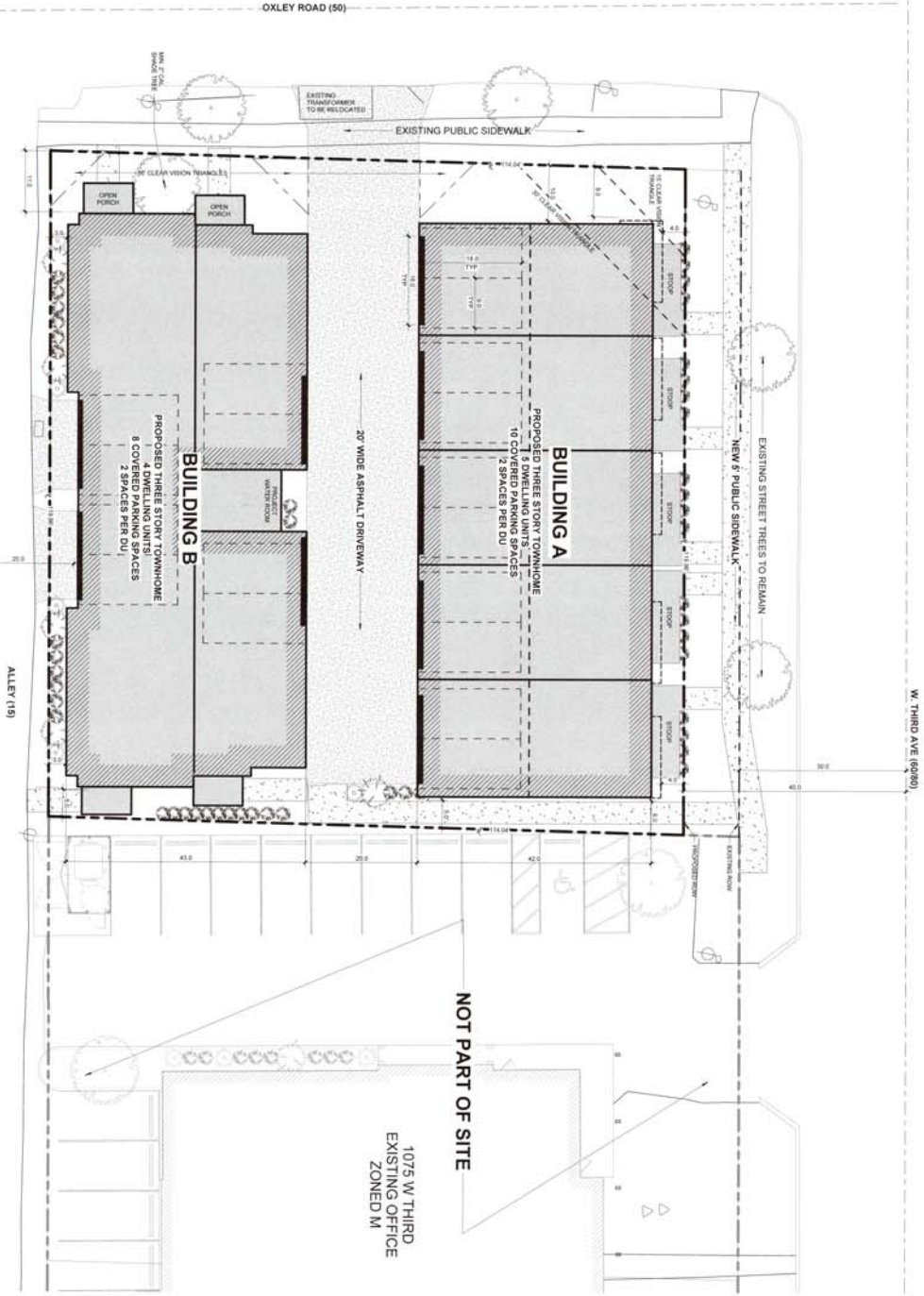


Final Site Plan Received 1.12.23 Sheet 1 of 1 CV21-066



**SIDEWALK TABLE**

ADDRESS	PARCEL NO.	HEIGHT DISTRICT	EXISTING AREA	PROPOSED AREA
1095 W 3RD AVE	10-0002623, 010-000964, 010-000965	H-35	33 AC +/-, 14,800 SF +/-	31 AC +/-, 13,800 SF +/-

