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CV14-019

40 W Third Avenue

06/26/14

**COUNCIL VARIANCE APPLICATION**

City of Columbus, Ohio • Department of Building &amp; Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)**STATEMENT OF HARDSHIP**

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

Date

SND Partners LLC

By: Donald Plank, Attorney

06/26/14

**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 all checks payable to the Columbus City Treasurer**

## EXHIBIT B

### STATEMENT OF HARDSHIP

40 West Third Avenue, Columbus, OH 43201

CV14-019

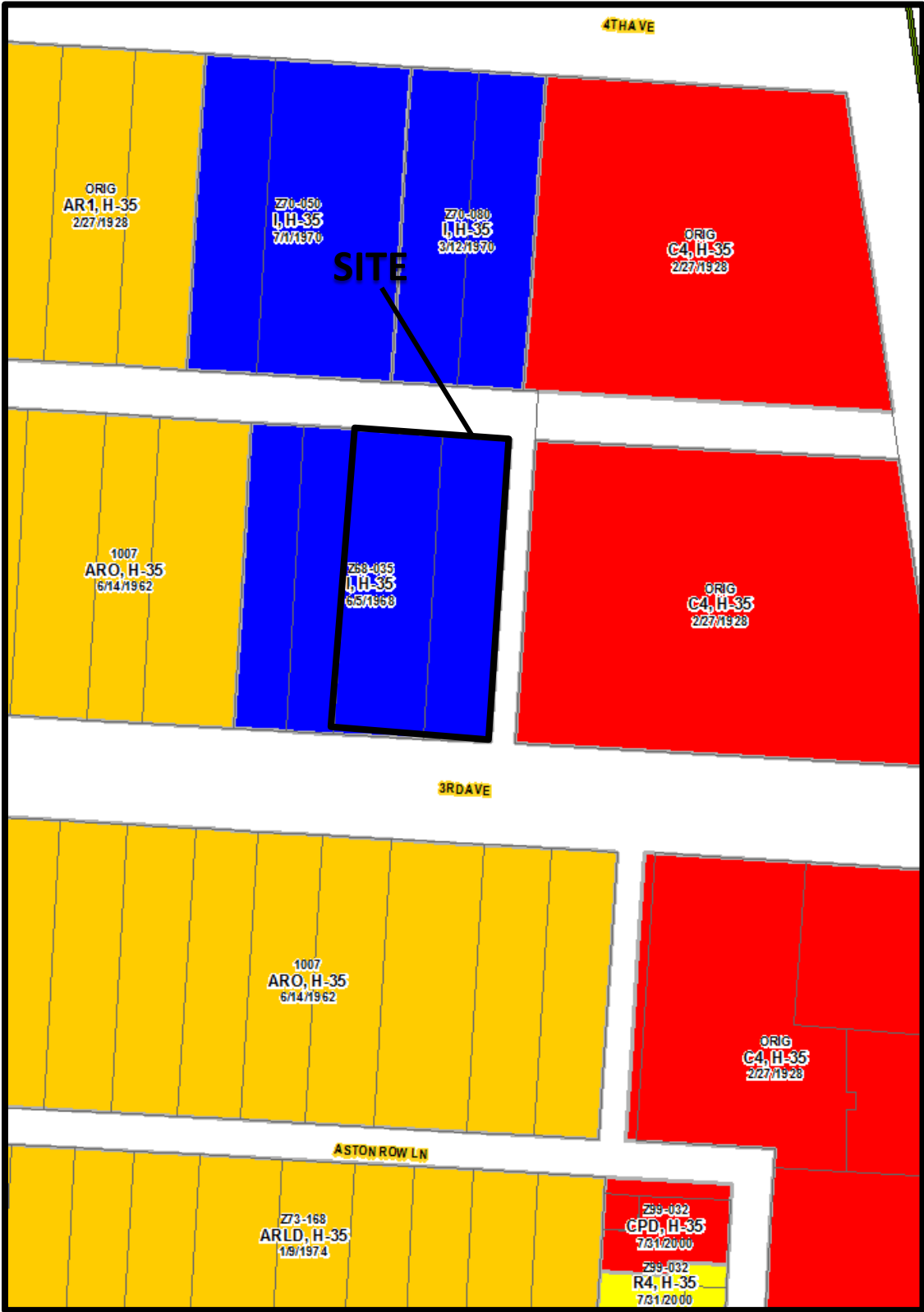
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This council variance application is submitted in conjunction with application Z14-018, submitted to rezone the property to AR-O, Apartment Office District.

