

Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 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.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

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(s) requested as detailed below (use separate page if needed or desired):

see attached sheet

Signature of Applicant

[Handwritten Signature]
attorney fees

Date

8/23/22

Council Variance for 5314 Avery Road

The site is the southeast corner of Avery Road and the extension of Tuttle Crossing Boulevard. It was part of Z16-015 and was zoning for non-residential development. The site remains undeveloped while the multi-family site to the east has been developed. The proposed zoning would permit the expansion of the existing multi-family development. The requested reductions in setback allows for the buildings (Section 3333.18 80 to 25 feet Tuttle Crossing Boulevard, 60 to 25 feet Avery and to permit porches and balconies to encroach upto 6.5 feet into the setback) to be brought forward on the site and the parking to be to the rear and sides of the buildings. Although both the proposed use and existing use are multi-family the sites will be on separate tax parcels which creates a perimeter yard (Section 3333.255 25 to zero and 25 to 10 feet along south property line) between the two parcels even though it is the same use. The parcel line divides parking spaces (Section 3312.29), driveway (Section 3312.13), and creates the need to maneuver (Section 3312.25) across the parcel line. The minor increase in garage height from 15 to 16 feet (Section 3333.35(G)) is a result of pitch roof on these buildings. These variances will not seriously affect any adjoining property or the general welfare. In addition, the variances will not impair an adequate supply of light and air to the adjacent property, nor unreasonably increase the congestion of public streets, nor increase the danger of fires, nor endanger the public safety, nor unreasonably diminish impair established property values within the surrounding areas, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

Section 3312.13 Driveway: to permit a driveway being divided by a parcel line.

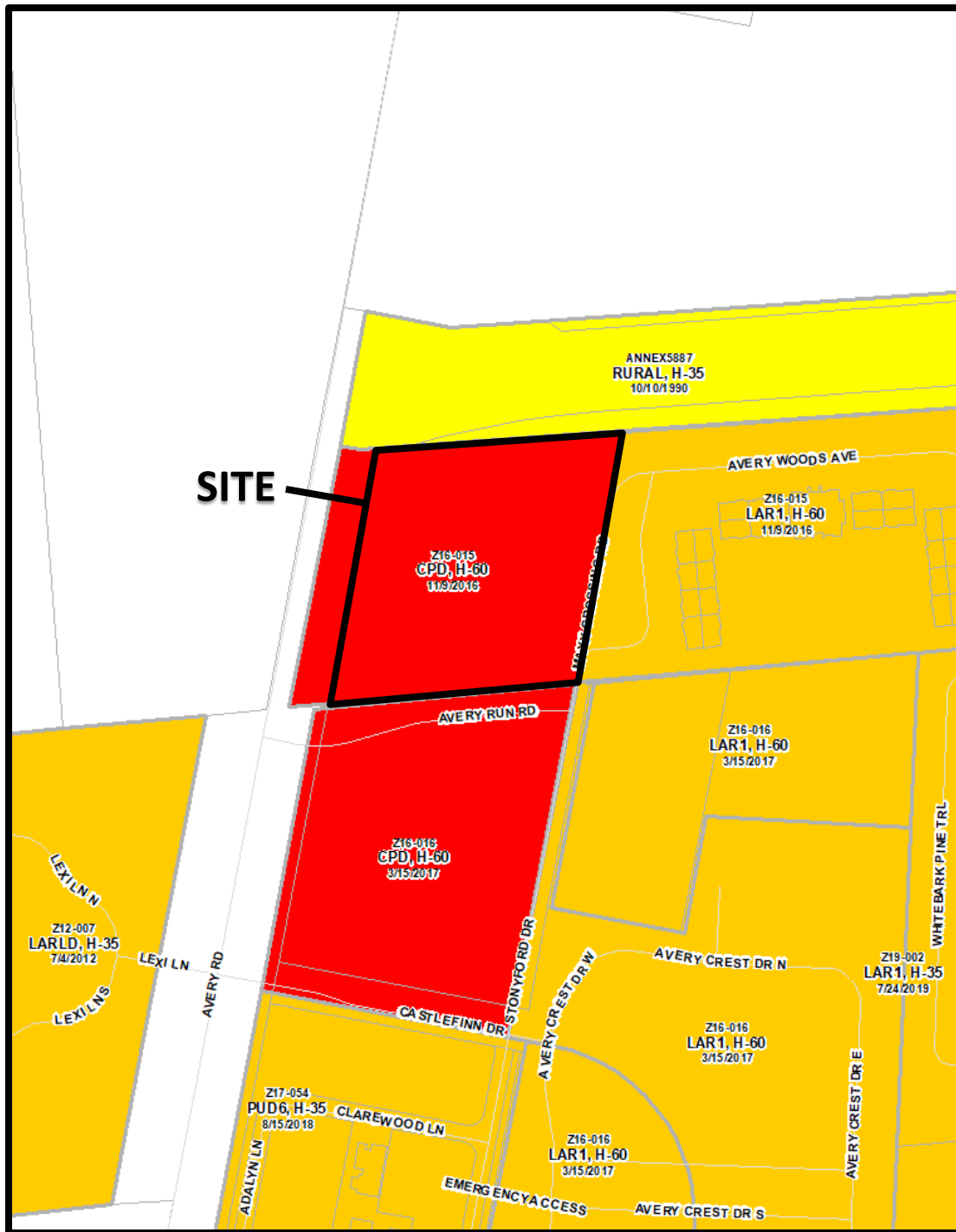
Section 3312.25 Maneuvering: to permit maneuvering across parcel lines.

