

UAC

9/2/10

10315-00000-00371
CV10-033

Date _____ Application # _____

City of Columbus | Department of Development | Building Services Division | 757 Gady Avenue Columbus, Ohio 43224

\$1600 pd.



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: University Received By: S Pine

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 32 E. 15th Avenue Zip 43201

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 010-052595

If applicable, check here if listing additional parcel numbers on a separate page (Required)

Current Zoning District (s) AR-4

Recognized Civic Association or Area Commission University Area Commission, UARB

(See instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: To permit 1st Floor office space in AR-4

Proposed Height District: H-35 Acreage 0.188
(Columbus City Code Section 3309.14)

APPLICANT: Name Edwards Companies

Address 495 S. High Street City Columbus Zip 43215

PROPERTY OWNER(S) Name Aby Properties, et al., c/o Pella Company

Address 52 E. 15th Avenue City Columbus Zip 43201

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

ATTORNEY / AGENT Attorney Agent

Name CRABBE, BROWN & JAMES, LLP - Michael T. Shannon, Esq.

Address 500 S. Front St., Ste 1200 City Columbus Zip 43215

Phone # (614) 229-4506 Fax # 229-4559

Email MShannon@cbjlawyers.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature [Signature]

Property Owner Signature [Signature]

Attorney / Agent Signature [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.

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

CW10-033



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Rita Martin, Paralegal
of (1) MAILING ADDRESS 500 S. Front St., 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) CERTIFIED ADDRESS FOR ZONING PURPOSES 32 E. 15th Avenue
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Development, Building Services Division on (3) 9/2/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS

(4) Univest Co., c/o Pella Company
Attn: George Bavelis
52 E. 15th Avenue
Columbus, Ohio 43201

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

The Edwards Companies, c/o Michael T. Shannon, Esq.
(614) 229-4506

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

(5) University Area Commission
Ron Hupman, Zoning Chair
2231 N. High, Room 200, Columbus, OH 43201

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)

SIGNATURE OF AFFIANT

(8) Rita J. Martin

Subscribed to me in my presence and before me this

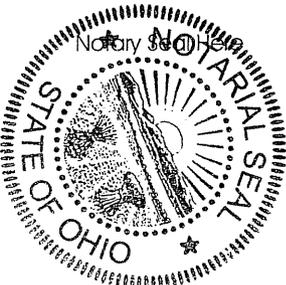
22nd day of September, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) Carol A. Stewart

My Commission Expires:

