date

1/4/11

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Please make all checks payable to the Columbus City Treasurer

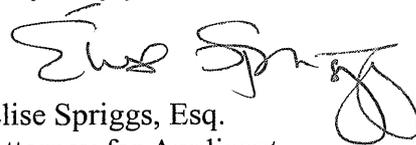
Attachment to Statement of Hardship

The Columbus Metropolitan Housing Authority (“Applicant”) owns the property commonly known as 540 W. Broad Street, Columbus, Ohio 43215, Parcel Number 010-0536662 (“Property”). The Property is approximately 2.81 acres, more or less, and is currently zoned M and C-4. The Property has or will be combined the following ten (10) Parcels currently owned by Byers Realty LLC and West Broad Street Partners LLC: 010-0536662; 010-007338; 010-007786; 010-007787; 010-007788; 010-004640; 010-018930; 010-007631; 010-019814; and 010-092144.

Prior to granting any variance, 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 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.

With respect to the variances requested below, the requests are necessary due to the irregular shape of the lot, conflicting provisions within the M and C-4 zoning districts, and overlay standards which generally apply to single family construction, which would not apply to a multi-family development. The variances are necessary to correct the practical difficulties which result there from. The proposed variances will not seriously or adversely affect any of the adjacent property owners and the proposed project will be an asset to the surrounding neighborhood.

Very truly yours,



Elise Spriggs, Esq.
Attorney for Applicant

Proposed Use or reason for Council Variance request:

3309.14 – Height Districts: to permit a building to be erected in excess of 35 feet in an H-35 District.

3312.49 – Minimum number of parking spaces: To permit an apartment building with .26 parking spaces per unit

3312.49(C) – Minimum number of parking spaces: To permit an apartment building with .26 parking spaces per unit.

3312.49(C) - Minimum number of parking spaces: To permit retail space of less than 10,000 square feet with 1 parking space per 400 square feet.

3356.03 C4 – permitted uses: To permit a residential apartment building above a commercial space

3363.01 M – manufacturing districts: To permit a residential apartment building

3372.406(B) – Design Standards (Residential): to permit a building without a 30” high porch/stoop

3372.406(C) – Design Standards (Residential): to permit windows in building frontages that are not double hung

3372.406(H) – Design Standards (Residential): To permit no foundation exposure of rusticated block

3372.407(D) – Parking and circulation: To permit a parking aisle between the building and a street right of way

3372.604(B) - Setback requirements: To permit parking lots to be located on the side of the principal building and contain greater than 50% of the parking

3372.607 - Landscape and screening, to permit landscaping substantially similar to that as denoted in the proposed site plan.

3372.609(A) - Parking and circulation: to permit a parking aisle between the building and a street right of way



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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 # CV11-002

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Elise Spriggs

Of [COMPLETE ADDRESS] 65 E. State Street, Ste. 1800, 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

Columbus Metropolitan Housing Authority
880 E. 11th Avenue
Columbus, Ohio 43211
No. of Columbus based employees: 235
Contact: Stephen J. Havens (614) 421-6195

If applicable, check here if listing additional parties on a separate page [required]

SIGNATURE OF AFFIANT Elise Spriggs
Subscribed to me in my presence and before me this 24 day of January, in the year 2011
SIGNATURE OF NOTARY PUBLIC Kelly L. Marullo
My Commission Expires: _____



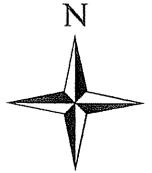
KELLY L. MARULLO
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
May 20, 2013
Fairfield County

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

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City of Columbus Zoning Plat



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: 0100536662, 010007338, 010007786, 010007787,
010007788, 010004640, 010018930, 010007631,
010019814, 010092144

