

The development depicted on this drawing may be slightly adjusted to reflect engineering, topographical or other data not shown. The developer and engineer warrant that the information provided is true and correct to the best of their knowledge and belief. Any significant adjustments to the development shall be made in accordance with the provisions of the zoning ordinance and the provisions of the zoning department of the jurisdiction upon which the development is based. The developer and engineer warrant that the information provided is true and correct to the best of their knowledge and belief. Any significant adjustments to the development shall be made in accordance with the provisions of the zoning ordinance and the provisions of the zoning department of the jurisdiction upon which the development is based.

**Daniel B. Perry, Agent for Applicant**  
*Daniel B. Perry*  
 Date: 06/11/2021

**Daniel B. Perry, Engineer**  
*Daniel B. Perry*  
 Date: 06/11/2021

Donald Perry, Attorney for Applicant

CV20-072

**ENGINEER**  
 AMERICAN STRUCTUREPOINT  
 2550 CORPORATE EXCHANGE DRIVE, SUITE 300  
 COLUMBUS, OHIO 43224  
 PHONE: 614.961.2225  
 FAX: 614.961.2226  
 EMAIL: AMERICAN@STRUCTUREPOINT.COM

**ARCHITECT**  
 THE COLUMBIAN ARCHITECTS  
 1725 ALTYMAN TRAIL, SUITE 100  
 COLUMBUS, OHIO 43221  
 PHONE: 614.266.9279  
 FAX: 614.266.9279  
 EMAIL: ARCHITECTS@THECOLUMBIAN.COM

**OWNER/PROJECT OPER**  
 THE CLEVELAND LLC  
 218 MANONIA PLACE, SUITE 800  
 COLUMBUS, OHIO 43201  
 PHONE: 614.961.2225  
 FAX: 614.961.2226  
 EMAIL: INFO@THECLEVELAND.COM

REVISIONS	DATE	SHEET NO.	DESCRIPTION	APPROVED DATE

**EXISTING LEGEND**

- PROPERTY LINE
- RIGHT-OF-WAY
- PAVEMENT/CURB
- STORM SEWER
- SANITARY SEWER
- WATER LINE
- GAS LINE
- ELECTRIC
- OVERHEAD ELECTRIC
- WATER VALVE
- FIRE HYDRANT
- LIGHT POLE
- POWER POLE
- POWER & LIGHT POLE
- GLOBE INLET
- CATCH BASIN
- STORM MANHOLE
- SANITARY MANHOLE

**EXHIBIT A: VICTINITY MAP**

**Z100**

ZONING SITE PLAN FOR THE CLEVELAND  
 156 CLEVELAND AVE.  
 CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO

**AMERICAN STRUCTUREPOINT**  
 2550 Corporate Exchange Dr., Ste 300 | Columbus, Ohio 43221  
 TEL: 614.961.2225 | FAX: 614.961.2226  
 www.structurepoint.com

**the columbus designco**



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

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

Signature of Applicant: 5CL Properties LLC by David B. Perry, Agent Date: 7/27/2020
Signature of Attorney: Donald Plank Date: 7/27/2020

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**  
**Statement of Hardship CV20-072**  
**986 Cleveland Avenue, Columbus, OH 43201**

