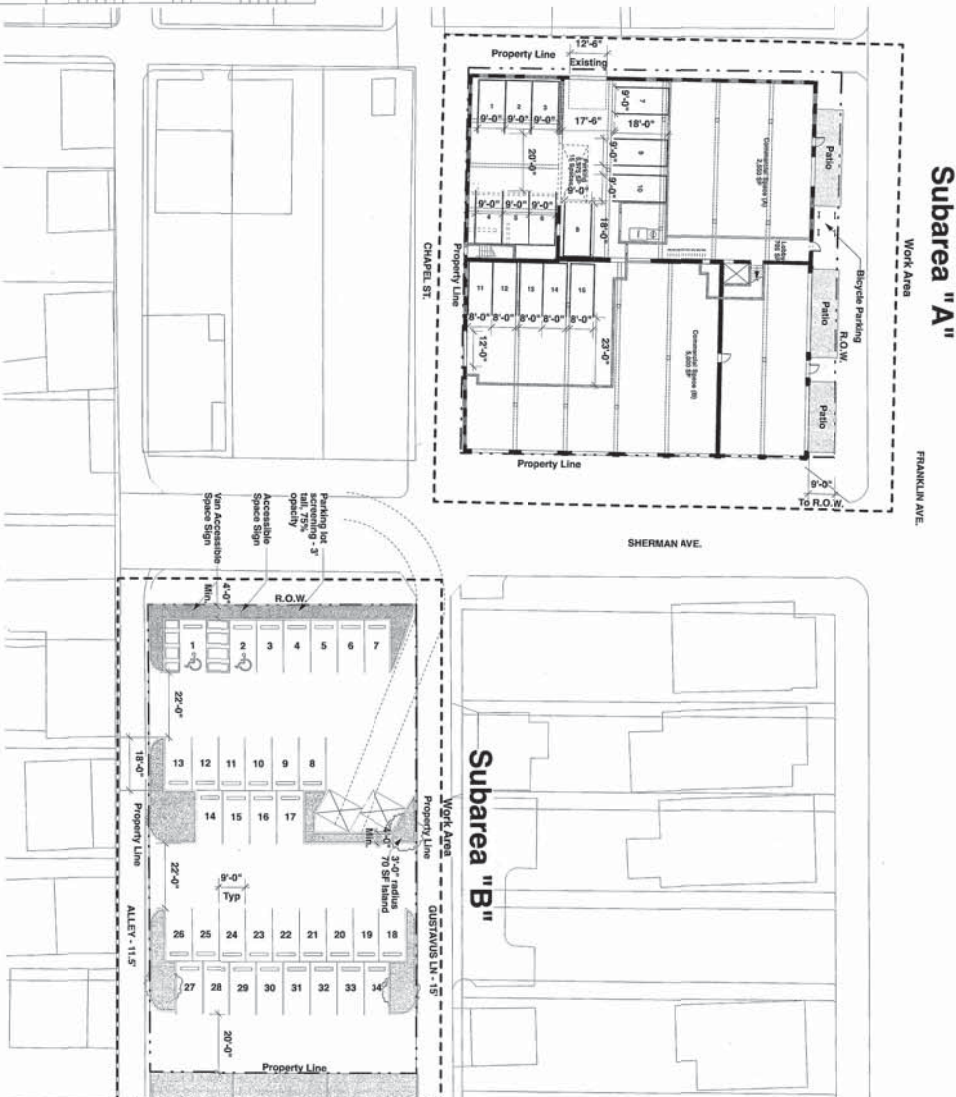


**Avery Building  
Renovation**  
1199 Franklin Ave.  
Columbus, OH, 43205  
*Site Plan*

## Zoning Exhibit

21

**CV17-076**



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

**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 Exhibit 'B'

Signature of Applicant

*Donald Plank*

Date

*10/23/17*

Attorney

(Donald Plank, Plank Law Firm)

Date

Consultant

*Dave Perry*

(Dave Perry, David Perry Company, Inc.)

