



### **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

### 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.

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 requested as detailed below:

See Exhibit B	
Signature of Applicant Donald Hank	Date 11/30/2012

#### **EXHIBIT B**

### STATEMENT OF HARDSHIP

#### 732 NORTH FOURTH STREET

CV12- <u>060</u>

The site for this variance is 36.5 ± acres generally located in the southeast quadrant of East First Avenue and North Fourth Street and abutting Interstate 670 on the south. Existing zoning on all of the property is M, Manufacturing. Current zoning permits all uses of the C-1, Commercial - C-5, Commercial districts, except residential use aspects of the commercial districts, and all manufacturing district uses. All buildings have been removed from the site by previous property owners. This site is located immediately north of Downtown Columbus and is part of the Italian Village neighborhood (Italian Village Commission). Exciting urban development opportunities exist with this premier site. By Ordinance 0284-01, passed February 26, 2001 (CV00-058) and Ordinance 1023-02, passed July 8, 2002 (CV02-035), variances were passed for the then 42 +/- acre site to permit residential uses. A plat (Jeffrey Place, Section 1, PB 109, PG 3-4) was recorded 3/16/2006, thereby dedicating the public streets and alleys that are present today. Small areas of the site have been developed, but most of the site remains undeveloped.

By this application, applicant proposes to consolidate the two (2) previous variance ordinances and modify certain development standards to proceed as soon as possible with certain residential components of the development. Applicant anticipates a multi-year build-out of the site, with residential components to be under construction in 2013 to stabilize and anchor the site.

A hardship exists in that there is no single zoning district or action with the present tools of the Columbus Zoning Code, that will permit this development. There is no zoning district that can permit the mixed-use development proposed for this site, nor can rezoning, given the multi-year build-out and outstanding issue with relocation of the I-670 ramp, address in a timely manner the zoning needs of this highly desirable development and investment in the City of Columbus.

By this variance application, applicant proposes the following variances, all of which are presently permitted by the two (2) existing ordinances. Applicant proposes to increase the total number of dwelling units permitted, modify the required lot area for townhouse for sale developments and to permit dwelling units without public street frontage, as there will be some use of private streets. The plan titled: "Jeffrey Park Master Plan – Development Area Plan" dated \_\_\_\_\_\_\_ is submitted with this application to depict the general street/development plan for the site.

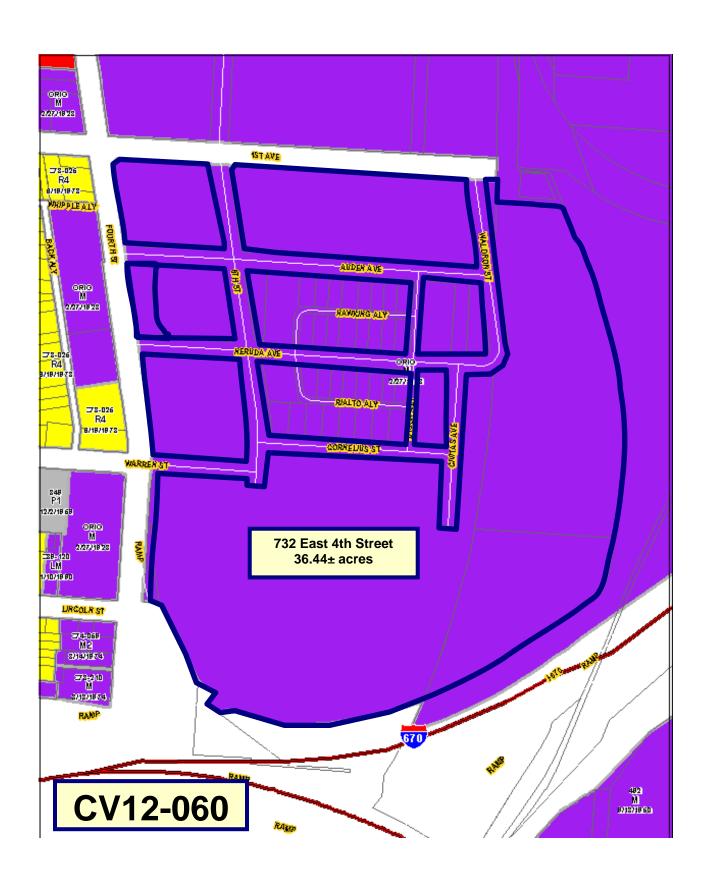
- 3363.01, M, Manufacturing Districts, which Section does not permit residential use other than a night watchman's quarters nor public or private parkland/open space, while applicant proposes up to 1,500 dwelling units in Jeffrey Park, which dwelling units may consist of various styles and forms of residential use, including detached and attached single- family dwellings, two-family, three-family, four- family, multi-family, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, all of which may include residential uses on the ground level, above commercial uses and exclusive residential use, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel and permit public and/or private parkland/open space.
- 2) 3363.24, Building Lines in an M, Manufacturing District, to reduce the required building setback line on East First Avenue from 25 feet to a minimum of 5 feet, to reduce the required setback on all existing public streets to 5 feet, to reduce the required building setback line from Interstate 670 from 25 feet to 5 feet and to reduce the minimum building setback on future streets (public or private) from 25 feet to 5 feet.
- 3) 3312.27, Parking Setback line, which Section requires a minimum ten (10) foot parking setback from public streets, while a 5 foot parking setback is proposed for all street frontages (public and private).
- 4) 3312.09, Aisle, which Section requires various dimensional standards for that must individually be met on each property/parcel, thereby encouraging greater pavement coverage, while applicant proposes applicable variances from aisle standards to permit the sharing of aisles, subject to the total aisle meeting minimum required dimensions.
- 5) 3312.13, Driveway, which Section requires various dimensional standards for driveways that must individually be met on each property/parcel, thereby encouraging greater pavement coverage, while applicant proposes applicable variances from driveway standards to permit the sharing of driveways, subject to the total driveway width meeting minimum required dimensions.
- 6) 3312.25, Maneuvering, which Section requires various dimensional standards for maneuvering area related to parking spaces and loading spaces that must individually be met on each property/parcel, thereby encouraging greater pavement coverage, while applicant proposes applicable variances from maneuvering dimensional standards to permit the sharing of maneuvering area subject to the total maneuvering area meeting minimum required dimensions.

