

**EXHIBIT B****STATEMENT OF HARDSHIP****2482 Neil Avenue, Columbus, OH 43202****CV10-032**

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The 0.523 +/- acre site is located on the east side of Neil Avenue and the south side of West Tompkins Street. The site consists of six (6) parcels, with five (5) single family dwellings and one (1) two family dwelling. Applicant proposes to raze all of the existing buildings and develop the site with a total of 17 dwelling units consisting of one (1) two family dwelling, two (2) four family dwellings and one (1) seven unit building, all as depicted on the submitted site plan.

The site is zoned R-2F, Residential from a 1979 area rezoning intended at the time to prevent the construction of large apartment complexes with many housing units, particularly without community and zoning review. Development projects in the university neighborhoods have frequently been processed as variance applications vs. rezoning applications to preserve underlying zoning established with the various 1970's area rezoning applications, while at the same time allowing projects supported by the community and staff to be developed through the variance process. Notably, and recently, a ten (10) dwelling unit development and a commercial parking area, both near the subject site and both zoned R-2F, Residential, have been developed with the support of the University Area Commission and City staff. A similar preference has been expressed with this project, not only in support of the development, but also for it to proceed by variance. The site isn't within the codified area of jurisdiction of the University Area Review Board (UARB), but applicant has voluntarily reviewed the project with the UARB and also obtained a recommendation for approval. The proposed project will considerably upgrade the current housing on the property. The location on Neil Avenue is appropriate for higher density, new development.

Applicant requests the following variances:

- 1). Section 3332.037, R-2F, Residential District, to permit one (1) two-family dwelling, two (2) four (4) family dwellings and one (1) seven dwelling unit building, all on the same parcel.
- 2). Section 3332.19, Fronting, while the parcel fronts on Neil Avenue and West Tompkins Street, the south two (2) family dwelling fronts on Bucks Alley (15').
- 3). Section 3332.21, Building Lines, which Section permits extending existing adjacent building lines of less than 25 feet (West Tompkins: 7 feet; Neil Avenue: 10 feet), subject to a minimum building setback of ten (10) feet, while applicant proposes most of the West Tompkins and Neil Avenue building setback to be 12 feet, but the corners of the building at the corner of Neil and West Tompkins, as depicted on the site plan, will be at a four (4) foot setback from each street.
- 4). Section 3332.27, Rear Yard, which section requires each dwelling to provide a rear yard totaling 25% of the lot area in the R-2F District, while applicant proposes a multi-building development on a

single 27,090 square foot parcel, as depicted on the site plan, so there are multiple principal buildings, and applicant can't calculate a rear yard as defined, 3303.25, Letter Y, so for purposes of Section 3332.27, Rear Yard is reduced to zero (0) percent, but development is conditioned upon the submitted site plan.

5). 3372.541, Landscaped Area and Treatment, which Section requires a minimum of 10% of lot area (2,278 sq ft) to be landscaped and located behind the most rear portion of the building while site landscaping is provided in the front and the rear, but rear landscaping is approximately 3.2% (878 sq. ft.).

6). 3372.542, Maximum Lot Coverage, which Section allows a maximum of 25% lot coverage, as defined, while applicant proposes 40% lot coverage.

7). 3372.544, Maximum Floor Area, which Section allows 0.40 floor area ratio, while applicant proposes a floor area ratio of 0.59.

8). 3312.21 (A), Landscaping and screening, which Section requires interior tree planting in parking lots with ten (10) or more spaces, while applicant proposes a 37 space parking lot without interior tree islands, while perimeter landscaping, including tree planting, is provided, as depicted on the site plan.

9). 3321.05(B)(2), Vision Clearance, which Section requires a thirty (30) foot clear vision triangle at street intersections in residential districts, while there are numerous buildings in the area that encroach into the thirty (30) foot clear vision triangle and applicant proposes a twenty-five (25) foot clear vision triangle at the intersection of West Tompkins Avenue and Neil Avenue to permit porch columns within the area between twenty-five (25) and thirty (30) feet of the clear vision triangle.

Applicant proposes the following conditions to be conditions of the variance ordinance:

1). Applicant shall obtain the approval of the exterior building elevations by the University Area Review Board (UARB) prior to submittal for building permit.

2). Street trees (2" caliper) shall be provided along both West Tompkins Street and Neil Avenue at the rate of 35 feet +/- on center, exclusive of required clear vision areas. Street tree type and planting location to be determined by the City Forester. There is an existing 8 inch +/- caliper maple tree in the West Tompkins Avenue right of way toward the east side of 55 West Tompkins Avenue (PID: 010-027467) which is to remain and will be used in determining planting locations for the additional street trees to be planted.

3). Forty (40) feet of the east property line of the site jogs west three (3) feet, as noted on the site plan. Applicant will provide an easement for landscaping purposes for the 40' x 3' area of the east property line in conjunction with the final site compliance plan review to provide a uniform five (5) foot wide landscaping strip along the east side of the parking lot.

