

CV05-066

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

STATEMENT OF HARDSHIP

Chapter 3307 of Columbus Zoning Code
Section 3307.10 Variances by City Council



A. Permit a variance in the yard, height, or parking requirement 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 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 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 Attached

Signature of Applicant (Signed in BLUE INK) Edward R. James, President Date 11/28/05
By: Daniel O. Menoz, POA

STATEMENT OF HARDSHIP

The Evans Scholars Foundation (the "Applicant") seeks to acquire the property which is the subject of this application (the "Property") and to construct on the Property a scholarship house, to be occupied by the local chapter of the Evans Scholars Foundation. The Applicant currently owns and occupies a facility located at 52 East 14th Avenue (the "Existing Facility"). The Applicant has considered the reconstruction of the Existing Facility. However, variances would also be required to accommodate the Applicant's reconstruction on the site of the Existing Facility. In addition, the Existing Facility is located adjacent to the High Street Corridor, an area which will be the subject of significant redevelopment in the next few years. Because the Existing Facility will either be (a) located immediately adjacent to a planned parking garage, or (b) acquired and utilized for the parking garage itself, the decision was made to locate another acceptable site in the central university area. In support of its request for the variances (which are specifically identified in Schedule I to the Application), Applicant states as follows:

A. The Applicant has requested variances to the yard, area and height requirements of the applicable district in conjunction with the proposed use variance. The subject property is located in an area in which numerous similar structures are located (fraternity and sorority houses). The difficulty applicable to this lot is one of size. Despite Applicant's intention to acquire and combine two lots for the proposed project, the size of the lot will still be less than one acre. As a result, the area and set back requirements for the district cannot be satisfied. In addition, the height of Applicant's proposed structure would exceed the applicable height limitations, although would remain compatible with many of the neighboring structures. If Applicant could reasonably acquire a larger site, also within close proximity to the university area, it would do so. Applicant has spent in excess of five years attempting to locate a suitable location. Applicant does not believe that the granting of such variances would seriously affect the adjoining properties or the general welfare of the community.

B. The Applicant seeks to construct upon the Property a scholarship house in which to house recipients of Evan Scholars scholarship. The facility will be similar to a sorority or fraternity house in that it will house a significant number of students (approximately 80) and will include a variety of common areas (meeting rooms, study rooms, recreation rooms, etc.). Within this immediate vicinity of the subject property, there exist many similar structures. The subject property is contiguous to at least three such properties. The subject property is ideally located for such a facility in that its location enables the residents to walk to class (as relatively few of the scholarship students have automobiles). The granting of the requested variances will permit (a) a significant monetary investment in the subject property, (b) the construction of an architecturally attractive, high quality and safe structure, and (c) the continued presence of an exceptional organization in the University area. The grant of the requested 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 (the proposed structure will be a much safer facility), endanger the public safety, unreasonably diminish or impair the public health, safety, comfort, morals or welfare of the City of Columbus.

The Evans Scholars Foundation, like most fraternities and sororities at the Ohio State University, are subject to regulation by the university's office of student affairs. As a result, this facility should be distinguished from public rooming and apartment houses. The Applicant believes that the variances requested herein be specifically conditioned upon the use of the facility by organizations such as the Applicant which are subject to oversight by the Ohio State University office of student affairs, or a similar arm of The Ohio State University.

SCHEDULE I

Applicant seeks relief from the following provisions of the Zoning Code pertaining to Institutional Districts:

1. Section 3349.03 Permitted Uses. The use of the property for a fraternity, sorority or rooming house is not included among the permitted uses in an Institutional District.