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2014



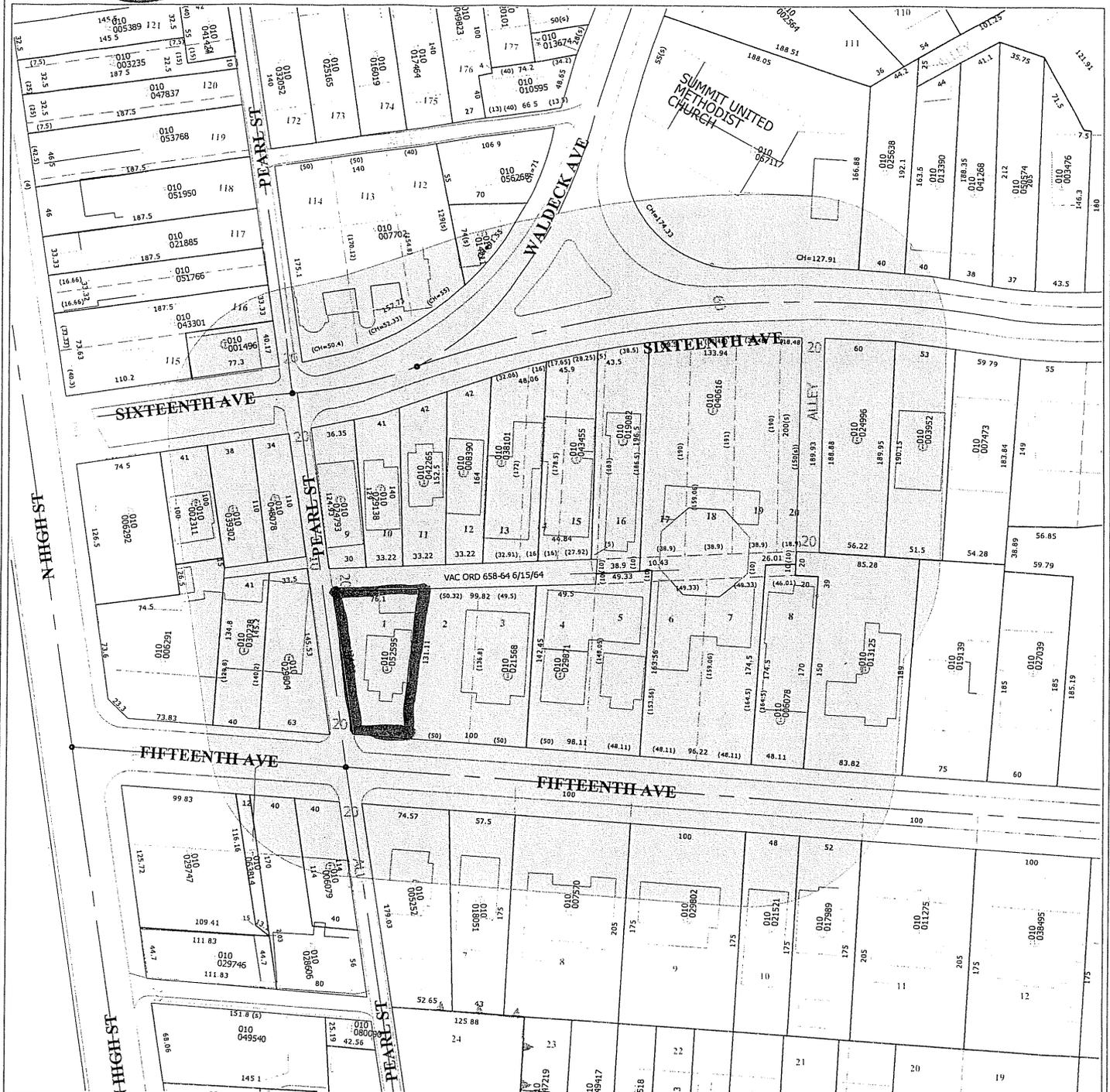
CW10-033



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: m

DATE: 8/11/10



Disclaimer

Scale = 129'



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.



PELLA COMPANY
C/O GEORGE BAVELIS
52 E. 15TH AVENUE
COLUMBUS OH 43201-1602

CAMPUS PARTNERS
1535 N. HIGH STREET
COLUMBUS OH 43201

SOLOMON FAMILY PROPERTIES
OXFORD CAMPUS I, LLC
68 S. FOURTH STREET
COLUMBUS OH 43215

ALPHA XI DELTA BUILDING
76 E. FIFTEENTH AVE
COLUMBUS OH 43212

BUCKEYE REAL ESTATE
P.O. BOX 8310
COLUMBUS OH 43201

BETA NU BUILDING ASS'N
4010 MAIN STREET
HILLIARD OH 43026

LEE SKILKEN
407 E. LIVINGSTON AVE
COLUMBUS OH 43215

FRATERNITY MANAGERS
ASSOCIATION INC.
47 E. 16TH AVENUE
COLUMBUS OH 43201

GARLAND PROPERTIES
48 E. 15TH AVENUE
COLUMBUS OH 43201

ALPHA ZETA
C/O LISA DAVIDSON
5081 GILWOOD DRIVE
HILLIARD OH 43026

SUMMIT U.M.C.
82 E. 16TH AVENUE
COLUMBUS OH 43201

HILLEL FOUNDATION OSU
C/O LAWRENCE D. SCHAFFER
407 E. LIVINGSTON AVE
COLUMBUS OH 43215-5531

ZETA CHAPTER
C/O JOHN WEJMAN
5958 TWIN PINE DRIVE
NEW ALBANY OH 43054

43 E. 15TH, LLC
THOMAS P. HEILMAN II
28 E. 11TH AVE
COLUMBUS OH 43201

DEUTERON OMICRON
C/O JOHN SZLAG
P.O. BOX 1497
COLUMBUS OH 43216

RAY P. DREXEL
MURRAY I. LEIPZIG
4940 DUNKERRIN COURT
DUBLIN OH 43017

**OWNERS (LABELS ABOVE)
(SEE SUBMITTED LIST OF ALL
OWNERS AND ADDRESSES).**

APPLICANT & COUNSEL:

AREA COMMISSION:

EDWARDS COMPANIES
495 S. HIGH STREET
COLUMBUS OH 43215

UNIVERSITY AREA COMMISSION
RON HUPMAN, ZONING CHAIR
2231 N. HIGH ST., SUITE 200
COLUMBUS OH 43201

MICHAEL T. SHANNON, ESQ.
CRABBE, BROWN & JAMES, LLP
500 S. FRONT ST., SUITE 1200
COLUMBUS OH 43215



CW10-033

**STATEMENT IN SUPPORT
OF COUNCIL VARIANCE REQUEST**

**32 E. Fifteenth Avenue (43201)
Applicant - Edwards Companies**

This Statement is filed in support of Applicant's request for variances from the Zoning Code which are necessary and appropriate for a proposed mixed-use building with first-floor office and second-floor residential student housing. This request is one part of a larger student housing development proposed along 15th and 16th Avenues, situated in the University Area with very close proximity to the OSU Main Campus.

