

THE CITY OF
COLUMBUS
 ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
 AND ZONING SERVICES

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

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

11/1/16

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

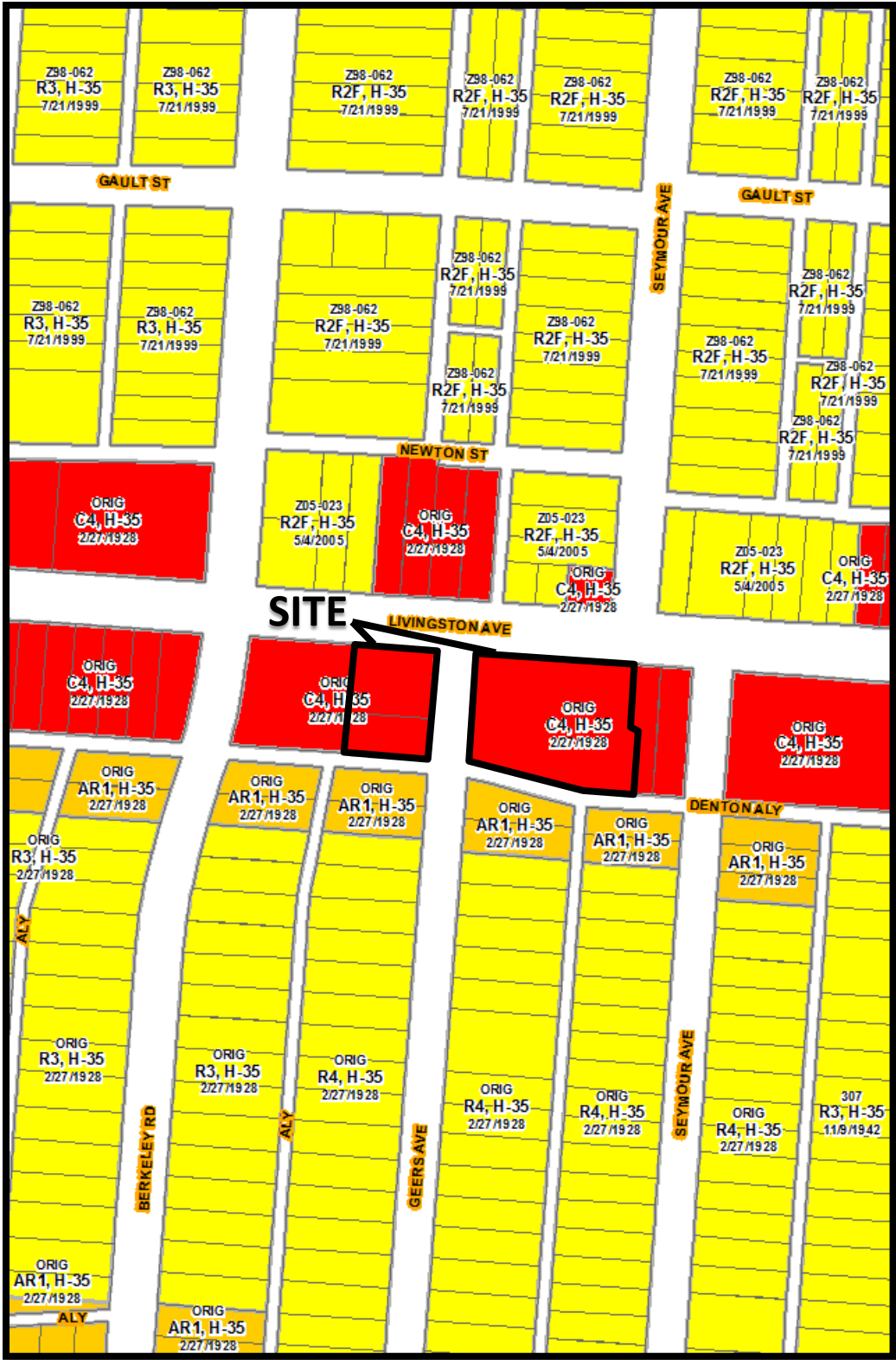
Exhibit B
Statement of Hardship
CV16-075
1573 E. Livingston Avenue

The site is located at the southeast and southwest corners of E. Livingston Avenue and Geers Avenue. Both areas are zoned C-4, Commercial and are within the E. Livingston Avenue Urban Commercial Overlay (UCO). The southeast corner (Subarea A) is developed with the former Livingston Theater and other buildings. Some of the existing buildings in Subarea A are proposed to be razed, but not the theater building, new construction as depicted on the Site Plan and development of 45 senior housing (age restricted) dwelling units. There is no parking on the southeast development area. The southwest corner is presently used as a parking lot and is proposed to be a 37 space parking lot for the 45 senior housing dwelling units.