2. Section 3349.04 Height, Area, Yard. The Applicant's proposed project does not satisfy the requirements of the Institutional District with respect to the following:

a.	Height Limit.	Per Code: 35' max.	Proposed: 40'-45'
b.	Area Required.	Per Code: 1 acre	Proposed: .588 acres
c.	Yard Requirements		
	Front	Per Code: 50'	Proposed: 34'
	Side	Per Code: 20'	Proposed: 10'
	Rear	Per Code: 50'	Proposed: 5' to parking 45' to building

Applicant seeks relief from the following provisions of the Planning Overlay of the Zoning Code pertaining to the University Area:

3. Section 3372.521(A) – Supplemental Parking Requirements. Applicant seeks relief from the prohibition contained in the above-referenced section against parking or maneuvering in any required side yard. The west side yard of this property contains a driveway which is shared by the subject property and the property immediately west. The property immediately west of the subject property has an access easement for this driveway and has no other means of access to its parking.

4. Section 3372.561 – Density. Applicant seeks relief from the density limitations of this section. The applicable limitation under this Section of the Code is 65, while Applicant's plans provide for approximately 80 residents.

5. Section 3372.562(A) and (C) – Landscaped Area and Treatment. Applicant seeks relief from the provisions of Section 3372.562 as follows: (a) applicant may be unable to satisfy the requirement that 5% of the lot area behind the building be planted; and (b) several trees larger than 10" caliper may require removal due to applicant's design.

6. Section 3372.563 – Maximum Lot Coverage. If the overhang of the second and third floor over the applicant's proposed parking lot is included in the coverage calculation, the applicant's proposal will provide coverage of 37% (the maximum being 30%). In such a case, applicant seeks relief from the maximum lot coverage restrictions of Section 3372.563. If the overhang is not included in the calculation, no relief will be required.

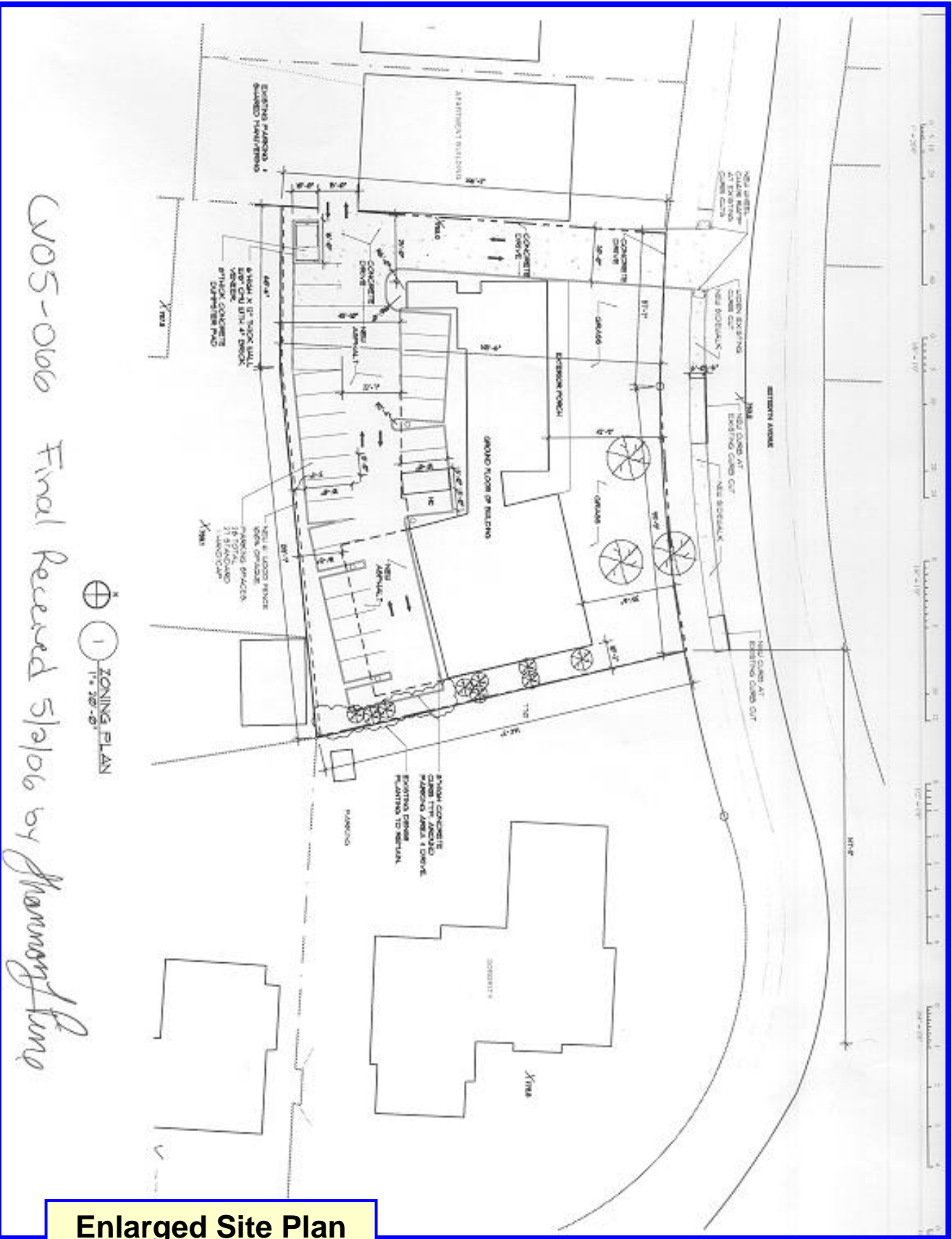
7. Section 3372.564 – Parking. Applicant will exceed the 35% limitation on the area of the lot devoted to parking and maneuvering by approximately 5%. In addition, applicant is unable to satisfy the required number of parking spaces as calculated pursuant to 3372.564. Such calculation renders a parking space requirement of 50-99 spaces, while the applicant's proposal will provide only 28 spaces. Applicant seeks a variance from both of these provisions.