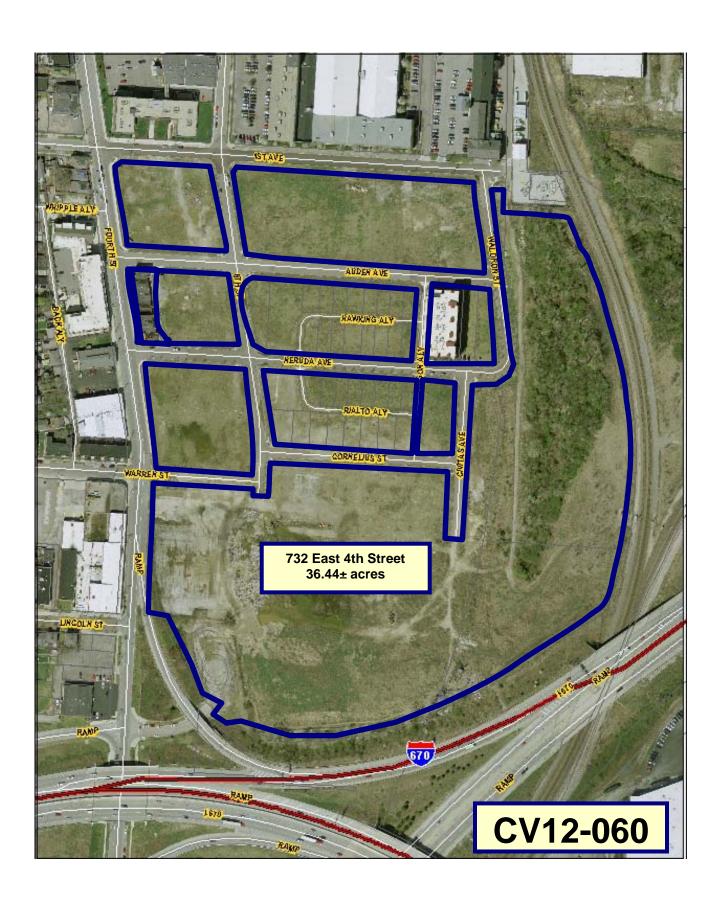
- 7) 3312.29, Minimum Number of Parking Spaces Required, which Section requires parking at designated rates and ratios which reflect suburban design standards, assume that all uses function independently for parking purposes and fail to incorporate on-street parking and parking structures off-site of a given use, while applicant proposes a 50% reduction in code required on-site parking for every use.
- 8) 3312.51, Loading Space, which Section requires loading spaces to occur on the same lot as the use they are intended to serve and establishes various dimensional requirements, while applicant proposes loading spaces, if applicable, to be shared and thereby not occur on the same lot as they use they are intended to serve and to vary all dimensional requirements, subject to the approval of a proposed loading space by the Public Service Department/Transportation Division.
- 9) 3321.05, Vision Clearance, to reduce the required vision clearance triangle in all applicable instances to 5 feet.