Applicant has a hardship and practical difficulty with compliance with the referenced code sections. The C-4 District permits residential use located above most ground floor residential uses. Many variances have been granted for ground level residential use in the C-4 district. There is no zoning district to which the site could be rezoned without also needing variances for the proposed development. Site development shall be as depicted on the submitted Site Plan, as referenced in the ordinance. Applicant will pay for all costs of work in the Geers Avenue or E. Livingston Avenue right of way to provide an accessible path from the parking lot (Subarea B) to the building (Subarea A).

Variances are requested as follows:

- 1) Section 3356.03, C-4, Permitted Uses, to permit ground level residential use, thereby permitting a 45 dwelling unit senior housing apartment house, including ground level residential use, in Subarea A.
- 2) Section 3312.21(A)(2), to reduce the minimum soil area of one (1) parking lot island in Subarea B from 145 square feet to 116 square feet, as noted on the Site Plan.
- 3) Section 3312.27(4), Parking Setback Line, to reduce the Geers Avenue parking setback from ten (10) feet to five (5) feet on the south 50 feet of Subarea B to match the permitted five (5) foot parking setback (Livingston Avenue Urban Commercial Overlay), on the north 87 feet of the Geers Avenue frontage of the parking lot.
- 4) 3312.49, Minimum Numbers of Parking Spaces Required, to reduce code required parking for 45 senior housing dwelling units from 68 spaces, at 1.5 spaces/DU, to zero (0) on Subarea A, subject to 37 spaces being provided off-site, on Subarea B, at the southwest corner of E Livingston Avenue and Geers Avenue, as shown on the Site Plan.
- 5) 3356.11, C-4, District Setback Lines, to reduce the E Livingston Avenue (Columbus Thoroughfare Plan) building setback line from 60 feet to 0 feet and the Geers Avenue building setback from 25 feet to 0 feet, for the existing and proposed construction in Subarea A.



