



DEPARTMENT OF BUILDING AND ZONING SERVICES

Council Variance Application

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

STATEMENT OF HARDSHIP

Application #: CV18-085

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

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 discovered after your application is approved, a new application 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'

Multiple horizontal lines for providing details on variances.

Signature of Applicant: Donald Plank (Donald Plank, Plank Law Firm) Date: 9/29/18
Attorney:
Consultant: Dave Perry (Dave Perry, David Perry Company, Inc.) Date: 9/29/18

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 checks payable to the Columbus City Treasurer

## Exhibit B

### Statement of Hardship

#### CV18- 085 , 2959 Cleveland Avenue

The site is 1.23 +/- acres located at the southwest corner of Cleveland Avenue and Eddystone Avenue, extending south 314 +/- feet on Cleveland Avenue. The site is zoned R-4, Residential. Applicant proposes to redevelop the site with a 45 dwelling unit, 3 story apartment building. Applicant has a hardship and practical difficulty in that there is no zoning district to rezone the site to without also needing variances. Cleveland Avenue is an arterial corridor developed with many types of land uses and a broad range of densities. The proposed use will provide new housing in the area. The site plan titled "Preliminary Site Plan", dated \_\_\_\_\_, is submitted with this application as the site development plan.

Applicant requests the following variances:

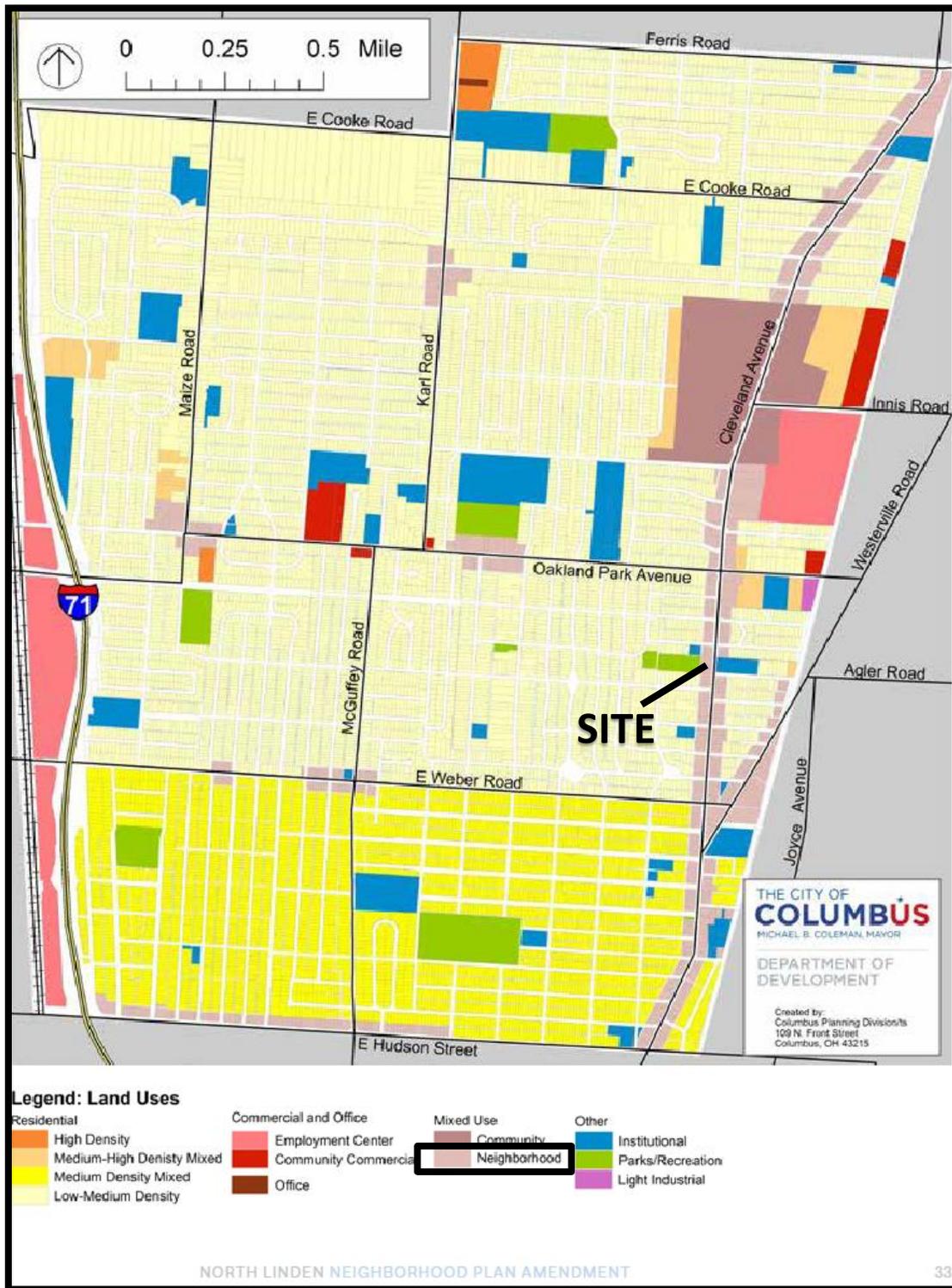
- 1). Section 3332.039, R-4 Residential District, to permit a 45 dwelling unit apartment building.
- 2). Section 3312.21(A)(3)(B)(3), Landscaping and Screening, to place required interior parking lot trees on the perimeter of the parking lot and to reduce the height of parking lot screening from 5' to 3'.
- 3). 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 68 spaces (45 DU @ 1.5 spaces/DU) to 46 spaces.
- 4). Section 3332.21(D)(2), Building Lines, to reduce the Cleveland Avenue building setback line, from 20 feet (calculated setback of 2945 Cleveland Avenue, PID: 010-186467) to 15 feet, net of ten (10) feet of right of way dedication (total 40 feet from centerline).