### A. <u>PERMITTED USES</u>:

1) Permitted uses shall be up to 1,500 dwelling units in Jeffrey Park, which dwelling units may consist of various styles and forms of residential use, including detached and attached single- family dwellings, two-family, three-family, four- family, multifamily, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, all of which may include residential uses on the ground level, above commercial uses and exclusive residential use, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel, public and/or private parkland/open space and all uses of Chapter 3355, Community Scale Commercial Development, Section 3355.02, C-4, Commercial District, except the following:

automobile/truck sales, new or used, leasing, repair and/or maintenance billboards bus or truck terminal, other than public or mass transit terminal facilities cabaret funeral home night club off-premise graphics, except for off-premise graphics which are approved as part of a graphics plan or Special Permit by the Graphics Commission pool hall private club







# HISTORIC DISTRICT COMMISSION RECOMMENDATION

### ITALIAN VILLAGE COMMISSION

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 732 North Fourth Street (Jeffrey Manufacturing Site) APPLICANT'S NAME: Jeffrey New Day, LLC (Applicant/Owner)

APPLICATION NO.: 13-6-10

**COMMISSION HEARING DATE: 6-18-2013** 

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119 and the architectural guidelines:

		Buidonness.				
⊠ Va	rianc	e or Zoning Change Request				
· · · · ·		Rezoning Parking Variance Change of Use Lot Split		Special permit Setbacks Other	es Santaj en	un no est <del>a</del> .

### TYPE(S) OF ACTION(S) REQUESTED:

Recommend approval of Application 13-6-10, 732 North Fourth Street, with all clarifications, as noted: Recommendation for Parking Variance for northwest corner of Jeffrey Park site:

- 1) Reduction from eighty-nine (89) parking spaces to sixty-nine (69) parking spaces. Section 3312.49, Minimum Number of Parking Spaces Required, which Section requires 89 parking spaces for the Jeffrey Park Community Center with the types of uses and areas of uses noted below, while applicant will provide 69 on-site parking spaces.
- 2) Reduction from one (1) loading space to zero (0) loading space. Section 3312.53, Minimum Number of Loading Spaces Required, which Section requires one (1) loading space, as defined in 3312.51, Loading Space, being a 12'x50' area with on-site maneuvering, while such a loading space isn't conducive to urban development and applicant proposes no (0) loading space.
- 3) Maneuvering. Section 3312.25, Maneuvering, which Section requires maneuvering for parking spaces and other vehicular activities to occur on-site, while refuse service is proposed for a dumpster box to be serviced directly from Auden Avenue, as approved by the Transportation Division.
  - NOTE: <u>Variance #1</u>: The Commission recommends a reduction from eighty-nine (89) parking spaces to sixty-five (65) parking spaces rather than the originally submitted sixty-nine (69) parking spaces, in order to accommodate potential changes to the site plan in regard to the garbage enclosure (see note for Variance #3, below).

NOTE: <u>Variance #3</u>: The Commission's recommendation for approval for maneuverability in the right-of-way does not give explicit or tacit approval of the site plan, as submitted, in regard to access to the trash enclosure. The Commission will be working with the Applicant at subsequent Italian Village Commission hearings to determine the appropriate site plan in regard to access to the trash enclosure.



General Note: The Commission's recommendation for approval of reduction in parking spaces is based on the view that the reduction will not have a negative impact on parking considerations on the west side of Fourth Street due to the large-scale approach to parking in this newly developing site.