Site Background:

The Site is zoned AR-4, which permits the residential / student housing portion of the project. The subject parcel is located at the northeast corner of Pearl Alley and Fifteenth Avenue, and is currently developed with a residential structure previously converted to office space. The site lies within the University Area Planning Overlay and University Impact District. Applicant will obtain recommendations from the University Area Commission and the University Area Review Board. Should this council variance request and the related BZA variance application be approved, applicant will return to the UARB for the necessary certificate of approval for the exterior/architectural detailing of all buildings.

This application is being filed concurrently with a BZA application for the main portion of the development, which consists of two student housing facilities to be developed along 15th and 16th Avenues. It is only the building and parcel which are the subject of this request that require a "use" variance, due to the office component. The main student housing buildings will be developed under the current AR-4 zoning, with certain variances to the Overlay and Impact District standards.

The parcels for the overall development are currently developed with a mix of multi-family residential and office uses, all of which are dated, most of which are non-conforming. The existing conditions of the properties render them economically infeasible to restore and modernize.

Proposal - Overview:

Edwards Companies, the Applicant herein, proposes a unique student housing opportunity for the University area, to be located immediately east of Pearl Alley, between 15th and 16th Avenues. The site is within short walking distance to the Oval, as well as the amenities along High Street, which equates to superior accessibility for the student occupants.

The existing building with office use could be considered legal non-confirming; however, that existing structure will be demolished as part of this project, with a brand new mixed-use building to be developed. The new construction requires a new approval to properly permit the office use on property zoned AR-4.

A total of six (6) of the student housing units will be located on this corner parcel, above the first-floor office space. The building along 16th will include many unique features and amenities that all student residents will benefit from, including:

- Secured parking garage across alley (vehicles and bicycles)
- Restricted Access for residents only
- Fully furnished units, including a private bedroom and restroom for each student
- Units are rented by the bed, not the entire unit
- Rent includes cable television and internet access
- Common areas, including a fitness center, business center, movie theater, club room, tanning beds, and numerous study areas, located in Building "A" but accessible by students in each building.

The proposed project will include a total of 153 Units (469 beds), as outlined below:

- Building A: 123 Units (367 beds) on 1.65 acres
- Building B: 24 Units (84 beds) on 0.72 acres
- **Building O: First-Floor office space w/ 6 Units (18 beds) above**

*NOTE: Buildings "A" and "B" are the subject of a BZA variance application being filed concurrently with this council variance request.

Project Benefits vs. Existing Conditions:

Continued growth of The Ohio State University dictates an increase in dense student housing. The single-family and low-density properties which are the traditional standard today simply do not fit the future plans for the area. Accordingly, Applicant asks that the following factors be weighed in consideration of the requested variances:

Much of the existing student housing in the area consists of single and two-family homes, many of which have been further split to accommodate as many renters as possible. The proposed units here will provide modern, safe, and private sleeping quarters for each and every student, as well as invaluable proximity to the OSU Main Campus. Off-street parking and endless amenities will make this a choice location for prospective students, who may be required to live on or near campus in the near future, which will significantly limit their parameters for locating housing.

Parents of the students will take ease in knowing their children and belongings are more safe at this location than they might be elsewhere.

Offsite improvements (i.e., Pearl Alley) will help create an urban University atmosphere and a foundation from which growth and redevelopment will be expanded in the years to come.

Variations Requested:

In order to make this mixed-use component of the overall project possible, the following variations are necessary:

§3333.035 (AR-4 Permitted Uses).

A variance is requested to allow an office use within the AR-4 zoning district. The office use is well-established on this parcel in the existing building; however, the building will be reconstructed, thereby voiding the current non-conforming status.

§3372.563 - Maximum Lot Coverage.

A variance is requested from the standard 30% maximum lot coverage in the University Planning Overlay, to allow 49.6% lot coverage for this parcel. This variance is appropriate in that approximately one-half of the lot will not be covered with building area, and significant landscaping will be provided.

§3372.564 - Parking.

A variance is requested to allow a reduction in parking from 34 to zero (0) onsite spaces, with the understanding that the students of these 6 units and employees of the office space will utilize the underground parking garages of the two larger buildings at 15th and 16th Avenue (223 total spaces). Since this project cannot move forward without those larger buildings being approved and built, that adjacent parking is a definite commitment for this site. Bicycle parking and on-street parking will be available as well.

§3372.568 - Height.

The proposed building will include first-floor office space (4,000 sq. ft.) and two stories of residential student housing units above, on the upper two floors (6 units and 18 beds total). The building height will be 40 feet, just above the 35-foot height limit.

The proposal complies with density (§3372.561) and Maximum floor area (§3375.567).

Standard of Review:

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 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.

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.