Date

*10/23/17*

**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**

*CV17-076*

## **Exhibit B**

### **Statement of Hardship**

#### **CV17-076, 1199 Franklin Avenue, Columbus, OH 43205**

The site consists of two (2) areas, as follows: 1) the historic Avery Building, addressed as 1199 Franklin Avenue and 2) four parcels approximately 60 feet southeast of the Avery Building proposed to be developed as an off-site parking lot to provide parking for uses in the Avery building. The Avery Building parcel noted as Subarea A in this application is 0.373 acres and the parking lot is 0.322 acres. Both sites are zoned R-3, Residential from area rezoning initiated by the City of Columbus. The Avery Building was built in phases between 1898 and 1909. It was built for a Pontiac dealership and predates Columbus having zoning. The building is 22,500 +/- SF and clearly can't be used as a single family dwelling (R-3 zoning). The Avery Building is listed on both the national and Columbus Register of Historic Properties, so it is under the review jurisdiction of the Historic Resources Commission as well as the Near East Area Commission. The building renovation and parking lot construction will be approximately \$1.5 million dollars.

Applicant proposes to redevelop the Avery Building (Subarea A) with 7,550 SF of commercial use, to include restaurant use(s), 800 SF of outside patio for seasonal restaurant use, up to 15 dwelling units, and a parking garage for 15 parking spaces. To provide additional parking, applicant proposes to develop Subarea B with an accessory, off-site, parking lot for the Avery Building (Subarea A). Given the zoning pattern of the area, City of Columbus area rezoning, and preference for establishing non-residential uses by variance, a council variance is the preferred procedural means to address the zoning aspects of this project.

Applicant requests the following variances:

- 1). Section 3332.035, R-3 Residential District, to permit up to 7,550 SF of commercial space for restaurant, retail or office use, 800 SF of seasonal commercial patio area, a maximum of 15 dwelling units and an inside parking garage for up to 15 vehicles in Subarea A; and to permit a parking lot for up to 34 parking spaces and dumpster boxes in Subarea B.
- 2). Section 3312.13, Driveway, to reduce the driveway width on the south and west sides of the building on Subarea A from 20 feet to 12 feet for two (2) access points for two-way travel to the interior parking spaces.
- 3). Section 3312.21(A)(2)(B)(3), Landscaping and Screening, to permit the landscaping island on the north side of the dumpsters in Subarea B to be 70 SF rather than 145 SF, to reduce the soil radius for the landscaping island north of the dumpsters in Subarea B from four (4) feet to three (3) and to not require perimeter screening of the Subarea B parking lot other than with the islands and Sherman Avenue parking setback landscaping, as shown on the Site Plan.
- 4). Section 3312.25, Maneuvering, to reduce maneuvering area for four (4) 90 degree parking spaces in Subarea A from 20 feet to 17.5 feet.

- 5). Section 3312.27(3), Parking Setback Line, to reduce the required parking setback for Sherman Avenue in Subarea B from 10' to four (4) feet.
- 6). Section 3312.29, Parking Space, to reduce five (5) parking spaces from 9' wide to 8' wide in the enclosed parking in Subarea A.
- 7). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 130 spaces to 15 spaces for Subarea A, subject to providing an off-site parking lot (Subarea B) with 34 spaces.
- 8). Section 3321.05(A)(B), Vision Clearance, to reduce vision clearance triangles for Subarea A from 30'x30' at the intersection of Franklin Avenue and Sherman Avenue to 3'x3', and from 10'x10' to 0'x0' at the corner of Sherman Avenue and Chapel Street (alley), to reflect existing conditions.
- 9). Section 3321.07(B), Landscaping, to reduce required trees of 1 tree/10 dwelling units from 2 trees for 15 dwelling units in Subarea A to zero (0) trees on Subarea A.
- 10). Section 3332.18(D), Basis of Computing Area, to increase lot coverage in Subarea A from 50% to 90%.
- 11). Section 3332.21, Building Lines, to permit the existing nine (9) foot and zero (0) foot building setback lines on Franklin Avenue and Sherman Avenue, respectively, in Subarea A.
- 12). Section 3332.25, Maximum Side Yard Required, to reduce the maximum side yard from 16 feet to the existing zero (0') side yard on Subarea A for the sum of the existing building side yards.
- 13). Section 3332.26, Minimum Side Yard Permitted, to reduce the minimum side yard from five (5) feet to zero (0) feet on Subarea A for the existing building side yards and to reduce the minimum side yard for the dumpsters on Subarea B from five (5) feet to three (3) feet from the north property line.
- 14). Section 3332.27, Rear Yard, to reduce rear yard for the building in Subarea A to 0% to reflect the existing position of the building on the parcel.