09/24/2018



CV18-085  
2959 Cleveland Avenue  
Approximately 1.23 acres

North Linden Neighborhood Plan Amendment (2014)



CV18-085  
2959 Cleveland Avenue  
Approximately 1.23 acres



CV18-085  
2959 Cleveland Avenue  
Approximately 1.23 acres

JENNIFER GALLAGHER  
Director

THE CITY OF  
**COLUMBUS**  
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF  
PUBLIC SERVICE

October 31, 2018

David B. Perry, President  
David Perry Company, INC.  
411 East Town Street, 1<sup>st</sup> Floor  
Columbus, OH 43215

RE: Request for Reduction of Right-of-Way Dedication Requirement  
Rezoning Application: CV18-085  
Parcel Number: 010-070877, 010-070893, 010-070895, 010-076498, and 010-186401  
Address: 2959 Cleveland Avenue

Dear Mr. Perry:

We have reviewed your request to reduce the right-of-way dedication requirements of the subject property located on the west side of Cleveland Avenue.

Upon reviewing future infrastructure needs within the vicinity of this property and considering the impacts that additional right-of-way dedication, as dictated by the Columbus Thoroughfare Plan, would have on this property, we can support a partial reduction of this requirement.

In order to preserve sufficient space for potential future roadway improvements, dedication of 40 feet from the centerline of Cleveland Avenue will be required.

This necessary right-of-way dedication will need to be completed prior to the approval of the final site compliance plan associated with this proposed development. Please work with Jerry Ryser with the Division of Infrastructure Management to complete the necessary right-of-way dedication. Jerry can be reached at (614) 645-1584. If you have any other questions, please contact Daniel Moorhead at (614) 724-0589.

Sincerely,



Reynaldo A. Stargell, P.E.  
Administrator  
Division of Traffic Management

RAS/drj/dem

cc: D. Blechschmidt – City of Columbus, Department of Public Service  
D. Moorhead – City of Columbus, Department of Public Service  
B. Hayes – City of Columbus, Department of Public Service  
L. Russell – City of Columbus, Department of Building and Zoning Services





November 16, 2018

*2018-2019  
Officers*

Jennifer Anne Adair, Esq.,  
Chair

John S. Lathram, III  
Vice-Chair

Rayna Morgan,  
Secretary/Treasurer

*2018-2019  
Commissioners*

Paula Burleson,  
Commissioner

Holly Borghese, DVM  
Commissioner

Valita Fields,  
Commissioner

Heather R. FitzGerald,  
Commissioner

Aaron D. Woosley,  
Commissioner

*vacant*,  
Commissioner

*Committees*

**Administration &  
Engagement,**  
Jennifer Anne Adair, Esq.

**Health & Human Services,**  
Valita Fields

**Planning & Economic  
Development,**  
Jennifer Anne Adair, Esq.

**Environmental & Safety,**  
Aaron D. Woosley

**Code Enforcement  
Subcommittee,**  
Rayna Morgan

**Beautification  
Subcommittee,**  
Paula Burleson

**Public Services,**  
John S. Lathram, III

Shannon Pine, Manager  
City of Columbus  
Division of Building and Zoning Services  
111 North Front Street  
Columbus, Ohio 43215

Re: Council Variance 18-085, Cleveland Ave.

Dear Ms. Pine:

The North Linden Area Commission considered and voted on Council Variance Application 18-085, for 2956 Cleveland Ave., during the November 15, 2018 meeting. It recommends the following to Council regarding the requested variances:

1. Section 3332.039, to permit a 45 dwelling unit in an R-4. The NLAC recommendeds that Council **REJECT** this variance.
2. Section 3312.21(A)(3)(B)(3), to permit landscaping and screening from 5 feet to 3 feet. The NLAC recommendeds that Council **REJECT** this variance.
3. Section 3312.49, to allow for reduced parking from 68 spaces to 46 spaces. The NLAC recommendeds that Council **REJECT** this variance.
4. Section 3332.21(D)(2), to reduce the building setback line on Cleveland Ave. from 20 feet to 10 feet. The NLAC recommendeds that Council **APPROVE** this variance.

Please let us know when this case will be placed on Council Agenda.

Sincerely,

Jennifer Anne Adair, Esq.  
North Linden Area Commission, Chair  
[NorthLindenAreaComm@gmail.com](mailto:NorthLindenAreaComm@gmail.com)

Cc: David B. Perry  
Homeport, Applicant



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PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV18-085

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)
of (COMPLETE ADDRESS) 411 East Town Street, 2nd FL, Columbus, OH 43215
deposes and states that (he/she) is the 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
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Table with 4 entries: 1. Homeport, 2. New Salem Baptist Church, 3. John E. Fralick, 4. Darcy Brownfield. Each entry includes address, employee count, and contact info.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Handwritten signature of Donald Plank

Donald T. Plank

Subscribed to me in my presence and before me this 1st day of September, in the year 2018

SIGNATURE OF NOTARY PUBLIC

Handwritten signature of MaryAlice Wolf

My Commission Expires:



Notary Public, State of Ohio
MY COMMISSION EXPIRES SEPTEMBER 2, 2018

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