The proposed student housing in such close proximity to the OSU Main Campus is a unique opportunity for the neighborhood, the University, and certainly the students. While it is true that the existing housing and offices could remain as-is on the site and continue to serve their purpose, we ask that Council consider the continued and accelerated growth of the area. Student housing options are increasingly limited in proportion to the number of OSU students. In the years to come, dense urban student housing will be a necessity, not an exception. This project is merely one of the first to be developed.

The development will not be injurious to neighboring properties, nor will it be contrary to public interest or the intent of this Code. The University Planning Overlay was designed because the area is unique, and as growth continues in the area, so too will unique projects that may deviate from the status quo.

For the reasons detailed herein, Applicant respectfully requests approval of the variances necessary to make this project possible.

Respectfully submitted,



Michael T. Shannon, Esq.
CRABBE, BROWN & JAMES, LLP
500 S. Front Street, Suite 1200
Columbus, Ohio 43215
Ph: (614) 229-4506; Fax: (614) 229-4559
MShannon@cbjlawyers.com
Counsel for Applicant



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CU10-033

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.
of (COMPLETE ADDRESS) 500 S. Front St., Suite 1200, Columbus, OH 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 of individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

Edwards Companies
495 S. Front Street
Columbus, OH 43215
Columbus-Based Employees: 275
Contact: **Michael T. Shannon, Esq.**
(614) 229-4506

If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT Michael T. Shannon
Subscribed to me in my presence and before me this 22nd day
of September, in the year 2010

