

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

STATEMENT OF HARDSHIP

Application #: CV22- 005

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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 not included, a new application (and applicable fees) 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 Deborah B. Perry, Agent Date 01/24/2022

Signature of Attorney Donald P. Walsh Date 01/24/2022

Exhibit B

Statement of Hardship CV22- 005 , 5050 – 5100 Warner Road

The site is 7.68 +/- acres on the north side of Warner Road, 1,100' west of N Hamilton Road. The site consists of three (3) parcels: 010-288493, 220-000554, 220-000638. The two (2) Tax District 220 parcels are pending annexation from Plain Township. Applicant proposes to raze the three (3) existing dwellings and redevelop the site with an apartment complex (168 dwelling units). Rezoning application Z22- 007 is pending for the L-AR-1. Apartment Residential District. This application is submitted as companion to the pending rezoning application to reduce the east perimeter yard from 25' to 15' (building) and 5' (parking). The east property line is adjacent to an apartment complex on abutting property to the east. The proposed east property line reduction of perimeter yard is adjacent to an apartment complex to the east and allows a deeper west perimeter yard where the site is adjacent to the entrance drive of a detached single family dwelling condominium community. The site plan titled "Concept Plan – Warner Road West", dated _____, hereafter "Site Plan", is submitted with this application as the site development plan.

Applicant has a hardship as well as a practical difficulty with compliance with the referenced code section. The proposed reduction of the east property line perimeter yard is adjacent to an apartment complex to the east and allows a deeper west perimeter yard where the site is adjacent to the entrance drive of a detached single family dwelling condominium community. The requested variance is 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 variance:

Section 3333.255, Perimeter Yard, to reduce the east Perimeter Yard from 25' to 15' for building 1 and 3, as numbered on the Site Plan, and to 5' for detached garages and surface parking.

SITE DATA	
TOTAL ACRES	7.88 ACRES
TOTAL UNITS	168 UNITS
GARAGE PARKING	39 SPACES
SURFACE PARKING	242 SPACES
TOTAL PARKING	281 SPACES
TOTAL PARKING	1.67 SP/UNIT

DEVELOPMENT PLAN

WARNER ROAD WEST
PREPARED FOR PREFERRED LIVING

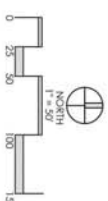
DATE: 5/12/22



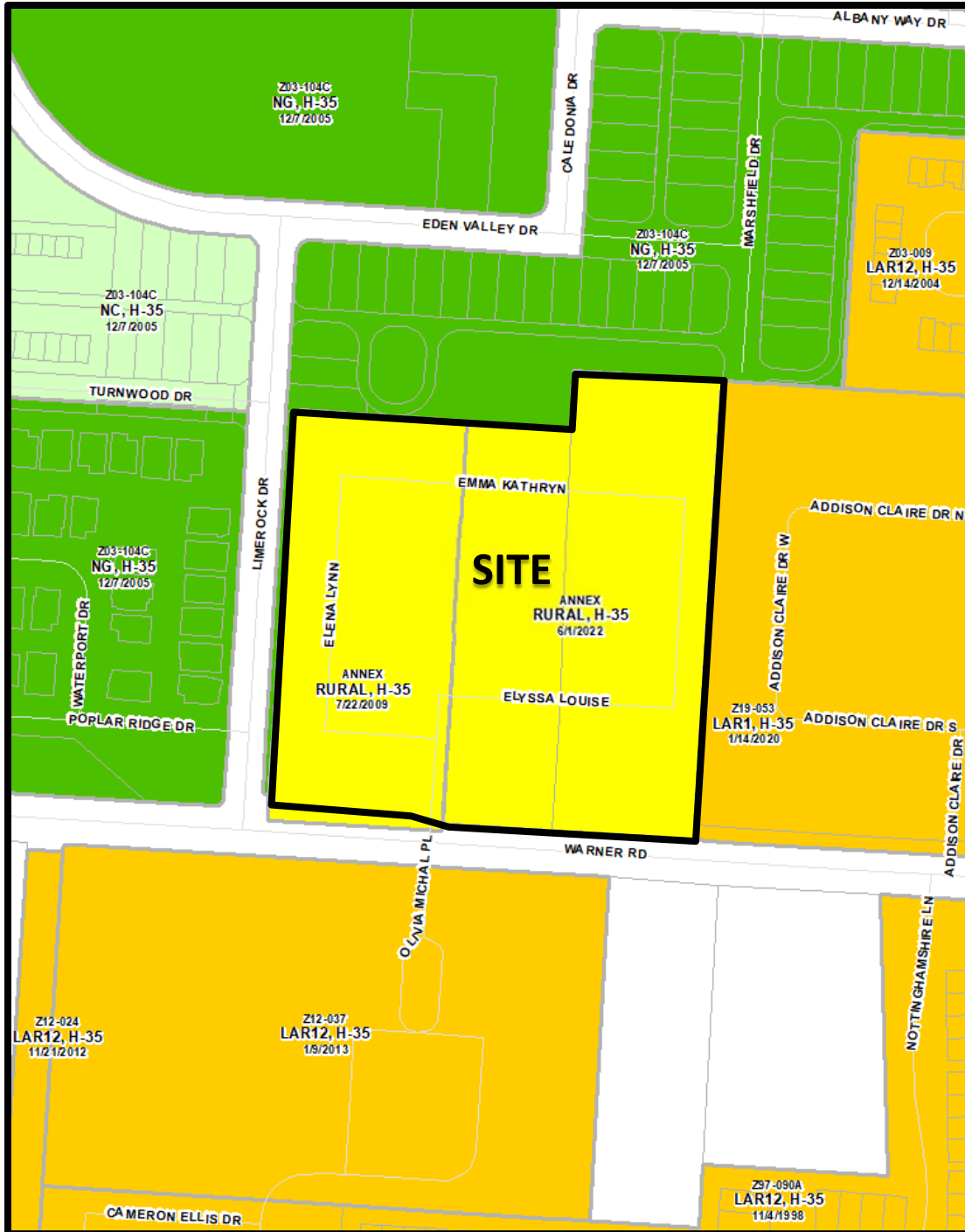
The development depicted on this drawing may be slightly different to reflect engineering, topographical or other data developed at the time final development plans are completed. Any slight adjustment to the development shall be reviewed and may be approved by the Director of the Building and Zoning Services Department or his designee upon submission of the appropriate data regarding the proposed adjustments.