8. Section 3372.566 – Building Separation and Size. Applicant's proposed building of 30,360 square feet will exceed the maximum square footage of 10,200 square feet. Applicant seeks relief from this limitation.

9. Section 3372.567 – Maximum Floor Area. Applicant's proposed development will exceed the maximum permissible floor area calculated pursuant to Section 3372.567.

10. Section 3372.568 – Height. Depending on the final design, applicant may exceed the height restriction proposed by this section of 40' - by approximately five feet.

11. Section 3372.585 – Development and Design Guidelines. Applicant seeks relief from the requirements of Section 3372.585(1)(B) requiring the first floor elevation to be between 2½ and 3½ feet above grade. Applicant also seeks relief from the restriction against gambrel roofing, since its roof may be considered a variation on a gambrel.



CV05-066 Final Revised 5/10/06 by *Shannon Fung*

Enlarged Site Plan



115 & 127 East Sixteenth Avenue

CV05-066



115 & 127 East Sixteenth Avenue

CV05-066



City of Columbus
Mayor Michael B. Coleman

University Area Commission

Northwood High Building
2231 North High Street
Columbus, Ohio 43201
614-341-7060

Serving the University Community since 1972

February 20, 2006

Re: Zoning Variance Application for Evans Scholars, 127-116 East 16th Avenue Parcel #010-067386 and #010-043173

Ron Hupman
President
Sharon Young
1st Vice President
Roger Deal
2nd Vice President
Doreen Ulhas-Sauer
Rec. Secretary
Laura Shinn
Corr. Secretary
David Hegley
Treasurer

Robert Caldwell
Jesse Capone
Bob Deis
Brandy Dunlap
Catherine Girves
Seth Golding
Joyce Hughes
David Huntley
Ian MacConnell
Lynn Michaels
William Murdock
Margaret Sarber
Richard Talbott
Tom Wildman

To Whom It May Concern:

This is to confirm that, at its regularly scheduled meeting held February 15, 2006 the University Area Commission voted to recommend approval of the above referenced application.

