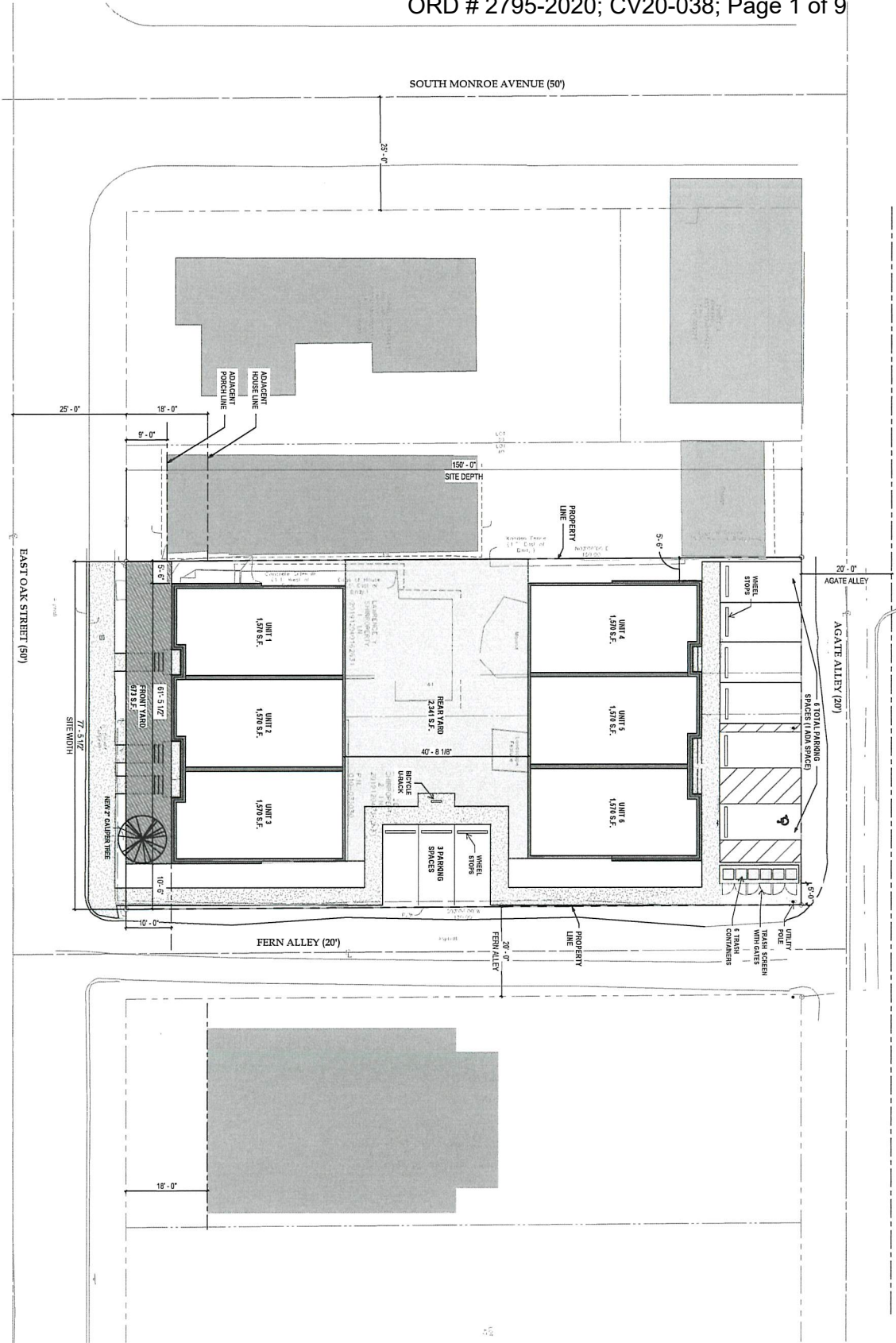




01234 56789 101112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100



824-830 Oak Street
Site Plan

Donald Rank
11/21/2020



architectural site plan

BLDG INFORMATION:

TOTAL AREA OF LOT	14,111 SF
FRONT YARD PROVIDED	0 SF (SEE ZONING)
REAR YARD PROVIDED	2,241 SF (SEE ZONING)
PARKING PROVIDED	5 SPACES
TYPE OF PARKING	100% COVERED
PROPOSED NUMBER OF UNITS/TOTAL	6 UNITS (SEE ZONING)

APARTMENT RESIDENTIAL LOW-DENSITY (ARLD)

ZONING REQUIREMENTS:

- 27 MAXIMUM HEIGHT TO THE ADJACENT PROPERTY
- SHALL BE THE AVERAGE OF ADJACENT HEIGHTS
- MINIMUM HEIGHT SHALL BE 10 FEET
- MINIMUM SETBACK SHALL BE 10 FEET
- REAR YARD SHALL BE 25% OF SITE WIDTH
- REAR YARD SHALL BE 25% OF THE AREA
- 15% MAXIMUM GROUND COVER PERCENTAGE

CV20-038; Final Received 11/19/20

2019.325
04/16/2020
REV 04/23/2020
REV 08/19/2020
SP1.0

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

STATEMENT OF HARDSHIP

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):

Signature of Applicant

Donald Paulk

Date

4/22/2020

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

**Council Use Variance – Use Variance (Hardship Statement)
Area Variances Requested (Practical Difficulties) for
824 Oak Street, Columbus, Ohio**

The Property, the subject of this zoning application, consists of real property totaling 11,621 square feet located north of East Oak Street, east of South Monroe Avenue, south of Agate Alley, and west of Fern Alley. The Property is currently zoned Apartment Residential Low-Density (ARLD) and Residential (R-3). The Property is surrounded on all sides by residential and apartment residential zoned properties.

The Applicant proposes to re-zone the subject Property from the ARLD and R-3 Districts to the ARLD District to permit the construction of six (6) residential multi-family units on the Property. There would be a total of two (2) dwellings (buildings) containing three (3) units each on one lot, after the Property is combined into one parcel number. Because the proposal is not an “apartment complex” or “multiple dwelling development” as defined in the zoning code, the Applicant needs a use variance in order to construct the six (6) residential multi-family units on the Property in accordance with the Site Plan submitted with this Application as Exhibit “D”.

The proposed use of the to be constructed buildings for residential, multi-family dwelling units will not adversely affect the surrounding property or surrounding neighborhood, which is developed, but changing, and consists of uses such as residential and apartment residential (multi-family). The essential character of the neighborhood is a residential neighborhood (multi-family and single family). This proposal is consistent with the zoning and uses in the neighborhood.

Applicant will suffer a hardship or difficulty that warrants a use variance from the strict compliance with, and adherence to, the zoning code, as there is no precise definition as set forth in the zoning code that would clearly fit in terms of this proposal - which is for two (2) dwellings (buildings) with three (3) units within each building. The Property, as re-zoned to an ARLD District, would be compatible not only with the portion of the Property that is already zoned ARLD, but with the surrounding residentially-zoned properties and uses in the surrounding area. This use variance, if approved, would not impair, or alter in any way, the adequate supply of light and air to the adjacent properties or unreasonably increase the congestion of public streets; increase the danger of fires; endanger the public safety; or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Applicant respectfully requests approval of this use variance by Columbus City Council to allow the construction of six (6) residential multi-family units on the Property.

Below are the five (5) area variances that Applicant is seeking:

- 1.) Section 3333.11 – Required site area per unit: Applicant seeks a variance from the required site area per unit requirement which specifies that “in an ARLD area district no building shall be erected or altered except on a lot of record with an area which equals or exceeds 2,500 square feet in area per dwelling unit if an interior lot.” Applicant is proposing 1,936.83 square feet in lot area per dwelling unit. This is a deviation or variance of 563.17 square feet from the zoning code standard.
- 2.) Section 3333.16 – Fronting: Applicant seeks a variance from the requirement that each “dwelling . . . shall front upon a public street.” Applicant’s proposal shows that a three (3) unit building will be

fronting an alley.

3.) Section 3333.18(F) – Building setback: Applicant seeks a variance from the setback requirement of being “no less than the distance equal to the average of the building setbacks on both abutting parcels, but no less than 10 feet.” The average building setback of the two (2) existing buildings abutting the Property is 18’ (building setback lines). Applicant requests a 10’ building setback line for the proposed buildings on the Property, which is an 8’ foot variance request.