FINAL SITE PLAN RECEIVED 5.12.22 SHEET 1 OF 1 Z22-007

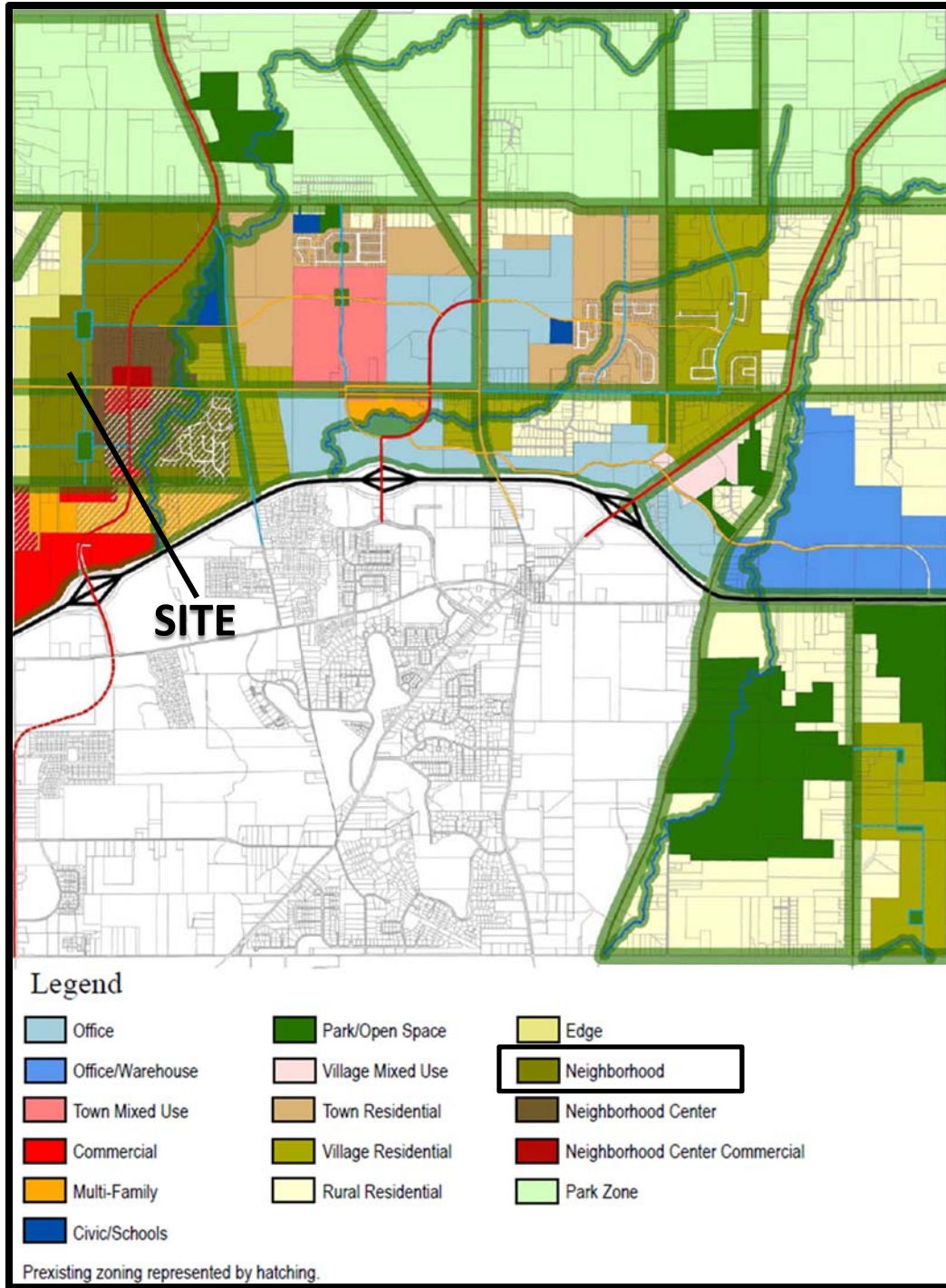
David B. Perry, Agent for Applicant
 David Frank, Attorney for Applicant
 Date: 05/12/2022