Section 3312.29 Parking Space Size: to permit parking spaces being divided by parcel line.

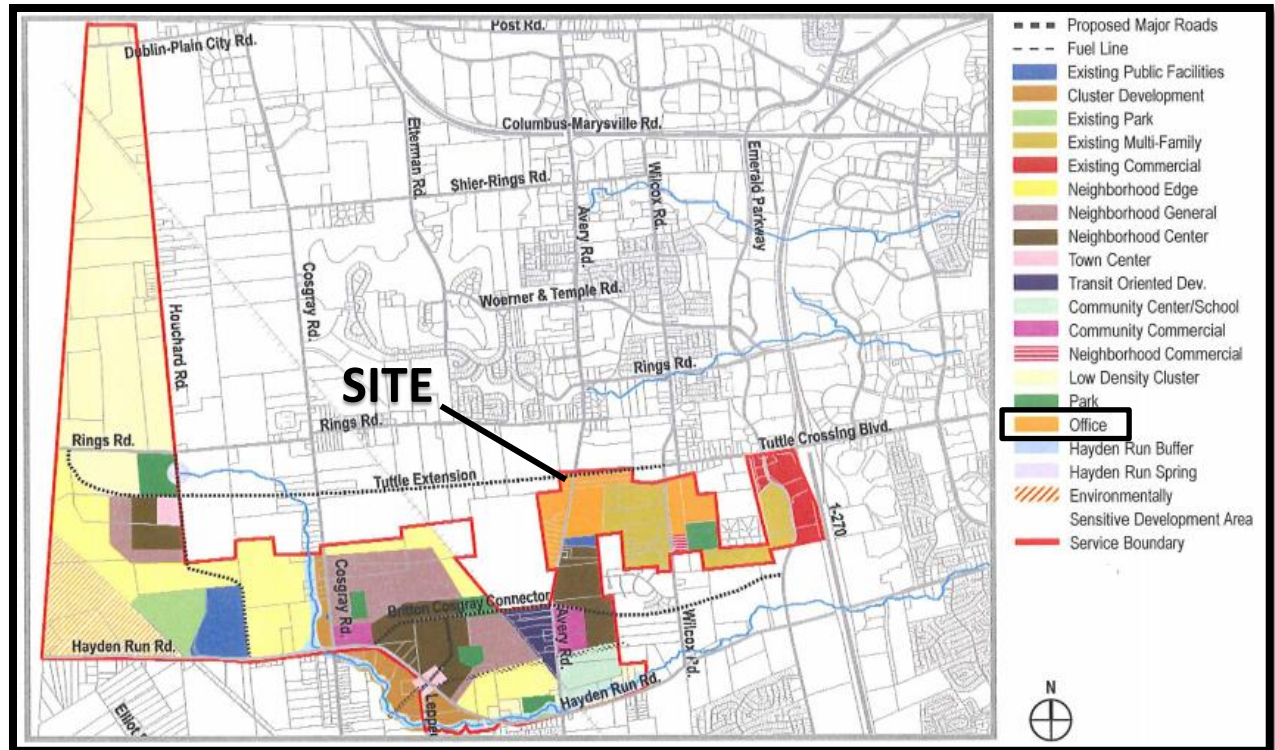
Section 3333.18 Building line: to reduce the building line on the extension of Tuttle Crossing Boulevard from 80 to 25 feet and to allow porches and balconies to encroach into the 25 foot setback up to 6.5 feet; to reduce the building setback on Avery Road from 60 to 25 feet and to allow porches and balconies to encroach into the 25 foot setback up to 6.5 feet.

Section 3333.255 Perimeter yard: to reduce the perimeter yard along the south property line from 25 to 10 feet for buildings and parking and to reduce the perimeter yard along the east property line from 25 feet to zero for buildings and parking.

