

## 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 No. CV23- 029

#### 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

*NRP Properties, LLC*  
*by David B. Perry, Agent*

Date 3/24/2023

Signature of Attorney

*Donald Plank*

Date 3/24/23

(for applicant)

## **Exhibit B**

### **Statement of Hardship**

#### **CV23-029, 45 West Barthman Avenue**

The site 8.150 +/- acres is located on the west side of S. Wall Street (20') at the west terminus of W. Barthman Avenue. The site is zoned M, Manufacturing and consists of parcels: 010-007536, 010-065301 and 010-023821 (part).

Applicant proposes to redevelop the site with an affordable housing apartment complex with a maximum of 200 dwelling units. Applicant is seeking financing with the Ohio Housing Finance Agency (OHFA) and/or other financing related to building affordable housing. In accordance with City of Columbus application policy for affordable housing projects requiring zoning, this variance application is submitted for variance to the M. Manufacturing District to permit multi-family housing and also related variances to permit the project. A rezoning application will be submitted prior to the variance ordinance being sent to Columbus City Council. Time is of essence. The property is under contract for sale subject to: 1) zoning to permit the proposed multi-family development and 2) subject to OHFA and/or other applicable funding, as applicable.

Until funding is secured, rezoning the site to a residential district will create a hardship on the current property owner as the property won't be purchased by applicant without applicable financing. This variance request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets, increase the risk of fire, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing consistent with City of Columbus objectives for development of affordable housing. Multiple residential redevelopment requests have been approved in the area zoned M, Manufacturing west of S. High Street.

#### **Applicant requests the following variance:**

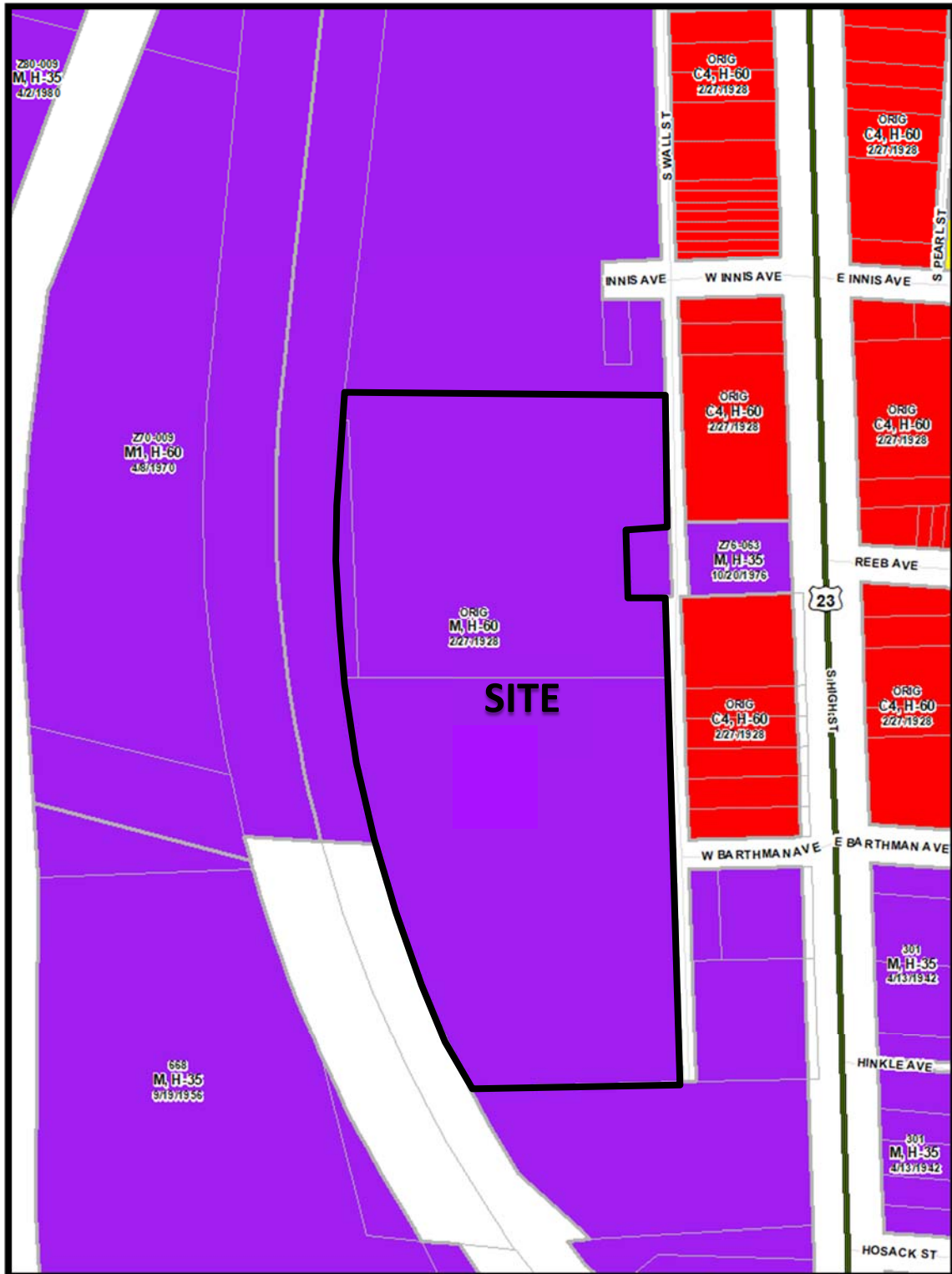
Section 3363.01, M, Manufacturing District, to permit an apartment complex with up to 200 dwelling units.