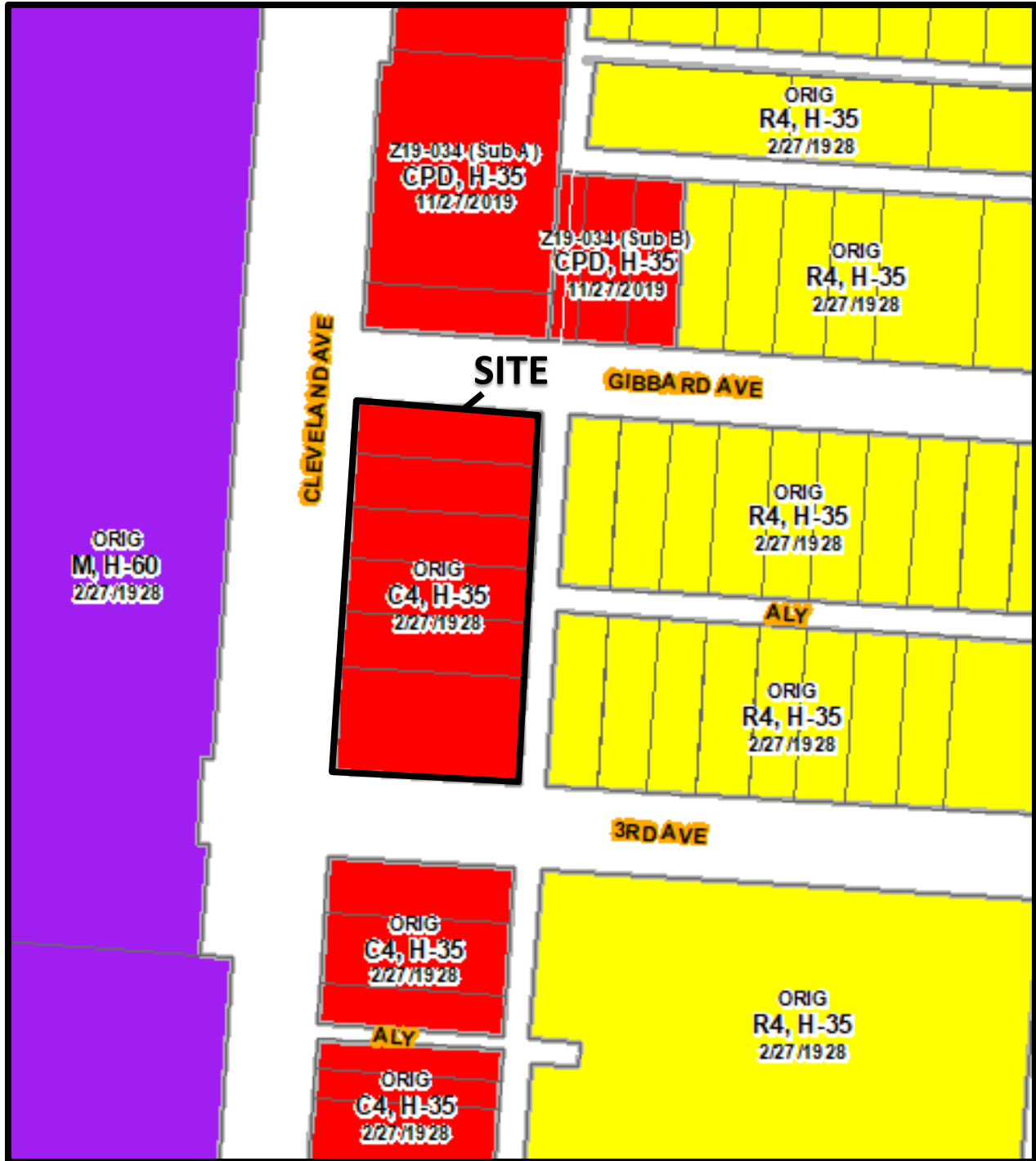
Rezoning application Z20-065 has been submitted to rezone 0.776 +/- acres to the AR-3, Apartment Residential District for the block bounded by Cleveland Avenue, E. Gibbard Avenue, E. 3<sup>rd</sup> Avenue and the abutting alley to the east for development of an apartment building with 90 dwelling units. A small first floor area of commercial use and standards variances are proposed with this variance application. Rezoning application Z20-065 also includes a 0.291 +/- acre area abutting the site, east of the alley, on E. Gibbard Avenue, for off-site parking committed to parking for the 986 Cleveland Avenue development. The Z20-065 application reflects the primary use of the 0.776 +/- acre site, while this application provides for 3,600 SF of ground level commercial use at the Cleveland Avenue/E. Gibbard Avenue corner of the building, a 274 SF seasonal patio and the standards variances itemized below. The Milo-Grogan Neighborhood Plan notes the east side of Cleveland Avenue between E. Second Avenue and E Fifth Avenue as Opportunity Sites appropriate for redevelopment with multi-family and other uses. Cleveland Avenue is a major arterial corridor appropriate for taller buildings and higher density. Applicant is providing parking on site with ramp and underground parking, as well as an off-site parking lot across the alley parallel to Cleveland Avenue. The off-site parking lot is consistent with City policies on providing parking for older arterial site development with its immediate adjacency to the development site as well as Milo-Grogan Neighborhood Plan observations on the challenge of providing adequate parking for Cleveland Avenue redevelopment. This 90 dwelling unit project will bring new residents to the Milo Grogan neighborhood and more residents provide support of area businesses.

Applicant has a hardship as well as a practical difficulty with compliance with the referenced code sections. Variances are required for the proposed development to be built in an urban environment. Many urban developments have had similar variances. The requested variances are not substantial, will not alter the essential character of the neighborhood, will not affect the delivery of government services, the variances are required for reasonable use of the property and are consistent with the spirit of the zoning requirement.

Applicant requests the following variances:

- 1). Section 3333.03, AR-3 Apartment Residential District use, to permit 3,600 SF (max) of ground level commercial use, including retail, office and/or restaurant use(s) and a 274 SF outside seasonal patio for the restaurant use(s).
- 2). Section 3312.27(3), Parking Setback Line, to reduce the E. Gibbard Avenue parking setback from ten (10) feet to two (2) feet.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking from 185 parking spaces to a total of 118 parking spaces with 72 spaces on –site, including underneath the building, and 46 spaces in the adjacent parking lot (Z20-065, CPD) to the east.