4.) Section 3333.24 – Rear yard provided: Applicant seeks a variance from the rear yard requirement “to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area.” The total lot area is 11,621 square feet, so the zoning code requires 2,905.25 square feet of rear yard. Applicant proposes to provide a rear yard for the southern three (3) unit building in the amount of 2,341 square feet (located between the two buildings as the central courtyard area), which is a little over twenty (20) percent of the total lot area. The northern, or rear three (3) unit building shall have no technical rear yard, but occupants and guests may use the central courtyard area.

5.) Section 3312.21(D)(1) – This application includes a request for a variance to not provide screening (a 5’ in height buffer strip) on the east and west of the northern parking lot.

Area Variances – Test of Practical Difficulties

1. Whether property will yield reasonable return or whether there can be any beneficial use of property without the variance.

In an urban infill development, a 10’ building setback is warranted and the setback requested is still compatible with the general character of the neighborhood. In addition, the suburban requirements of the zoning code as it pertains to parking in urban areas just does not make sense as it relates to true urban infill development. Relative to the required rear yard provided, required site area per unit, and minimum lot size, these are existing conditions of the Property, and the Property cannot be expanded to meet these technical requirements as the Applicant does not own or control adjacent properties. However, the Applicant is proposing to provide an aesthetically pleasing product, with ample yard space/green space, a shade tree and the required parking spaces per unit. The product will be a nice offering in the neighborhood and will help to increase property values for properties in the neighborhood.

2. Whether the variance is substantial.

These requests for variances are not substantial. The variances requested are the most minimal deviations necessary in order to offer an attractive development, with adequate code required parking, that will provide ample living space for the residents of each unit along with ample green space (dog walk).

3. Whether the essential character of neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of variance.

The variances requested provide for standards that comport with, and would not substantially alter, the essential character of the neighborhood. There would be no substantial detriment to adjoining properties if the variances were approved. The requested variances are standard for this type of development in an urban core.

4. Whether variance would adversely affect delivery of governmental services.

There will be no adverse affect on the delivery of governmental services to the Property if these variance requests are approved. There are adequate public services and facilities, as well as utilities to the Property, and fire and police safety responders and vehicles will have adequate ingress-egress and maneuverability in and out of the Property.