CV16-075
1573 East Livingston Avenue
Approximately 1.03 acres

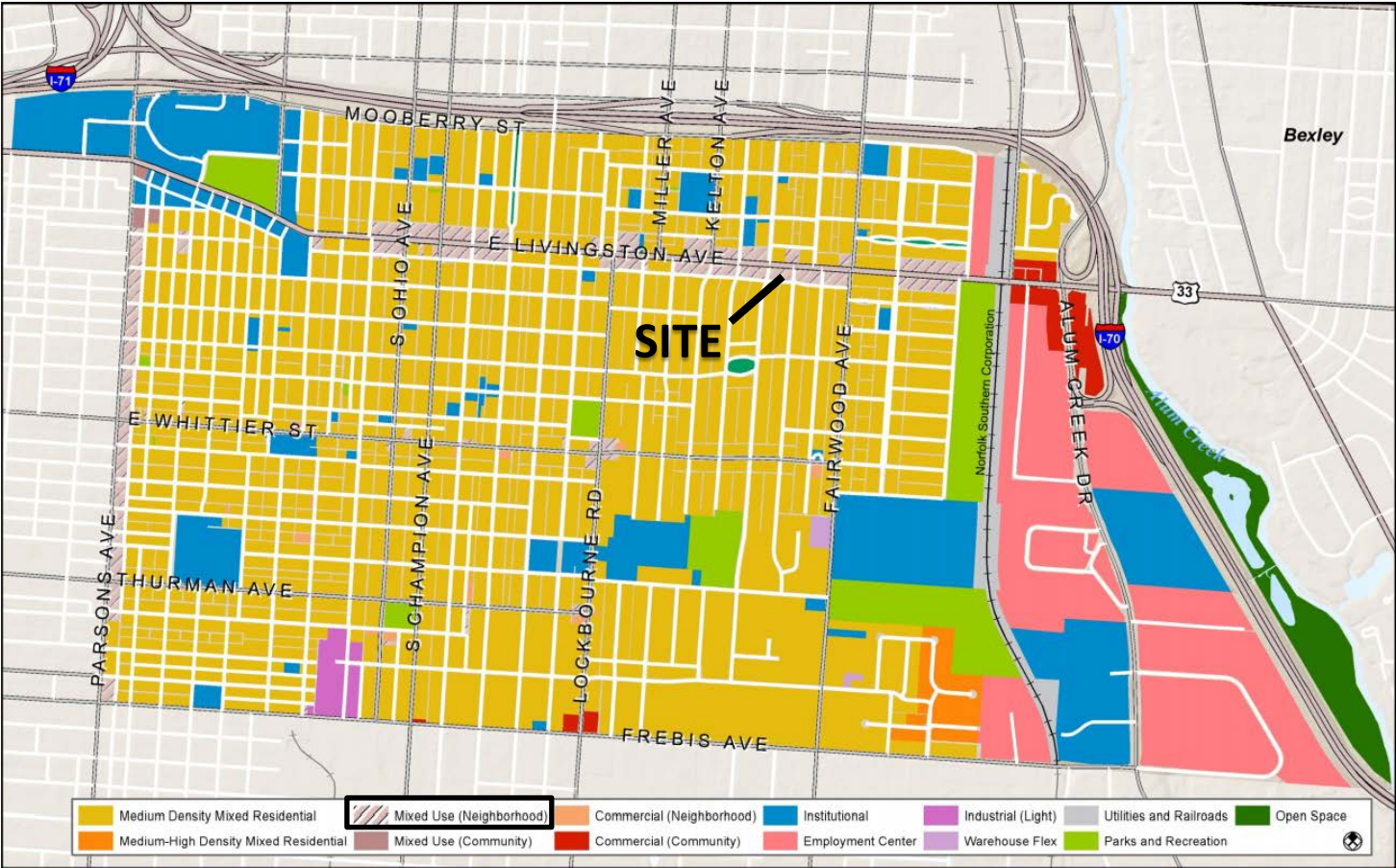
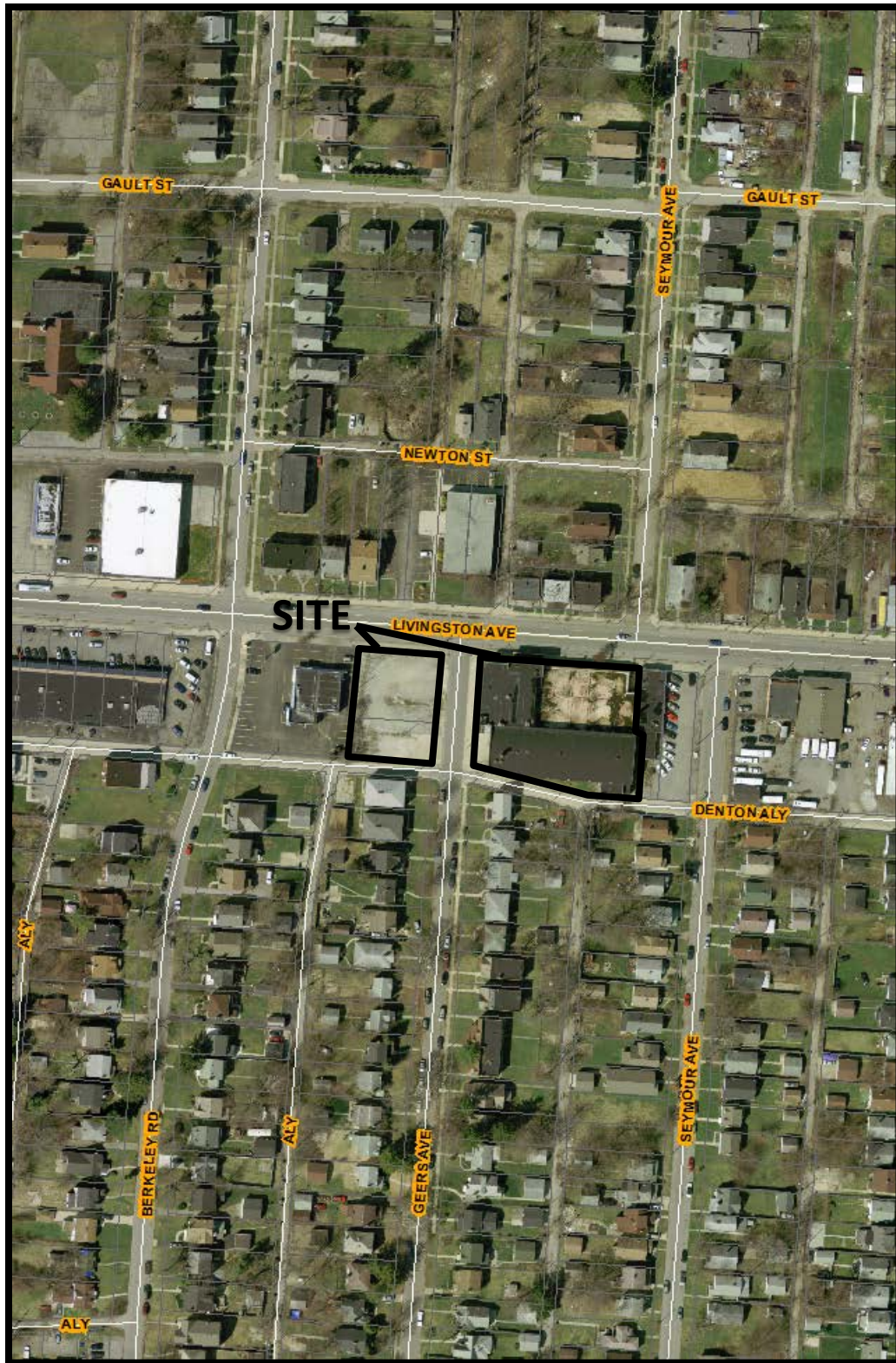


