



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

Application #: CV 18-021

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'

Multiple horizontal lines for providing details on variances requested.

Signature of Applicant: Donald Plank Date: 3/27/18
Attorney: (Donald Plank, Plank Law Firm) Date

Consultant: Dave Perry (Dave Perry, David Perry Company, Inc.) Date: 3-27-18

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

CV18-021

1774 E Main Street

Ordinance 0277-2016, passed February 8, 2016 (CV15-055) permits senior housing (54 dwelling units) and commercial development in the C-4, Commercial and L-P-1, Limited Parking Districts at the 2.714 +/- acre site located on the northeast corner of E. Main Street and Fairwood Avenue. The project is under construction. A condition of Ordinance 0277-2016 is to submit for rezoning of the property. The rezoning application (Z18-027) for the AR-1, Apartment Residential District is submitted with this variance application. This variance application is also submitted concurrently with the rezoning for variances to the AR-1 district to conform the project to the AR-1 district. All parcel have been combined to one parcel (010-016635). The development project consists of 54 senior housing dwelling units, 1,200 SF of commercial use (retail, office or restaurant) and a 300 SF outside seasonal patio for the commercial use. The commercial area is at the northeast corner of the site and as noted on the Site Plan. The Site Plan titled "Fairwood Commons, Zoning Variance Site Plan), dated _____, is submitted with this application.

Applicant submits the rezoning application and this variance application to comply with the condition (Section 5) of Ordinance 0277-2016. Variances are required and applicant has a hardship and practical difficulty to conform site uses and site development to the AR-1 district, thereby requiring variances. There is no zoning district to which the site could be rezoned without also needing variances for development. Site development shall be as depicted on the submitted Site Plan, as referenced in the ordinance.

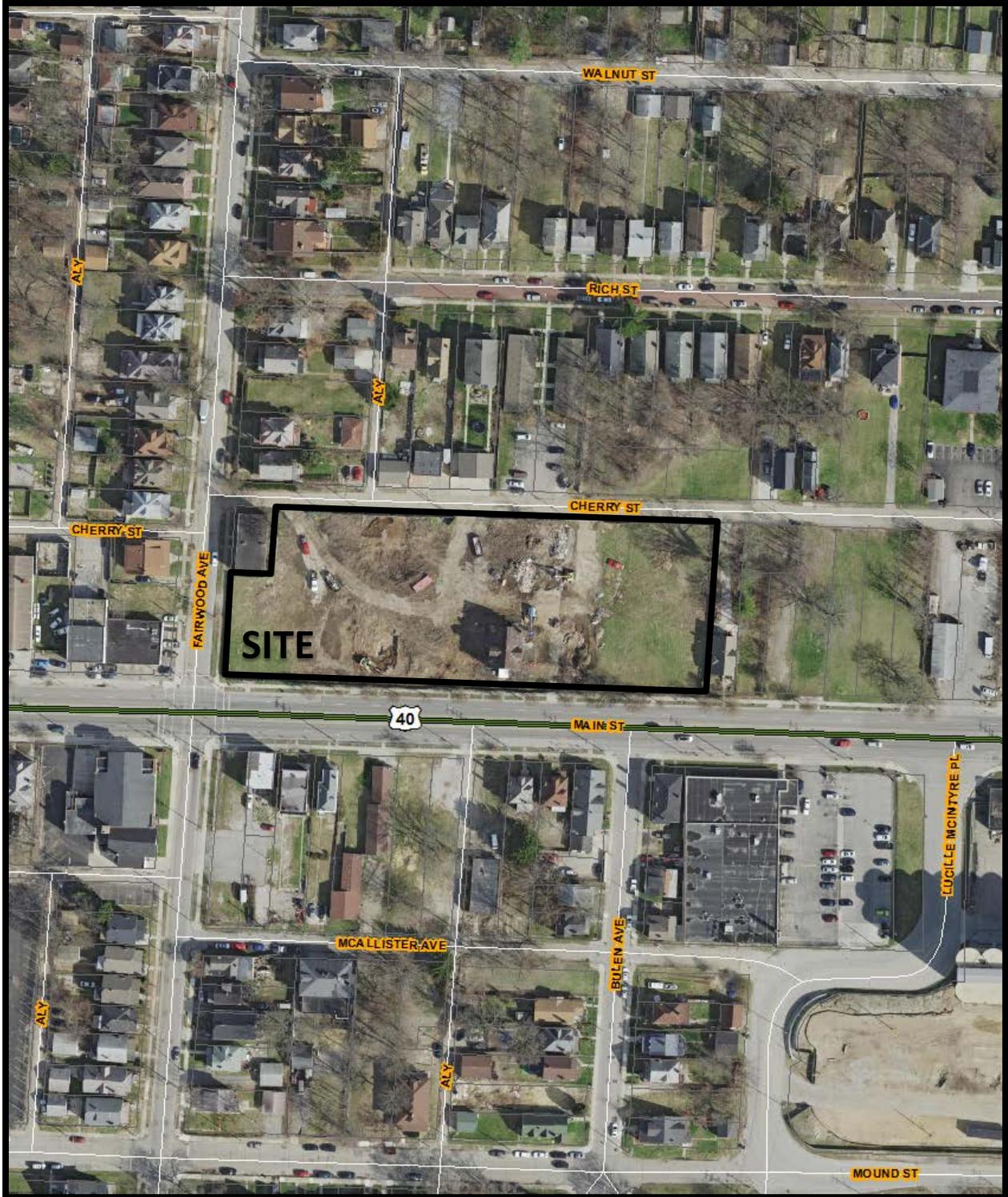
Variances are requested as follows:

- 1) Section 3333.02, AR-12, ARLD and AR-1, Apartment Residential District Use, to permit 1,200 SF of retail, office or restaurant use in the building and a 300 SF seasonal outside patio for commercial use.
- 2) Section 3309.14(A), Height Districts, to increase permitted height from 35 feet to 37 feet to the midpoint of the gable roof of the apartment building.
- 3) 3312.21(D), Landscaping and Screening, to reduce the height of required parking lot screening for parking lots within 80 feet of residential zoning from five (5) feet to three (3) feet.
- 4) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce total code required parking for 54 dwelling units (81 spaces), 1,200 SF of commercial space (restaurant, 16 spaces less 25% UCO reduction = 12 spaces), including retail, office and restaurant use and seasonal patio (2 spaces less 25% UCO reduction = 1.5 spaces, 2 spaces), from 95 spaces to 82 spaces.

- 5) 3321.07(A), Landscaping, to permit the use of pavement in the building setback on both E Main Street and Fairwood Avenue, as depicted on the Site Plan for a public gathering place and public art plaza, thereby providing no landscaping on either street frontage of the 1,200 SF one (1) story commercial area of the building within the area depicted on the Site Plan.
- 6) Section 3321.05(B)(2), to permit the display of art in the 30'x30' clear vision triangle at the intersection of E. Main Street and Fairwood Avenue, including art that may exceed 2.5 feet in height.
- 7) Section 3333.18, Building Lines, to reduce the E. Main Street and Fairwood Avenue building lines from 50 feet and 25 feet to 24 feet and 19 feet, respectively, for the building and to reduce the building setback lines on both streets to permit the display of art, including art pieces exceeding six (6) feet tall, in the building setback by reducing the setback on both street frontages to five (5) feet, only for art display.
- 8) Section 3372.604(A), Setback Requirements, sets a maximum building setback of ten (10) feet for a commercial use in a UCO area, while applicant proposes a maximum setback of thirty-three (33) feet along E. Main Street and nineteen (19) feet along Fairwood Avenue for the commercial component of the proposed building, noting the residential component is not subject to the UCO setbacks.



CV18-021
1774 East Main Street
Approximately 2.17 acres



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Standardized Recommendation Form

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FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

(PLEASE PRINT)

Case Number: z18-027 / CV18-021
Address: 1774 East Main Street
Group Name: Near East Area Commission
Meeting Date: May 10, 2018

Specify Case Type: BZA Variance / Special Permit
 Council Variance
 Rezoning
 Graphics Variance / Plan / Special Permit

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

NOTES:

Vote: 11-0-0

Signature of Authorized Representative: *Matthew D. Bullock*
SIGNATURE
CHAIR NEAR EAST AREA COMM
RECOMMENDING GROUP TITLE
614-582-3053
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.



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PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed. THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV18-021

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)
of (COMPLETE ADDRESS) 411 East Town Street, 2nd FL, 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
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

Table with 2 columns and 2 rows. Row 1: 1. The WODA Group, LLC (500 S. Front Street, 10th FL, Columbus, OH 43215, # of Columbus Based Employees: 0, Contact: Joseph McCabe (614) 396-3200); 2. Fairwood Commons Limited Partnership (500 S. Front Street, 10th FL, Columbus, OH 43215, # of Columbus Based Employees: 0, Contact: Joseph McCabe (614) 396-3200). Row 2: 3. (blank); 4. (blank).

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 26th day of March, in the year 2018

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza
11-5-2018

My Commission Expires:

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



Stacey L. Danza
Notary Public, State of Ohio
My Commission Expires 11-05-2018

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