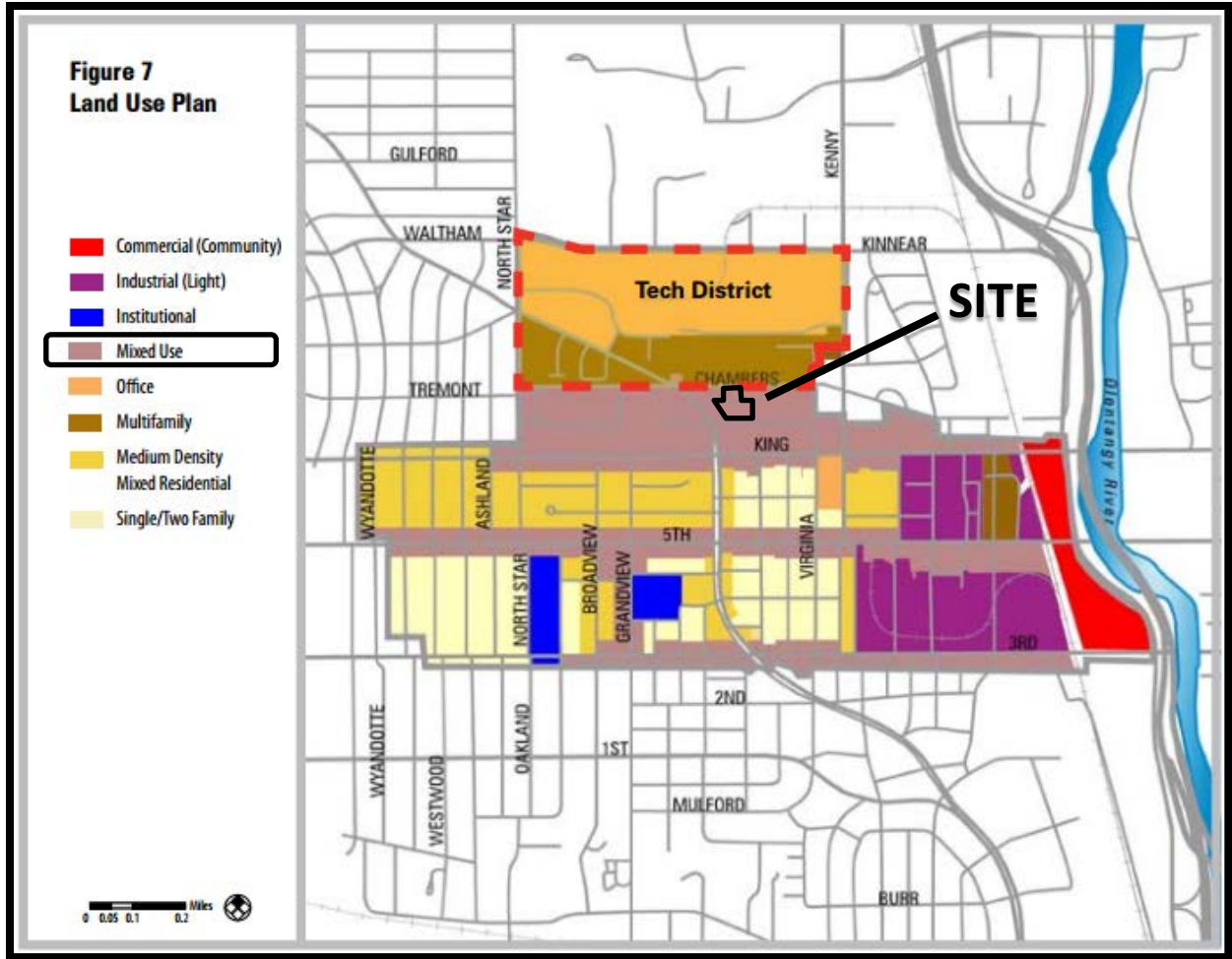


CV16-008  
1169 Chambers Road  
Approximately 2.72 acres



CV16-008  
1169 Chambers Road  
Approximately 2.72 acres



CV16-008  
1169 Chambers Road  
Approximately 2.72 acres

**COUNCIL VARIANCE APPLICATION**  
**Department of Building & Zoning Services**

Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

**STATEMENT OF HARDSHIP**

CV16-008

1169 Chambers Road

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.