SIGNATURE OF NOTARY PUBLIC _____

My Commission Expires: _____

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO

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

Notary Seal Here



CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2014



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: 010052595

Zoning Number: 32

Street Name: E 15TH AVE

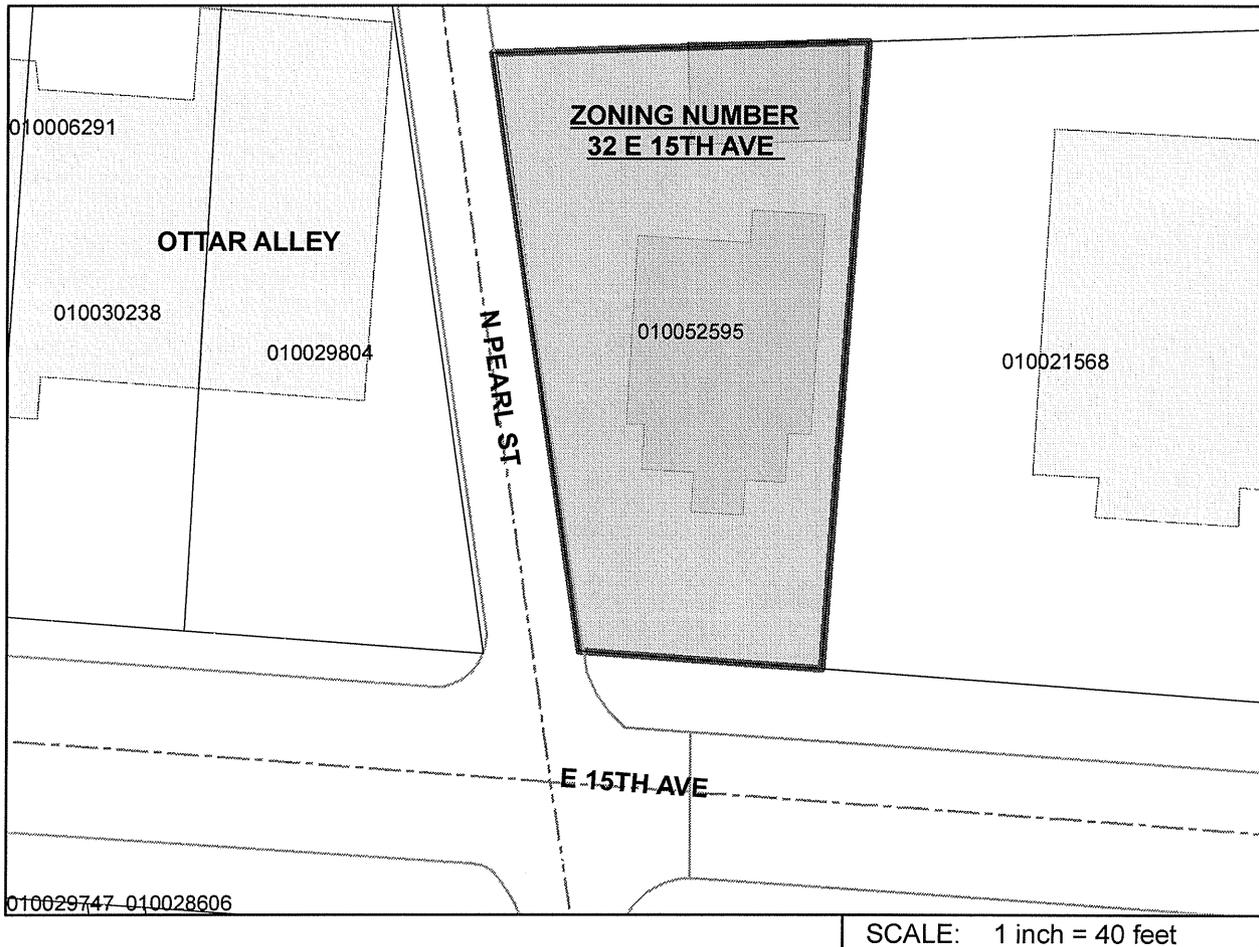
Lot Number: 1

Subdivision: UNOLA

Requested By: CRABBE, BROWN & JAMES, LLP (RITA MARTIN)

Issued By: *Ridgna Umarian*

Date: 9/2/2010



SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 6414



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

CV10-033

**ZONING OF
0.188 ACRE**

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 3, Township 1, Range 18, United States Military Lands, being Lot 1 of that subdivision entitled "Unola Addition" of record in Plat Book 7, Page 130, as conveyed to UNIVEST Co. by deed of record in Official Record 32964B07 (all references refer to the records of the Recorder's Office, Franklin County, Ohio), and being described as follows:

Beginning, for reference at the centerline intersection of Pearl Street and Fifteenth Avenue;

thence North 07° 43' 41" West, with the centerline of said Pearl Street, a distance of 27.70 feet to a point to the TRUE POINT OF BEGINNING;

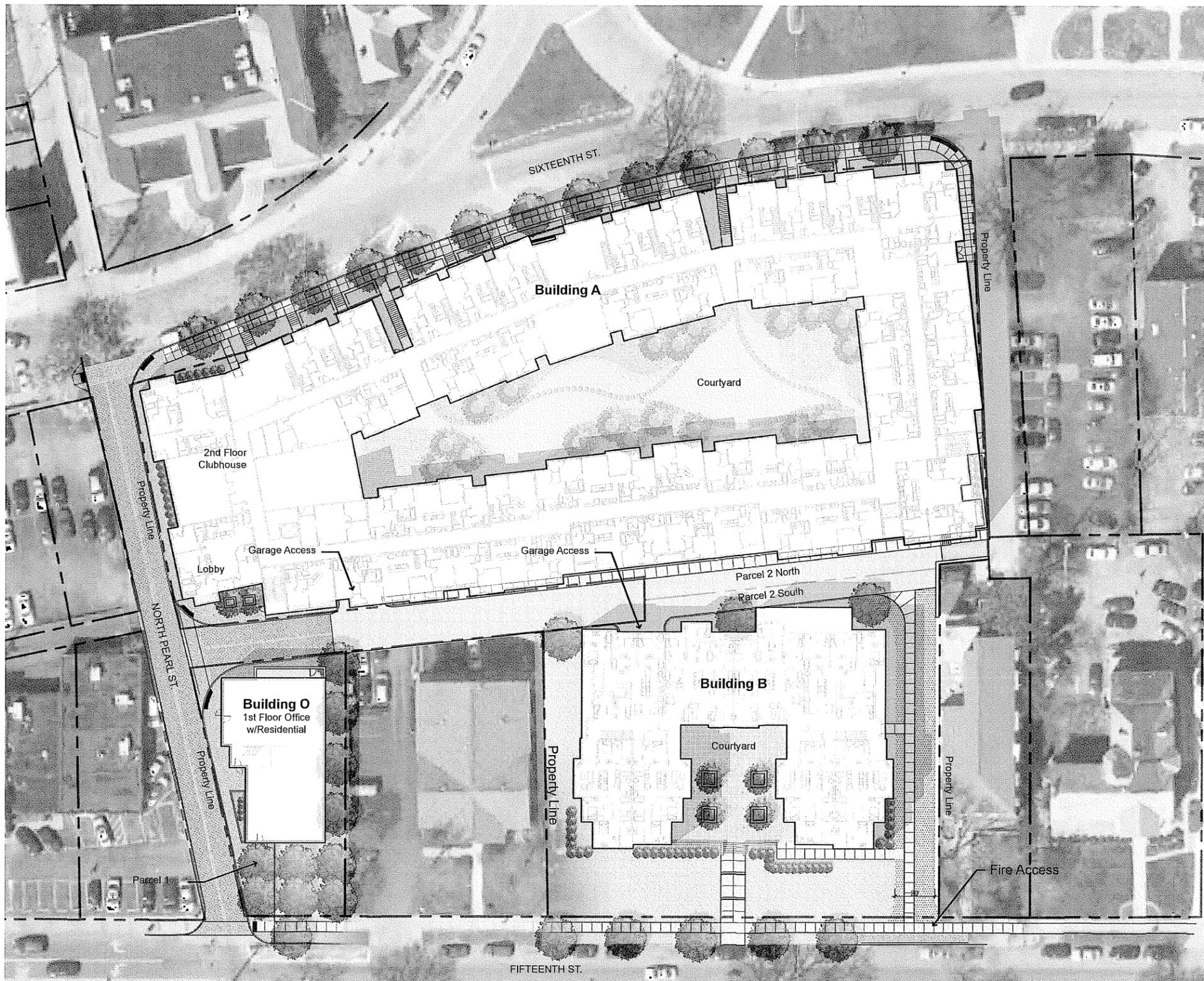
thence North 08° 01' 20" West, with the easterly right-of-way line of said Pearl Street, a distance of 126.25 feet to a northwesterly corner of said Lot 1, being the southerly right-of-way of a 20' alley;

