

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

Columbus City Code Section 3307.10 - Variances by City Council.

CV22-005A

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):

Signature of Applicant

David Hodge

Date

STATEMENT IN SUPPORT

APPLICATION: CV22-005A (CV22-111)
ADDRESS: 5050 Warner Road
OWNER: Dalton Apartments LLC
PARCELS: 010-288493 and 545-307257
APPLICANT: Jared Smith, Preferred Living
ATTORNEY: David Hodge, Underhill and Hodge
DATE: December 28, 2022

The Applicant submits this statement of hardship in support of its council variance application. In 2022, the Applicant annexed part of the site and rezoned the entire site to L-AR-1 to allow for the construction of a 168 multi-unit residential building. The limitation text established use restrictions and supplemental development standards that addressed the maximum number of permitted units, building setbacks, traffic access, pedestrian connectivity, tree preservation, and building materials and design. The Applicant was also granted a companion variance to reduce the minimum perimeter yard in certain areas.

It was recently discovered that the site cannot be developed as approved because of a technicality caused by the annexation. Annexed properties are designated certain tax districts (the first three numbers of a parcel identification number) based on several factors. However, parcels with different tax districts cannot be combined even if they have the same owner. Part of this site was already in Columbus with the 010 tax district. The portion of this site that was recently annexed was designated the 545 tax district. Therefore, the site cannot be combined into a single parcel and the site will remain divided by a parcel line. The purpose of this application is to amend the companion Council variances to request technical variances concerning this dividing parcel line. But for all practical purposes, the Applicant proposes the same development as it was approved by City Council.

To allow the development as proposed, the Applicant requests the following companion area variances.

1. 3312.25 – Maneuvering. Under this section every parking space shall have sufficient access and maneuvering area. The Applicant requests a variance to allow maneuvering across the site's interior parcel line between parcels 010-288493 and 545-307257, with the total required maneuvering area being provided.
2. 3312.29 – Parking space. Under this section a parking space shall be accessible from a street, alley, or maneuvering area; and shall be designed for parking a motor vehicle. The Applicant requests a variance to reduced parking space size for parking spaces impacted the site's interior parcel line between parcels 010-288493 and 545-307257, with the overall parking space meeting the required dimensions.
3. 3312.49(C) – Minimum number of required parking spaces. The Applicant requests a variance to waive the minimum parking requirement for individual parcels and to require parking based on the overall site.

4. 3333.255 – Perimeter yard. The Applicant requests a variance to reduce the east perimeter yard from 25 feet to 15 feet for buildings 2 and 4, as numbered on the site plan, to five feet for detached garages and surface parking, and to zero feet along the site's interior parcel line between parcels 010-288493 and 545-307257.

A hardship exists because the Applicant cannot develop the property as proposed while still conforming to the underlying zoning district established by the City's Zoning Code. Applicant's requested use variances will not adversely affect the surrounding property or surrounding neighborhood. The requested use variances will not impair supply of light or air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

Further, a practical difficulty exists because Applicant cannot develop the Site as propose while still meeting the underlying development standards established by the City's Zoning Code. Applicant's requested area variances will not seriously affect any adjoining property or the general welfare.

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,



David Hodge

SITE DATA

TOTAL ACRES	7.48 ACRES
TOTAL UNITS	168 UNITS
GARAGE PARKING	39 SPACES
SURFACE PARKING	242 SPACES
TOTAL PARKING	281 SPACES
TOTAL PARKING	1.67 SP/UNIT