Zoning Number: 540

Street Name: W BROAD ST

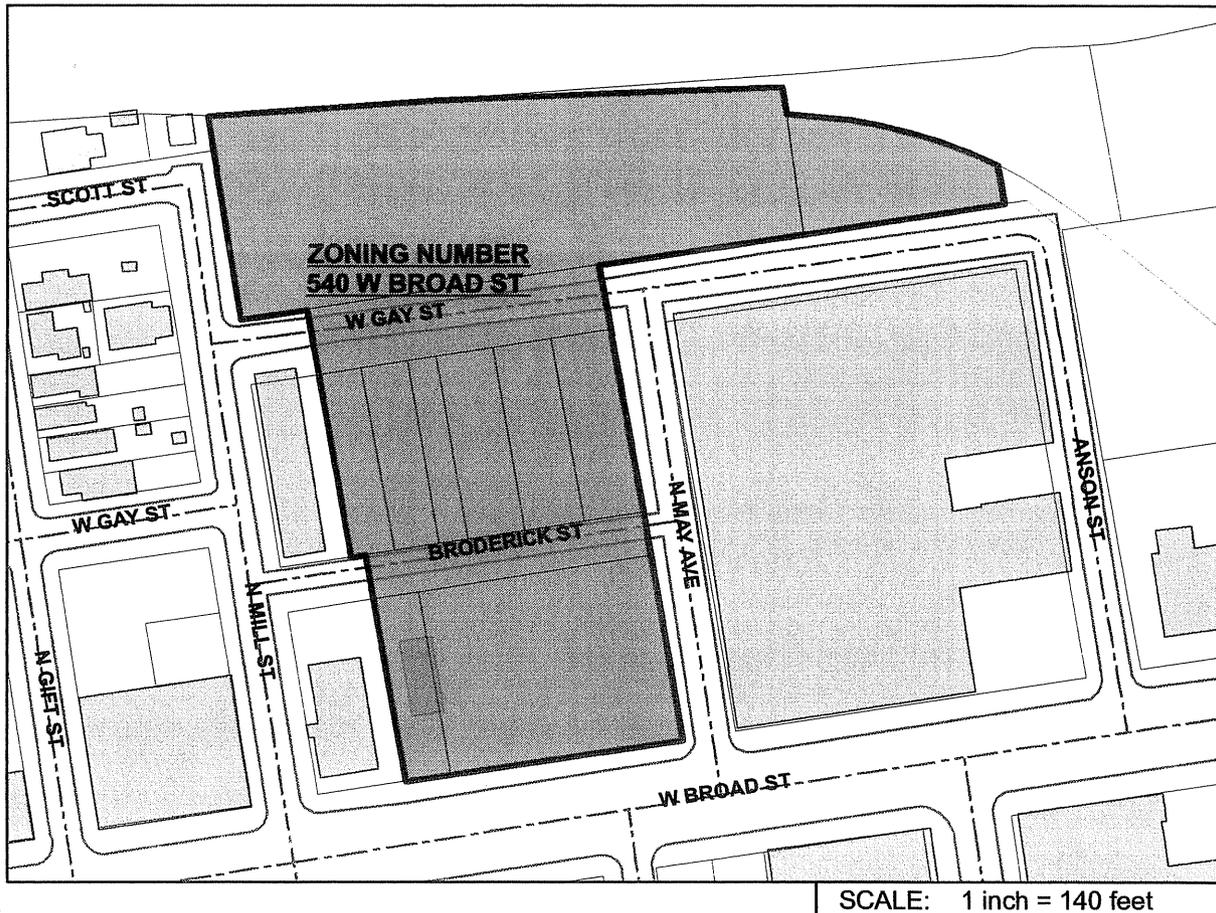
Lot Number: 40-44, 46-51, 112-122

Subdivision: RIDGEWAY

Requested By: KEGLER BROWN HILL & RITTER (JEFFERY D. PORTER)