thence North 88° 14' 15" East, with the southerly line of said 20' alley, the northerly line of said Lot 1, a distance of 77.46 feet to a northwesterly corner of Lot 2 of said "Unola Addition", as conveyed to Garland Properties by deed of record in Official Record 32764F02;

thence South 04° 03' 28" West, with the common line to said Lots 1 and 2, a distance of 131.48 feet to a point in the northerly right-of-way line of said Fifteenth Avenue;

thence North 85° 44' 54" West, with the northerly right-of-way line of said Fifteenth Avenue, a distance of 50.64 feet to the POINT OF BEGINNING, and containing 0.188 acre of land, more or less.

This description was prepared from record information only and should be used for zoning purposes only.



Site Plan

Development Data:

Site:

Parcel 1:	.19 Acres
Parcel 2:	1.65 Acres (North) .72 Acres (South) 2.37 Acres Subtotal (Parcel 2)
Total Site	2.56 Acres

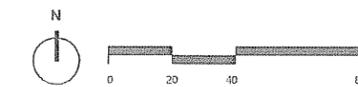
	Unit Type	Units	Beds
Building 'O'	4 BR	2	8
	3 BR	2	6
	2 BR	2	4
Total Res.		6	18
Office		4,000 SF	

Building 'A'	4 BR	49	196
	3 BR	39	117
	2 BR	19	38
	1 BR	16	16
Total Res.	123	367	

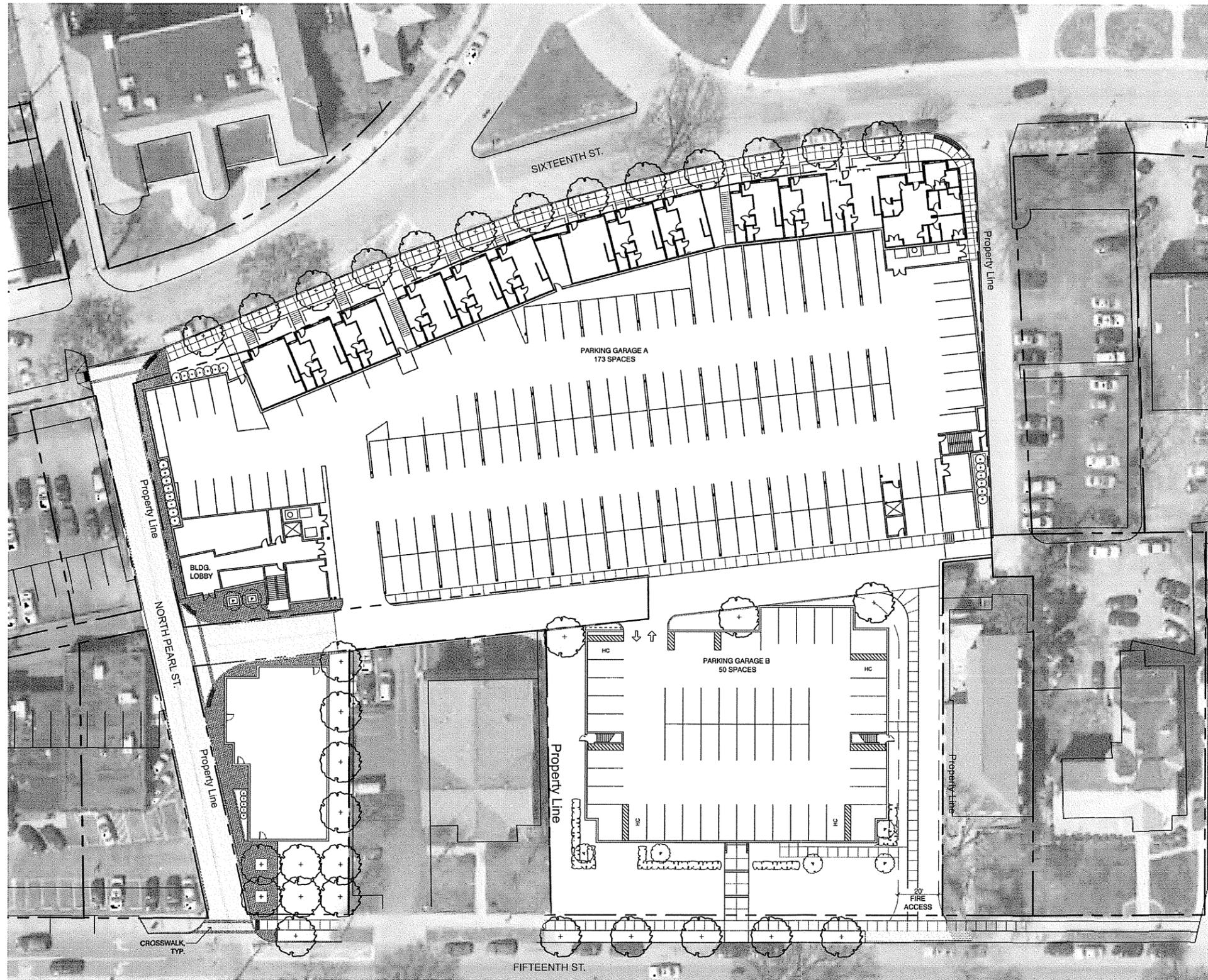
Building 'B'	4 BR	12	48
	3 BR	12	36
Total Res.	24	84	