The site is located on the north side of West Third Avenue, 263 +/- feet west of North High Street. Applicant proposes to develop the property by removing the one story addition to the original structure, continue to use the original structure for office use and build a new 16 dwelling unit apartment building as depicted on the site plan. The site is presently two (2) tax parcels (010-023151, 010-003136), which will be combined. The office building and new multi-family building will be on the same tax parcel. The development project requires certain variances due to the urban environment of the project and applicant has a hardship with complying with these standards to reasonably develop the property. Applicant requests the following variances:

- 1) 3309.14(A), Height Districts, to permit a building height of 39 feet in an H-35 height district.
- 2) 3333.23(d), Minimum Side Yard Permitted, to reduce minimum side yard from 6.5 feet to 0.50 feet for the new apartment building along the east property line, along the east alley.
- 3) 3333.24, Rear Yard, to reduce rear yard area for the proposed apartment building from 25% of lot area to 0.80% of lot area.
- 4) 3333.26(a), Height District, to permit a building height of 39 feet in an H-35 height district
- 5) 3312.09, Aisle, to reduce the aisle width/maneuvering from 20 feet to 18 feet for garage spaces 1-6, inclusive, and for the surface parking area, to permit an 18 foot aisle for 90 degree parking spaces.
- 6) 3312.13, Driveway, to reduce the width of the driveway from the north alley to the surface parking lot from 20 feet to 18 feet.
- 7) 3312.25, Maneuvering, to reduce the maneuvering area for 90 degree garage and surface parking spaces from 20 feet to 18 feet.
- 8) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 36 spaces required for use of the original structure (3,400 +/- sq. ft.) for office uses (12 spaces) and 16 apartments @ 1.5 space/DU (24 spaces) to 22 parking spaces.
- 9) 3312.29, Parking Space, to reduce the width of certain parking spaces from nine (9) feet to 8.0 feet, as depicted on the site plan.

06-26-2014 DBP



CV14-019  
40 W. 3<sup>rd</sup> Avenue  
Approximately 0.384 acres



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40 W. 3<sup>rd</sup> Avenue  
Approximately 0.384 acres

STEVEN R. SCHOENY  
Director

THE CITY OF  
**COLUMBUS**  
MICHAEL B. COLEMAN, MAYOR

# COPY

## HISTORIC DISTRICT COMMISSION RECOMMENDATION VICTORIAN VILLAGE COMMISSION

*This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.*

**PROPERTY ADDRESS:** 40-42 West Third Avenue

**APPLICANT'S NAME:** SND Partners, LLC (Owner)

**APPLICATION NO.:** 14-6-16

**COMMISSION HEARING DATE:** 6-12-14

The Victorian Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3319 and the architectural guidelines:

☒ **Variance or Zoning Change Request**

- ☒ Rezoning
- ☐ Parking Variance
- ☐ Change of Use
- ☐ Lot Split
- ☐ Special permit
- ☐ Setbacks
- ☒ Other

**ACTION:**

Recommend Approval of application #14-6-16, 40-42 West Third Avenue, as submitted:

Variance Recommendation Request

- Rezoning - to rezone from I, Institutional to AR-0, Apartment Office District. The AR-0 district permits apartments and office use.
- CC3309.14(A): Height Districts - to permit a building height of 39 feet in an H-35 height district.
- CC3333.23(d): Minimum Side Yard Permitted - to reduce minimum side yard from 6.5 feet to 0.50 feet for the new apartment building along the east property line, along the east alley.
- CC3333.24: Rear Yard - to reduce rear yard area for the proposed apartment building from 25% of lot area to 0.80% of lot area.
- CC3333.26(a): Height District - to permit a building height of 39 feet in an H-35 height district
- CC3312.09: Aisle - to reduce the aisle width/maneuvering from 20 feet to 18 feet for garage spaces 1-6, inclusive, and for the surface parking area, to permit an 18 foot aisle for 90 degree parking spaces.
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- CC3312.29: Parking Space - to reduce the width of certain parking spaces from nine {9} feet to 8.0 feet, as depicted on the site plan.

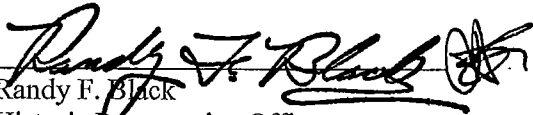
**MOTION:** Decker/Berthold (6-0-0) RECOMMEND APPROVAL.



**RECOMMENDATION:**

☒ RECOMMEND APPROVAL      ☐ RECOMMEND DENIAL      ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY  
FOR THE ACTION(S) REQUESTED AS INDICATED.

  
Randy F. Black  
Historic Preservation Officer



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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.

APPLICATION # CV14-019

STATE OF OHIO  
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215-5240  
 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 formats

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

1. SND Partners LLC 600 Stonehenge Parkway, Suite 200 Dublin, OH 43017 # of Columbus Based Employees: 0 Contact: Jeff Baur, (614) 389-5943	2. PLZ Partners LLC 40 W. 3rd Avenue Columbus, OH 43201 # of Columbus Based Employees: Contact: Leonard Zangardi, (614)
3.	4.

☐ Check here if listing additional parties on a separate page.

**SIGNATURE OF AFFIANT**Subscribed to me in my presence and before me this 29th day of MARCH, in the year 2014**SIGNATURE OF NOTARY PUBLIC**

My Commission Expires:

BARBARA A. PAINTER  
AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER  
 Notary Public, State of Ohio  
 My Commission Expires AUGUST 3, 2015

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

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