

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

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 Attachment 1

Signature of Applicant

Donald Hank

Date

6/22/17

CV17-047

**Attachment 1
to
Council Variance Application**

Type of Action Requested:

This application is a request for a variance (in conjunction with a rezoning request) from Columbus City Code, Section 3333.255, Perimeter yard. The perimeter yard setbacks on the subject property vary, but range from 13 feet to 25 feet. The variance request would be to permit setbacks in the perimeter yard of less than 25 feet and to allow pavement in the perimeter yard. This application is also a request for a variance from 3312.25, Maneuvering, to permit maneuvering areas to be divided by property lines, subject to applicable total code required maneuvering being provided for parking spaces.

Statement of Practical Difficulties:

The subject property is developed as condominiums. Initially, the condominium project was to be expanded on the neighboring property to the east and south, but the expansion never took place. The property to the east and south has since been sold. If the project had been expanded, the perimeter setback of 25 feet in width would have been adhered to. As it stands, the existing condominium buildings on the east perimeter are closer to the lot line than allowed.

In addition, a maximum of eight (8) new parking spaces will be installed along the east property line with maneuvering areas for four (4) of the spaces being located on the adjacent property to the east.

The following factors and conditions can be met with the granting of the variances requested:

Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance. The subject property is already developed and the condominium buildings are existing. There can be no beneficial use of the property, as currently developed without a variance relative to the perimeter yard. The eight (8) new parking spaces will allow for additional parking for residents and guests of the condominium to help relieve congestion and parking along the street.

Whether the variance is substantial. The perimeter setbacks from the buildings along the east property line vary, but range from 13 feet to 25 feet. The perimeter yard requirement is 25 feet in width. At the very least, the perimeter width is 13 feet. This is 52 percent of 25 feet.

Whether the essential character of the neighborhood would be substantially altered or whether adjoining property would suffer a substantial detriment as a result of the variance. The condominium project and buildings are existing. Nothing would change with the subject property with the granting of the variance relative to the perimeter yard. There would be no change to the character of the neighborhood with the granting of the variances, and adjoining properties would not suffer a substantial detriment as a result of the variances.