MOTION: Sudy/Clark (6-0-0) RECOMMENDED

RECOMMENDATION:		
RECOMMEND APPROVAL	RECOMMEND DENIAL	NO ACTION TAKEN
THIS RECOMMENDATION IS FOR CO FOR THE ACTION(S) REQUESTED A	ONSIDERATION BY THE DESIGNATED SINDICATED.	REGULATORY AUTHORITY
Rands F Real	s Clt	
Randy F. Black		

STEVEN R. SCHOENY Director



# HISTORIC DISTRICT COMMISSION RECOMMENDATION

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PROPERTY ADDRESS: 732 North Fourth Street (Jeffrey Manufacturing Site)

APPLICANT'S NAME: Jeffrey New Day, LLC (Applicant/Owner)

APPLICATION NO.: 13-5-12 a

COMMISSION HEARING DATE: 5-21-2013

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119 and the architectural guidelines:

Varianc	e or Zoning Change Request		. ,
	Rezoning Parking Variance Change of Use		Special permit Setbacks Other

## TYPE(S) OF ACTION(S) REQUESTED:

Request Variance Recommendation for a Temporary, Gravel Parking Area

Recommend approval of Application 13-5-12a, East First Avenue & North Fourth Street (Jeffrey Manufacturing Site), as submitted, with all clarifications, as noted:

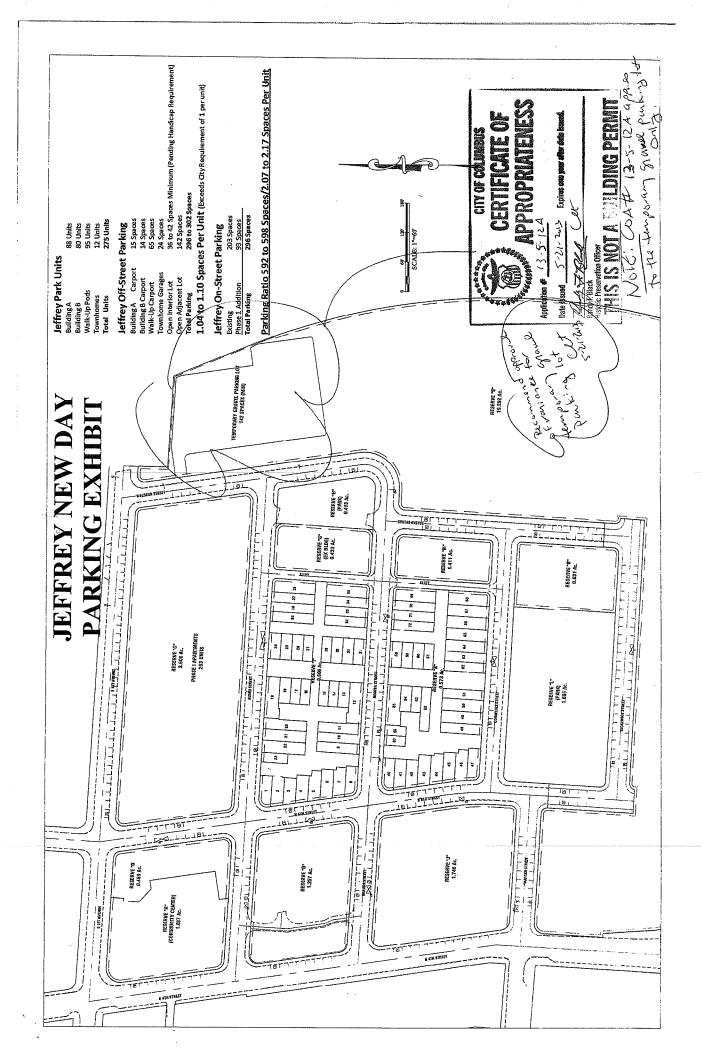
- Install a temporary gravel parking area at the northeast corner of the site, per the submitted site plan, which is to be in use for a period not to exceed thirty-six (36 months). Within the thirty-six (36) month period, applicant is to submit a plan for a permanent parking solution to the Italian Village Commission for review and approval.
- Temporary gravel parking area is not to be used as a valet lot.
- A green belt area, including mounding and tree installation, is to be installed along the west and south sides to screen the temporary gravel parking area. Site plan for green belt to be submitted to Historic Preservation Office staff for final review and approval, in consultation with the Italian Village Commission, prior to installation.

Reasons for recommendation: 1) The current plan provides for the required minimum one parking space per unit ratio, and does not preclude the future development of the temporary gravel lot site as a parking garage; 2) Based on the remote location of the temporary gravel lot along the railroad tracks, the gravel lot would not cause negative environmental conditions, such as dust, to residential areas of the village.

Note: The Commission encourages the applicant to provide for bicycle and scooter parking.