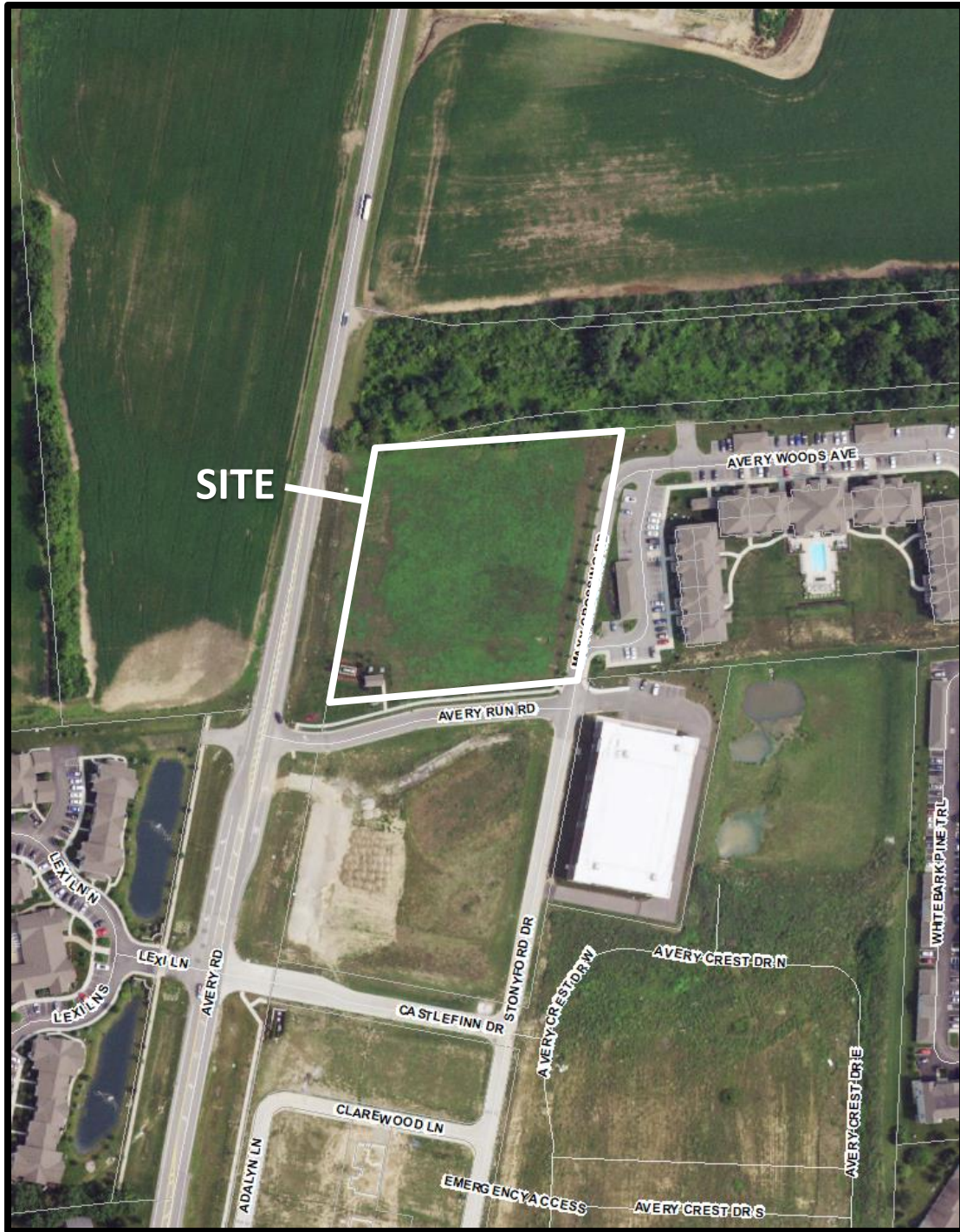
Section 3333.35(G) Private garage: to permit the increase in height from 15 to 16 for garages.



CV22-092
5314 Avery Rd.
Approximately 2.7 acres



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Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP
(PLEASE PRINT)

Case Number 010-297298 (Z22-068 & CV22-092)

Address 5314 Avery Rd.

Group Name Hayden Run Civic Association

Meeting Date 09-02-2022

Specify Case Type

☐ BZA Variance / Special Permit

☒ Council Variance

☒ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation ☒ Approval

(Check only one) ☐ Disapproval

LIST BASIS FOR RECOMMENDATION:

Vote 4-0 Approved

Signature of Authorized Representative Rebecca S. Obester *Rebecca S. Obester*

Recommending Group Title Hayden Run Civic Association

Daytime Phone Number 614-702-8706

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-092

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

Being first duly cautioned and sworn (NAME) Jeffrey L. Brown

of (COMPLETE ADDRESS) 37 W. Broad St., #460, 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 format:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. Metro Development LLC Joe Thomas 614-540-2400 470 Olde Worthington Rd., #100 Westerville, OH 43082. Number of Columbus based employees <u>65</u>	2. Gage Crossing LLC Joe Thomas 614-540-2400 470 Olde Worthington Rd., #100 Westerville, OH 43082. Number of Columbus based employees <u>0</u>
3.	4.

☐ Check here if listing additional parties on a separate page.

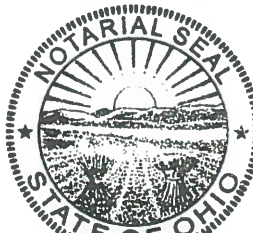
SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 23rd day of August, in the year 2022

SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



Jackson B. Reynolds, III, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

This Project Disclosure Statement expires six (6) months after date of notarization.