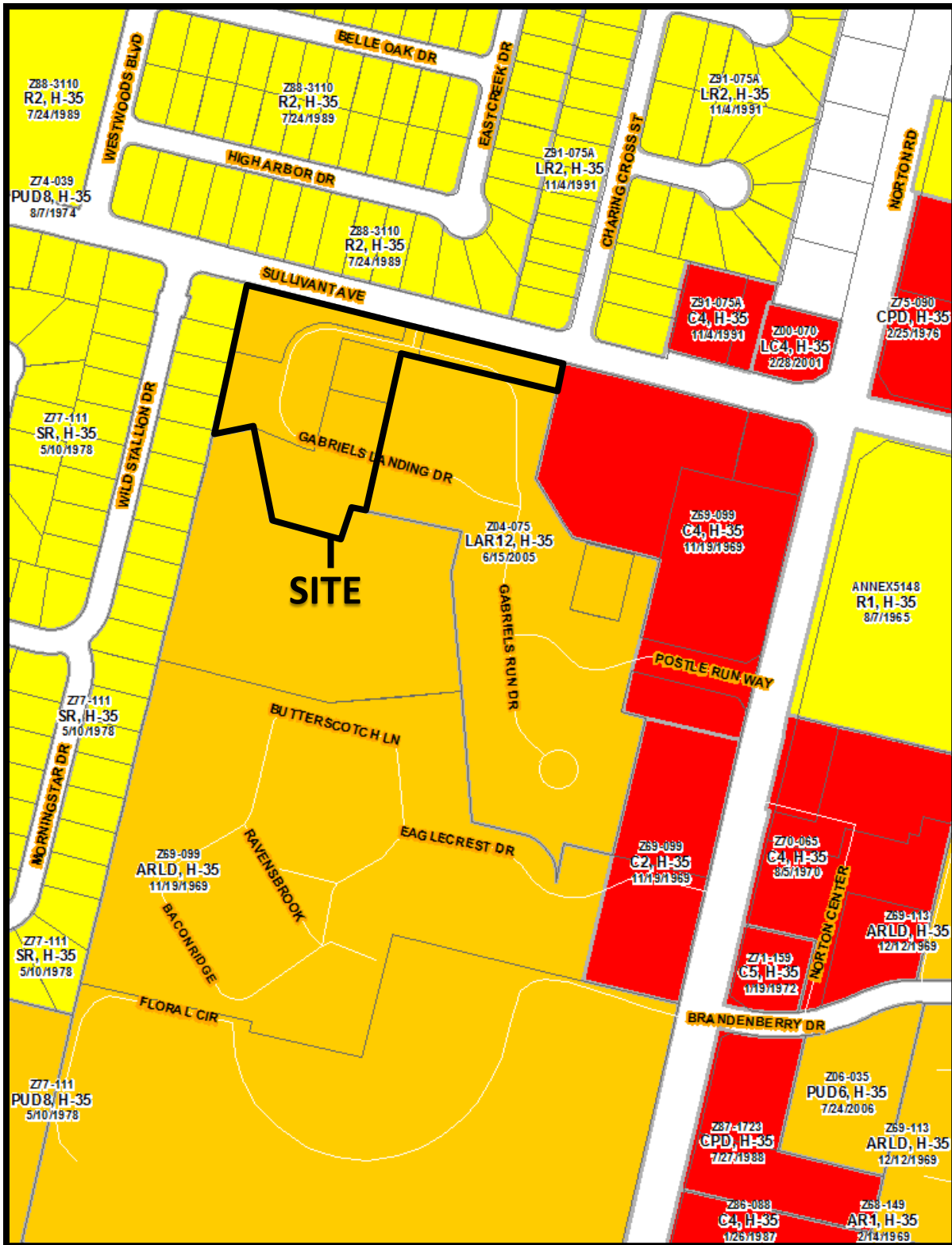
Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, refuse service). With the granting of the variances, there would be no change to the delivery of governmental services. Therefore, there would be no adverse affect.

Whether the property owner purchased the property with knowledge of the zoning restriction.