Issued By: *Patricia A. Austin*

Date: 11/18/2001



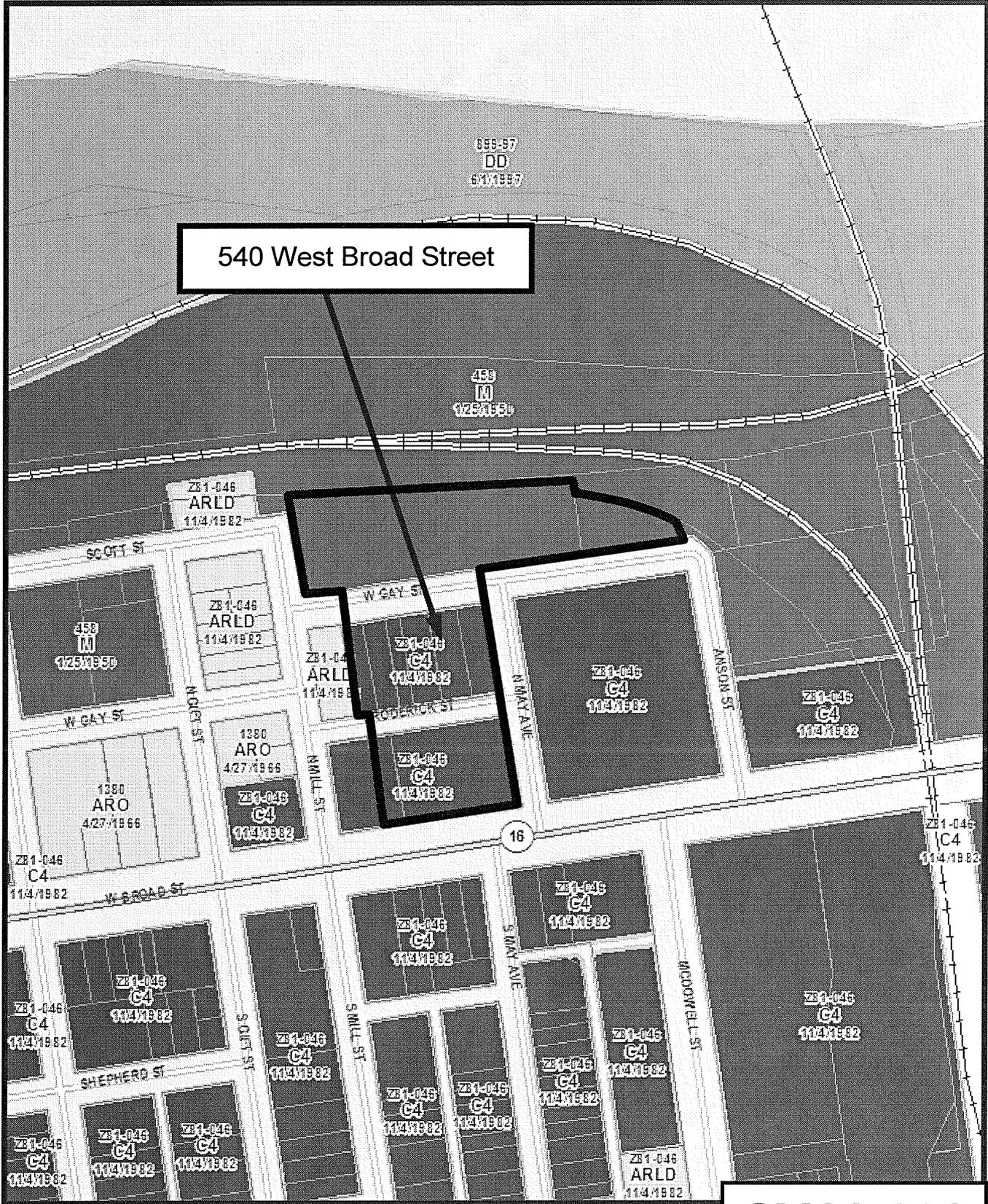
SCALE: 1 inch = 140 feet

GIS FILE NUMBER: 8004