-----  
07-09-18



CV17-076  
1199 Franklin Avenue  
Approximately 0.7 acres



CV17-076  
1199 Franklin Avenue  
Approximately 0.7 acres

**Standardized Recommendation Form**

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

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

(PLEASE PRINT)

Case Number: CV17-076

Address: 1199 Franklin Avenue

Group Name: Near East Area Commission

Meeting Date: January 11, 2018

Specify Case Type:

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

Recommendation:

(Check only one and list basis  
for recommendation below)

- ☒ Approval  
☐ Disapproval

**NOTES:**

Vote: 12-0-0

Signature of Authorized Representative:

KATHLEEN D. BAILEY  
SIGNATURE

CHAIR, NEAR EAST AREA COM  
RECOMMENDING GROUP TITLE

614-582-3053  
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, 111 N. Front St., Columbus, OH 43215.

## HISTORIC DISTRICT COMMISSION RECOMMENDATION

## HISTORIC RESOURCES 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:** 1150 Bryden Road

## Bryden Road Historic District

**APPLICANT'S NAME:** 1199 Franklin Investments, LLC c/o Dave Perry Company, Inc (Applicant)

1199 Franklin Investments, LLC & 228 Sherman Investments, LLC (Owner)

**APPLICATION NO.:** 18-7-21

**COMMISSION HEARING DATE: 7-19-2018**

The German Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation 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 & 3119.

☐ Variance or Zoning Change Request

- |                                     |                  |                                     |                |
|-------------------------------------|------------------|-------------------------------------|----------------|
| <input type="checkbox"/>            | Rezoning         | <input type="checkbox"/>            | Special permit |
| <input checked="" type="checkbox"/> | Parking Variance | <input checked="" type="checkbox"/> | Setbacks       |
| <input type="checkbox"/>            | Change of Use    | <input checked="" type="checkbox"/> | Other          |
| <input type="checkbox"/>            | Lot Split        |                                     |                |

**TYPE(S) OF ACTION(S) REQUESTED:**

Upon review of Application #18-7-21, 1199 Franklin Avenue, Avery Building/Columbus Register Individual Listing, the Historic Resources Commission recommends approval of the proposed variances, as submitted:

### Request for Variance Recommendation

- 1). Section 3332.035, R-3, Residential District, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a mixed-use building comprised of 7,550± square feet of commercial space, 800± square feet of patio space, up to 15 dwelling units, and garage parking on Subarea A, and an accessory parking lot to serve Subarea A on Subarea B.
- 2). Section 3312.13, Driveway, requires a driveway width of 20 feet, while the applicant proposes a driveway width of 12 feet on the south and west sides of the building on Subarea A.
- 3). Section 3312.21(A)(2)(B)(3), Landscaping and screening, requires that interior parking lot trees shall be planted in landscaped islands or peninsulas containing a minimum soil area of 145 square feet with a minimum radius of 4 feet per tree, and that screening be provided for parking lots located within 80 feet of residentially zoned property within a landscaped area at least 4 feet in width, while the applicant proposes to reduce the minimum soil area to 70 square feet with a radius of 3 feet in the landscaping island on the north side of the dumpsters, and to not provide perimeter screening other than with the islands and the Sherman Avenue parking setback landscaping on Subarea B, as shown on the Site Plan.
- 4). Section 3312.25, Maneuvering, requires the maneuvering area for 90 degree parking spaces to be a minimum of 20 feet, while the applicant proposes a maneuvering area of 17.5 feet on Subarea A.



