



DEPARTMENT OF BUILDING  
AND ZONING SERVICES

## Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

*WC ECP Monarch, LLC by  
David B. Perry, Agent*

Date

*11-22-2020*

Signature of Attorney

*Donald Runk*

Date

*11/22/2020*

**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

## **Exhibit B**

### **Statement of Hardship**

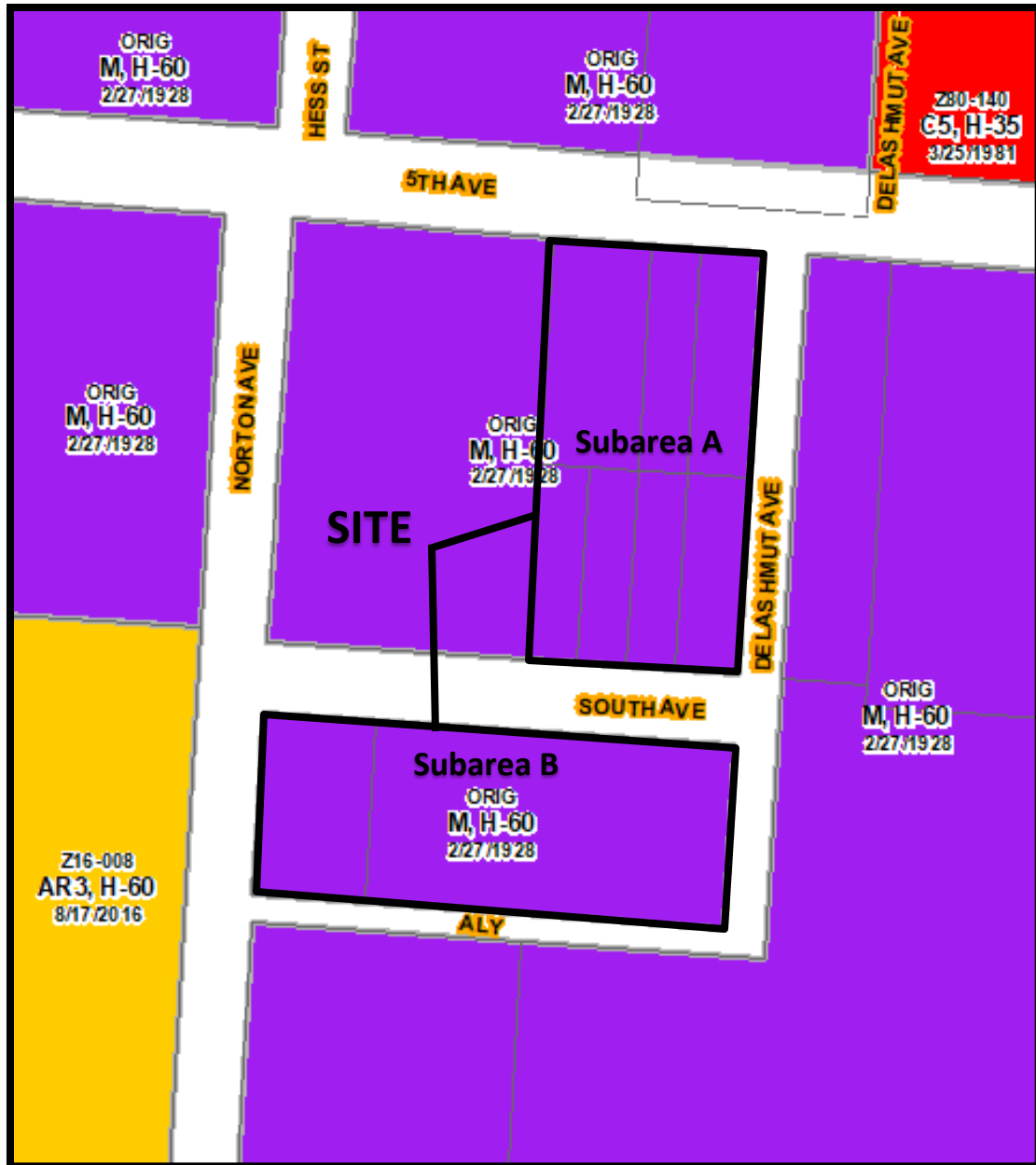
#### **CV20-119, 915 W 5<sup>th</sup> Avenue Columbus, OH 43212**