5. Whether property owner purchased property with knowledge of zoning restrictions.

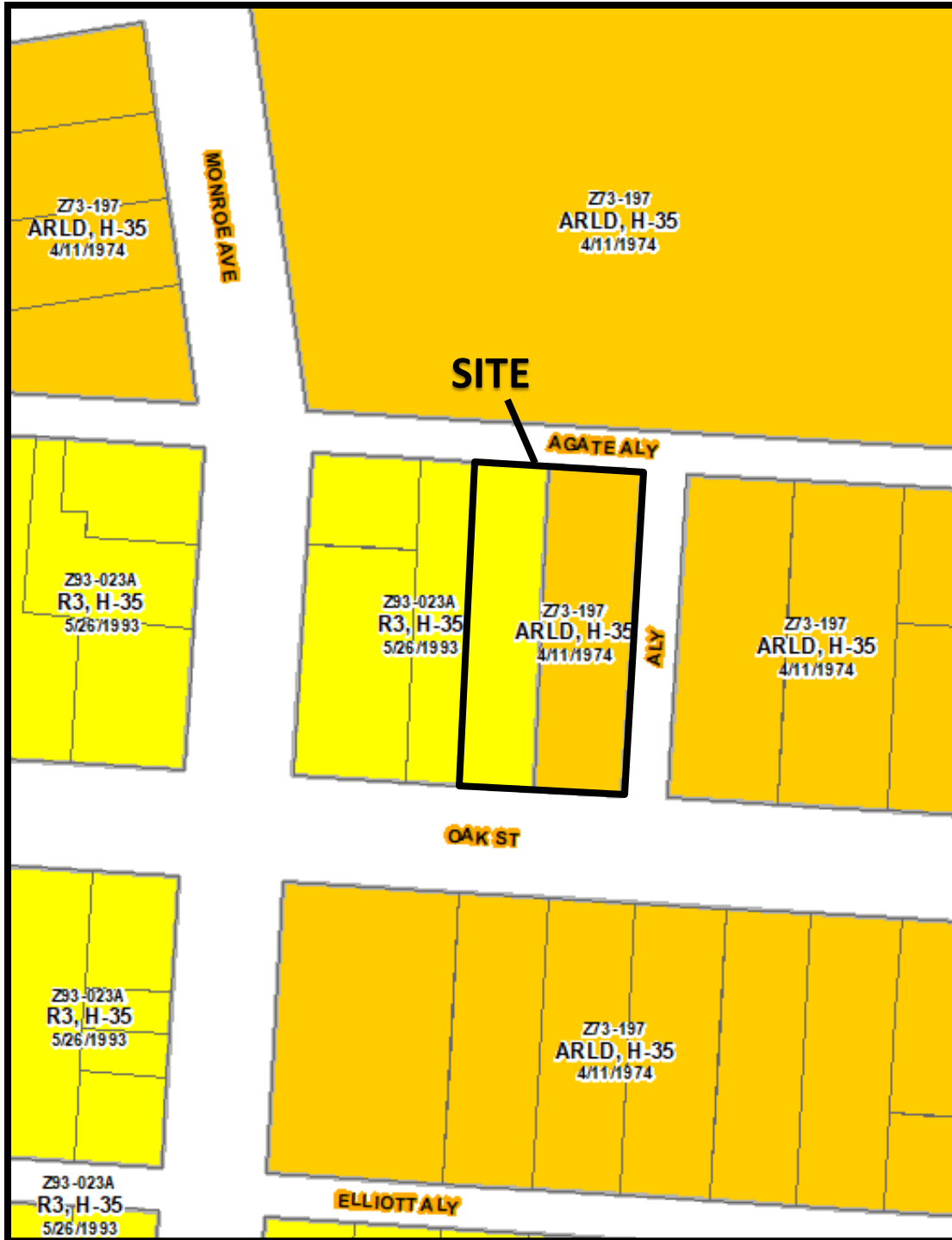
The Applicant did not know the type of project that it desired to develop on the Property until those plans were firmed up recently, by and through submission of this application. These variances are minimal and technical in nature.

6. Whether property owner's predicament feasibly can be obviated through some method other than variance.

In order to develop the Property in conformance with essential character of the neighborhood and adhere to best practices for urban infill development, the variances are necessary.

7. Whether spirit and intent behind zoning requirement would be observed and substantial justice done by granting variance.

The spirit and intent behind the zoning requirements and substantial justice may be done by granting the requested variance.



CV20-038
824 Oak St.
Approximately 0.27 acres



CV20-038
824 Oak St.
Approximately 0.27 acres

Priebe, Kelsey R.

From: Kathleen Bailey <kathleendbailey@hotmail.com>
Sent: Thursday, November 19, 2020 10:41 PM
To: Priebe, Kelsey R.
Cc: Rebecca Mott; Annie Ross-Womack; Ovalle, Jesus D.
Subject: [EXTERNAL] Z20-033 , CV20-038 Recommendation

Importance: High

The Near East Area Commission (NEAC) voted 10-2-0 to recommend approval of CV20-038, Z20-033 for 824 Oak Street. The vote took place at the NEAC September 2020 General Business meeting.

Please let me know of any questions.

Thank you.

Kathleen Bailey
Chair NEAC

614-582-3053

Rezoning Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

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 #: CV20-038

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald T. Plank, Plank Law Firm, LPA of (COMPLETE ADDRESS) 411 East Town Street, Floor 2, Columbus, Ohio 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 (include contact name and number)
Business or individual's address; City, State Zip Code
Number of Columbus based employees
(Limited to 3 lines per box)

Table with 2 columns and 2 rows for listing parties with interest in the project.

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 3rd day of November, in the year 2020

SIGNATURE OF NOTARY PUBLIC

[Handwritten signature]

My Commission Expires:

Nov

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



Craig J. Moncrief, Attorney At Law
NOTARY PUBLIC-STATE OF OHIO
My Commission has no expiration date

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