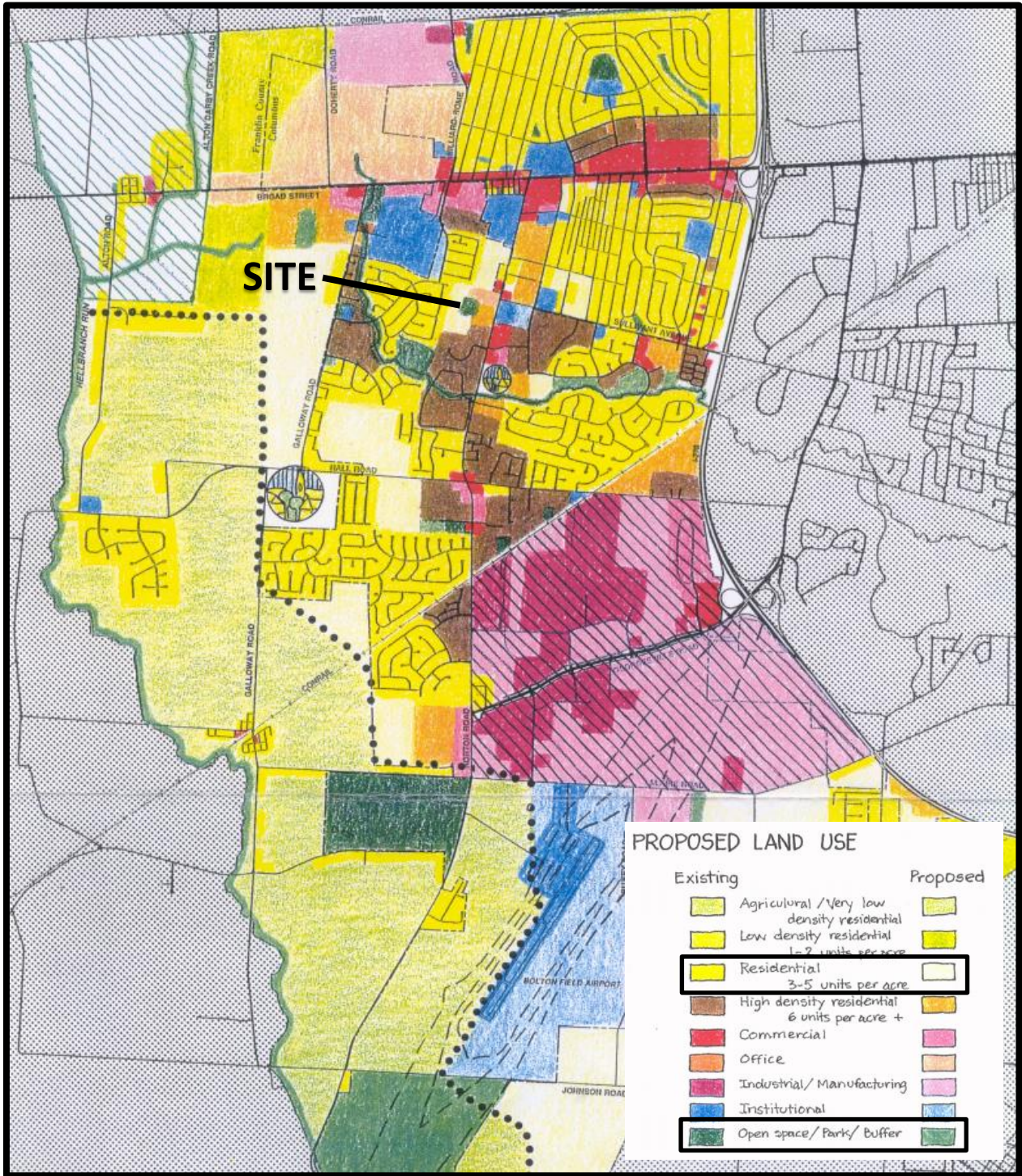
There has not been a recent sale of the subject property. At the time the project was constructed, the property owner had constructive knowledge of the zoning restriction; however, the plan to expand the condominium to the property to the east and south changed. The expansion never occurred.

Whether the property owner's predicament feasibly can be obviated through some method other than a variance. There is no other method, that if sought, would obviate the property owner's predicament.

Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variances. With the granting of the variances, there would be no change to the subject property, except as it relates to the installation of a maximum of eight (8) new parking spaces, and there would be no change to the neighborhood or adverse affect on adjoining properties.



CV17-047
5471 Sullivan Avenue
Approximately 3.48 acres



CV17-047
5471 Sullivant Avenue
Approximately 3.48 acres



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THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

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:

CV 17-047

Address:

5471 Sullivan Avenue

Group Name:

Westland Area Commission

Meeting Date:

July 19, 2017

Specify Case Type:

- ☐ BZA Variance / Special Permit
☒ Council Variance
☐ Rezoning
☐ Graphics Variance / Plan / Special Permit

Recommendation:
(Check only one)

- ☒ Approval
☐ Disapproval

NOTES:

Vote:

11-0

Signature of Authorized Representative:

SIGNATURE

Michael J. Pankaj
Chairman, Zoning Committee

RECOMMENDING GROUP TITLE

614-745-5452

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, 757 Carolyn Avenue, Columbus, OH 43224.

THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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

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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 # CV17-047

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald T. Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 E. Town St., FL 2, 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

1. Gabriel's Landing Condominium Association c/o Robin L. Strohm, Williams & Strohm, LLC Two Miranova Place, Suite 380 Columbus, OH 43215 Columbus based employees: 0 Robin L Strohm - 614-228-0207	2.
3.	4.

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

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 22nd day of JUNE, in the year 2017

Notary Seal Here



SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020
My Commission Expires



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2020

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