A ZONING PROJECT IS IN THE WEST THIRD UCO  
 PROPOSED VARIANCE # CV21-066  
 REZONING # Z21-044

**B BUILDING**

PROPOSED USE	9 DWELLING UNITS
HEIGHT	45' +/-
COVERED PERMANENT YARD	9200 SF +/- 69%
SETBACKS	AS NOTED

**C PARKING**

PARKING REQUIRED	@ 1.5 = 14 SPACES
PARKING PROVIDED	14 SPACES
	18 TOTAL SPACES

**D SITE**

REFUSE	PRIVATE - MIN. 4.5 CY/WEEK
	1 TREE / 10 DU REQUIRED
	1 REQUIRED / 1 PROVIDED

**SITE AREA CALCULATION**

AREA DESCRIPTION	SF	%
BUILDING A	4800 SF	35%
BUILDING B	4400 SF	32%
TOTAL SITE AREA - 13800 SF	9200 SF	69%

The developer certifies that this drawing has been prepared by a registered professional engineer, architect or other duly licensed professional and that the same complies with all applicable laws and regulations. Any other requirements of the Department shall be the responsibility of the applicant. The applicant warrants that the information provided is true and correct to the best of their knowledge and belief. The applicant warrants that the information provided is true and correct to the best of their knowledge and belief. The applicant warrants that the information provided is true and correct to the best of their knowledge and belief.

Date: 11/13/2023  
 Drawn By: [Signature]  
 Checked By: [Signature]  
 Date: 11/13/2023

**WEST THIRD TOWNHOMES**  
 1095 W THIRD  
**ROBY DEVELOPMENT**

CV21-066  
 1" = 10' - 0"

SHEET DATE: 01/12/2023  
 PROJECT #: 2019A/VF  
 PROJECT DATE: 01/12/2023  
**01**  
 SITE PLAN



# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

**STATEMENT OF HARDSHIP**

APPLICATION #: CV21-066

**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 Exhibit B

Signature of Applicant

*Rohy Development LLC by  
David B. Perry Agent*

Date

*7/25/2022*

Signature of Attorney

*Donald Plank*

Date

*7/25/2022*

## Exhibit B

### Statement of Hardship

#### CV21-066, 1095 W. 3<sup>rd</sup> Avenue, Columbus, OH 43212

The 0.31 +/- acre (net) site is located at the southeast corner of W. 3<sup>rd</sup> Avenue and Oxley Road. The site consists of three (3) tax parcels (010-062963, 010-062964, 010-062965), all zoned M, Manufacturing. The site is has been used as a vehicle parking and storage lot. Rezoning application Z21-044 is pending to rezone the site to the AR-1, Apartment Residential District. Applicant proposes to develop the site with nine (9) townhouse dwelling units, as depicted on the site plan, "West Third Townhomes, 1095 W Third Avenue", hereafter "Site Plan". This variance application is submitted as a companion application to Z21-044.

The parcels are zoned M, Manufacturing. Surrounding land uses include residential, office, office/warehouse and commercial uses. The Fifth by Northwest Neighborhood Plan supports mixed use and multi-family land uses at this site and the W. 3<sup>rd</sup> Avenue corridor. This variance application is submitted for applicable variances related to the proposed use.

Applicant has a hardship and practical difficulty with compliance with the cited Zoning Code sections applied to urban development, for which closer building setbacks and higher building height and coverage are typical and encouraged.

Applicant requests variances from the following sections of the Columbus Zoning Code:

Variances:

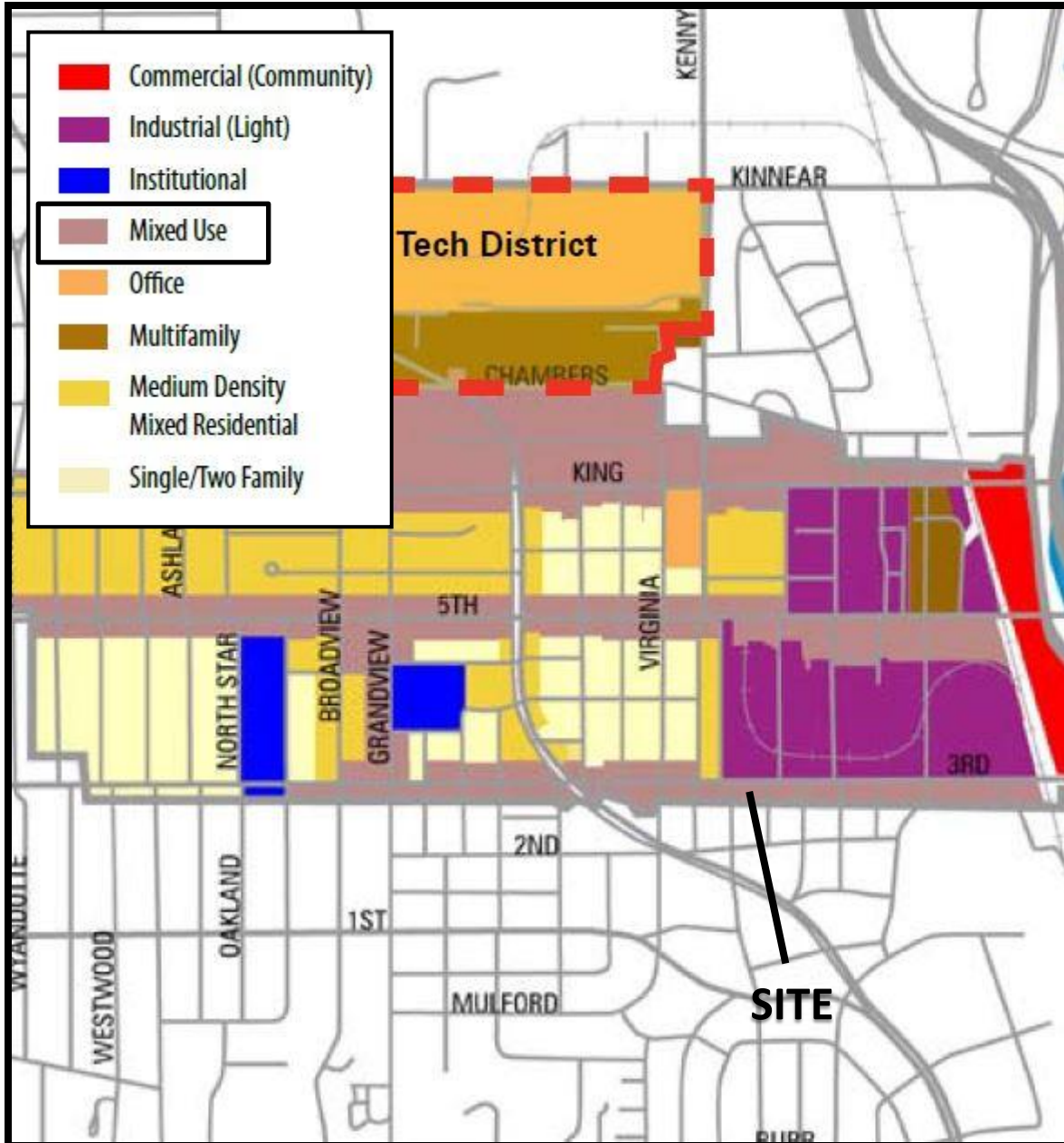
- 1). Section 3333.02, AR-12, ARLD and AR-1 Apartment Residential District use, to permit a 9 dwelling unit residential development with two (2) buildings containing 5 (Building A) and 4 (Building B) dwelling units.
- 2). Section 3309.14, Height Districts, to permit a 43' building height in the H-35 Height District for Building A only.
- 3). Section 3321.05(B)(2), Vision Clearance, to reduce the 30'x30' clear vision triangle at W. 3<sup>rd</sup> Avenue and Oxley Road to 15'x15', net of right of way dedication totaling 40' from C/L of W. 3<sup>rd</sup> Avenue.
- 4). Section 3333.15(C), Basis of Computing Area, to increase lot coverage from 50% to 68%.
- 5). Section 3333.18(F), Building Lines, to reduce the W. 3<sup>rd</sup> Avenue building setback line from 40' (Columbus Multi-Modal Thoroughfare Plan) to 4', net of 40' of right of way

from centerline, and to reduce the Oxley Road building setback from 25' to 9' (west projection of second floor wall of Building A) and 11' (west wall of Building B).

6). Section 3333.255, Perimeter Yard, to reduce the east perimeter yard from 12' (10%) to 5' (Building A) and 1' (Building B – open porch) and south perimeter yard from 12' to 3' (Building B), and to permit pavement (sidewalk) in the east perimeter yard.



CV21-066  
1095 W. 3<sup>rd</sup> Ave.  
Approximately 0.31 acres



CV21-066  
1095 W. 3<sup>rd</sup> Ave.  
Approximately 0.31 acres





CV21-066  
1095 W. 3<sup>rd</sup> Ave.  
Approximately 0.31 acres

# Standardized Recommendation Form

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

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

Case Number Z21-044 / CV21-066

Address 1095 W 3rd Avenue

Group Name 5th x Northwest Area Commission

Meeting Date December 6, 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:**

*Commission finds variances reasonable, taking into account vocal citizen input, especially resistance to setback on alley side of property.*

Vote 4-1  
Signature of Authorized Representative *[Signature]*  
Recommending Group Title Fifth by Northwest Area Commission  
Daytime Phone Number 614-584-1455

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.



# Council Variance Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215  
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

## PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV21-066

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) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, 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. Roby Development, LLC; 7100 Muirfield Dr, Ste 200, Dublin, OH 43017; # Cols-based emps: Zero (0) Contact: Joel Roby, (614) 791-1151	2. Bonnie Jo Roby, Jeffrey A. Roby Company, Limited Partner- ship; 7100 Muirfield Dr, Suite 200, Dublin, OH 43017; # Columbus-based employees: Zero (0) Contact: Joel Roby, (614) 791-1151
3. -----	4. -----

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 21<sup>st</sup> day of February in the year 2023

SIGNATURE OF NOTARY PUBLIC MaryAlice Wolf

Notary Seal Here  
My Commission Expires \_\_\_\_\_



MaryAlice Wolf  
Notary Public, State of Ohio  
My Commission Expires October 24, 2023

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