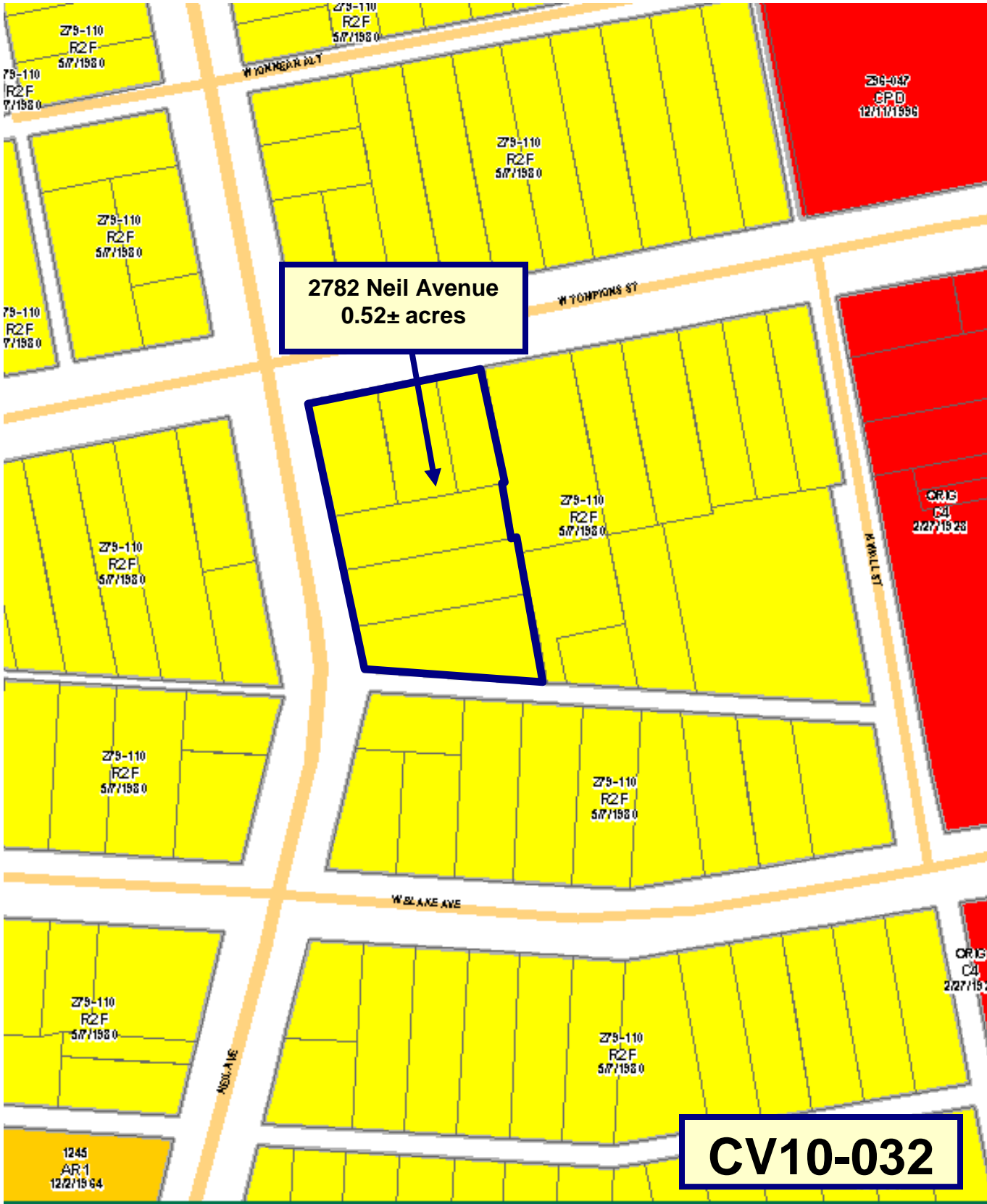
4). Stacked parking spaces are shown on the site plan. The Division of Mobility Options has requested that each pair of spaces, being one interior parking space blocked by a second parking