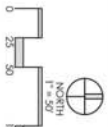
DEVELOPMENT PLAN

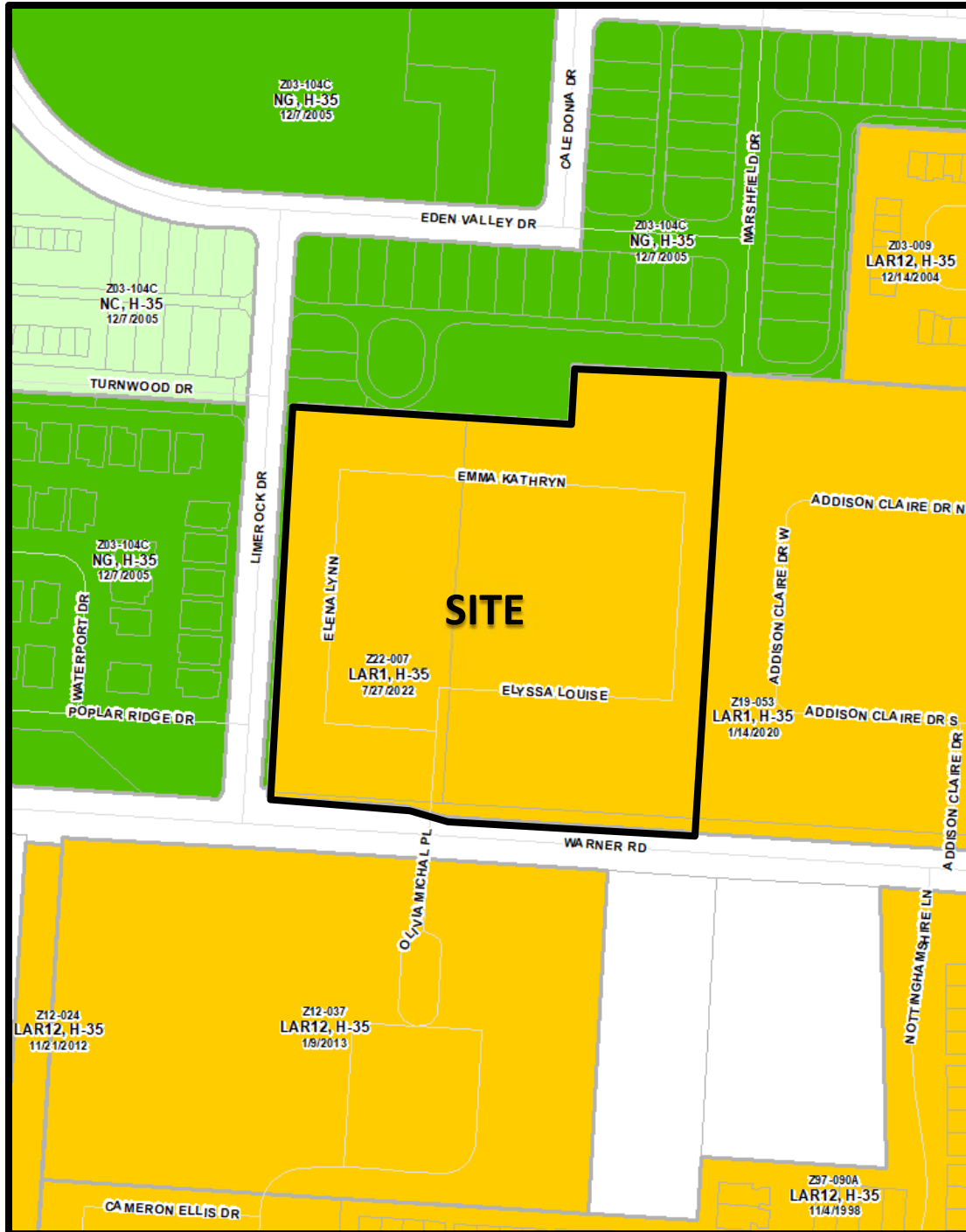
WARNER ROAD WEST
 PREPARED FOR PREFERRED LIVING



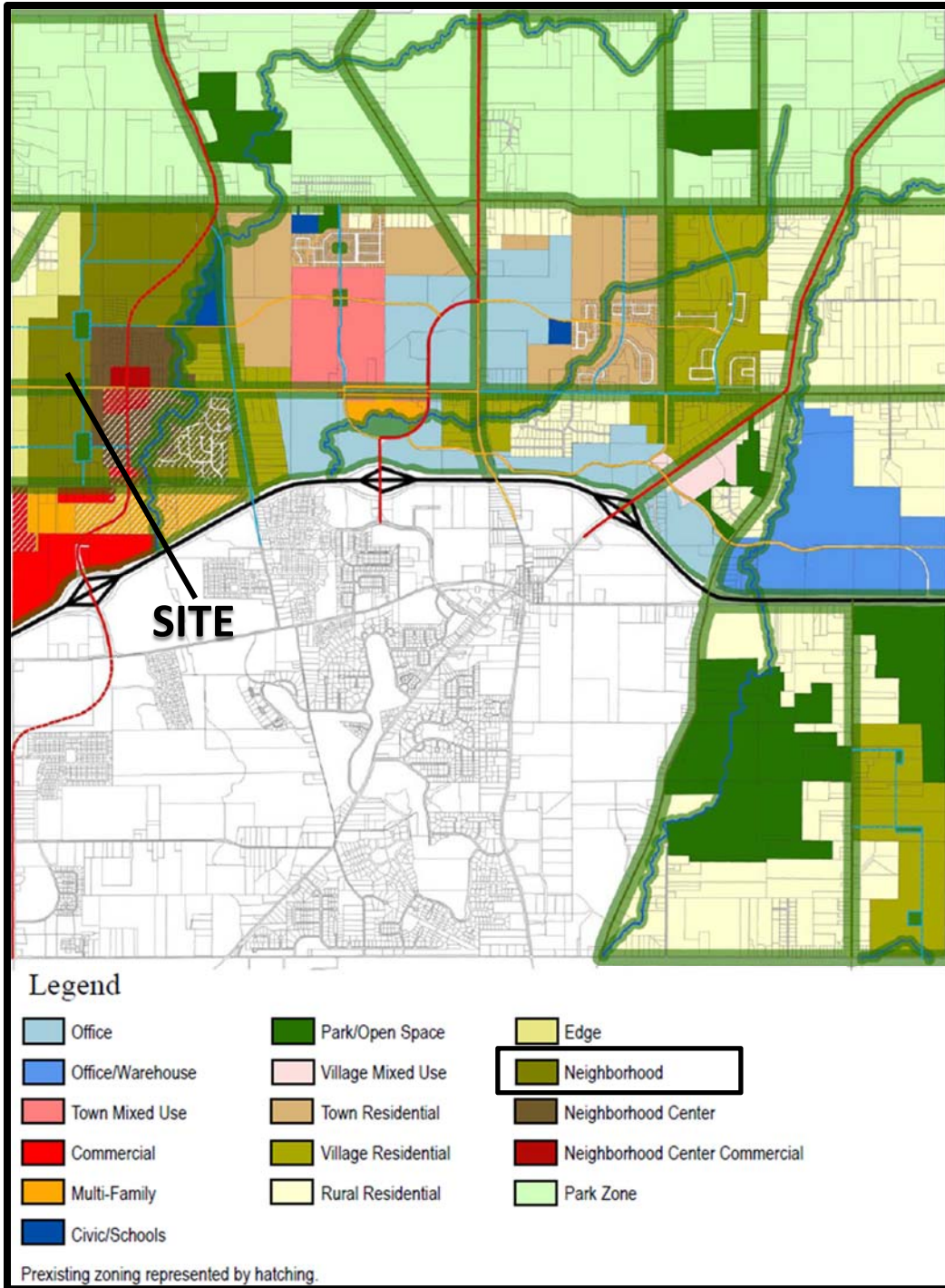
Site Plan Provided for Information Purposes Only

CV22 - 005A





CV22-005A
5050 Warner Rd.
Approximately 7.47 acres



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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-005A

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) Eric Zartman
of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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. Chesapeake Avenue Holdings LLC 750 Communications Parkway, Suite 200 Columbus, Ohio 43214	2. Preferred Living 750 Communications Parkway, Suite 200 Columbus, Ohio 43214
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT *[Signature]*

Sworn to before me and signed in my presence this 21st day of October, in the year 2022

SIGNATURE OF NOTARY PUBLIC *[Signature]* My Commission Expires 1-11-2026



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
01-11-2026

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