**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 Exhibit B

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant Donald Plank Date 6/7/16

**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

#### **CV16-008, 1169 Chambers Road, Columbus, OH 43212**

The 2.718 +/- acre site consists of five (5) tax parcels located on the north side of Chesapeake Avenue and the south side of Chambers Road, east of Northwest Boulevard. Three (3) of the tax parcels are Tax District 010 and are zoned M-2, Manufacturing. Two (2) tax parcels (420-296147, 420-296148) have been annexed from Clinton Township to the City of Columbus and are in Tax District 420 due to the recent annexation. Columbus accepted the annexation April 11, 2016. The two (2) Clinton Township parcels were zoned LM, Limited Manufacturing in Clinton Township (Franklin County Zoning), but are now designated as R, Rural District zoning due to annexation. upon acceptance. By rezoning application Z16-005, submitted in conjunction with this variance application, applicant proposes to rezone the 2.718 +/- acres to the AR-3, Apartment Residential District for development of an apartment building and related accessory uses and structures, as illustrated on the site plan, hereafter, "Site Plan".

Applicant proposes a four (4) story apartment building with a maximum of 113 dwelling units. The proposed multi-family land use and development is consistent with a wide range of uses in this urban environment, and is appropriate for the site/area. The proposed multi-family use of the site is supported by the Fifth by Northwest Area Plan (2009). All existing buildings will be removed with the site redevelopment. Site development will comply with code required parking of 1.5 spaces/DU.

This council variance application is submitted in conjunction with and as companion to rezoning application Z16-005 for variances related to the proposed development of the property. Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and applicant has a practical difficulty with code standards to develop the property in a comprehensive, coordinated way in an urban environment, as proposed. The Zoning Code standards for multi-family use are designed for suburban development, thereby necessitating variances for urban redevelopment. Many redevelopment projects in the 5<sup>th</sup> by Northwest Area Commission area have required similar variances.

Applicant requests the following variances:

- 1). 3309.14, Height Districts, to permit a maximum height of 49.5 feet in the H-35 height district.
- 2). 3312.21(D)(1), Landscaping and Screening, to reduce the four (4) foot landscaped setback width along the west property line, from Chesapeake Road to 12 feet north of Chesapeake Road, to a tapered width with a minimum dimension of one (1) to four (4) feet, within the 12 feet, as depicted on the Site Plan.

3). 3312.27(3), Parking Setback Line, to reduce the Chambers Road and Chesapeake Avenue calculated parking setback lines from 13.8 feet and 16.1 feet, respectively, based on the calculated existing building setback of adjacent buildings to the east and west on each street frontage, to eight (8) feet and five (5) feet on Chambers Road and Chesapeake Avenue, respectively, as depicted on the Site Plan.

4). 3333.18, Building Lines, to reduce the Chambers Road and Chesapeake Avenue calculated building setback lines from 13.8 feet and 16.1 feet, respectively, based on the calculated existing building setback of adjacent buildings to the east and west on each street frontage, to five (5) feet on Chambers Road for a detached garage and to 11 feet along Chesapeake Avenue for part of the refuse area enclosure, as depicted on the Site Plan.

5). 3333.24, Rear Yard, to reduce required rear yard from 25% of lot area to 21% of lot area with Chambers Road being the front of the development and the lot area between the south wall of the apartment building and the north right of way line of Chesapeake Avenue, excepting the area for the refuse facilities, being the rear yard of the apartment building, also to permit parked cars in the rear yard, while part of the west side yard, to be developed with a pool and deck, serves the same purpose as rear yard.