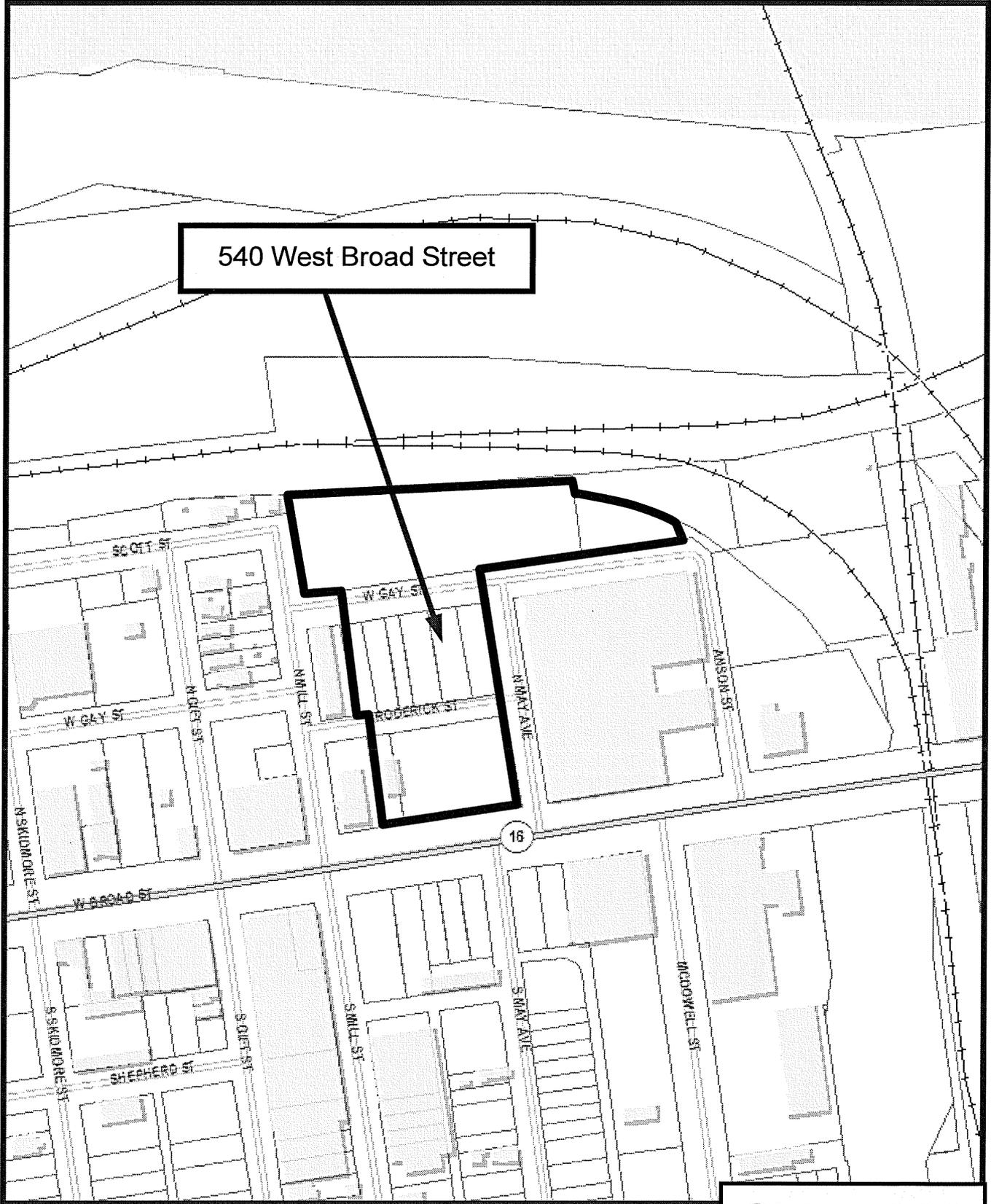
PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

CV11-002



CV11-002

540 West Broad Street



CV11-002