- 4). Section 3321.05(A)(1)(B)(1)(2), Vision Clearance, to permit intermittent partial obstruction of the 10'x10' clear vision triangle at the intersection of E. Gibbard Avenue and the east side of site driveway when a vehicle is present; to permit intermittent partial obstruction of the 10'x10' clear vision triangle at west side of the intersection of E. Gibbard Avenue and the unnamed 20' alley abutting the east side of the site when a vehicle is present; to reduce the 30'x30' clear vision triangles at the intersections of Cleveland Avenue and E. Gibbard Avenue and Cleveland Avenue and E. 3<sup>rd</sup> Avenue to 9.5'x9.5' and 8'x8' (to permit building corner projection in the clear vision triangle at Cleveland Avenue and E. 3<sup>rd</sup> Avenue as depicted on the Site Plan), respectively.
- 5). Section 3321.07(B), Landscaping, to reduce on-site dwelling unit trees from 1 per 10 DU or 9 trees to zero (0) dwelling unit trees, subject to street trees being provided, as depicted on the Site Plan.
- 6). Section 3321.21(A), Landscaping and Screening, to reduce interior parking lot trees from 4 trees to one (1) tree for the 31 surface parking spaces, subject to street trees being provided, as depicted on the Site Plan.
- 7). Section 3333.15 (C), Basis of Computing Area, to increase lot coverage from 50% to 60%.
- 8). Section 3333.18, Building Lines, to reduce the Cleveland Avenue, E. Gibbard Avenue and E. 3<sup>rd</sup> Avenue building setback lines from 50 feet to one (1) foot, 18 feet to one (1) foot, and 15 feet to four (4) feet, respectively, with the Cleveland Avenue building setback line being net of four (4) feet of right of way conveyance to City of Columbus in conjunction with the Site Compliance Plan.



CV20-072  
986 Cleveland Ave.  
Approximately 0.78 acres

Milo-Grogan Neighborhood Plan (2007)



CV20-072  
986 Cleveland Ave.  
Approximately 0.78 acres



CV20-072  
986 Cleveland Ave.  
Approximately 0.78 acres



DEPARTMENT OF BUILDING  
AND ZONING SERVICES

### Standardized Recommendation Form

111 N. Front Street, Columbus, Ohio 43215

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

**FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW**  
(PLEASE PRINT)

Case Number: Z20-065 / CV20-072

Address: 986 Cleveland Avenue

Group Name: Milo-Grogan Area Commission

Meeting Date: November 10, 2020

Specify Case Type:

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation:  
(Check only one and list basis  
for recommendation below)

- Approval
- Disapproval

**NOTES:**

The Milo-Grogan area commission pass this rezoning and council variance with the voting count of 8 in approval and 0 disapproval at the Commission meeting on 11/10/20, 6:30 pm.

Vote: 8 to 0 for Approval

Signature of Authorized Representative: *Chris Hopkins* 11/10/2020

SIGNATURE

Milo-Grogan Area Commission

RECOMMENDING GROUP TITLE

614-680-0280

DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 111 N. Front St, Columbus, OH 43215.



**PROJECT DISCLOSURE STATEMENT**

Application No.: CV20 - 072

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn Donald Plank of Plank Law Firm, 411 East Town Street, Floor 2, Columbus, OH 43215 deposes and states that he is the 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:

5CL Properties, LLC; 545 East Fifth Avenue, Columbus, OH 43201 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812	986 Cleveland LLC; 7470 Old River Drive, Blacklick, OH 43004 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812
City of Columbus, 980 Cleveland Avenue, Columbus, OH 43201 Number of Columbus based employees: 10,000+ Contact: Reza Reyazi, (614) 645-7274	97268 C-Ave, LLC; 1480 East 24 <sup>th</sup> Avenue, Columbus, OH 43211 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812
HL Property Investments LLC; 1890 Northwest Blvd., Suite 320, Columbus, OH 43212 Number of Columbus based employees: 0 Contact: Brad Howe, (614) 946-4693	958 Cleveland Avenue LLC; 545 East Fifth Avenue, Columbus, OH 43201 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812
599 E Gibbard LLC; 545 East 5 <sup>th</sup> Avenue, Columbus, OH 43201 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812	601 E Gibbard, LLC; 545 East Fifth Avenue, Columbus, OH 43201 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812
607 Gibbard Ave LLC; 607 East Gibbard Avenue, Columbus, OH 43201 Number of Columbus based employees: 0 Contact: Joel Yakovac, (614) 557-1812	

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 2<sup>nd</sup> day of July, in the year 2021

SIGNATURE OF NOTARY PUBLIC

MaryAlice Wolf

My Commission Expires:



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

MaryAlice Wolf  
Notary Public, State of Ohio

My Commission Expires October 24, 2023

Notary Seal