MOTION: Sudy/Cooke (6-0-0) RECOMMENDED

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RECOMMENDATION:		
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THIS RECOMMENDATION IS FOR CONS FOR THE ACTION(S) REQUESTED AS IN	SIDERATION BY THE DESIGNAT NDICATED.	ED REGULATORY AUTHORITY
Rand Fe Black To Color Historic Preservation Officer	Cet	







# HISTORIC DISTRICT COMMISSION RECOMMENDATION

### **ITALIAN VILLAGE COMMISSION**

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PROPERTY ADDRESS: 732 North Fourth Street (Jeffrey Manufacturing Site)

APPLICATION NO.: 13-1-6

COMMISSION HEARING DATE: 1-15-2013

Jeffrey New Day, LLC (O)

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119 and the architectural guidelines:

Special permit Setbacks Other	
	Setbacks

APPLICANT'S NAME: Jeffrey New Day, LLC c/o Donald Plank/Plank Law Firm (A)

### TYPE(S) OF ACTION(S) REQUESTED:

Recommend approval for Application #13-1-6, 732 North Fourth Street (Jeffrey Manufacturing Site), as submitted, with all clarifications as indicated:

### Request Recommendation for Nine Variances

- 1) 3363.01, M, Manufacturing Districts, which Section does not permit residential use other than a night watchman's quarters nor public or private parkland/open space, while applicant proposes up to 1,500 dwelling units in Jeffrey Park, which dwelling units may consist of various styles and forms of residential use, including detached and attached single- family dwellings, two-family, three-family, four- family, multi-family, condominium and fee simple townhouse development, with multiple attached dwelling units with property lines corresponding to common party walls, all of which may include residential uses on the ground level, above commercial uses and exclusive residential use, in any combination, separately or together, on separate parcels or mixed with one or more forms of residential use on the same parcel and permit public and/or private parkland/open space.
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- 9) 3321.05, Vision Clearance, to reduce the required vision clearance triangle in all applicable instances to 5 feet.

Note: The Italian Village Commission anticipates applying the 2011 Short North Design Guidelines signage component (3.37 - 3.41) to the majority of the site; 2) The Permitted Uses Section, Paragraph #2 should be clarified to NOT permit cell towers; 3) Due consideration has been given to the typical reduction standards in the parking code for overlays and parking districts.

MOTION: Sudy/Goodman (5-0-0) RECOMMENDED

RECOMMENDATION:		
RECOMMEND APPROVAL	RECOMMEND DENIAL	NO ACTION TAKEN
THIS RECOMMENDATION IS FOR CO		REGULATORY AUTHORITY
FOR THE ACTION(S) REQUESTED AS	INDICATED.	•
Randy F. Plans	Clt	
Randy F. Black		
Historic Preservation Officer		



### **COUNCIL VARIANCE APPLICATION**

City of Columbus, Ohio • Department of Building & Zoning Services 757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • <a href="https://www.columbus.gov">www.columbus.gov</a>

# 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# EVID -060

am i mp on ovvio	THI DIOINION
STATE OF OHIO	
COUNTY OF FRANKLIN	
Being first duly cautioned and sworn [NAME]	Donald Plank
Of [COMPLETE ADDRESS] Plank Law Fire	m, 145 East Rich Street, Fl 3, Columbus, OH 43215
	ICANT, AGENT or DULY AUTHORIZED ATTORNEY
	persons, other partnerships, corporations or entities having the subject of this application in the following formats
	Name of business or individual
	Business or individual's address Address of corporate headquarters
	City, Sate, Zip
	Number of Columbus based employees
	Contact name and number
1.	2.
	Buckeye Community Bank
Jeffrey New Day LLC 575 West First Avenue, Suite 100	105 Sheffield Center
Columbus, OH 43215 # of Columbus based employees: 0	Lorain, OH 44055 # of Columbus based employees: 0
Contact: Mark Wagenbrenner, (614) 545-9247	Contact: (440) 233-8800
3.	4.
Jeffrey Loft 1 LLC 1105 Schrock Road, Suite 602	
Columbus, OH 43229	
# of Columbus based employees: 0 Contact: Danny Schmidt, (614) 306-3505	
Check here if listing additional parties on a se	eparate page.
SIGNATURE OF AFFIANT	od Hank
	30th day of NOVEMBER, in the year 2012
SIGNATURE OF NOTARY PUBLIC Book	zera a. Bainta
My Commission Expires: AUGUS	T 3, 70/5
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Notary Seal Here	BARA A. PAINTER Public, State of Ohio sion Expires <u>Aucust</u> 3, 2075
OF OF	
This Project Disclosure Statement expires six months	after date of notarization.