The site is a total of 2.04 +/- acres consisting of two (2) tracts separated by South Avenue. The 2.04 +/- acres, zoned M, Manufacturing, is proposed to be rezoned to CPD, Commercial Planned Development (Z20-104) for development with commercial, multi-family and structured parking use. Subarea A (1.04 +/- acres) fronts on W. 5<sup>th</sup> Avenue, is located 190 +/- feet east of Norton Avenue and is proposed to be developed with a five (5) story building with 3,500 +/- SF of commercial use on the W Fifth Avenue frontage and 143 dwelling units, including ground level dwelling units. Subarea B is located to the south of Subarea A, on the south side of South Avenue, a public street, 350 feet south of W. 5<sup>th</sup> Avenue and adjacent to the east side of Norton Avenue. Subarea B is 1.00 +/- acres proposed to be developed with a five (5) story building with 3,950 SF of commercial use on the Norton Avenue frontage, 53 dwelling units and structured parking with 326 parking spaces. The structured parking/326 parking spaces will provide code required parking (311 spaces) for Subareas A and B.

Applicant has a hardship and practical difficulty with compliance with cited Zoning Code Sections. There is no means other than a variance to permit ground level residential use in the commercial districts.

Applicant requests variances from the following sections of the Columbus Zoning Code:

- 1). Section 3356.03, C-4 Permitted Uses, to permit ground level dwelling units in both Subareas A and B.
- 2). Section 3361.02, Permitted Uses, to permit ground level dwelling units in both Subareas A and B.



CV20-119  
915 W. 5<sup>th</sup> Ave.  
Approximately 2.04 acres



CV20-119  
915 W. 5<sup>th</sup> Ave.  
Approximately 2.04 acres

## Standardized Recommendation Form

DEPARTMENT OF BUILDING  
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111 N Front Street, Columbus, Ohio 43215  
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**FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW**  
 (PLEASE PRINT)

**Application Number** Z20-104 / CV20-119

**Address** 915 W 5th Avenue

**Group Name** 5th by Northwest Area Commission

**Meeting Date** February 2, 2021

**Specify Case Type**

☐ BZA Variance / Special Permit

☒ Council Variance

☒ Rezoning

☐ Graphics Variance / Plan / Special Permit


**Recommendation** ☒ Approval

(Check only one) ☐ Disapproval

### LIST BASIS FOR RECOMMENDATION:

Area commission voted 3-2 to recommend approval. Votes in affirmative generally felt the building would be a good fit for the neighborhood - that it would be an improvement from the existing manufacturing and would bring much needed improvements to Delashmut & South. Votes against had concerns about the traffic the project would bring to the area & the density of the project as a whole.

**Vote** 3-2 Recommend Approval

**Signature of Authorized Representative** 

**Recommending Group Title** Fifth by Northwest Area Commission

**Daytime Phone Number** 215-740-2835

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

**PROJECT DISCLOSURE STATEMENT**Application No.: CV20 - 119STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn Donald Plank, Plank Law Firm, 411 East Town Street, Floor 2,  
Columbus, OH 43215 deposes and states that he is the 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:

WC ECP Monarch, LLC, 1220 Dublin Road, Columbus, OH 43215 Number of Columbus based employees: Zero (0) Contact: Tom Caldwell, (614) 580-6070	White Castle Systems, Inc., 555 Edgar Waldo Way, Columbus, OH 43215 Number of Columbus based employees: 481 Contact: Brian Walkerly, (614) 559-2573
Monarch Building, LLC, 1349 Delashmut Avenue, Columbus, OH 43212 Number of Columbus based employees: Zero (0) Contact: Karl Schneider, (614) 506-0860	RTR of Columbus, Ltd., 1356 Norton Avenue, Columbus, OH 43212 Number of Columbus based employees: Zero (0) Contact: Tom Leneskie and Rob Lowry (614) 424-9804

SIGNATURE OF AFFIANT

Donald PlankSubscribed to me in my presence and before me this 23<sup>rd</sup> day of November in the year 2020

SIGNATURE OF NOTARY PUBLIC

MaryAlice Wolf

My Commission Expires:

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

**MaryAlice Wolf**  
 Notary Public, State of Ohio  
 My Commission Expires October 24, 2023