CV23-029 Conceptual Plan - Provided for Informational Purposes Only

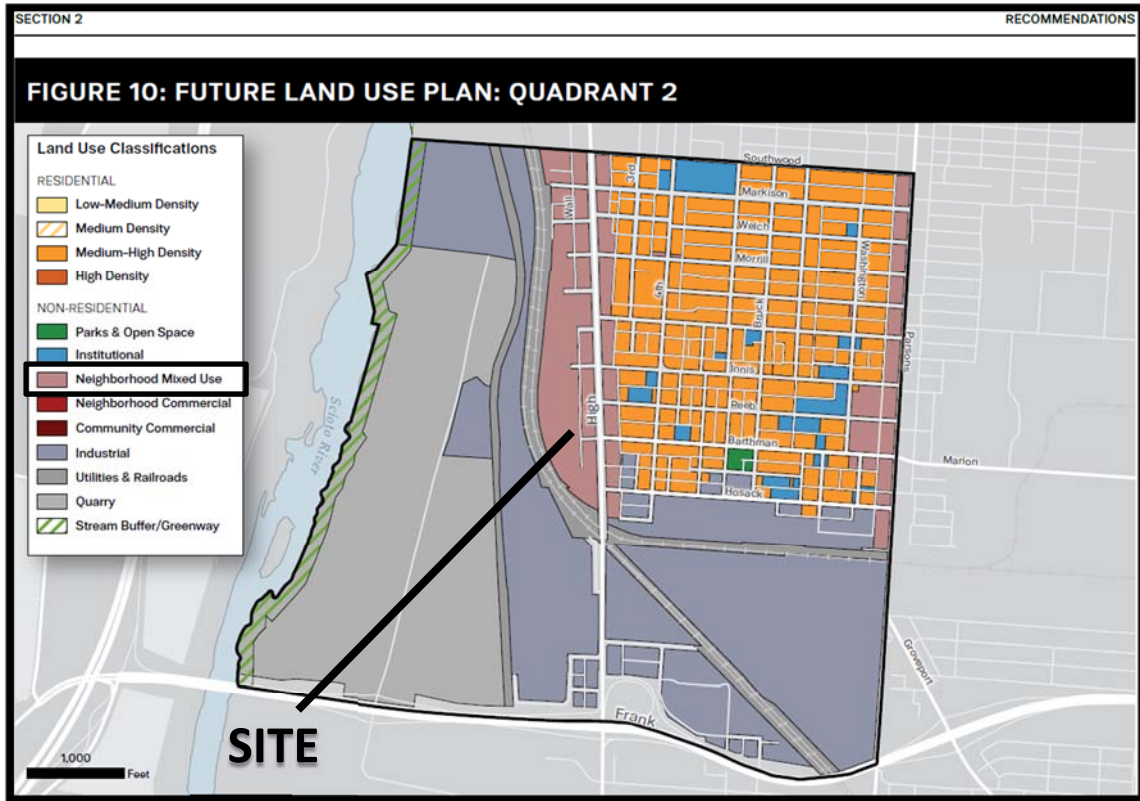


ZONE	DEVELOPMENT DATA
INDUSTRIAL	PANEL ID: 010-073-010-02421-010-065501 ADDRESS: 45 W. BIRMINGHAM, 1975 S. HIGH ST SITE ACRES: 6.13 AC EDGING ZONE: MINIMUM (FACING) ZONING VARIANCE: 444 (AN ENTIRE RESIDENTIAL) PROPOSED DISTRICT: I-45 BLINDING HEIGHT: 35' FEET FLOOR PLAN: 300X400X300X ZONE X EFF. 004172008
BUILDING DATA	PROPOSED DWELLING UNITS: 200 (MAXIMUM) PROPOSED DENSITY: 240 DU / AC BUILDING LOT COVERAGE: 15% STORIES (ALL BUILDINGS): 4
PARKING DATA	REQUIRED (TOTAL): 300 TOTAL (1.5 SPACES PER UNIT) ACCESSIBLE (TOTAL): 30
LANDSCAPING DATA	REQUIRED (TOTAL): 286 TOTAL LANDSCAPABLE (TOTAL) PROPOSED NORTH: 17% NORTH PLANNING LANDSCAPABLE (TOTAL) PROPOSED SOUTH: 11% SOUTH PLANNING LANDSCAPABLE (TOTAL) PROPOSED (TOTAL): 414 (TOTAL) 5 SPACES BASED ON PARKING COUNT OF 17 PER CODE PROPOSED NORTH: 5 SPACES PROPOSED SOUTH: 10 SPACES PROPOSED (TOTAL): 15 SPACES PROPOSED TRAFFIC TRIPLES: 9 TRIPLES @ 1" WALL ST. 57" OC +/-

[illegible]



CV23-029  
45 W. Barthman Ave.  
Approximately 8.15 acres



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**FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP**  
(PLEASE PRINT)

**Case Number** CV23-029

**Address** 45 W. BARTHMAN AVENUE

**Group Name** COLUMBUS SOUTH SIDE AREA COMM.

**Meeting Date** 05.23.2023

**Specify Case Type**

☐ BZA Variance / Special Permit

☒ Council Variance

☐ Rezoning

☐ Graphics Variance / Plan / Special Permit

**Recommendation**

(Check only one)

☐ Approval

☐ Disapproval

**LIST BASIS FOR RECOMMENDATION:**

**Vote**

APPROVED

**Signature of Authorized Representative**



**Recommending Group Title**

CSSAC - ZONING CO-CHAIR - CARLY MAGGIO

**Daytime Phone Number**

585.746.1103

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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### PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV23- 029

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. NRP Properties, LLC; 1228 Euclid Ave, 4th Floor, Cleveland, OH 44115; # Cols-based emps: 15 Contact: Scott Skinner, (408) 656-8126	2. OSC, LLC; c/o James D. Gilbert, Attorney; 6065 Frantz Road, Suite 105, Dublin, OH 43017 # Columbus-based employees: Zero (0) Contact: James Gilbert, (614) 766-5423
3. The Salvation Army; c/o Stephen C. Nudel, Attorney; Law Offices of Stephen C. Nudel, PC; 219 Pine St, Harrisburg, PA 17101; # Cols-based emps: Contact: Stephen Nudel, (717) 236-5000	4. -----

☐ 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 24<sup>th</sup> day of March, in the year 2023

SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



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.**