



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

CV13-028

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:

PLEASE SEE ATTACHED STATEMENT.

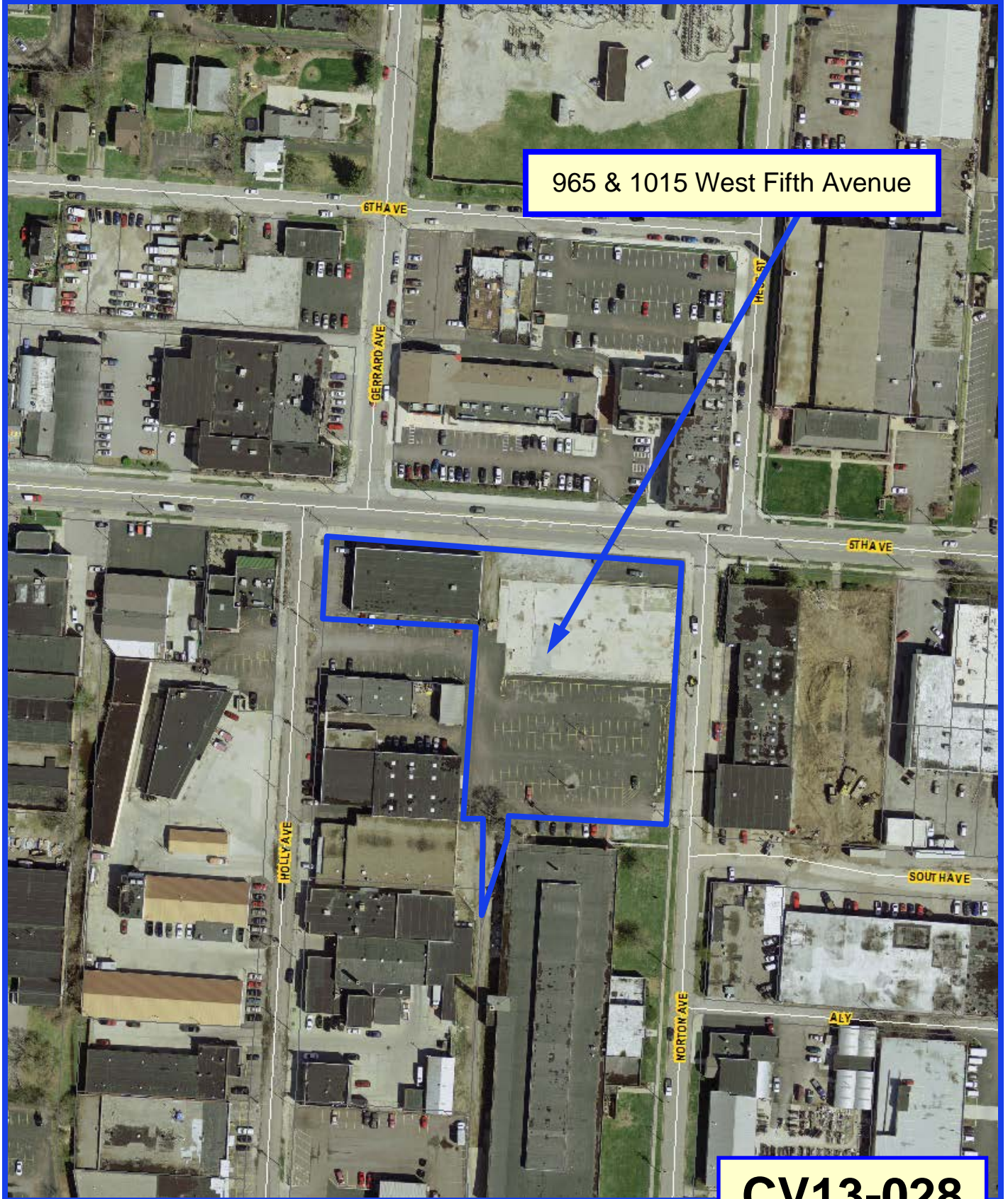
Signature of Applicant Jerome S. Johnson, Authorized Officer Date June 26, 2013

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

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The applicant is a ground lessor/developer of a mixed use retail, restaurant and multi-family dwelling unit development. The proposed development is the first step in catalyzing the fulfillment of the 5th by Northwest District's Area Plan, which calls for dense, mixed use development, with larger projects containing on-site parking structures. The subject property is zoned M, a use classification which permits C-1, C-2, C-3 and C-4 uses, which uses include multi-family rental dwelling units above commercial uses. Unfortunately, the relevant Columbus City Code provision, 3363.01 also contains language which can be interpreted as limiting dwelling units to those for a resident security person; or units within a half-way house or community residential treatment center, a hospital, or other building specifically for human care. City staff has chosen to interpret 3363.01 in the most restrictive manner against the use of the property. Although the applicant believes the City's interpretation is not consistent with the legal rule of construction that in instances of ambiguity, zoning restrictions are to be interpreted in the most permissive manner, the applicant respects the staff's difficult position in interpreting the inartfully drafted provision.

Applicant's hardship is that without a use variance, the private and public benefits of achieving the vision of the 5th by Northwest District's Area Plan is not possible. Almost all of the properties along the W. 5th Avenue corridor share the M classification and would share the similar disability to achieve the vision. The applicant meets all area and development standards applicable to the site. Therefore, the applicant requests a variance to permit unrestricted multifamily rental dwelling units to be permitted above commercial uses in the M District.



965 & 1015 West Fifth Avenue

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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 # CW13-028

STATE OF OHIO
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Jerome G. Solove

Of [COMPLETE ADDRESS] 470 Olde Worthington Road Suite 200, Westerville, Ohio 43082
 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 formats

- 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

1. Centro, Inc. 3363 Tremont Road, Suite 305 Columbus, Ohio 43221	2. Highpearl, Inc. 3363 Tremont Road, Suite 305 Columbus, Ohio 43221
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Jerome G. Solove
 Subscribed to me in my presence and before me this 26th day of June, in the year 2013
 SIGNATURE OF NOTARY PUBLIC Mary F. Van Kirk
 My Commission Expires: 3/18/2017

Notary Seal Here
MARY F. VANKIRK
 Notary Public, State of Ohio
 My Commission Expires 03-18-2017

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

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