Total	4 BR	63	252
	3 BR	53	159
	2 BR	21	42
	1 BR	16	16
Total Res.	153	469	
Office	4,000 SF		

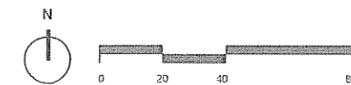
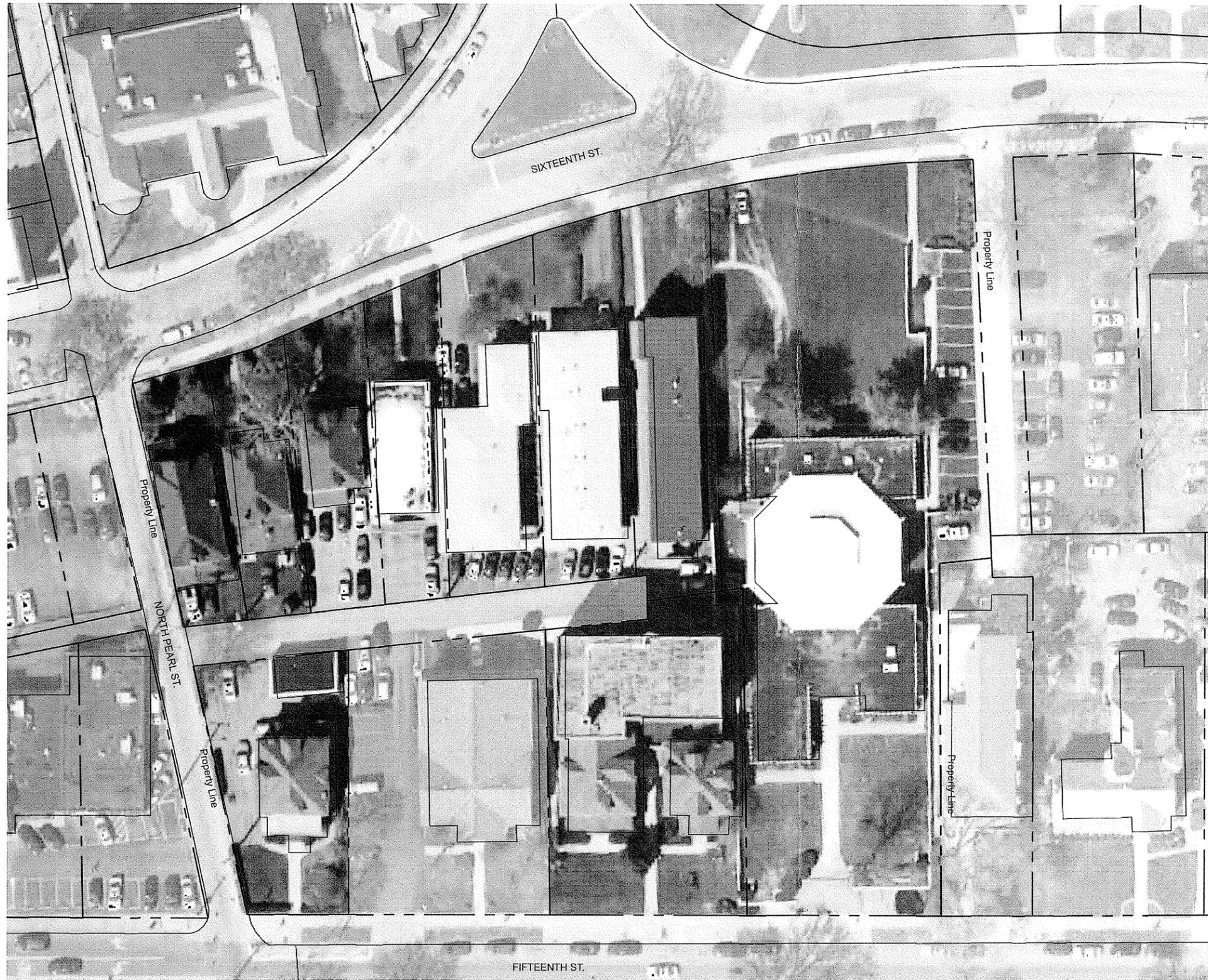
Parking	Spaces
Garage A	173
Garage B	50
Total	223