Due to the site consisting of tax parcels that will be in different tax districts (010, Columbus/Columbus School District and 420, Columbus/Clinton Township/Columbus School District), it will not be possible for applicant to combine all of the tax parcels in conjunction with the final Site Compliance Plan and a property line corresponding to the tax district line shall be located through the site. The 010 tax parcels will be combined and the 420 tax parcels will be combined, but the site will consist of two (2) tax parcels corresponding to the 010 and 420 tax district areas. The total 2.718 +/- acre development site, as depicted on the Site Plan, shall be developed and function as depicted. The Tax District 010 and Tax District 420 property, while separate parcels due to the different tax districts, which cannot be combined, shall, at all times be owned by the same entity. The Tax District line shall be disregarded for all purposes related to Site Compliance Plan Review and the 2.718 acre site shall be treated as a single parcel for regulatory purposes. The AR-3 district doesn't have a lot area/DU standard, so no variance is needed for lot area related to how many dwelling units on in each tax district, but, of the 113 dwelling units, 81 are located in Tax District 010 and 32 are located in Tax District 420. Due to the tax district line, the following variances are required:

6). 3312.09, Aisle, to permit a tax district line (property line) to divide a parking lot aisle(s), while the total width and vehicle circulation provided by the parking lot aisle shall comply with minimum required aisle width and circulation, as depicted on the Site Plan.

7). 3312.25, Maneuvering, to reduce maneuvering area to zero (0) due to a tax district line (property line) to permit parking spaces to have maneuvering area divided by a tax district line (property line) and to maneuver across a tax district line (property line), while total code required maneuvering area shall be provided, as depicted on the Site Plan.

8). 3312.29, Parking Space, to permit parking spaces to be divided by a tax district line (property line), while the total dimensions of the affected parking spaces shall comply with code required dimensions, as depicted on the Site Plan.

9). 3312.49, Minimum Numbers of Parking Spaces Required, to reduce code required parking due to a tax district line (property line) through the parking lot by reducing required parking for 81 dwelling units on the Tax District 010 area from 122 spaces to 52 spaces, while Tax District area 420 has 32 dwelling units and 118 spaces, and the total development area has 113 units and 170 parking spaces meeting code required parking with 1.5 spaces/DU.

Applicant requests the following conditions to be included in the variance ordinance.

1). Site development shall be conditioned upon the Site Plan titled "Zoning Variance Plan for Chambers Road Apartments", dated 6/07/2016 and signed by Donald Plank, Attorney for Applicant.

2). There shall be a maximum of 113 dwelling units.

3). On-site parking shall meet the minimum code required parking of 1.5 spaces/DU.

4). The apartment building architecture shall be four (4) sided, meaning it will have the same quality of finish on all sides of the building.



THE CITY OF  
**COLUMBUS**

ANDREW J. BENTHER, MAYOR

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

**STANDARDIZED RECOMMENDATION FORM**

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

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

Case Number CV16-008

Address 1169 Chambers Road

Group Name 5th by Northwest Area Commission

Meeting Date March 1, 2016

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

Recommendation  
(Check only one)  
 Approval  
 Disapproval

**NOTES:**

*Approved all 3 variance & 1 rezoning requests  
plus 4 specially stipulated applicant requests*

Vote 6-0

Signature of Authorized Representative [Signature]

SIGNATURE

5th by NW Area Commission

RECOMMENDING GROUP TITLE

614 256-1944

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: Zoning, City of Columbus, Department of Building & Zoning Services, 757 Carolyn Avenue, Columbus, Ohio 43224.

Applications must be submitted by appointment. Call (614) 645-4522 to schedule

Revised 12/15/06

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

**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.

APPLICATION # CV16-008

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank, Plank Law Firm  
of (COMPLETE ADDRESS) 145 East Rich Street, 3rd Floor, Columbus, Ohio 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

<p>1. SB Chesapeake, LLC 100 W. Third Avenue, Suite 100 Columbus, Ohio 43201 # Columbus Based Employees: 0 Contact: Jason Snyder 614-721-1101</p>	<p>2. Shie-Ming Hwang, Kai-Lun H. Hwang 4886 Chevy Chase Court Columbus, Ohio 43220-2817 # Columbus Based Employees: 0 Contact: Shie-Ming Hwang 614-406-1663</p>
<p>3. 1171 Chambers, LLC 991 Henry Street Columbus, Ohio 43215 # of Columbus Based Employees: 0 Contact: Stan Milenkovic 614-297-6629</p>	<p>4.</p> <hr/>

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 26th day of May, in the year 2016

Stacey L. Danza  
SIGNATURE OF NOTARY PUBLIC

11-5-2018  
My Commission Expires

Notary Seal Here

**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



Rev 12/15 slp  
**Stacey L. Danza**  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018