This is the first case of this type that the UAC has been called upon to deal with since implementation of the impact Area overlay. It highlights the fact that, under a strict reading of the overlay requirements no organization of this type including the numerous Greek fraternal organizations, located in the impact area could rebuild on their existing sites or on other sites in the impact area without a similar list of variances. This is an issue altogether different from the type of development the overlay was designed to control. We of the UAC believe that there must be a review of the overlay requirements as they apply to this type of use and a policy and/or revisions to the overlay developed to effectively address cases of this nature.

Be that as it may, the Evans Scholars organization is anxious to proceed with the proposed project after years of evaluating options and investigating potential sites. We believe that granting the requested variances is justified and in the best interest of the District because this project represents a transfer of existing density, indeed, in some respects, of lower density, from one location to another while, at the same time, it is not anticipated that significant residential density will be recreated on the original site.

Thank you for your attention to this matter. Should there be any additions concerns or questions regarding this correspondence please feel free to contact me at (614) 291-6096 or at rdeal@columbus.rr.com.

Very truly yours,

Roger F. Deal

Cc: D. J. Minor, Esq. File



City of Columbus
Mayor Michael B. Coleman

University Area Review Board

109 North Front Street
Columbus, Ohio 43215-9031
(614) 645-8654 (614) 645-1483 fax

RECOMMENDATION

property address **115 & 127 E. 16th Avenue**

issued to Jill Tangeman, Vorys, Sater, and Pease

To the members of City Council:

The University Area Review Board has reviewed the proposal for the said property and on March 23, 2006 passed the following motion:

To recommend that City Council disapprove this request for variances (regarding the Evans Scholar House) based on the following reasons: a) it does not meet the intent of the Overlay; b) that the density is too great for the neighborhood and site; c) it requires too many substantial variances; and d) we believe it will be too difficult to achieve the architectural character that this Board seeks for the neighborhood.

Staff
University Area Review Board



City of Columbus
Mayor Michael B. Coleman

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University Area Review Board

109 North Front Street
Columbus, Ohio 43215-9031
(614) 645-8654 (614) 645-1483 fax

CONTRIBUTING BUILDING DETERMINATION

property address **115 E. 16th Avenue**

issued to Ken Klare, City of Columbus

Upon hearing the request by the applicant to determine this building a contributing building, the University Area Review Board, guided by the definitions of C.C.3372.502, passed the following motion on March 23, 2006:

To designate and recognize this building as a “contributing building”.

Staff
University Area Review Board



University Area Review Board

109 North Front Street
Columbus, Ohio 43215-9031
(614) 645-8654 (614) 645-1483 fax

CONTRIBUTING BUILDING DETERMINATION

property address **127 E. 16th Avenue**

issued to Ken Klare, City of Columbus

Upon hearing the request by the applicant to determine this building a contributing building, the University Area Review Board, guided by the definitions of C.C.3372.502, passed the following motion on March 23, 2006:

To designate and recognize this building as a “contributing building”.

Staff
University Area Review Board

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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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CV05-066

Being first duly cautioned and sworn (NAME) Daniel J. Minor, Esq.
of (COMPLETE ADDRESS) Vorys, Sater, Seymour and Pease LLP, 52 East Gay St., Columbus, OH
deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following 43215
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
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. Evans Scholars Foundation 1 Briar Road Chicago, IL 60029-0301	2.
3.	4.

SIGNATURE OF AFFIANT

Daniel J. Minor

Subscribed to me in my presence and before me this 28th day of November, in the year 2005

SIGNATURE OF NOTARY PUBLIC

Jonathan R. Vaughn
JONATHAN R. VAUGHN, Attorney at Law
NOTARY PUBLIC, STATE OF OHIO

My Commission Expires:

My commission has no expiration date.
Section 147.03 R.C.

This Project Disclosure Statement expires six months after date of non-compliance.

Notary Seal Here