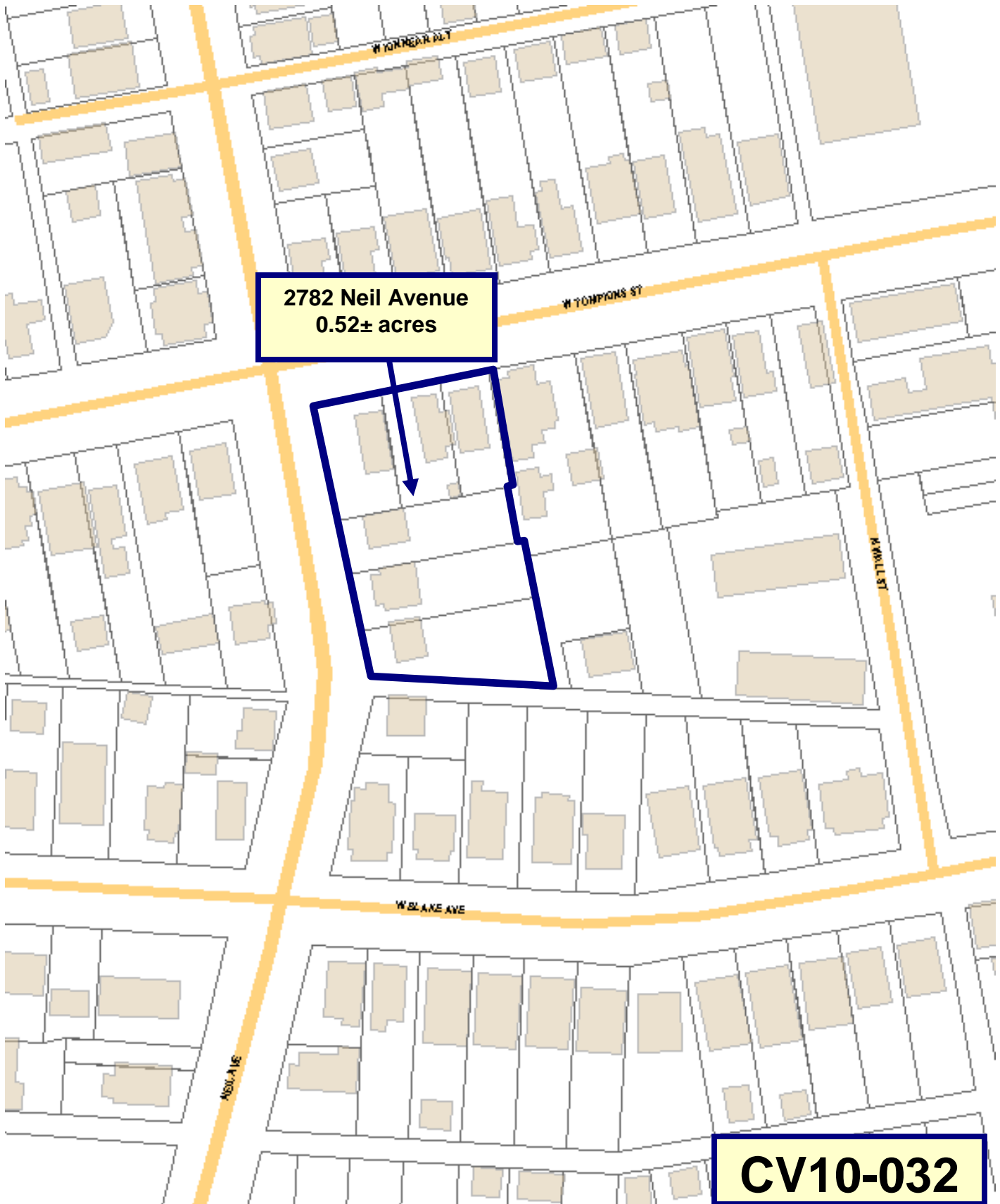
space behind the interior space, be assigned to the same dwelling unit. On the final site compliance plan, applicant will note which spaces are assigned to which unit and shall comply with the requested assignment of spaces.

5). The ordinance shall reference the site plan titled "2482 Neil Avenue" (Sheet 1 of 1) dated and signed June 7, 2012 by Donald Plank, Attorney for Applicant, as the site development plan for the site. The site plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time final development and engineering plans are completed. Any slight adjustment to the site plan shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustment.









2782 Neil Avenue  
0.52± acres

CV10-032



City of Columbus  
Mayor Michael B. Coleman

## University Area Review Board

109 North Front Street, First Floor  
Columbus, Ohio 43215-9031  
(614) 645-6096 (614) 645-1483 fax

### MEMORANDUM

property address  
date  
issued to

<sup>4</sup>  
~~2~~82 Neil Avenue / CV10-032  
**October 4, 2010**  
Barry Jardine (Architect), Wayne Garland (Owner)

To members of the City Council:

At the Applicant's request the University Area Review Board reviewed a proposal for a new multi-family residential development at <sup>4</sup>~~2~~82 Neil Avenue. The subject property is outside the University Impact District, therefore the property is not subject to review by the UARB and a Certificate of Approval is not required. The proposal was reviewed as a courtesy a total of four times and each meeting led to refinements in the site or building design. Ultimately, the proposed site and building arrangements were viewed as favorable by the UARB. Meeting notes are available upon request.

Respectfully submitted,

Daniel B. Ferdelman, AIA  
University Area Review Board staff





**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](http://www.columbus.gov)

**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 # CV10-032

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 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 or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

1. Eleventh Avenue Properties, Ltd. 48 East 15th Avenue Columbus, OH 43201 # of Columbus Based Employees: 0 Contact: Wayne Garland, (614) 294-4411	2.   
3.   	4.   

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 7th day of JUNE, in the year 2012

SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.  
Applications must be submitted by appointment. Call 614-645-4522 to schedule.  
**Please make all checks payable to the Columbus City Treasurer**