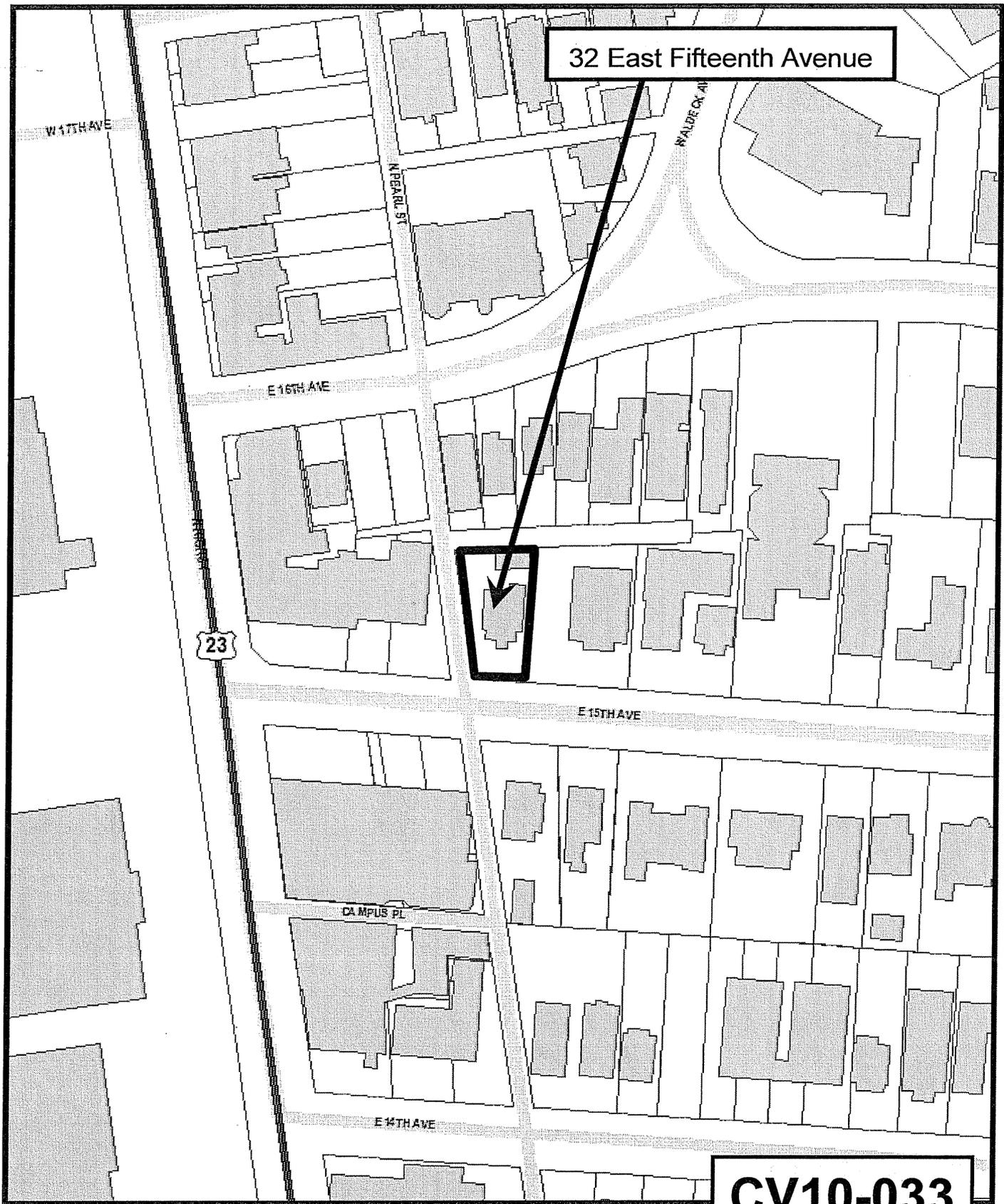


Lower Level Plan



Existing Conditions





32 East Fifteenth Avenue

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CV10-033