Paris Planning & Design
 LAND PLANNING
 LANDSCAPE ARCHITECTURE
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 #1114
 Houston, TX 77054
 www.parisplanninganddesign.com



CV22-005
5050 Warner Rd.
Approximately 7.68 acres



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**THE ROCKY FORK BLACKLICK ACCORD
IMPLEMENTATION PANEL
April 21, 2022
RECORD OF PROCEEDINGS**

5050 Warner Rd. (Z22-007 & CV22-005):

Review and action regarding a Columbus application for a new multi-unit residential development 5050 Warner Road:

<i>Acreage:</i>	<i>7.68 ac +/-</i>
<i>Current Zoning:</i>	<i>R, Rural (Annexation Pending)</i>
<i>RFBA District:</i>	<i>Neighborhood</i>
<i>Proposed Zoning:</i>	<i>L-AR-1</i>
<i>Applicant(s):</i>	<i>Preferred Living; c/o Dave Perry (Applicant)</i>
<i>Property Owner(s):</i>	<i>George Hartig; 5050 Warner Road; Columbus, OH 43081</i>

STAFF COMMENTS:

The proposal was considered for conceptual review at the March meeting, where panel comments surrounding secondary access, connectivity, and architectural standards were noted. The applicant has taken steps to address this feedback in their revised site plan.

It is the opinion of staff that for reasons of a density appropriate for the area's emerging development pattern, the applicant's responsiveness to panel and staff feedback with site revisions, and a site design that generally adheres to the spirit of the Accord, this proposal is recommended for approval.

MOTION:

To recommend approval of a City of Columbus rezoning and council variance applications within the Accord study area as presented.

RESULT:

This motion was approved (5-0-0)

Ms. Boni	Yes
Mr. Chappellear	Yes
Mr. Gupta	Yes
Mr. Herskowitz	Yes
Mr. Smithers	Yes

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-005

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.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, Columbus, OH 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 (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. George & Leanna Hartig, 5050 Warner Road, Westerville, OH 43081; # Cols based emps: Zero (0) Contact: George Hartig, (614) 506-2659	2. Eugene T. & Myra L. Carty, 5068 Warner Road, Westerville, OH 43081; # Cols based emps: Zero (0) Contact: Eugene Carty, (614) 855-1486
3. Joshua & Charmagne Shremshock, 5100 Warner Rd, Westerville, OH 43081; # Cols based emps: Zero (0) Contact: Joshua Shremshock, (614) 216-4130	4. Preferred Living, 750 Communications Parkway, Columbus, OH 43215; # Cols based emps: 105 Contact: Jared Smith, (614) 306-2912

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 1st day of June, in the year 2022

SIGNATURE OF NOTARY PUBLIC MaryAlice Wolf

My Commission Expires _____
Notary Seal Here



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires October 24, 2023

This Project Disclosure Statement expires six (6) months after date of notarization.