5). Section 3312.27(3), Parking setback line, requires the minimum parking setback line to be ten feet, while the applicant proposes to maintain a parking setback line of four feet along Sherman Avenue on Subarea B.

6). Section 3312.29, Parking space, requires a parking space to be a rectangular area not less than 9 by 18 feet, while the applicant proposes a reduced width of 8 feet for the 5 enclosed parking spaces on Subarea A, as shown on the site plan. (This was shown on the November 2017 site plan but not itemized on the variance list.)

7). Section 3312.49, Minimum numbers of parking spaces required, requires 1 parking space per 75 square feet of eating and drinking establishment, 1 parking space per 150 square feet of patio space, and 1.5 parking spaces per dwelling unit, for a total of 130 parking spaces, while the applicant proposes to provide 15 spaces for Subarea A, subject to providing an off-site parking lot (Subarea B) with 34 spaces.

8). Section 3321.05(B)(1)(2), Vision clearance, requires clear vision triangles of 10 feet at the intersection of a street and alley, and 30 feet at the intersection of two streets, while the applicant proposes on Subarea A to reduce the clear vision triangle at the intersection of the Sherman Avenue and Chapel Street to 0 feet, and the clear vision triangle at the intersection of Franklin Avenue and Sherman Avenue to 3 feet.

9). Section 3321.07(B), Landscaping, requires one tree per ten residential units, a requirement of 2 trees for 15 units on Subarea A, while the applicant proposes zero trees.

10). Section 3332.18(D), Basis of computing area, requires that the a residential building shall occupy alone or together with any other building no greater than 50 percent of the lot area, while the applicant proposes 90 percent lot coverage on Subarea A.

11). Section 3332.21, Building lines, requires a minimum building setback line of ten feet from Franklin venue and Sherman Avenue, while the applicant proposes to maintain the building setback line of approximately nine feet along Franklin Avenue and zero feet along Sherman Avenue for the existing building on Subarea A.

12). Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 16 feet, while the applicant proposes to maintain a maximum side yard of zero feet on Subarea A.

13). Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes no side yards on Subarea A and a minimum side yard of 3± feet from the north property line on Subarea B. (for the dumpster box)

14). Section 3332.27, Rear yard, requires that each dwelling, apartment house, or other principal building shall be erected so as to provide a rear yard totaling not less than 25 percent of the total lot area, while the applicant proposes no rear yard on Subarea A.

NOTE: Recommendation #18-7-21 modifies Recommendation # 17-7-26b (July 26, 2017), as indicated by the underlined text.

MOTION: McCabe/Morgan (4-0-0) 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.

Historic Preservation Office

*Col*

Historic Preservation Office

## Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

### PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION #: CV17-076

STATE OF OHIO  
 COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)  
 of (COMPLETE ADDRESS) 411 East Town Street, 2nd FL, Columbus, OH 43215  
 deposes and states that (he/she) is the ~~APPLICANT/AGENT~~ 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. 1199 Franklin Investments, LLC 75 East Gay Street, Suite 100 Columbus, Ohio 43215 Number of Columbus-based Employees: Zero (0) Contact: Dean Adamantidis at 614.774.9245	2. 228 Sherman Investments, LLC 75 East Gay Street, Suite 100 Columbus, Ohio 43215 Number of Columbus-based Employees: Zero (0) Contact: Dean Adamantidis at 614.774.9245
3. -----	4. -----

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

SIGNATURE OF AFFIANT

Donald Plank Donald Plank

Subscribed to me in my presence and before me this 9<sup>th</sup> day of June, in the year 2018

SIGNATURE OF NOTARY PUBLIC

MaryAlice Wolf MaryAlice Wolf

My Commission Expires: \_\_\_\_\_

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

Notary Seal Here



**MaryAlice Wolf**  
 NOTARY PUBLIC, STATE OF OHIO  
 MY COMMISSION EXPIRES SEPTEMBER 2, 2018

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