Figure 10: Future Land Use Plan Map

CV16-075
1573 East Livingston Avenue
Approximately 1.03 acres



CV16-075
1573 East Livingston Avenue
Approximately 1.03 acres

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:

CV16-075

Address:

1573 E. Livingston Avenue Cols. Oh 43228

Group Name:

Livingston Ave. Area Commission

Meeting Date:

DECEMBER 20, 2016

Specify Case Type:



BZA Variance / Special Permit



Council Variance



Rezoning



Graphics Variance / Plan / Special Permit

Recommendation:

(Check only one)



Approval



Disapproval

NOTES:

NO Return form was received with the original BZA Pack. The RESULT of the LAVA-C vote on this BZA (CV16-075) Application was phoned into A. Cekebrezze on 12/23/16. On 12/23/16 the Result of the vote was ALSO emailed to The City of Cols. Dept. of Building & Zoning & A. Cekebrezze

Vote:

4 (For) - 0 (Against) - 4 (Abstain)

Signature of Authorized Representative:

Gerrit Elliott

SIGNATURE

Chair Livingston Ave. Area Comm. - LAVA-C

RECOMMENDING GROUP TITLE

614-596-4418

DAY TIME 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, 757 Carolyn Avenue, Columbus, OH 43224.

THE CITY OF
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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 # CV16-075

STATE OF OHIO
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm) _____

Being first duly cautioned and sworn (NAME) _____
of (COMPLETE ADDRESS) 423 East Town Street, 2nd 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

1. WODA Group, Inc. 229 Huber Village Boulevard, Suite 100 Westerville, Ohio 43081 # of Columbus Ohio Based Employees: 0 Contact: Joe McCabe (614) 396-3200	2. Thomas C. Smith 1174 North High Street, Columbus, Ohio 43201 # of Columbus Ohio Based Employees: 0 Contact: C/o Randy Best (Best Corporate Real Estate) (614) 559-3350
3. _____	4. _____

☐ 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 1st day of November, in the year 2016

Stacey L. Danza
SIGNATURE OF NOTARY PUBLIC

11-5-2018

Notary Seal Here

My Commission Expires

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